



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2906

Introduced 1/20/2006, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2006 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB094 15275 NHT 50466 b

PENSION IMPACT
NOTE ACT MAY
APPLY

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

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2006 General
7 Revisory Act.

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

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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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

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

28 (d) Public Acts 92-520 through 94-692 were considered in
29 the preparation of the combining revisories included in this
30 Act. Many of those combining revisories contain no striking or
31 underscoring because no additional changes are being made in
32 the material that is being combined.

1 Section 5. The Regulatory Sunset Act is amended by changing
2 Sections 4.16, 4.22, 4.23, 4.24, and 4.26 as follows:

3 (5 ILCS 80/4.16)

4 Sec. 4.16. Act ~~Acts~~ repealed January 1, 2006. The following
5 Act is ~~Acts are~~ repealed January 1, 2006:

6 The Professional Geologist Licensing Act.

7 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
8 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.
9 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
10 eff. 1-1-06; revised 9-27-05.)

11 (5 ILCS 80/4.22)

12 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The
13 following Acts are ~~Act is~~ repealed on January 1, 2012:

14 The Detection of Deception Examiners Act.

15 The Home Inspector License Act.

16 The Interior Design Title Act.

17 The Massage Licensing Act.

18 The Petroleum Equipment Contractors Licensing Act.

19 The Professional Boxing Act.

20 The Real Estate Appraiser Licensing Act of 2002.

21 The Water Well and Pump Installation Contractor's License
22 Act.

23 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;
24 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;
25 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.
26 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

27 (5 ILCS 80/4.23)

28 Sec. 4.23. Acts and Sections ~~Act Section~~ repealed on
29 January 1, 2013. The following Acts and Sections of Acts are
30 ~~Act Section is~~ repealed on January 1, 2013:

31 The Dietetic and Nutrition Services Practice Act.

32 The Elevator Safety and Regulation Act.

33 The Funeral Directors and Embalmers Licensing Code.

1 The Naprapathic Practice Act.

2 The Professional Counselor and Clinical Professional
3 Counselor Licensing Act.

4 The Wholesale Drug Distribution Licensing Act.

5 Section 2.5 of the Illinois Plumbing License Law.

6 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;
7 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.
8 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised
9 1-18-03.)

10 (5 ILCS 80/4.24)

11 Sec. 4.24. Acts repealed on January 1, 2014. The following
12 Acts are repealed on January 1, 2014:

13 The Electrologist Licensing Act.

14 The Illinois Certified Shorthand Reporters Act of 1984.

15 The Illinois Occupational Therapy Practice Act.

16 The Illinois Public Accounting Act.

17 The Private Detective, Private Alarm, Private Security,
18 and Locksmith Act of 2004.

19 The Registered Surgical Assistant and Registered Surgical
20 Technologist Title Protection Act.

21 The Veterinary Medicine and Surgery Practice Act of 2004.

22 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
23 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
24 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
25 10-29-04.)

26 (5 ILCS 80/4.26)

27 Sec. 4.26. Acts ~~Act~~ repealed on January 1, 2016. The
28 following Acts ~~are Act is~~ repealed on January 1, 2016:

29 The Illinois Athletic Trainers Practice Act.

30 The Illinois Roofing Industry Licensing Act.

31 The Illinois Dental Practice Act.

32 The Collection Agency Act.

33 The Barber, Cosmetology, Esthetics, and Nail Technology
34 Act of 1985.

1 The Respiratory Care Practice Act.

2 The Hearing Instrument Consumer Protection Act.

3 The Illinois Physical Therapy Act.

4 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
5 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.
6 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
7 eff. 1-1-06; revised 9-23-05.)

8 (5 ILCS 80/4.13 rep.)

9 (5 ILCS 80/4.14 rep.)

10 Section 7. The Regulatory Sunset Act is amended by
11 repealing Sections 4.13 and 4.14.

12 Section 10. The Illinois Administrative Procedure Act is
13 amended by changing Sections 1-5 and 1-20 as follows:

14 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

15 Sec. 1-5. Applicability.

16 (a) This Act applies to every agency as defined in this
17 Act. Beginning January 1, 1978, in case of conflict between the
18 provisions of this Act and the Act creating or conferring power
19 on an agency, this Act shall control. If, however, an agency
20 (or its predecessor in the case of an agency that has been
21 consolidated or reorganized) has existing procedures on July 1,
22 1977, specifically for contested cases or licensing, those
23 existing provisions control, except that this exception
24 respecting contested cases and licensing does not apply if the
25 Act creating or conferring power on the agency adopts by
26 express reference the provisions of this Act. Where the Act
27 creating or conferring power on an agency establishes
28 administrative procedures not covered by this Act, those
29 procedures shall remain in effect.

30 (b) The provisions of this Act do not apply to (i)
31 preliminary hearings, investigations, or practices where no
32 final determinations affecting State funding are made by the
33 State Board of Education, (ii) legal opinions issued under

1 Section 2-3.7 of the School Code, (iii) as to State colleges
2 and universities, their disciplinary and grievance
3 proceedings, academic irregularity and capricious grading
4 proceedings, and admission standards and procedures, and (iv)
5 the class specifications for positions and individual position
6 descriptions prepared and maintained under the Personnel Code.
7 Those class specifications shall, however, be made reasonably
8 available to the public for inspection and copying. The
9 provisions of this Act do not apply to hearings under Section
10 20 of the Uniform Disposition of Unclaimed Property Act.

11 (c) Section 5-35 of this Act relating to procedures for
12 rulemaking does not apply to the following:

13 (1) Rules adopted by the Pollution Control Board that,
14 in accordance with Section 7.2 of the Environmental
15 Protection Act, are identical in substance to federal
16 regulations or amendments to those regulations
17 implementing the following: Sections 3001, 3002, 3003,
18 3004, 3005, and 9003 of the Solid Waste Disposal Act;
19 Section 105 of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980; Sections 307(b),
21 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
22 Water Pollution Control Act; and Sections 1412(b),
23 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
24 Water Act.

25 (2) Rules adopted by the Pollution Control Board that
26 establish or amend standards for the emission of
27 hydrocarbons and carbon monoxide from gasoline powered
28 motor vehicles subject to inspection under Section 13A-105
29 of the Vehicle Emissions Inspection Law and rules adopted
30 under Section 13B-20 of the Vehicle Emissions Inspection
31 Law of 1995.

32 (3) Procedural rules adopted by the Pollution Control
33 Board governing requests for exceptions under Section 14.2
34 of the Environmental Protection Act.

35 (4) The Pollution Control Board's grant, pursuant to an
36 adjudicatory determination, of an adjusted standard for

1 persons who can justify an adjustment consistent with
2 subsection (a) of Section 27 of the Environmental
3 Protection Act.

4 (5) Rules adopted by the Pollution Control Board that
5 are identical in substance to the regulations adopted by
6 the Office of the State Fire Marshal under clause (ii) of
7 paragraph (b) of subsection (3) of Section 2 of the
8 Gasoline Storage Act.

9 (d) Pay rates established under Section 8a of the Personnel
10 Code shall be amended or repealed pursuant to the process set
11 forth in Section 5-50 within 30 days after it becomes necessary
12 to do so due to a conflict between the rates and the terms of a
13 collective bargaining agreement covering the compensation of
14 an employee subject to that Code.

15 (e) Section 10-45 of this Act shall not apply to any
16 hearing, proceeding, or investigation conducted under Section
17 13-515 of the Public Utilities Act.

18 (f) Article 10 of this Act does not apply to any hearing,
19 proceeding, or investigation conducted by the State Council for
20 the State of Illinois created under Section 3-3-11.05 of the
21 Unified Code of Corrections or by the Interstate Commission
22 ~~Commission~~ for Adult Offender Supervision created under the
23 Interstate Compact for Adult Offender Supervision.

24 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

25 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

26 Sec. 1-20. "Agency" means each officer, board, commission,
27 and agency created by the Constitution, whether in the
28 executive, legislative, or judicial branch of State
29 government, but other than the circuit court; each officer,
30 department, board, commission, agency, institution, authority,
31 university, and body politic and corporate of the State; each
32 administrative unit or corporate outgrowth of the State
33 government that is created by or pursuant to statute, other
34 than units of local government and their officers, school
35 districts, and boards of election commissioners; and each

1 administrative unit or corporate outgrowth of the above and as
2 may be created by executive order of the Governor. "Agency",
3 however, does not include the following:

4 (1) The House of Representatives and Senate and their
5 respective standing and service committees, including
6 without limitation the Board of the Office of the Architect
7 of the Capitol and the Architect of the Capitol established
8 under the Legislative Commission Reorganization Act of
9 1984.

10 (2) The Governor.

11 (3) The justices and judges of the Supreme and
12 Appellate Courts.

13 (4) The Legislative Ethics Commission.

14 (Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04;
15 revised 1-9-04.)

16 Section 15. The Open Meetings Act is amended by changing
17 Sections 2 and 2.06 as follows:

18 (5 ILCS 120/2) (from Ch. 102, par. 42)

19 Sec. 2. Open meetings.

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

23 (b) Construction of exceptions. The exceptions contained
24 in subsection (c) are in derogation of the requirement that
25 public bodies meet in the open, and therefore, the exceptions
26 are to be strictly construed, extending only to subjects
27 clearly within their scope. The exceptions authorize but do not
28 require the holding of a closed meeting to discuss a subject
29 included within an enumerated exception.

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

32 (1) The appointment, employment, compensation,
33 discipline, performance, or dismissal of specific
34 employees of the public body or legal counsel for the

1 public body, including hearing testimony on a complaint
2 lodged against an employee of the public body or against
3 legal counsel for the public body to determine its
4 validity.

5 (2) Collective negotiating matters between the public
6 body and its employees or their representatives, or
7 deliberations concerning salary schedules for one or more
8 classes of employees.

9 (3) The selection of a person to fill a public office,
10 as defined in this Act, including a vacancy in a public
11 office, when the public body is given power to appoint
12 under law or ordinance, or the discipline, performance or
13 removal of the occupant of a public office, when the public
14 body is given power to remove the occupant under law or
15 ordinance.

16 (4) Evidence or testimony presented in open hearing, or
17 in closed hearing where specifically authorized by law, to
18 a quasi-adjudicative body, as defined in this Act, provided
19 that the body prepares and makes available for public
20 inspection a written decision setting forth its
21 determinative reasoning.

22 (5) The purchase or lease of real property for the use
23 of the public body, including meetings held for the purpose
24 of discussing whether a particular parcel should be
25 acquired.

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

28 (7) The sale or purchase of securities, investments, or
29 investment contracts.

30 (8) Security procedures and the use of personnel and
31 equipment to respond to an actual, a threatened, or a
32 reasonably potential danger to the safety of employees,
33 students, staff, the public, or public property.

34 (9) Student disciplinary cases.

35 (10) The placement of individual students in special
36 education programs and other matters relating to

1 individual students.

2 (11) Litigation, when an action against, affecting or
3 on behalf of the particular public body has been filed and
4 is pending before a court or administrative tribunal, or
5 when the public body finds that an action is probable or
6 imminent, in which case the basis for the finding shall be
7 recorded and entered into the minutes of the closed
8 meeting.

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

19 (13) Conciliation of complaints of discrimination in
20 the sale or rental of housing, when closed meetings are
21 authorized by the law or ordinance prescribing fair housing
22 practices and creating a commission or administrative
23 agency for their enforcement.

24 (14) Informant sources, the hiring or assignment of
25 undercover personnel or equipment, or ongoing, prior or
26 future criminal investigations, when discussed by a public
27 body with criminal investigatory responsibilities.

28 (15) Professional ethics or performance when
29 considered by an advisory body appointed to advise a
30 licensing or regulatory agency on matters germane to the
31 advisory body's field of competence.

32 (16) Self evaluation, practices and procedures or
33 professional ethics, when meeting with a representative of
34 a statewide association of which the public body is a
35 member.

36 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care
2 professionals for a hospital, or other institution
3 providing medical care, that is operated by the public
4 body.

5 (18) Deliberations for decisions of the Prisoner
6 Review Board.

7 (19) Review or discussion of applications received
8 under the Experimental Organ Transplantation Procedures
9 Act.

10 (20) The classification and discussion of matters
11 classified as confidential or continued confidential by
12 the State Employees Suggestion Award Board.

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

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

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

25 (24) Meetings of a residential health care facility
26 resident sexual assault and death review team or the
27 Residential Health Care Facility Resident Sexual Assault
28 and Death Review Teams Executive Council under the
29 Residential Health Care Facility Resident Sexual Assault
30 and Death Review Team Act.

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

32 "Employee" means a person employed by a public body whose
33 relationship with the public body constitutes an
34 employer-employee relationship under the usual common law
35 rules, and who is not an independent contractor.

36 "Public office" means a position created by or under the

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

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

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

18 (Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,
19 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03.)

20 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

21 Sec. 2.06. (a) All public bodies shall keep written minutes
22 of all their meetings, whether open or closed, and a verbatim
23 record of all their closed meetings in the form of an audio or
24 video recording. Minutes shall include, but need not be limited
25 to:

26 (1) the date, time and place of the meeting;

27 (2) the members of the public body recorded as either
28 present or absent; and

29 (3) a summary of discussion on all matters proposed,
30 deliberated, or decided, and a record of any votes taken.

31 (b) The minutes of meetings open to the public shall be
32 available for public inspection within 7 days of the approval
33 of such minutes by the public body. Beginning July 1, 2006, at
34 the time it complies with the other requirements of this
35 subsection, a public body that has a website that the full-time

1 staff of the public body maintains shall post the minutes of a
2 regular meeting of its governing body open to the public on the
3 public body's website within 7 days of the approval of the
4 minutes by the public body. Beginning July 1, 2006, any minutes
5 of meetings open to the public posted on the public body's
6 website shall remain posted on the website for at least 60 days
7 after their initial posting.

8 (c) The verbatim record may be destroyed without
9 notification to or the approval of a records commission or the
10 State Archivist under the Local Records Act or the State
11 Records Act no less than 18 months after the completion of the
12 meeting recorded but only after:

13 (1) the public body approves the destruction of a
14 particular recording; and

15 (2) the public body approves minutes of the closed
16 meeting that meet the written minutes requirements of
17 subsection (a) of this Section.

18 (d) Each public body shall periodically, but no less than
19 semi-annually, meet to review minutes of all closed meetings.
20 At such meetings a determination shall be made, and reported in
21 an open session that (1) the need for confidentiality still
22 exists as to all or part of those minutes or (2) that the
23 minutes or portions thereof no longer require confidential
24 treatment and are available for public inspection. The failure
25 of a public body to strictly comply with the semi-annual review
26 of closed session written minutes, whether before or after the
27 effective date of this amendatory Act of the 94th General
28 Assembly, shall not cause the written minutes or related
29 verbatim record to become public or available for inspection in
30 any judicial proceeding, other than a proceeding involving an
31 alleged violation of this Act, if the public body, within 60
32 days of discovering its failure to strictly comply with the
33 technical requirements of this subsection, reviews the closed
34 session minutes and determines and thereafter reports in open
35 session that either (1) the need for confidentiality still
36 exists as to all or part of the minutes or verbatim record, or

1 (2) that the minutes or recordings or portions thereof no
2 longer require confidential treatment and are available for
3 public inspection.

4 (e) Unless the public body has made a determination that
5 the verbatim recording no longer requires confidential
6 treatment or otherwise consents to disclosure, the verbatim
7 record of a meeting closed to the public shall not be open for
8 public inspection or subject to discovery in any administrative
9 or judicial proceeding other than one brought to enforce this
10 Act. In the case of a civil action brought to enforce this Act,
11 the court, if the judge believes such an examination is
12 necessary, must conduct such in camera examination of the
13 verbatim record as it finds appropriate in order to determine
14 whether there has been a violation of this Act. In the case of
15 a criminal proceeding, the court may conduct an examination in
16 order to determine what portions, if any, must be made
17 available to the parties for use as evidence in the
18 prosecution. Any such initial inspection must be held in
19 camera. If the court determines that a complaint or suit
20 brought for noncompliance under this Act is valid it may, for
21 the purposes of discovery, redact from the minutes of the
22 meeting closed to the public any information deemed to qualify
23 under the attorney-client privilege. The provisions of this
24 subsection do not supersede the privacy or confidentiality
25 provisions of State or federal law.

26 (f) Minutes of meetings closed to the public shall be
27 available only after the public body determines that it is no
28 longer necessary to protect the public interest or the privacy
29 of an individual by keeping them confidential.

30 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05; 94-28,
31 eff. 1-1-06; 94-542, eff. 8-10-05; revised 8-19-05.)

32 Section 20. The Freedom of Information Act is amended by
33 changing Section 7 as follows:

34 (5 ILCS 140/7) (from Ch. 116, par. 207)

1 Sec. 7. Exemptions.

2 (1) The following shall be exempt from inspection and
3 copying:

4 (a) Information specifically prohibited from
5 disclosure by federal or State law or rules and regulations
6 adopted under federal or State law.

7 (b) Information that, if disclosed, would constitute a
8 clearly unwarranted invasion of personal privacy, unless
9 the disclosure is consented to in writing by the individual
10 subjects of the information. The disclosure of information
11 that bears on the public duties of public employees and
12 officials shall not be considered an invasion of personal
13 privacy. Information exempted under this subsection (b)
14 shall include but is not limited to:

15 (i) files and personal information maintained with
16 respect to clients, patients, residents, students or
17 other individuals receiving social, medical,
18 educational, vocational, financial, supervisory or
19 custodial care or services directly or indirectly from
20 federal agencies or public bodies;

21 (ii) personnel files and personal information
22 maintained with respect to employees, appointees or
23 elected officials of any public body or applicants for
24 those positions;

25 (iii) files and personal information maintained
26 with respect to any applicant, registrant or licensee
27 by any public body cooperating with or engaged in
28 professional or occupational registration, licensure
29 or discipline;

30 (iv) information required of any taxpayer in
31 connection with the assessment or collection of any tax
32 unless disclosure is otherwise required by State
33 statute;

34 (v) information revealing the identity of persons
35 who file complaints with or provide information to
36 administrative, investigative, law enforcement or

1 penal agencies; provided, however, that identification
2 of witnesses to traffic accidents, traffic accident
3 reports, and rescue reports may be provided by agencies
4 of local government, except in a case for which a
5 criminal investigation is ongoing, without
6 constituting a clearly unwarranted per se invasion of
7 personal privacy under this subsection; and

8 (vi) the names, addresses, or other personal
9 information of participants and registrants in park
10 district, forest preserve district, and conservation
11 district programs.

12 (c) Records compiled by any public body for
13 administrative enforcement proceedings and any law
14 enforcement or correctional agency for law enforcement
15 purposes or for internal matters of a public body, but only
16 to the extent that disclosure would:

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency;

21 (ii) interfere with pending administrative
22 enforcement proceedings conducted by any public body;

23 (iii) deprive a person of a fair trial or an
24 impartial hearing;

25 (iv) unavoidably disclose the identity of a
26 confidential source or confidential information
27 furnished only by the confidential source;

28 (v) disclose unique or specialized investigative
29 techniques other than those generally used and known or
30 disclose internal documents of correctional agencies
31 related to detection, observation or investigation of
32 incidents of crime or misconduct;

33 (vi) constitute an invasion of personal privacy
34 under subsection (b) of this Section;

35 (vii) endanger the life or physical safety of law
36 enforcement personnel or any other person; or

1 (viii) obstruct an ongoing criminal investigation.

2 (d) Criminal history record information maintained by
3 State or local criminal justice agencies, except the
4 following which shall be open for public inspection and
5 copying:

6 (i) chronologically maintained arrest information,
7 such as traditional arrest logs or blotters;

8 (ii) the name of a person in the custody of a law
9 enforcement agency and the charges for which that
10 person is being held;

11 (iii) court records that are public;

12 (iv) records that are otherwise available under
13 State or local law; or

14 (v) records in which the requesting party is the
15 individual identified, except as provided under part
16 (vii) of paragraph (c) of subsection (1) of this
17 Section.

18 "Criminal history record information" means data
19 identifiable to an individual and consisting of
20 descriptions or notations of arrests, detentions,
21 indictments, informations, pre-trial proceedings, trials,
22 or other formal events in the criminal justice system or
23 descriptions or notations of criminal charges (including
24 criminal violations of local municipal ordinances) and the
25 nature of any disposition arising therefrom, including
26 sentencing, court or correctional supervision,
27 rehabilitation and release. The term does not apply to
28 statistical records and reports in which individuals are
29 not identified and from which their identities are not
30 ascertainable, or to information that is for criminal
31 investigative or intelligence purposes.

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

34 (f) Preliminary drafts, notes, recommendations,
35 memoranda and other records in which opinions are
36 expressed, or policies or actions are formulated, except

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

7 (g) Trade secrets and commercial or financial
8 information obtained from a person or business where the
9 trade secrets or information are proprietary, privileged
10 or confidential, or where disclosure of the trade secrets
11 or information may cause competitive harm, including:

12 (i) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (ii) All trade secrets and commercial or financial
16 information obtained by a public body, including a
17 public pension fund, from a private equity fund or a
18 privately held company within the investment portfolio
19 of a private equity fund as a result of either
20 investing or evaluating a potential investment of
21 public funds in a private equity fund. The exemption
22 contained in this item does not apply to the aggregate
23 financial performance information of a private equity
24 fund, nor to the identity of the fund's managers or
25 general partners. The exemption contained in this item
26 does not apply to the identity of a privately held
27 company within the investment portfolio of a private
28 equity fund, unless the disclosure of the identity of a
29 privately held company may cause competitive harm.

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

32 (h) Proposals and bids for any contract, grant, or
33 agreement, including information which if it were
34 disclosed would frustrate procurement or give an advantage
35 to any person proposing to enter into a contractor
36 agreement with the body, until an award or final selection

1 is made. Information prepared by or for the body in
2 preparation of a bid solicitation shall be exempt until an
3 award or final selection is made.

4 (i) Valuable formulae, computer geographic systems,
5 designs, drawings and research data obtained or produced by
6 any public body when disclosure could reasonably be
7 expected to produce private gain or public loss. The
8 exemption for "computer geographic systems" provided in
9 this paragraph (i) does not extend to requests made by news
10 media as defined in Section 2 of this Act when the
11 requested information is not otherwise exempt and the only
12 purpose of the request is to access and disseminate
13 information regarding the health, safety, welfare, or
14 legal rights of the general public.

15 (j) Test questions, scoring keys and other examination
16 data used to administer an academic examination or
17 determined the qualifications of an applicant for a license
18 or employment.

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

29 (l) Library circulation and order records identifying
30 library users with specific materials.

31 (m) Minutes of meetings of public bodies closed to the
32 public as provided in the Open Meetings Act until the
33 public body makes the minutes available to the public under
34 Section 2.06 of the Open Meetings Act.

35 (n) Communications between a public body and an
36 attorney or auditor representing the public body that would

1 not be subject to discovery in litigation, and materials
2 prepared or compiled by or for a public body in
3 anticipation of a criminal, civil or administrative
4 proceeding upon the request of an attorney advising the
5 public body, and materials prepared or compiled with
6 respect to internal audits of public bodies.

7 (o) Information received by a primary or secondary
8 school, college or university under its procedures for the
9 evaluation of faculty members by their academic peers.

10 (p) Administrative or technical information associated
11 with automated data processing operations, including but
12 not limited to software, operating protocols, computer
13 program abstracts, file layouts, source listings, object
14 modules, load modules, user guides, documentation
15 pertaining to all logical and physical design of
16 computerized systems, employee manuals, and any other
17 information that, if disclosed, would jeopardize the
18 security of the system or its data or the security of
19 materials exempt under this Section.

20 (q) Documents or materials relating to collective
21 negotiating matters between public bodies and their
22 employees or representatives, except that any final
23 contract or agreement shall be subject to inspection and
24 copying.

25 (r) Drafts, notes, recommendations and memoranda
26 pertaining to the financing and marketing transactions of
27 the public body. The records of ownership, registration,
28 transfer, and exchange of municipal debt obligations, and
29 of persons to whom payment with respect to these
30 obligations is made.

31 (s) The records, documents and information relating to
32 real estate purchase negotiations until those negotiations
33 have been completed or otherwise terminated. With regard to
34 a parcel involved in a pending or actually and reasonably
35 contemplated eminent domain proceeding under Article VII
36 of the Code of Civil Procedure, records, documents and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

6 (t) Any and all proprietary information and records
7 related to the operation of an intergovernmental risk
8 management association or self-insurance pool or jointly
9 self-administered health and accident cooperative or pool.

10 (u) Information concerning a university's adjudication
11 of student or employee grievance or disciplinary cases, to
12 the extent that disclosure would reveal the identity of the
13 student or employee and information concerning any public
14 body's adjudication of student or employee grievances or
15 disciplinary cases, except for the final outcome of the
16 cases.

17 (v) Course materials or research materials used by
18 faculty members.

19 (w) Information related solely to the internal
20 personnel rules and practices of a public body.

21 (x) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions or insurance companies, unless disclosure is
26 otherwise required by State law.

27 (y) Information the disclosure of which is restricted
28 under Section 5-108 of the Public Utilities Act.

29 (z) Manuals or instruction to staff that relate to
30 establishment or collection of liability for any State tax
31 or that relate to investigations by a public body to
32 determine violation of any criminal law.

33 (aa) Applications, related documents, and medical
34 records received by the Experimental Organ Transplantation
35 Procedures Board and any and all documents or other records
36 prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it
2 has received.

3 (bb) Insurance or self insurance (including any
4 intergovernmental risk management association or self
5 insurance pool) claims, loss or risk management
6 information, records, data, advice or communications.

7 (cc) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (dd) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (ee) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (ff) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of
22 the Regional Transportation Authority Act or the St. Clair
23 County Transit District under the Bi-State Transit Safety
24 Act.

25 (gg) Information the disclosure of which is restricted
26 and exempted under Section 50 of the Illinois Prepaid
27 Tuition Act.

28 (hh) Information the disclosure of which is exempted
29 under the State Officials and Employees Ethics Act.

30 (ii) Beginning July 1, 1999, information that would
31 disclose or might lead to the disclosure of secret or
32 confidential information, codes, algorithms, programs, or
33 private keys intended to be used to create electronic or
34 digital signatures under the Electronic Commerce Security
35 Act.

36 (jj) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (kk) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by wireless
6 carriers under the Wireless Emergency Telephone Safety
7 Act.

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

22 (mm) Maps and other records regarding the location or
23 security of a utility's generation, transmission,
24 distribution, storage, gathering, treatment, or switching
25 facilities.

26 (nn) Law enforcement officer identification
27 information or driver identification information compiled
28 by a law enforcement agency or the Department of
29 Transportation under Section 11-212 of the Illinois
30 Vehicle Code.

31 (oo) Records and information provided to a residential
32 health care facility resident sexual assault and death
33 review team or the Residential Health Care Facility
34 Resident Sexual Assault and Death Review Teams Executive
35 Council under the Residential Health Care Facility
36 Resident Sexual Assault and Death Review Team Act.

1 (pp) Information provided to the predatory lending
2 database created pursuant to Article 3 of the Residential
3 Real Property Disclosure Act, except to the extent
4 authorized under that Article.

5 (qq) ~~(pp)~~ Defense budgets and petitions for
6 certification of compensation and expenses for court
7 appointed trial counsel as provided under Sections 10 and
8 15 of the Capital Crimes Litigation Act. This subsection
9 (qq) ~~(pp)~~ shall apply until the conclusion of the trial and
10 appeal of the case, even if the prosecution chooses not to
11 pursue the death penalty prior to trial or sentencing.

12 (2) This Section does not authorize withholding of
13 information or limit the availability of records to the public,
14 except as stated in this Section or otherwise provided in this
15 Act.

16 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
17 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
18 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
19 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; revised
20 8-29-05.)

21 Section 25. The State Records Act is amended by changing
22 Section 7 as follows:

23 (5 ILCS 160/7) (from Ch. 116, par. 43.10)

24 Sec. 7. Powers and duties of the Secretary.➤

25 (1) The Secretary, whenever it appears to him to be in the
26 public interest, may accept for deposit in the State Archives
27 the records of any agency or of the Legislative or Judicial
28 branches of the State government that are determined by him to
29 have sufficient historical or other value to warrant the
30 permanent preservation of such records by the State of
31 Illinois.➤

32 (2) The Secretary may accept for deposit in the State
33 Archives official papers, photographs, microfilm, electronic
34 and digital records, drawings, maps, writings, and records of

1 every description of counties, municipal corporations,
2 political subdivisions and courts of this State, and records of
3 the federal government pertaining to Illinois, when such
4 materials are deemed by the Secretary to have sufficient
5 historical or other value to warrant their continued
6 preservation by the State of Illinois.

7 (3) The Secretary, whenever he deems it in the public
8 interest, may accept for deposit in the State Archives motion
9 picture films, still pictures, and sound recordings that are
10 appropriate for preservation by the State government as
11 evidence of its organization, functions and policies.

12 (4) The Secretary shall be responsible for the custody,
13 use, servicing and withdrawal of records transferred for
14 deposit in the State Archives. The Secretary shall observe any
15 rights, limitations, or restrictions imposed by law relating to
16 the use of records, including the provisions of the Mental
17 Health and Developmental Disabilities Confidentiality Act
18 which limit access to certain records or which permit access to
19 certain records only after the removal of all personally
20 identifiable data. Access to restricted records shall be at the
21 direction of the depositing State agency or, in the case of
22 records deposited by the legislative or judicial branches of
23 State government at the direction of the branch which deposited
24 them, but no limitation on access to such records shall extend
25 more than 75 years after the creation of the records, except as
26 provided in the Mental Health and Developmental Disabilities
27 Confidentiality Act. The Secretary shall not impose
28 restrictions on the use of records that are defined by law as
29 public records or as records open to public inspection.†

30 (5) The Secretary shall make provision for the
31 preservation, arrangement, repair, and rehabilitation,
32 duplication and reproduction, description, and exhibition of
33 records deposited in the State Archives as may be needed or
34 appropriate.†

35 (6) The Secretary shall make or reproduce and furnish upon
36 demand authenticated or unauthenticated copies of any of the

1 documents, photographic material or other records deposited in
2 the State Archives, the public examination of which is not
3 prohibited by statutory limitations or restrictions or
4 protected by copyright. The Secretary shall charge a fee
5 therefor in accordance with the schedule of fees in Section 5.5
6 of the Secretary of State Act 10 of "An Act concerning fees and
7 salaries, and to classify the several counties of this state
8 with reference thereto," approved March 29, 1872, as amended,
9 except that there shall be no charge for making or
10 authentication of such copies or reproductions furnished to any
11 department or agency of the State for official use. When any
12 such copy or reproduction is authenticated by the Great Seal of
13 the State of Illinois and is certified by the Secretary, or in
14 his name by his authorized representative, such copy or
15 reproduction shall be admitted in evidence as if it were the
16 original.

17 (7) Any official of the State of Illinois may turn over to
18 the Secretary of State, with his consent, for permanent
19 preservation in the State Archives, any official books,
20 records, documents, original papers, or files, not in current
21 use in his office, taking a receipt therefor.

22 (8) (Blank).

23 (9) The Secretary may cooperate with the Illinois State
24 Genealogical Society, or its successor organization, for the
25 mutual benefit of the Society and the Illinois State Archives,
26 with the State Archives furnishing necessary space for the
27 society to carry on its functions and keep its records, to
28 receive publications of the Illinois State Genealogical
29 Society, to use members of the Illinois State Genealogical
30 Society as volunteers in various archival projects and to store
31 the Illinois State Genealogical Society's film collections.

32 (Source: P.A. 92-866, eff. 1-3-03; revised 1-20-03.)

33 Section 30. The Illinois Public Labor Relations Act is
34 amended by changing Sections 3, 9, and 15 as follows:

1 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

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

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

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

21 (e) "Essential services employees" means those public
22 employees performing functions so essential that the
23 interruption or termination of the function will constitute a
24 clear and present danger to the health and safety of the
25 persons in the affected community.

26 (f) "Exclusive representative", except with respect to
27 non-State fire fighters and paramedics employed by fire
28 departments and fire protection districts, non-State peace
29 officers, and peace officers in the Department of State Police,
30 means the labor organization that has been (i) designated by
31 the Board as the representative of a majority of public
32 employees in an appropriate bargaining unit in accordance with
33 the procedures contained in this Act, (ii) historically
34 recognized by the State of Illinois or any political
35 subdivision of the State before July 1, 1984 (the effective
36 date of this Act) as the exclusive representative of the

1 employees in an appropriate bargaining unit, (iii) after July
2 1, 1984 (the effective date of this Act) recognized by an
3 employer upon evidence, acceptable to the Board, that the labor
4 organization has been designated as the exclusive
5 representative by a majority of the employees in an appropriate
6 bargaining unit; (iv) recognized as the exclusive
7 representative of personal care attendants or personal
8 assistants under Executive Order 2003-8 prior to the effective
9 date of this amendatory Act of the 93rd General Assembly, and
10 the organization shall be considered to be the exclusive
11 representative of the personal care attendants or personal
12 assistants as defined in this Section; or (v) recognized as the
13 exclusive representative of child and day care home providers,
14 including licensed and license exempt providers, pursuant to an
15 election held under Executive Order 2005-1 prior to the
16 effective date of this amendatory Act of the 94th General
17 Assembly, and the organization shall be considered to be the
18 exclusive representative of the child and day care home
19 providers as defined in this Section.

20 With respect to non-State fire fighters and paramedics
21 employed by fire departments and fire protection districts,
22 non-State peace officers, and peace officers in the Department
23 of State Police, "exclusive representative" means the labor
24 organization that has been (i) designated by the Board as the
25 representative of a majority of peace officers or fire fighters
26 in an appropriate bargaining unit in accordance with the
27 procedures contained in this Act, (ii) historically recognized
28 by the State of Illinois or any political subdivision of the
29 State before January 1, 1986 (the effective date of this
30 amendatory Act of 1985) as the exclusive representative by a
31 majority of the peace officers or fire fighters in an
32 appropriate bargaining unit, or (iii) after January 1, 1986
33 (the effective date of this amendatory Act of 1985) recognized
34 by an employer upon evidence, acceptable to the Board, that the
35 labor organization has been designated as the exclusive
36 representative by a majority of the peace officers or fire

1 fighters in an appropriate bargaining unit.

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

15 (g-1) "Fire fighter" means, for the purposes of this Act
16 only, any person who has been or is hereafter appointed to a
17 fire department or fire protection district or employed by a
18 state university and sworn or commissioned to perform fire
19 fighter duties or paramedic duties, except that the following
20 persons are not included: part-time fire fighters, auxiliary,
21 reserve or voluntary fire fighters, including paid on-call fire
22 fighters, clerks and dispatchers or other civilian employees of
23 a fire department or fire protection district who are not
24 routinely expected to perform fire fighter duties, or elected
25 officials.

26 (g-2) "General Assembly of the State of Illinois" means the
27 legislative branch of the government of the State of Illinois,
28 as provided for under Article IV of the Constitution of the
29 State of Illinois, and includes but is not limited to the House
30 of Representatives, the Senate, the Speaker of the House of
31 Representatives, the Minority Leader of the House of
32 Representatives, the President of the Senate, the Minority
33 Leader of the Senate, the Joint Committee on Legislative
34 Support Services and any legislative support services agency
35 listed in the Legislative Commission Reorganization Act of
36 1984.

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

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

14 (j) "Managerial employee" means an individual who is
15 engaged predominantly in executive and management functions
16 and is charged with the responsibility of directing the
17 effectuation of management policies and practices.

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

36 (l) "Person" includes one or more individuals, labor

1 organizations, public employees, associations, corporations,
2 legal representatives, trustees, trustees in bankruptcy,
3 receivers, or the State of Illinois or any political
4 subdivision of the State or governing body, but does not
5 include the General Assembly of the State of Illinois or any
6 individual employed by the General Assembly of the State of
7 Illinois.

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

26 (n) "Public employee" or "employee", for the purposes of
27 this Act, means any individual employed by a public employer,
28 including (i) interns and residents at public hospitals, (ii)
29 as of the effective date of this amendatory Act of the 93rd
30 General Assembly, but not before, personal care attendants and
31 personal assistants working under the Home Services Program
32 under Section 3 of the Disabled Persons Rehabilitation Act,
33 subject to the limitations set forth in this Act and in the
34 Disabled Persons Rehabilitation Act, and (iii) as of the
35 effective date of this amendatory Act of the 94th General
36 Assembly, but not before, child and day care home providers

1 participating in the child care assistance program under
2 Section 9A-11 of the Illinois Public Aid Code, subject to the
3 limitations set forth in this Act and in Section 9A-11 of the
4 Illinois Public Aid Code, but excluding all of the following:
5 employees of the General Assembly of the State of Illinois;
6 elected officials; executive heads of a department; members of
7 boards or commissions; the Executive Inspectors General; any
8 special Executive Inspectors General; employees of each Office
9 of an Executive Inspector General; commissioners and employees
10 of the Executive Ethics Commission; the Auditor General's
11 Inspector General; employees of the Office of the Auditor
12 General's Inspector General; the Legislative Inspector
13 General; any special Legislative Inspectors General; employees
14 of the Office of the Legislative Inspector General;
15 commissioners and employees of the Legislative Ethics
16 Commission; employees of any agency, board or commission
17 created by this Act; employees appointed to State positions of
18 a temporary or emergency nature; all employees of school
19 districts and higher education institutions except
20 firefighters and peace officers employed by a state university;
21 managerial employees; short-term employees; confidential
22 employees; independent contractors; and supervisors except as
23 provided in this Act.

24 Personal care attendants and personal assistants shall not
25 be considered public employees for any purposes not
26 specifically provided for in the amendatory Act of the 93rd
27 General Assembly, including but not limited to, purposes of
28 vicarious liability in tort and purposes of statutory
29 retirement or health insurance benefits. Personal care
30 attendants and personal assistants shall not be covered by the
31 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

32 Child and day care home providers shall not be considered
33 public employees for any purposes not specifically provided for
34 in this amendatory Act of the 94th General Assembly, including
35 but not limited to, purposes of vicarious liability in tort and
36 purposes of statutory retirement or health insurance benefits.

1 Child and day care home providers shall not be covered by the
2 State Employees Group Insurance Act of 1971.

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

7 (o) Except as otherwise in subsection (o-5), "public
8 employer" or "employer" means the State of Illinois; any
9 political subdivision of the State, unit of local government or
10 school district; authorities including departments, divisions,
11 bureaus, boards, commissions, or other agencies of the
12 foregoing entities; and any person acting within the scope of
13 his or her authority, express or implied, on behalf of those
14 entities in dealing with its employees. As of the effective
15 date of the amendatory Act of the 93rd General Assembly, but
16 not before, the State of Illinois shall be considered the
17 employer of the personal care attendants and personal
18 assistants working under the Home Services Program under
19 Section 3 of the Disabled Persons Rehabilitation Act, subject
20 to the limitations set forth in this Act and in the Disabled
21 Persons Rehabilitation Act. The State shall not be considered
22 to be the employer of personal care attendants and personal
23 assistants for any purposes not specifically provided for in
24 this amendatory Act of the 93rd General Assembly, including but
25 not limited to, purposes of vicarious liability in tort and
26 purposes of statutory retirement or health insurance benefits.
27 Personal care attendants and personal assistants shall not be
28 covered by the State Employees Group Insurance Act of 1971 (5
29 ILCS 375/). As of the effective date of this amendatory Act of
30 the 94th General Assembly but not before, the State of Illinois
31 shall be considered the employer of the day and child care home
32 providers participating in the child care assistance program
33 under Section 9A-11 of the Illinois Public Aid Code, subject to
34 the limitations set forth in this Act and in Section 9A-11 of
35 the Illinois Public Aid Code. The State shall not be considered
36 to be the employer of child and day care home providers for any

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

7 "Public employer" or "employer" as used in this Act,
8 however, does not mean and shall not include the General
9 Assembly of the State of Illinois, the Executive Ethics
10 Commission, the Offices of the Executive Inspectors General,
11 the Legislative Ethics Commission, the Office of the
12 Legislative Inspector General, the Office of the Auditor
13 General's Inspector General, and educational employers or
14 employers as defined in the Illinois Educational Labor
15 Relations Act, except with respect to a state university in its
16 employment of firefighters and peace officers. County boards
17 and county sheriffs shall be designated as joint or
18 co-employers of county peace officers appointed under the
19 authority of a county sheriff. Nothing in this subsection (o)
20 shall be construed to prevent the State Panel or the Local
21 Panel from determining that employers are joint or
22 co-employers.

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

28 (1) For court reporters employed by the Cook County
29 Judicial Circuit, the chief judge of the Cook County
30 Circuit Court is the public employer and employer
31 representative.

32 (2) For court reporters employed by the 12th, 18th,
33 19th, and, on and after December 4, 2006, the 22nd judicial
34 circuits, a group consisting of the chief judges of those
35 circuits, acting jointly by majority vote, is the public
36 employer and employer representative.

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

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

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

16 (r) "Supervisor" is an employee whose principal work is
17 substantially different from that of his or her subordinates
18 and who has authority, in the interest of the employer, to
19 hire, transfer, suspend, lay off, recall, promote, discharge,
20 direct, reward, or discipline employees, to adjust their
21 grievances, or to effectively recommend any of those actions,
22 if the exercise of that authority is not of a merely routine or
23 clerical nature, but requires the consistent use of independent
24 judgment. Except with respect to police employment, the term
25 "supervisor" includes only those individuals who devote a
26 preponderance of their employment time to exercising that
27 authority, State supervisors notwithstanding. In addition, in
28 determining supervisory status in police employment, rank
29 shall not be determinative. The Board shall consider, as
30 evidence of bargaining unit inclusion or exclusion, the common
31 law enforcement policies and relationships between police
32 officer ranks and certification under applicable civil service
33 law, ordinances, personnel codes, or Division 2.1 of Article 10
34 of the Illinois Municipal Code, but these factors shall not be
35 the sole or predominant factors considered by the Board in
36 determining police supervisory status.

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

14 (s) (1) "Unit" means a class of jobs or positions that are
15 held by employees whose collective interests may suitably
16 be represented by a labor organization for collective
17 bargaining. Except with respect to non-State fire fighters
18 and paramedics employed by fire departments and fire
19 protection districts, non-State peace officers, and peace
20 officers in the Department of State Police, a bargaining
21 unit determined by the Board shall not include both
22 employees and supervisors, or supervisors only, except as
23 provided in paragraph (2) of this subsection (s) and except
24 for bargaining units in existence on July 1, 1984 (the
25 effective date of this Act). With respect to non-State fire
26 fighters and paramedics employed by fire departments and
27 fire protection districts, non-State peace officers, and
28 peace officers in the Department of State Police, a
29 bargaining unit determined by the Board shall not include
30 both supervisors and nonsupervisors, or supervisors only,
31 except as provided in paragraph (2) of this subsection (s)
32 and except for bargaining units in existence on January 1,
33 1986 (the effective date of this amendatory Act of 1985). A
34 bargaining unit determined by the Board to contain peace
35 officers shall contain no employees other than peace
36 officers unless otherwise agreed to by the employer and the

1 labor organization or labor organizations involved.
2 Notwithstanding any other provision of this Act, a
3 bargaining unit, including a historical bargaining unit,
4 containing sworn peace officers of the Department of
5 Natural Resources (formerly designated the Department of
6 Conservation) shall contain no employees other than such
7 sworn peace officers upon the effective date of this
8 amendatory Act of 1990 or upon the expiration date of any
9 collective bargaining agreement in effect upon the
10 effective date of this amendatory Act of 1990 covering both
11 such sworn peace officers and other employees.

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

18 (3) Public employees who are court reporters, as
19 defined in the Court Reporters Act, shall be divided into 3
20 units for collective bargaining purposes. One unit shall be
21 court reporters employed by the Cook County Judicial
22 Circuit; one unit shall be court reporters employed by the
23 12th, 18th, 19th, and, on and after December 4, 2006, the
24 22nd judicial circuits; and one unit shall be court
25 reporters employed by all other judicial circuits.

26 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03;
27 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; revised 8-19-05.)

28 (5 ILCS 315/9) (from Ch. 48, par. 1609)

29 Sec. 9. Elections; recognition.

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

32 (1) by a public employee or group of public employees
33 or any labor organization acting in their behalf
34 demonstrating that 30% of the public employees in an
35 appropriate unit (A) wish to be represented for the

1 purposes of collective bargaining by a labor organization
2 as exclusive representative, or (B) asserting that the
3 labor organization which has been certified or is currently
4 recognized by the public employer as bargaining
5 representative is no longer the representative of the
6 majority of public employees in the unit; or

7 (2) by a public employer alleging that one or more
8 labor organizations have presented to it a claim that they
9 be recognized as the representative of a majority of the
10 public employees in an appropriate unit,

11 the Board shall investigate such petition, and if it has
12 reasonable cause to believe that a question of representation
13 exists, shall provide for an appropriate hearing upon due
14 notice. Such hearing shall be held at the offices of the Board
15 or such other location as the Board deems appropriate. If it
16 finds upon the record of the hearing that a question of
17 representation exists, it shall direct an election in
18 accordance with subsection (d) of this Section, which election
19 shall be held not later than 120 days after the date the
20 petition was filed regardless of whether that petition was
21 filed before or after the effective date of this amendatory Act
22 of 1987; provided, however, the Board may extend the time for
23 holding an election by an additional 60 days if, upon motion by
24 a person who has filed a petition under this Section or is the
25 subject of a petition filed under this Section and is a party
26 to such hearing, or upon the Board's own motion, the Board
27 finds that good cause has been shown for extending the election
28 date; provided further, that nothing in this Section shall
29 prohibit the Board, in its discretion, from extending the time
30 for holding an election for so long as may be necessary under
31 the circumstances, where the purpose for such extension is to
32 permit resolution by the Board of an unfair labor practice
33 charge filed by one of the parties to a representational
34 proceeding against the other based upon conduct which may
35 either affect the existence of a question concerning
36 representation or have a tendency to interfere with a fair and

1 free election, where the party filing the charge has not filed
2 a request to proceed with the election; and provided further
3 that prior to the expiration of the total time allotted for
4 holding an election, a person who has filed a petition under
5 this Section or is the subject of a petition filed under this
6 Section and is a party to such hearing or the Board, may move
7 for and obtain the entry of an order in the circuit court of
8 the county in which the majority of the public employees sought
9 to be represented by such person reside, such order extending
10 the date upon which the election shall be held. Such order
11 shall be issued by the circuit court only upon a judicial
12 finding that there has been a sufficient showing that there is
13 good cause to extend the election date beyond such period and
14 shall require the Board to hold the election as soon as is
15 feasible given the totality of the circumstances. Such 120 day
16 period may be extended one or more times by the agreement of
17 all parties to the hearing to a date certain without the
18 necessity of obtaining a court order. Nothing in this Section
19 prohibits the waiving of hearings by stipulation for the
20 purpose of a consent election in conformity with the rules and
21 regulations of the Board or an election in a unit agreed upon
22 by the parties. Other interested employee organizations may
23 intervene in the proceedings in the manner and within the time
24 period specified by rules and regulations of the Board.
25 Interested parties who are necessary to the proceedings may
26 also intervene in the proceedings in the manner and within the
27 time period specified by the rules and regulations of the
28 Board.

29 (a-5) The Board shall designate an exclusive
30 representative for purposes of collective bargaining when the
31 representative demonstrates a showing of majority interest by
32 employees in the unit. If the parties to a dispute are without
33 agreement on the means to ascertain the choice, if any, of
34 employee organization as their representative, the Board shall
35 ascertain the employees' choice of employee organization, on
36 the basis of dues deduction authorization and other evidence,

1 or, if necessary, by conducting an election. If either party
2 provides to the Board, before the designation of a
3 representative, clear and convincing evidence that the dues
4 deduction authorizations, and other evidence upon which the
5 Board would otherwise rely to ascertain the employees' choice
6 of representative, are fraudulent or were obtained through
7 coercion, the Board shall promptly thereafter conduct an
8 election. The Board shall also investigate and consider a
9 party's allegations that the dues deduction authorizations and
10 other evidence submitted in support of a designation of
11 representative without an election were subsequently changed,
12 altered, withdrawn, or withheld as a result of employer fraud,
13 coercion, or any other unfair labor practice by the employer.
14 If the Board determines that a labor organization would have
15 had a majority interest but for an employer's fraud, coercion,
16 or unfair labor practice, it shall designate the labor
17 organization as an exclusive representative without conducting
18 an election.

19 (b) The Board shall decide in each case, in order to assure
20 public employees the fullest freedom in exercising the rights
21 guaranteed by this Act, a unit appropriate for the purpose of
22 collective bargaining, based upon but not limited to such
23 factors as: historical pattern of recognition; community of
24 interest including employee skills and functions; degree of
25 functional integration; interchangeability and contact among
26 employees; fragmentation of employee groups; common
27 supervision, wages, hours and other working conditions of the
28 employees involved; and the desires of the employees. For
29 purposes of this subsection, fragmentation shall not be the
30 sole or predominant factor used by the Board in determining an
31 appropriate bargaining unit. Except with respect to non-State
32 fire fighters and paramedics employed by fire departments and
33 fire protection districts, non-State peace officers and peace
34 officers in the State Department of State Police, a single
35 bargaining unit determined by the Board may not include both
36 supervisors and nonsupervisors, except for bargaining units in

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

9 In cases involving an historical pattern of recognition,
10 and in cases where the employer has recognized the union as the
11 sole and exclusive bargaining agent for a specified existing
12 unit, the Board shall find the employees in the unit then
13 represented by the union pursuant to the recognition to be the
14 appropriate unit.

15 Notwithstanding the above factors, where the majority of
16 public employees of a craft so decide, the Board shall
17 designate such craft as a unit appropriate for the purposes of
18 collective bargaining.

19 The Board shall not decide that any unit is appropriate if
20 such unit includes both professional and nonprofessional
21 employees, unless a majority of each group votes for inclusion
22 in such unit.

23 (c) Nothing in this Act shall interfere with or negate the
24 current representation rights or patterns and practices of
25 labor organizations which have historically represented public
26 employees for the purpose of collective bargaining, including
27 but not limited to the negotiations of wages, hours and working
28 conditions, discussions of employees' grievances, resolution
29 of jurisdictional disputes, or the establishment and
30 maintenance of prevailing wage rates, unless a majority of
31 employees so represented express a contrary desire pursuant to
32 the procedures set forth in this Act.

33 (d) In instances where the employer does not voluntarily
34 recognize a labor organization as the exclusive bargaining
35 representative for a unit of employees, the Board shall
36 determine the majority representative of the public employees

1 in an appropriate collective bargaining unit by conducting a
2 secret ballot election, except as otherwise provided in
3 subsection (a-5). Within 7 days after the Board issues its
4 bargaining unit determination and direction of election or the
5 execution of a stipulation for the purpose of a consent
6 election, the public employer shall submit to the labor
7 organization the complete names and addresses of those
8 employees who are determined by the Board to be eligible to
9 participate in the election. When the Board has determined that
10 a labor organization has been fairly and freely chosen by a
11 majority of employees in an appropriate unit, it shall certify
12 such organization as the exclusive representative. If the Board
13 determines that a majority of employees in an appropriate unit
14 has fairly and freely chosen not to be represented by a labor
15 organization, it shall so certify. The Board may also revoke
16 the certification of the public employee organizations as
17 exclusive bargaining representatives which have been found by a
18 secret ballot election to be no longer the majority
19 representative.

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

36 (f) A labor organization shall be designated as the

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

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

21 (h) No election shall be directed by the Board in any
22 bargaining unit where there is in force a valid collective
23 bargaining agreement. The Board, however, may process an
24 election petition filed between 90 and 60 days prior to the
25 expiration of the date of an agreement, and may further refine,
26 by rule or decision, the implementation of this provision.
27 Where more than 4 years have elapsed since the effective date
28 of the agreement, the agreement shall continue to bar an
29 election, except that the Board may process an election
30 petition filed between 90 and 60 days prior to the end of the
31 fifth year of such an agreement, and between 90 and 60 days
32 prior to the end of each successive year of such agreement.

33 (i) An order of the Board dismissing a representation
34 petition, determining and certifying that a labor organization
35 has been fairly and freely chosen by a majority of employees in
36 an appropriate bargaining unit, determining and certifying

1 that a labor organization has not been fairly and freely chosen
2 by a majority of employees in the bargaining unit or certifying
3 a labor organization as the exclusive representative of
4 employees in an appropriate bargaining unit because of a
5 determination by the Board that the labor organization is the
6 historical bargaining representative of employees in the
7 bargaining unit, is a final order. Any person aggrieved by any
8 such order issued on or after the effective date of this
9 amendatory Act of 1987 may apply for and obtain judicial review
10 in accordance with provisions of the Administrative Review Law,
11 as now or hereafter amended, except that such review shall be
12 afforded directly in the Appellate Court for the district in
13 which the aggrieved party resides or transacts business. Any
14 direct appeal to the Appellate Court shall be filed within 35
15 days from the date that a copy of the decision sought to be
16 reviewed was served upon the party affected by the decision.

17 (Source: P.A. 93-427, eff. 8-5-03; 93-444, eff. 8-5-03; revised
18 9-10-03.)

19 (5 ILCS 315/15) (from Ch. 48, par. 1615)

20 Sec. 15. Act Takes Precedence.

21 (a) In case of any conflict between the provisions of this
22 Act and any other law (other than Section 5 of the State
23 Employees Group Insurance Act of 1971), executive order or
24 administrative regulation relating to wages, hours and
25 conditions of employment and employment relations, the
26 provisions of this Act or any collective bargaining agreement
27 negotiated thereunder shall prevail and control. Nothing in
28 this Act shall be construed to replace or diminish the rights
29 of employees established by Sections 28 and 28a of the
30 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
31 of the Regional Transportation Authority Act. The provisions of
32 this Act are subject to Section 5 of the State Employees Group
33 Insurance Act of 1971. Nothing in this Act shall be construed
34 to replace the necessity of complaints against a sworn peace
35 officer, as defined in Section 2(a) of the Uniform Peace

1 Officer Disciplinary Act, from having a complaint supported by
2 a sworn affidavit.

3 (b) Except as provided in subsection (a) above, any
4 collective bargaining contract between a public employer and a
5 labor organization executed pursuant to this Act shall
6 supersede any contrary statutes, charters, ordinances, rules
7 or regulations relating to wages, hours and conditions of
8 employment and employment relations adopted by the public
9 employer or its agents. Any collective bargaining agreement
10 entered into prior to the effective date of this Act shall
11 remain in full force during its duration.

12 (c) It is the public policy of this State, pursuant to
13 paragraphs (h) and (i) of Section 6 of Article VII of the
14 Illinois Constitution, that the provisions of this Act are the
15 exclusive exercise by the State of powers and functions which
16 might otherwise be exercised by home rule units. Such powers
17 and functions may not be exercised concurrently, either
18 directly or indirectly, by any unit of local government,
19 including any home rule unit, except as otherwise authorized by
20 this Act.

21 (Source: P.A. 93-839, eff. 7-30-04; 93-1006, eff. 8-24-04;
22 revised 10-25-04.)

23 Section 35. The Military Leave of Absence Act is amended by
24 changing Sections 1 and 1.1 as follows:

25 (5 ILCS 325/1) (from Ch. 129, par. 501)

26 Sec. 1. Leave of absence.

27 (a) Any full-time employee of the State of Illinois, a unit
28 of local government, or a school district, other than an
29 independent contractor, who is a member of any reserve
30 component of the United States Armed Forces or of any reserve
31 component of the Illinois State Militia, shall be granted leave
32 from his or her public employment for any period actively spent
33 in military service, including:

34 (1) basic training;

1 (2) special or advanced training, whether or not within the
2 State, and whether or not voluntary; and

3 (3) annual training.

4 During these leaves, the employee's seniority and other
5 benefits shall continue to accrue.

6 During leaves for annual training, the employee shall
7 continue to receive his or her regular compensation as a public
8 employee. During leaves for basic training and up to 60 days of
9 special or advanced training, if the employee's compensation
10 for military activities is less than his or her compensation as
11 a public employee, he or she shall receive his or her regular
12 compensation as a public employee minus the amount of his or
13 her base pay for military activities.

14 (b) Any full-time employee of the State of Illinois, other
15 than an independent contractor, who is a member of the Illinois
16 National Guard or a reserve component of the United States
17 Armed Forces or the Illinois State Militia and who is mobilized
18 to active duty shall continue during the period of active duty
19 to receive his or her benefits and regular compensation as a
20 State employee, minus an amount equal to his or her military
21 active duty base pay. The Department of Central Management
22 Services and the State Comptroller shall coordinate in the
23 development of procedures for the implementation of this
24 Section.

25 (Source: P.A. 93-409, eff. 8-4-03; 93-537, eff. 1-1-04; revised
26 9-11-03.)

27 (5 ILCS 325/1.1)

28 Sec. 1.1. Home rule. A home rule unit may not regulate its
29 employees in a manner that is inconsistent with this Act. This
30 Section is a limitation under subsection (i) of Section 6~~7~~ of
31 Article VII of the Illinois Constitution on the concurrent
32 exercise by home rule units of powers and functions exercised
33 by the State.

34 (Source: P.A. 93-409, eff. 8-4-03; revised 10-9-03.)

1 Section 40. The State Employees Group Insurance Act of 1971
2 is amended by changing Sections 3 and 8 as follows:

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

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

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

15 (b) "Annuitant" means (1) an employee who retires, or has
16 retired, on or after January 1, 1966 on an immediate annuity
17 under the provisions of Articles 2, 14 (including an employee
18 who has elected to receive an alternative retirement
19 cancellation payment under Section 14-108.5 of the Illinois
20 Pension Code in lieu of an annuity), 15 (including an employee
21 who has retired under the optional retirement program
22 established under Section 15-158.2), paragraphs (2), (3), or
23 (5) of Section 16-106, or Article 18 of the Illinois Pension
24 Code; (2) any person who was receiving group insurance coverage
25 under this Act as of March 31, 1978 by reason of his status as
26 an annuitant, even though the annuity in relation to which such
27 coverage was provided is a proportional annuity based on less
28 than the minimum period of service required for a retirement
29 annuity in the system involved; (3) any person not otherwise
30 covered by this Act who has retired as a participating member
31 under Article 2 of the Illinois Pension Code but is ineligible
32 for the retirement annuity under Section 2-119 of the Illinois
33 Pension Code; (4) the spouse of any person who is receiving a
34 retirement annuity under Article 18 of the Illinois Pension
35 Code and who is covered under a group health insurance program

1 sponsored by a governmental employer other than the State of
2 Illinois and who has irrevocably elected to waive his or her
3 coverage under this Act and to have his or her spouse
4 considered as the "annuitant" under this Act and not as a
5 "dependent"; or (5) an employee who retires, or has retired,
6 from a qualified position, as determined according to rules
7 promulgated by the Director, under a qualified local government
8 or a qualified rehabilitation facility or a qualified domestic
9 violence shelter or service. (For definition of "retired
10 employee", see (p) post).

11 (b-5) "New SERS annuitant" means a person who, on or after
12 January 1, 1998, becomes an annuitant, as defined in subsection
13 (b), by virtue of beginning to receive a retirement annuity
14 under Article 14 of the Illinois Pension Code (including an
15 employee who has elected to receive an alternative retirement
16 cancellation payment under Section 14-108.5 of that Code in
17 lieu of an annuity), and is eligible to participate in the
18 basic program of group health benefits provided for annuitants
19 under this Act.

20 (b-6) "New SURS annuitant" means a person who (1) on or
21 after January 1, 1998, becomes an annuitant, as defined in
22 subsection (b), by virtue of beginning to receive a retirement
23 annuity under Article 15 of the Illinois Pension Code, (2) has
24 not made the election authorized under Section 15-135.1 of the
25 Illinois Pension Code, and (3) is eligible to participate in
26 the basic program of group health benefits provided for
27 annuitants under this Act.

28 (b-7) "New TRS State annuitant" means a person who, on or
29 after July 1, 1998, becomes an annuitant, as defined in
30 subsection (b), by virtue of beginning to receive a retirement
31 annuity under Article 16 of the Illinois Pension Code based on
32 service as a teacher as defined in paragraph (2), (3), or (5)
33 of Section 16-106 of that Code, and is eligible to participate
34 in the basic program of group health benefits provided for
35 annuitants under this Act.

36 (c) "Carrier" means (1) an insurance company, a corporation

1 organized under the Limited Health Service Organization Act or
2 the Voluntary Health Services Plan Act, a partnership, or other
3 nongovernmental organization, which is authorized to do group
4 life or group health insurance business in Illinois, or (2) the
5 State of Illinois as a self-insurer.

6 (d) "Compensation" means salary or wages payable on a
7 regular payroll by the State Treasurer on a warrant of the
8 State Comptroller out of any State, trust or federal fund, or
9 by the Governor of the State through a disbursing officer of
10 the State out of a trust or out of federal funds, or by any
11 Department out of State, trust, federal or other funds held by
12 the State Treasurer or the Department, to any person for
13 personal services currently performed, and ordinary or
14 accidental disability benefits under Articles 2, 14, 15
15 (including ordinary or accidental disability benefits under
16 the optional retirement program established under Section
17 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
18 Article 18 of the Illinois Pension Code, for disability
19 incurred after January 1, 1966, or benefits payable under the
20 Workers' Compensation or Occupational Diseases Act or benefits
21 payable under a sick pay plan established in accordance with
22 Section 36 of the State Finance Act. "Compensation" also means
23 salary or wages paid to an employee of any qualified local
24 government or qualified rehabilitation facility or a qualified
25 domestic violence shelter or service.

26 (e) "Commission" means the State Employees Group Insurance
27 Advisory Commission authorized by this Act. Commencing July 1,
28 1984, "Commission" as used in this Act means the Commission on
29 Government Forecasting and Accountability as established by
30 the Legislative Commission Reorganization Act of 1984.

31 (f) "Contributory", when referred to as contributory
32 coverage, shall mean optional coverages or benefits elected by
33 the member toward the cost of which such member makes
34 contribution, or which are funded in whole or in part through
35 the acceptance of a reduction in earnings or the foregoing of
36 an increase in earnings by an employee, as distinguished from

1 noncontributory coverage or benefits which are paid entirely by
2 the State of Illinois without reduction of the member's salary.

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

15 (h) "Dependent", when the term is used in the context of
16 the health and life plan, means a member's spouse and any
17 unmarried child (1) from birth to age 19 including an adopted
18 child, a child who lives with the member from the time of the
19 filing of a petition for adoption until entry of an order of
20 adoption, a stepchild or recognized child who lives with the
21 member in a parent-child relationship, or a child who lives
22 with the member if such member is a court appointed guardian of
23 the child, or (2) age 19 to 23 enrolled as a full-time student
24 in any accredited school, financially dependent upon the
25 member, and eligible to be claimed as a dependent for income
26 tax purposes, or (3) age 19 or over who is mentally or
27 physically handicapped. For the purposes of item (2), an
28 unmarried child age 19 to 23 who is a member of the United
29 States Armed Services, including the Illinois National Guard,
30 and is mobilized to active duty shall qualify as a dependent
31 beyond the age of 23 and until the age of 25 and while a
32 full-time student for the amount of time spent on active duty
33 between the ages of 19 and 23. The individual attempting to
34 qualify for this additional time must submit written
35 documentation of active duty service to the Director. The
36 changes made by this amendatory Act of the 94th General

1 Assembly apply only to individuals mobilized to active duty in
2 the United States Armed Services, including the Illinois
3 National Guard, on or after January 1, 2002. For the health
4 plan only, the term "dependent" also includes any person
5 enrolled prior to the effective date of this Section who is
6 dependent upon the member to the extent that the member may
7 claim such person as a dependent for income tax deduction
8 purposes; no other such person may be enrolled. For the health
9 plan only, the term "dependent" also includes any person who
10 has received after June 30, 2000 an organ transplant and who is
11 financially dependent upon the member and eligible to be
12 claimed as a dependent for income tax purposes.

13 (i) "Director" means the Director of the Illinois
14 Department of Central Management Services.

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

18 (k) "Employee" means and includes each officer or employee
19 in the service of a department who (1) receives his
20 compensation for service rendered to the department on a
21 warrant issued pursuant to a payroll certified by a department
22 or on a warrant or check issued and drawn by a department upon
23 a trust, federal or other fund or on a warrant issued pursuant
24 to a payroll certified by an elected or duly appointed officer
25 of the State or who receives payment of the performance of
26 personal services on a warrant issued pursuant to a payroll
27 certified by a Department and drawn by the Comptroller upon the
28 State Treasurer against appropriations made by the General
29 Assembly from any fund or against trust funds held by the State
30 Treasurer, and (2) is employed full-time or part-time in a
31 position normally requiring actual performance of duty during
32 not less than 1/2 of a normal work period, as established by
33 the Director in cooperation with each department, except that
34 persons elected by popular vote will be considered employees
35 during the entire term for which they are elected regardless of
36 hours devoted to the service of the State, and (3) except that

1 "employee" does not include any person who is not eligible by
2 reason of such person's employment to participate in one of the
3 State retirement systems under Articles 2, 14, 15 (either the
4 regular Article 15 system or the optional retirement program
5 established under Section 15-158.2) or 18, or under paragraph
6 (2), (3), or (5) of Section 16-106, of the Illinois Pension
7 Code, but such term does include persons who are employed
8 during the 6 month qualifying period under Article 14 of the
9 Illinois Pension Code. Such term also includes any person who
10 (1) after January 1, 1966, is receiving ordinary or accidental
11 disability benefits under Articles 2, 14, 15 (including
12 ordinary or accidental disability benefits under the optional
13 retirement program established under Section 15-158.2),
14 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
15 the Illinois Pension Code, for disability incurred after
16 January 1, 1966, (2) receives total permanent or total
17 temporary disability under the Workers' Compensation Act or
18 Occupational Disease Act as a result of injuries sustained or
19 illness contracted in the course of employment with the State
20 of Illinois, or (3) is not otherwise covered under this Act and
21 has retired as a participating member under Article 2 of the
22 Illinois Pension Code but is ineligible for the retirement
23 annuity under Section 2-119 of the Illinois Pension Code.
24 However, a person who satisfies the criteria of the foregoing
25 definition of "employee" except that such person is made
26 ineligible to participate in the State Universities Retirement
27 System by clause (4) of subsection (a) of Section 15-107 of the
28 Illinois Pension Code is also an "employee" for the purposes of
29 this Act. "Employee" also includes any person receiving or
30 eligible for benefits under a sick pay plan established in
31 accordance with Section 36 of the State Finance Act. "Employee"
32 also includes each officer or employee in the service of a
33 qualified local government, including persons appointed as
34 trustees of sanitary districts regardless of hours devoted to
35 the service of the sanitary district, and each employee in the
36 service of a qualified rehabilitation facility and each

1 full-time employee in the service of a qualified domestic
2 violence shelter or service, as determined according to rules
3 promulgated by the Director.

4 (l) "Member" means an employee, annuitant, retired
5 employee or survivor.

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

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

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

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

23 (q) "Survivor" means a person receiving an annuity as a
24 survivor of an employee or of an annuitant. "Survivor" also
25 includes: (1) the surviving dependent of a person who satisfies
26 the definition of "employee" except that such person is made
27 ineligible to participate in the State Universities Retirement
28 System by clause (4) of subsection (a) of Section 15-107 of the
29 Illinois Pension Code; (2) the surviving dependent of any
30 person formerly employed by the University of Illinois in the
31 Cooperative Extension Service who would be an annuitant except
32 for the fact that such person was made ineligible to
33 participate in the State Universities Retirement System by
34 clause (4) of subsection (a) of Section 15-107 of the Illinois
35 Pension Code; and (3) the surviving dependent of a person who
36 was an annuitant under this Act by virtue of receiving an

1 alternative retirement cancellation payment under Section
2 14-108.5 of the Illinois Pension Code.

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

6 (q-3) "SURS" means the State Universities Retirement
7 System, created under Article 15 of the Illinois Pension Code.

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

11 (q-5) "New SERS survivor" means a survivor, as defined in
12 subsection (q), whose annuity is paid under Article 14 of the
13 Illinois Pension Code and is based on the death of (i) an
14 employee whose death occurs on or after January 1, 1998, or
15 (ii) a new SERS annuitant as defined in subsection (b-5). "New
16 SERS survivor" includes the surviving dependent of a person who
17 was an annuitant under this Act by virtue of receiving an
18 alternative retirement cancellation payment under Section
19 14-108.5 of the Illinois Pension Code.

20 (q-6) "New SURS survivor" means a survivor, as defined in
21 subsection (q), whose annuity is paid under Article 15 of the
22 Illinois Pension Code and is based on the death of (i) an
23 employee whose death occurs on or after January 1, 1998, or
24 (ii) a new SURS annuitant as defined in subsection (b-6).

25 (q-7) "New TRS State survivor" means a survivor, as defined
26 in subsection (q), whose annuity is paid under Article 16 of
27 the Illinois Pension Code and is based on the death of (i) an
28 employee who is a teacher as defined in paragraph (2), (3), or
29 (5) of Section 16-106 of that Code and whose death occurs on or
30 after July 1, 1998, or (ii) a new TRS State annuitant as
31 defined in subsection (b-7).

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

35 (s) "Unit of local government" means any county,
36 municipality, township, school district (including a

1 combination of school districts under the Intergovernmental
2 Cooperation Act), special district or other unit, designated as
3 a unit of local government by law, which exercises limited
4 governmental powers or powers in respect to limited
5 governmental subjects, any not-for-profit association with a
6 membership that primarily includes townships and township
7 officials, that has duties that include provision of research
8 service, dissemination of information, and other acts for the
9 purpose of improving township government, and that is funded
10 wholly or partly in accordance with Section 85-15 of the
11 Township Code; any not-for-profit corporation or association,
12 with a membership consisting primarily of municipalities, that
13 operates its own utility system, and provides research,
14 training, dissemination of information, or other acts to
15 promote cooperation between and among municipalities that
16 provide utility services and for the advancement of the goals
17 and purposes of its membership; the Southern Illinois
18 Collegiate Common Market, which is a consortium of higher
19 education institutions in Southern Illinois; the Illinois
20 Association of Park Districts; and any hospital provider that
21 is owned by a county that has 100 or fewer hospital beds and
22 has not already joined the program. "Qualified local
23 government" means a unit of local government approved by the
24 Director and participating in a program created under
25 subsection (i) of Section 10 of this Act.

26 (t) "Qualified rehabilitation facility" means any
27 not-for-profit organization that is accredited by the
28 Commission on Accreditation of Rehabilitation Facilities or
29 certified by the Department of Human Services (as successor to
30 the Department of Mental Health and Developmental
31 Disabilities) to provide services to persons with disabilities
32 and which receives funds from the State of Illinois for
33 providing those services, approved by the Director and
34 participating in a program created under subsection (j) of
35 Section 10 of this Act.

36 (u) "Qualified domestic violence shelter or service" means

1 any Illinois domestic violence shelter or service and its
2 administrative offices funded by the Department of Human
3 Services (as successor to the Illinois Department of Public
4 Aid), approved by the Director and participating in a program
5 created under subsection (k) of Section 10.

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

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

8 (2) is receiving a monthly benefit or retirement
9 annuity under Article 16 of the Illinois Pension Code; and

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

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

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

24 (2) is a TRS benefit recipient's: (A) spouse, (B)
25 dependent parent who is receiving at least half of his or
26 her support from the TRS benefit recipient, or (C)
27 unmarried natural or adopted child who is (i) under age 19,
28 or (ii) enrolled as a full-time student in an accredited
29 school, financially dependent upon the TRS benefit
30 recipient, eligible to be claimed as a dependent for income
31 tax purposes, and either is under age 24 or was, on January
32 1, 1996, participating as a dependent beneficiary in the
33 health insurance program offered under Article 16 of the
34 Illinois Pension Code, or (iii) age 19 or over who is
35 mentally or physically handicapped.

36 (x) "Military leave with pay and benefits" refers to

1 individuals in basic training for reserves, special/advanced
2 training, annual training, emergency call up, or activation by
3 the President of the United States with approved pay and
4 benefits.

5 (y) "Military leave without pay and benefits" refers to
6 individuals who enlist for active duty in a regular component
7 of the U.S. Armed Forces or other duty not specified or
8 authorized under military leave with pay and benefits.

9 (z) "Community college benefit recipient" means a person
10 who:

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

12 (2) is receiving a monthly survivor's annuity or
13 retirement annuity under Article 15 of the Illinois Pension
14 Code; and

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

28 (aa) "Community college dependent beneficiary" means a
29 person who:

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

32 (2) is a community college benefit recipient's: (A)
33 spouse, (B) dependent parent who is receiving at least half
34 of his or her support from the community college benefit
35 recipient, or (C) unmarried natural or adopted child who is
36 (i) under age 19, or (ii) enrolled as a full-time student

1 in an accredited school, financially dependent upon the
2 community college benefit recipient, eligible to be
3 claimed as a dependent for income tax purposes and under
4 age 23, or (iii) age 19 or over and mentally or physically
5 handicapped.

6 (Source: P.A. 93-205, eff. 1-1-04; 93-839, eff. 7-30-04;
7 93-1067, eff. 1-15-05; 94-32, eff. 6-15-05; 94-82, eff. 1-1-06;
8 revised 8-9-05.)

9 (5 ILCS 375/8) (from Ch. 127, par. 528)

10 Sec. 8. Eligibility.

11 (a) Each member eligible under the provisions of this Act
12 and any rules and regulations promulgated and adopted hereunder
13 by the Director shall become immediately eligible and covered
14 for all benefits available under the programs. Members electing
15 coverage for eligible dependents shall have the coverage
16 effective immediately, provided that the election is properly
17 filed in accordance with required filing dates and procedures
18 specified by the Director.

19 (1) Every member originally eligible to elect
20 dependent coverage, but not electing it during the original
21 eligibility period, may subsequently obtain dependent
22 coverage only in the event of a qualifying change in
23 status, special enrollment, special circumstance as
24 defined by the Director, or during the annual Benefit
25 Choice Period.

26 (2) Members described above being transferred from
27 previous coverage towards which the State has been
28 contributing shall be transferred regardless of
29 preexisting conditions, waiting periods, or other
30 requirements that might jeopardize claim payments to which
31 they would otherwise have been entitled.

32 (3) Eligible and covered members that are eligible for
33 coverage as dependents except for the fact of being members
34 shall be transferred to, and covered under, dependent
35 status regardless of preexisting conditions, waiting

1 periods, or other requirements that might jeopardize claim
2 payments to which they would otherwise have been entitled
3 upon cessation of member status and the election of
4 dependent coverage by a member eligible to elect that
5 coverage.

6 (b) New employees shall be immediately insured for the
7 basic group life insurance and covered by the program of health
8 benefits on the first day of active State service. Optional
9 life insurance coverage one to 4 times the basic amount, if
10 elected during the relevant eligibility period, will become
11 effective on the date of employment. Optional life insurance
12 coverage exceeding 4 times the basic amount and all life
13 insurance amounts applied for after the eligibility period will
14 be effective, subject to satisfactory evidence of insurability
15 when applicable, or other necessary qualifications, pursuant
16 to the requirements of the applicable benefit program, unless
17 there is a change in status that would confer new eligibility
18 for change of enrollment under rules established supplementing
19 this Act, in which event application must be made within the
20 new eligibility period.

21 (c) As to the group health benefits program contracted to
22 begin or continue after June 30, 1973, each retired employee
23 shall become immediately eligible and covered for all benefits
24 available under that program. Retired employees may elect
25 coverage for eligible dependents and shall have the coverage
26 effective immediately, provided that the election is properly
27 filed in accordance with required filing dates and procedures
28 specified by the Director.

29 Except as otherwise provided in this Act, where husband and
30 wife are both eligible members, each shall be enrolled as a
31 member and coverage on their eligible dependent children, if
32 any, may be under the enrollment and election of either.

33 Regardless of other provisions herein regarding late
34 enrollment or other qualifications, as appropriate, the
35 Director may periodically authorize open enrollment periods
36 for each of the benefit programs at which time each member may

1 elect enrollment or change of enrollment without regard to age,
2 sex, health, or other qualification under the conditions as may
3 be prescribed in rules and regulations supplementing this Act.
4 Special open enrollment periods may be declared by the Director
5 for certain members only when special circumstances occur that
6 affect only those members.

7 (d) Beginning with fiscal year 2003 and for all subsequent
8 years, eligible members may elect not to participate in the
9 program of health benefits as defined in this Act. The election
10 must be made during the annual benefit choice period, subject
11 to the conditions in this subsection.

12 (1) Members must furnish proof of health benefit
13 coverage, either comprehensive major medical coverage or
14 comprehensive managed care plan, from a source other than
15 the Department of Central Management Services in order to
16 elect not to participate in the program.

17 (2) Members may re-enroll in the Department of Central
18 Management Services program of health benefits upon
19 showing a qualifying change in status, as defined in the
20 U.S. Internal Revenue Code, without evidence of
21 insurability and with no limitations on coverage for
22 pre-existing conditions, provided that there was not a
23 break in coverage of more than 63 days.

24 (3) Members may also re-enroll in the program of health
25 benefits during any annual benefit choice period, without
26 evidence of insurability.

27 (4) Members who elect not to participate in the program
28 of health benefits shall be furnished a written explanation
29 of the requirements and limitations for the election not to
30 participate in the program and for re-enrolling in the
31 program. The explanation shall also be included in the
32 annual benefit choice options booklets furnished to
33 members.

34 (d-5) Beginning July 1, 2005, the Director may establish a
35 program of financial incentives to encourage annuitants
36 receiving a retirement annuity from the State Employees

1 Retirement System, but who are not eligible for benefits under
2 the federal Medicare health insurance program (Title XVIII of
3 the Social Security Act, as added by Public Law 89-97) to elect
4 not to participate in the program of health benefits provided
5 under this Act. The election by an annuitant not to participate
6 under this program must be made in accordance with the
7 requirements set forth under subsection (d). The financial
8 incentives provided to these annuitants under the program may
9 not exceed \$150 per month for each annuitant electing not to
10 participate in the program of health benefits provided under
11 this Act.

12 (e) Notwithstanding any other provision of this Act or the
13 rules adopted under this Act, if a person participating in the
14 program of health benefits as the dependent spouse of an
15 eligible member becomes an annuitant, the person may elect, at
16 the time of becoming an annuitant or during any subsequent
17 annual benefit choice period, to continue participation as a
18 dependent rather than as an eligible member for as long as the
19 person continues to be an eligible dependent.

20 An eligible member who has elected to participate as a
21 dependent may re-enroll in the program of health benefits as an
22 eligible member (i) during any subsequent annual benefit choice
23 period or (ii) upon showing a qualifying change in status, as
24 defined in the U.S. Internal Revenue Code, without evidence of
25 insurability and with no limitations on coverage for
26 pre-existing conditions.

27 A person who elects to participate in the program of health
28 benefits as a dependent rather than as an eligible member shall
29 be furnished a written explanation of the consequences of
30 electing to participate as a dependent and the conditions and
31 procedures for re-enrolling as an eligible member. The
32 explanation shall also be included in the annual benefit choice
33 options booklet furnished to members.

34 (Source: P.A. 93-553, eff. 8-20-03; 94-95, eff. 7-1-05; 94-109,
35 eff. 7-1-05; revised 8-9-05.)

1 Section 45. The State Officials and Employees Ethics Act is
2 amended by changing Section 5-50 and by adding Section 99-10 as
3 follows:

4 (5 ILCS 430/5-50)

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

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

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

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

25 (c) An ex parte communication received by any agency,
26 agency head, or other agency employee, other than an ex parte
27 communication described in subsection (b-5), shall immediately
28 be reported to that agency's ethics officer by the recipient of
29 the communication and by any other employee of that agency who
30 responds to the communication. The ethics officer shall require
31 that the ex parte communication be promptly made a part of the
32 record. The ethics officer shall promptly file the ex parte
33 communication with the Executive Ethics Commission, including
34 all written communications, all written responses to the
35 communications, and a memorandum prepared by the ethics officer

1 stating the nature and substance of all oral communications,
2 the identity and job title of the person to whom each
3 communication was made, all responses made, the identity and
4 job title of the person making each response, the identity of
5 each person from whom the written or oral ex parte
6 communication was received, the individual or entity
7 represented by that person, any action the person requested or
8 recommended, and any other pertinent information. The
9 disclosure shall also contain the date of any ex parte
10 communication.

11 (d) "Interested party" means a person or entity whose
12 rights, privileges, or interests are the subject of or are
13 directly affected by a regulatory, quasi-adjudicatory,
14 investment, or licensing matter.

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

16 Executive Ethics Commission

17 Illinois Commerce Commission

18 Educational Labor Relations Board

19 State Board of Elections

20 Illinois Gaming Board

21 Health Facilities Planning Board

22 Illinois Workers' Compensation Commission

23 ~~Industrial Commission~~

24 Illinois Labor Relations Board

25 Illinois Liquor Control Commission

26 Pollution Control Board

27 Property Tax Appeal Board

28 Illinois Racing Board

29 Illinois Purchased Care Review Board

30 Department of State Police Merit Board

31 Motor Vehicle Review Board

32 Prisoner Review Board

33 Civil Service Commission

34 Personnel Review Board for the Treasurer

35 Merit Commission for the Secretary of State

36 Merit Commission for the Office of the Comptroller

1 Court of Claims
2 Board of Review of the Department of Employment Security
3 Department of Insurance
4 Department of Professional Regulation and licensing boards
5 under the Department
6 Department of Public Health and licensing boards under the
7 Department
8 Office of Banks and Real Estate and licensing boards under
9 the Office
10 State Employees Retirement System Board of Trustees
11 Judges Retirement System Board of Trustees
12 General Assembly Retirement System Board of Trustees
13 Illinois Board of Investment
14 State Universities Retirement System Board of Trustees
15 Teachers Retirement System Officers Board of Trustees

16 (f) Any person who fails to (i) report an ex parte
17 communication to an ethics officer, (ii) make information part
18 of the record, or (iii) make a filing with the Executive Ethics
19 Commission as required by this Section or as required by
20 Section 5-165 of the Illinois Administrative Procedure Act
21 violates this Act.

22 (Source: P.A. 93-617, eff. 12-9-03; revised 10-11-05.)

23 (5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

24 (This Section was enacted as Section 995 of P.A. 93-617; it
25 is being added to the State Officials and Employees Ethics Act,
26 amended, and renumbered for codification purposes.)

27 Sec. 99-10. 995. Closed sessions; vote requirement. Public
28 Act 93-617 ~~This Act~~ authorizes the ethics commissions of the
29 executive branch and legislative branch to conduct closed
30 sessions, hearings, and meetings in certain circumstances. In
31 order to meet the requirements of subsection (c) of Section 5
32 of Article IV of the Illinois Constitution, the General
33 Assembly determines that closed sessions, hearings, and
34 meetings of the ethics commissions, including the ethics
35 commission for the legislative branch, are required by the

1 public interest. Thus, Public Act 93-617 was ~~this Act is~~
2 enacted by the affirmative vote of two-thirds of the members
3 elected to each house of the General Assembly.

4 (P.A. 93-617, eff. 12-9-03; revised 1-10-04.)

5 Section 50. The Fort Sheridan Retrocession Law of 1992 is
6 amended by changing Section 20-20 as follows:

7 (5 ILCS 541/20-20) (from Ch. 1, par. 7220)

8 Sec. 20-20. Exclusive jurisdiction. The exclusive
9 jurisdiction hereby retroceded and the concurrent jurisdiction
10 hereby ceded with the State of Illinois shall continue no
11 longer than the United States ~~State~~ of America owns the land
12 described in Section 20-5.

13 (Source: P.A. 87-866; revised 10-11-05.)

14 Section 55. The Savanna Army Depot Retrocession Law is
15 amended by changing Section 5 as follows:

16 (5 ILCS 571/5)

17 Sec. 5. Authorization to accept retrocession.

18 (a) Under the provisions of Section 2683 of Title 10 of the
19 United States Code, the State of Illinois authorizes acceptance
20 of retrocession by the United States of America of concurrent
21 legislative jurisdiction over lands consisting of the U.S. Army
22 Depot Activity Savanna Military Reservation, Jo Daviess County
23 and Carroll County, Illinois, being more particularly
24 described as follows:

25 Situate in the State of Illinois, Jo Daviess County and
26 Carroll County, in sections 1, 2, 3, 4, 5, 10, 11, and 12
27 of Township 25 north, Range 2 east and sections 18, 19, 20,
28 28, 29, 30, 31, 32, 33, and 34 of Township 26 north, Range
29 2 east and Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15,
30 16, 21, 22, 23, 24, 25, 26, 27, 35, and 36 of Township 26
31 north, Range 1 east, and section 6 of Township 25 north,
32 Range 3 east, all of the Fourth Principal Meridian, and

1 more particularly described as follows.

2 Beginning at a concrete monument at the intersection of the
3 east bank of the Mississippi River and the north line of
4 section 5, Township 26 north, Range 1 east; thence with
5 said north line
6 Easterly 3,141 feet to a buggy axle at the northeast corner
7 of section 5; thence with the north line of section 4
8 Easterly 2,640 feet to a 2 inch shafting at the north
9 quarter corner of Section 4; thence
10 Easterly 1,002 feet to a monument on the westerly
11 right-of-way line of the Burlington Northern Santa Fe
12 Railroad; thence crossing section 4 with said right-of-way
13 line as it generally follows a southeasterly direction
14 Southeasterly 2,335 feet, more or less, to point on the
15 west line of Section 3, said point being located South
16 1,588 feet from the northwest corner of section 3; thence
17 crossing a portion of section 3
18 Southeasterly 2,845 feet, more or less, to a monument on
19 the boundary of the village of Blanding; thence with the
20 common boundary of the U.S. Army Depot Activity Savanna and
21 village of Blanding
22 South 43° 50' West 372 feet to a monument
23 South 46° 10' East 131 feet to a monument
24 North 60° 30' East 387 feet to a monument on said westerly
25 railroad right-of-way line; thence crossing section 3 with
26 said right-of-way line as it generally follows a
27 southeasterly direction
28 Southeasterly 2,430 feet, more or less to a point on the
29 north line of Section 10, said point being located West
30 1,332 feet from a monument at the northeast corner of
31 Section 10; thence crossing Section 10 and a portion of
32 Section 11
33 Southeasterly 5,010 feet, more or less, to a monument on
34 the north and south quarter line through Section 11, said
35 point being located North 3,102 feet from a stone on the
36 south line of Section 11; thence crossing Section 11

1 Southeasterly 3,000 feet, more or less, to a monument on
2 the east line of Section 11, said monument being located
3 North 2,277 feet from the southeast corner of said Section
4 11; thence crossing Section 12
5 Southeasterly 3,880 feet, more or less, to a point on the
6 north line of Section 13, said point being located East 393
7 feet from a stone at the north quarter corner of Section
8 13; thence crossing Section 13 and a portion of Section 18
9 Southeasterly 3,950 feet, more or less, to a monument on
10 the east and west quarter line in Section 18, Township 26
11 north, Range 2 east, said monument being located East 452
12 feet from a stone at the west quarter corner of Section 18;
13 thence crossing Section 18
14 Southeasterly 3,585 feet, more or less, to a monument on
15 the north line of Section 19, said monument being located
16 West 2 feet from the north quarter corner of Section 19;
17 thence crossing Section 19
18 Southeasterly 4,320 feet, more or less, to a monument on
19 the west line of Section 20; thence crossing Section 20
20 Southeasterly 2,787 feet, more or less, to a monument on
21 the north line of Section 29; thence crossing Sections 29
22 and 28
23 Southeasterly 7,180 feet, more or less, to a point on the
24 north line of Section 33, said point being located North
25 $86^{\circ} 45'$ East 731.3 feet from a stone at the northwest
26 corner of Section 33; thence crossing a portion of Section
27 33
28 Southeasterly 4,170 feet, more or less, to a point on the
29 east and west quarter line through said Section 33, said
30 point being located East 1,141 feet from the center of said
31 Section 33; thence crossing Sections 33 and 34
32 Southeasterly 4,740 feet, more or less, to a point on the
33 north line of Section 3, Township 25 north, Range 2 east;
34 thence crossing said right-of-way with said north line of
35 Section 3
36 Easterly 305 feet to a monument on the north quarter corner

1 of Section 3; thence continuing with said north line of
2 Section 3
3 Easterly 2,678 feet to the northwest corner of Section 2;
4 thence with the north line of Section 2
5 Easterly 2,181.5 feet to a monument on the westerly bank of
6 the Apple River; thence with said westerly bank
7 Southerly to a point 100 feet north of and parallel to the
8 east and west quarter line of Section 2; thence with a line
9 100 feet north of and parallel to the east and west quarter
10 line of Section 2
11 Easterly 80 feet, more or less, to a point on the
12 centerline of the Apple River, said point being the
13 northwest corner of U.S. Tract No. S-10; thence with the
14 north boundary of U.S. Tract No. S-10 (north line of the
15 access road to the U.S. Army Depot Activity Savanna)
16 Easterly 824.7 feet, more or less, to a point on the west
17 line of Section 1; thence crossing Section 1 with a line
18 100 feet north of and parallel to the east and west quarter
19 line of Section one
20 Easterly along a line comprising the northern boundaries of
21 U.S. Tract Nos. S-7, S-6, S-5, S-4, S-3, and S-2,
22 respectively, passing the east line of Section 1, to the
23 southwest right-of-way line Illinois Highway No. 84;
24 thence with said right-of-way line
25 Southeasterly 115 feet, more or less, to a point on the
26 extended east and west quarter line of Section 1, Township
27 25 north, Range 2 east; thence with said extended line
28 Westerly to the east quarter corner of Section 1, Township
29 25 north, Range 2 east; thence along the east and west
30 quarter line of said Section 1
31 Westerly to a point at the center of Section 1; thence
32 continuing along the said east and west quarter line
33 Westerly 1,942.1 feet (passing a point at 1925.4 feet on
34 the centerline of the old access road, hereafter referred
35 to as Point "A") to a point on the west right-of-way line
36 of the old access road to the U.S. Army Depot Activity

1 Savanna; thence with said west right-of-way
2 Southwesterly to a point 20 feet south of and parallel to
3 the east and west quarter line of Section 1, said point
4 also being the southeast corner of U.S. Tract No. S-9A;
5 thence along the south boundary of said U.S. Tract No. S-9A
6 Westerly to a point on the west line of Section 1, thence
7 along a line 20.0 south of and parallel to the east and
8 west quarter line of Section 2, Township 25 north, Range 2
9 east
10 Westerly 855 feet, more or less, to a point on the westerly
11 bank of the Apple River; thence along the westerly bank of
12 the Apple River
13 Southeasterly to the Mississippi River; thence along the
14 meanders of the Mississippi River
15 Northwesterly to the Southeast corner of a tract of land
16 transferred to Mississippi Lock and Dam No.12; thence with
17 the common boundary of Lock and Dam No.12 and said Army
18 Depot
19 North 73° 05' East 1,251.4 feet, more or less, to a point;
20 thence
21 North 61° 58' East 5,524.0 feet, to a point on the south
22 line of Section 4, Township 26 north, Range 1 east; thence
23 with said south line
24 North 88° 53' East 333.3 feet to the southwest corner of
25 Section 3; thence with the south line of Section 3
26 South 88° 40' East 780.6 feet; thence
27 North 28° 29' West 1,466.1 feet to a point on the north
28 line of the southwest quarter of the southwest quarter of
29 said Section 3; thence along said north line
30 North 88° 21' West 75.0 feet to the northwest corner of the
31 southwest quarter of the southwest quarter of said Section
32 3; thence
33 South 46° 48' West 839.1 feet
34 South 61° 58' West 5,541.0 feet
35 South 73° 05' West 1287.6 feet, more or less, to the
36 Mississippi River; thence with the meanders of the

1 Mississippi River
2 Northwesterly to the point of beginning, inclusive of Apple
3 River island in Section 10 and 11, sand bars in Sections 3,
4 4, and 5, all in Township 25 north, Range 2 east, Island
5 No. 9 in Section 31, Township 26 north, Range 2 east, and
6 in Section 25, Township 26 north, Range 1 east, Island No.
7 7 in Sections 25 and 26, Township 26 north, Range 1 east,
8 and Section 31, Township 26 North, Range 2 east, Island No.
9 4 in Section 22 and 27; Island No. 2 in Section 8, 9 and 16;
10 and Island No. 1, in Section 5; all in Township 26 north,
11 Range 1 east, excepting that portion of the railroad
12 right-of-way in Sections 2, 3, and 11, Township 25 north,
13 Range 2 east, and also the following, lying 15 feet on both
14 sides of the following described centerline:

15 Beginning at the aforesaid Point "A" said point being on
16 the centerline of a strip of land 30 feet in width, thence
17 with said centerline and an angle of $116^{\circ} 07'$ to the right
18 with said east and west quarter line of Section 1

19 Southwesterly 387.8 feet; thence with a deflection angle to
20 the right of 04°

21 Southwesterly 190 feet; thence with a deflection angle to
22 the right of 37°

23 Southwesterly 145 feet; thence with a deflection angle to
24 the right of $20^{\circ} 47'$

25 Westerly 371.6 feet, more or less, to a point on the east
26 line of Section 2, Township 25 north, Range 2 east, being
27 located South 591 feet from the west quarter corner of said
28 Section 2; thence with an angle to the left of $94^{\circ} 33'$ with
29 said west line of Section 2

30 Westerly 578.4 feet to a point on the centerline of a strip
31 of land 100 feet in width, lying 50 feet on both sides of
32 the following described centerline; thence with a
33 deflection angle to the right of $12^{\circ} 34'$

34 Westerly 499.3 feet to the east bank of the Apple River,
35 containing a total of 13,060.94 acres, more or less, for
36 all of the above described lands.

1 Further, the State of Illinois accepts retrocession of and
2 authorizes acceptance of retrocession of concurrent
3 legislative jurisdiction over all those lands owned by the
4 United States that may subsequently be identified by the
5 Department of the Army as part of the U.S. Army Depot Activity
6 Savanna Military Reservation, Jo Daviess ~~Davies~~ County and
7 Carroll County, Illinois, although not included within the
8 legal description contained in this subsection, to the extent
9 concurrent jurisdiction has not previously been retroceded to
10 the State of Illinois. Any additional land over which the State
11 accepts retrocession of concurrent jurisdiction shall be
12 identified in a notice filed by the Governor as provided in
13 subsection (d).

14 (b) Pursuant to concurrent legislative jurisdiction, both
15 State and federal laws are applicable. Since most major crimes
16 violate both federal and State laws, both may punish an
17 offender for an offense committed in the area. The State of
18 Illinois, subject to the exemption of the federal government,
19 has the right to tax. The regulatory powers of the State of
20 Illinois may be exercised in the area, but not in such a manner
21 as to interfere with federal functions. Persons residing on the
22 area under concurrent legislative jurisdiction are ensured
23 important rights and privileges of citizenship, such as the
24 right to vote and access to the Illinois courts.

25 (c) Subject to subsection (b), the State of Illinois
26 accepts cession of concurrent legislative jurisdiction from
27 the United States.

28 (d) The Governor of the State of Illinois is authorized to
29 accept the retrocession of concurrent legislative jurisdiction
30 over the subject lands by filing a notice of acceptance with
31 the Illinois Secretary of State.

32 (e) Upon transfer by deed of the subject lands, or any
33 portion thereof, by the United States of America, the
34 concurrent jurisdiction retained by the United States shall
35 expire as to the particular property transferred.

36 (Source: P.A. 92-150, eff. 7-24-01; revised 10-11-05.)

1 Section 60. The Election Code is amended by changing
2 Sections 1A-16, 1A-17, 1A-25, 7-56, 7-60, 22-1, 22-8, 22-9,
3 22-15, 22-17, 24A-2, 24B-9.1, and 28-2 as follows:

4 (10 ILCS 5/1A-16)

5 Sec. 1A-16. Voter registration information; internet
6 posting; processing of voter registration forms; content of
7 such forms. Notwithstanding any law to the contrary, the
8 following provisions shall apply to voter registration under
9 this Code.

10 (a) Voter registration information; Internet posting of
11 voter registration form. Within 90 days after the effective
12 date of this amendatory Act of the 93rd General Assembly, the
13 State Board of Elections shall post on its World Wide Web site
14 the following information:

15 (1) A comprehensive list of the names, addresses, phone
16 numbers, and websites, if applicable, of all county clerks
17 and boards of election commissioners in Illinois.

18 (2) A schedule of upcoming elections and the deadline
19 for voter registration.

20 (3) A downloadable, printable voter registration form,
21 in at least English and in Spanish versions, that a person
22 may complete and mail or submit to the State Board of
23 Elections or the appropriate county clerk or board of
24 election commissioners.

25 Any forms described under paragraph (3) must state the
26 following:

27 If you do not have a driver's license or social
28 security number, and this form is submitted by mail, and
29 you have never registered to vote in the jurisdiction you
30 are now registering in, then you must send, with this
31 application, either (i) a copy of a current and valid photo
32 identification, or (ii) a copy of a current utility bill,
33 bank statement, government check, paycheck, or other
34 government document that shows the name and address of the

1 voter. If you do not provide the information required
2 above, then you will be required to provide election
3 officials with either (i) or (ii) described above the first
4 time you vote at a voting place or by absentee ballot.

5 (b) Acceptance of registration forms by the State Board of
6 Elections and county clerks and board of election
7 commissioners. The State Board of Elections, county clerks, and
8 board of election commissioners shall accept all completed
9 voter registration forms described in subsection (a) (3) of this
10 Section and Sections ~~Section~~ 1A-17 and ~~Section~~ 1A-30 that are:

11 (1) postmarked on or before the day that voter
12 registration is closed under the Election Code;

13 (2) not postmarked, but arrives no later than 5 days
14 after the close of registration;

15 (3) submitted in person by a person using the form on
16 or before the day that voter registration is closed under
17 the Election Code; or

18 (4) submitted in person by a person who submits one or
19 more forms on behalf of one or more persons who used the
20 form on or before the day that voter registration is closed
21 under the Election Code.

22 Upon the receipt of a registration form, the State Board of
23 Elections shall mark the date on which the form was received
24 and send the form via first class mail to the appropriate
25 county clerk or board of election commissioners, as the case
26 may be, within 2 business days based upon the home address of
27 the person submitting the registration form. The county clerk
28 and board of election commissioners shall accept and process
29 any form received from the State Board of Elections.

30 (c) Processing of registration forms by county clerks and
31 boards of election commissioners. The county clerk or board of
32 election commissioners shall promulgate procedures for
33 processing the voter registration form.

34 (d) Contents of the voter registration form. The State
35 Board shall create a voter registration form, which must
36 contain the following content:

- 1 (1) Instructions for completing the form.
- 2 (2) A summary of the qualifications to register to vote
3 in Illinois.
- 4 (3) Instructions for mailing in or submitting the form
5 in person.
- 6 (4) The phone number for the State Board of Elections
7 should a person submitting the form have questions.
- 8 (5) A box for the person to check that explains one of
9 3 reasons for submitting the form:
 - 10 (a) new registration;
 - 11 (b) change of address; or
 - 12 (c) change of name.
- 13 (6) a box for the person to check yes or no that asks,
14 "Are you a citizen of the United States?", a box for the
15 person to check yes or no that asks, "Will you be 18 years
16 of age on or before election day?", and a statement of "If
17 you checked 'no' in response to either of these questions,
18 then do not complete this form."
- 19 (7) A space for the person to fill in his or her home
20 telephone number.
- 21 (8) Spaces for the person to fill in his or her first,
22 middle, and last names, street address (principal place of
23 residence), county, city, state, and zip code.
- 24 (9) Spaces for the person to fill in his or her mailing
25 address, city, state, and zip code if different from his or
26 her principal place of residence.
- 27 (10) A space for the person to fill in his or her
28 Illinois driver's license number if the person has a
29 driver's license.
- 30 (11) A space for a person without a driver's license to
31 fill in the last four digits of his or her social security
32 number if the person has a social security number.
- 33 (12) A space for a person without an Illinois driver's
34 license to fill in his or her identification number from
35 his or her State Identification card issued by the
36 Secretary of State.

1 (13) A space for the person to fill the name appearing
2 on his or her last voter registration, the street address
3 of his or her last registration, including the city,
4 county, state, and zip code.

5 (14) A space where the person swears or affirms the
6 following under penalty of perjury with his or her
7 signature:

8 (a) "I am a citizen of the United States.";

9 (b) "I will be at least 18 years old on or before
10 the next election.";

11 (c) "I will have lived in the State of Illinois and
12 in my election precinct at least 30 days as of the date
13 of the next election."; and

14 "The information I have provided is true to the
15 best of my knowledge under penalty of perjury. If I
16 have provided false information, then I may be fined,
17 imprisoned, or if I am not a U.S. citizen, deported
18 from or refused entry into the United States."

19 (d-5) ~~(d)~~ Compliance with federal law; rulemaking
20 authority. The voter registration form described in this
21 Section shall be consistent with the form prescribed by the
22 Federal Election Commission under the National Voter
23 Registration Act of 1993, P.L. 103-31, as amended from time to
24 time, and the Help America Vote Act of 2002, P.L. 107-252, in
25 all relevant respects. The State Board of Elections shall
26 periodically update the form based on changes to federal or
27 State law. The State Board of Elections shall promulgate any
28 rules necessary for the implementation of this Section;
29 provided that the rules comport with the letter and spirit of
30 the National Voter Registration Act of 1993 and Help America
31 Vote Act of 2002 and maximize the opportunity for a person to
32 register to vote.

33 (e) Forms available in paper form. The State Board of
34 Elections shall make the voter registration form available in
35 regular paper stock and form in sufficient quantities for the
36 general public. The State Board of Elections may provide the

1 voter registration form to the Secretary of State, county
2 clerks, boards of election commissioners, designated agencies
3 of the State of Illinois, and any other person or entity
4 designated to have these forms by the Election Code in regular
5 paper stock and form or some other format deemed suitable by
6 the Board. Each county clerk or board of election commissioners
7 has the authority to design and print its own voter
8 registration form so long as the form complies with the
9 requirements of this Section. The State Board of Elections,
10 county clerks, boards of election commissioners, or other
11 designated agencies of the State of Illinois required to have
12 these forms under the Election Code shall provide a member of
13 the public with any reasonable number of forms that he or she
14 may request. Nothing in this Section shall permit the State
15 Board of Elections, county clerk, board of election
16 commissioners, or other appropriate election official who may
17 accept a voter registration form to refuse to accept a voter
18 registration form because the form is printed on photocopier or
19 regular paper stock and form.

20 (f) Internet voter registration study. The State Board of
21 Elections shall investigate the feasibility of offering voter
22 registration on its website and consider voter registration
23 methods of other states in an effort to maximize the
24 opportunity for all Illinois citizens to register to vote. The
25 State Board of Elections shall assemble its findings in a
26 report and submit it to the General Assembly no later than
27 January 1, 2006. The report shall contain legislative
28 recommendations to the General Assembly on improving voter
29 registration in Illinois.

30 (Source: P.A. 93-574, eff. 8-21-03; 94-492, eff. 1-1-06;
31 94-645, eff. 8-22-05; revised 8-29-05.)

32 (10 ILCS 5/1A-17)

33 Sec. 1A-17. Voter registration outreach.

34 (a) The Secretary of State, the Department of Human
35 Services, the Department of Children and Family Services, the

1 Department of Public Aid, the Department of Employment
2 Security, and each public institution of higher learning in
3 Illinois must make available on its World Wide Web site a
4 downloadable, printable voter registration form that complies
5 with the requirements in subsection (d) of Section 1A-16 for
6 the State Board of Elections' voter registration form.

7 (b) Each public institution of higher learning in Illinois
8 must include voter registration information and a voter
9 registration form supplied by the State Board of Elections
10 under subsection (e) of Section 1A-16 in any mailing of student
11 registration materials to an address located in Illinois. Each
12 public institution of higher learning must provide voter
13 registration information and a voter registration form
14 supplied by the State Board of Elections under subsection (e)
15 of Section 1A-16 to each person with whom the institution
16 conducts in-person student registration.

17 (c) As used in this Section, a public institution of higher
18 learning means a public university, college, or community
19 college in Illinois.

20 (Source: P.A. 94-645, eff. 8-22-05; incorporates P.A. 94-492,
21 eff. 1-1-06.)

22 (10 ILCS 5/1A-25)

23 Sec. 1A-25. Centralized statewide voter registration list.
24 The centralized statewide voter registration list required by
25 Title III, Subtitle A, Section 303 of the Help America Vote Act
26 of 2002 shall be created and maintained by the State Board of
27 Elections as provided in this Section.

28 (1) The centralized statewide voter registration list
29 shall be compiled from the voter registration data bases of
30 each election authority in this State.

31 (2) All new voter registration forms and applications
32 to register to vote, including those reviewed by the
33 Secretary of State at a driver services facility, shall be
34 transmitted only to the appropriate election authority as
35 required by Articles 4, 5, and 6 of this Code and not to

1 the State Board of Elections. The election authority shall
2 process and verify each voter registration form and
3 electronically enter verified registrations on an
4 expedited basis onto the statewide voter registration
5 list. All original registration cards shall remain
6 permanently in the office of the election authority as
7 required by this Code.

8 (3) The centralized statewide voter registration list
9 shall:

10 (i) Be designed to allow election authorities to
11 utilize the registration data on the statewide voter
12 registration list pertinent to voters registered in
13 their election jurisdiction on locally maintained
14 software programs that are unique to each
15 jurisdiction.

16 (ii) Allow each election authority to perform
17 essential election management functions, including but
18 not limited to production of voter lists, processing of
19 absentee voters, production of individual, pre-printed
20 applications to vote, administration of election
21 judges, and polling place administration, but shall
22 not prevent any election authority from using
23 information from that election authority's own
24 systems.

25 (4) The registration information maintained by each
26 election authority shall be synchronized with that
27 authority's information on the statewide list at least once
28 every 24 hours.

29 To protect the privacy and confidentiality of voter
30 registration information, the disclosure of any portion of the
31 centralized statewide voter registration list to any person or
32 entity other than to a State or local political committee and
33 other than to a governmental entity for a governmental purpose
34 is specifically prohibited except as follows: subject to
35 security measures adopted by the State Board of Elections
36 which, at a minimum, shall include the keeping of a catalog or

1 database, available for public view, including the name,
2 address, and telephone number of the person viewing the list as
3 well as the time of that viewing, any person may view the list
4 on a computer screen at the Springfield office of the State
5 Board of Elections, during normal business hours other than
6 during the 27 days before an election, but the person viewing
7 the list under this exception may not print, duplicate,
8 transmit, or alter the list.

9 (Source: P.A. 93-1071, eff. 1-18-05; 94-136, eff. 7-7-05;
10 94-645, eff. 8-22-05; revised 8-29-05.)

11 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

12 Sec. 7-56. As soon as complete returns are delivered to the
13 proper election authority, the returns shall be canvassed for
14 all primary elections as follows. The election authority acting
15 as the canvassing board pursuant to Section 1-8 of this Code
16 shall also open and canvass the returns of a primary. Upon the
17 completion of the canvass of the returns by the election
18 authority, the election authority shall make a tabulated
19 statement of the returns for each political party separately,
20 stating in appropriate columns and under proper headings, the
21 total number of votes cast in said county for each candidate
22 for nomination or election by said party, including candidates
23 for President of the United States and for State central
24 committeemen, and for delegates and alternate delegates to
25 National nominating conventions, and for precinct
26 committeemen, township committeemen, and for ward
27 committeemen. Within 2 days after the completion of said
28 canvass by the election authority, the county clerk shall mail
29 to the State Board of Elections a certified copy of such
30 tabulated statement of returns. The election authority ~~said~~
31 ~~officers~~ shall also determine and set down as to each precinct
32 the number of ballots voted by the primary electors of each
33 party at the primary.

34 In the case of the nomination or election of candidates for
35 offices, including President of the United States and the State

1 central committeemen, and delegates and alternate delegates to
2 National nominating conventions, certified tabulated statement
3 of returns for which are filed with the State Board of
4 Elections, said returns shall be canvassed by the election
5 authority. And, provided, further, that within 5 days after
6 said returns shall be canvassed by the said Board, the Board
7 shall cause to be published in one daily newspaper of general
8 circulation at the seat of the State government in Springfield
9 a certified statement of the returns filed in its office,
10 showing the total vote cast in the State for each candidate of
11 each political party for President of the United States, and
12 showing the total vote for each candidate of each political
13 party for President of the United States, cast in each of the
14 several congressional districts in the State.

15 Within 48 hours of conducting a canvass, as required by
16 this Code, of the consolidated primary, the election authority
17 shall deliver an original certificate of results to each local
18 election official, with respect to whose political
19 subdivisions nominations were made at such primary, for each
20 precinct in his jurisdiction in which such nominations were on
21 the ballot. Such original certificate of results need not
22 include any offices or nominations for any other political
23 subdivisions. ~~24~~

24 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
25 revised 8-29-05.)

26 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

27 Sec. 7-60. Not less than 67 days before the date of the
28 general election, the State Board of Elections shall certify to
29 the county clerks the names of each of the candidates who have
30 been nominated as shown by the proclamation of the State Board
31 of Elections as a canvassing board or who have been nominated
32 to fill a vacancy in nomination and direct the election
33 authority to place upon the official ballot for the general
34 election the names of such candidates in the same manner and in
35 the same order as shown upon the certification, except as

1 otherwise provided in this Section.

2 Not less than 61 days before the date of the general
3 election, each county clerk shall certify the names of each of
4 the candidates for county offices who have been nominated as
5 shown by the proclamation of the county election authority or
6 who have been nominated to fill a vacancy in nomination and
7 declare that the names of such candidates for the respective
8 offices shall be placed upon the official ballot for the
9 general election in the same manner and in the same order as
10 shown upon the certification, except as otherwise provided by
11 this Section. Each county clerk shall place a copy of the
12 certification on file in his or her office and at the same time
13 issue to the State Board of Elections a copy of such
14 certification. In addition, each county clerk in whose county
15 there is a board of election commissioners shall, not less than
16 61 days before the date of the general election, issue to such
17 board a copy of the certification that has been filed in the
18 county clerk's office, together with a copy of the
19 certification that has been issued to the clerk by the State
20 Board of Elections, with directions to the board of election
21 commissioners to place upon the official ballot for the general
22 election in that election jurisdiction the names of all
23 candidates that are listed on such certifications, in the same
24 manner and in the same order as shown upon such certifications,
25 except as otherwise provided in this Section.

26 Whenever there are two or more persons nominated by the
27 same political party for multiple offices for any board, the
28 name of the candidate of such party receiving the highest
29 number of votes in the primary election as a candidate for such
30 office, as shown by the official election returns of the
31 primary, shall be certified first under the name of such
32 offices, and the names of the remaining candidates of such
33 party for such offices shall follow in the order of the number
34 of votes received by them respectively at the primary election
35 as shown by the official election results.

36 No person who is shown by the election authority's

1 proclamation to have been nominated or elected at the primary
2 as a write-in candidate shall have his or her name certified
3 unless such person shall have filed with the certifying office
4 or board within 10 days after the election authority's
5 proclamation a statement of candidacy pursuant to Section 7-10,
6 a statement pursuant to Section 7-10.1, and a receipt for the
7 filing of a statement of economic interests in relation to the
8 unit of government to which he or she has been elected or
9 nominated.

10 Each county clerk and board of election commissioners shall
11 determine by a fair and impartial method of random selection
12 the order of placement of established political party
13 candidates for the general election ballot. Such determination
14 shall be made within 30 days following the canvass and
15 proclamation of the results of the general primary in the
16 office of the county clerk or board of election commissioners
17 and shall be open to the public. Seven days written notice of
18 the time and place of conducting such random selection shall be
19 given, by each such election authority, to the County Chairman
20 of each established political party, and to each organization
21 of citizens within the election jurisdiction which was
22 entitled, under this Article, at the next preceding election,
23 to have pollwatchers present on the day of election. Each
24 election authority shall post in a conspicuous, open and public
25 place, at the entrance of the election authority office, notice
26 of the time and place of such lottery. However, a board of
27 election commissioners may elect to place established
28 political party candidates on the general election ballot in
29 the same order determined by the county clerk of the county in
30 which the city under the jurisdiction of such board is located.

31 Each certification shall indicate, where applicable, the
32 following:

33 (1) The political party affiliation of the candidates for
34 the respective offices;

35 (2) If there is to be more than one candidate elected to an
36 office from the State, political subdivision or district;

1 (3) If the voter has the right to vote for more than one
2 candidate for an office;

3 (4) The term of office, if a vacancy is to be filled for
4 less than a full term or if the offices to be filled in a
5 political subdivision are for different terms.

6 The State Board of Elections or the county clerk, as the
7 case may be, shall issue an amended certification whenever it
8 is discovered that the original certification is in error.

9 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
10 revised 8-29-05.)

11 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

12 Sec. 22-1. Abstracts of votes. Within 21 days after the
13 close of the election at which candidates for offices
14 hereinafter named in this Section are voted upon, the election
15 authorities of the respective counties shall open the returns
16 and make abstracts of the votes on a separate sheet for each of
17 the following:

18 A. For Governor and Lieutenant Governor;

19 B. For State officers;

20 C. For presidential electors;

21 D. For United States Senators and Representatives to
22 Congress;

23 E. For judges of the Supreme Court;

24 F. For judges of the Appellate Court;

25 G. For judges of the circuit court;

26 H. For Senators and Representatives to the General
27 Assembly;

28 I. For State's Attorneys elected from 2 or more counties;

29 J. For amendments to the Constitution, and for other
30 propositions submitted to the electors of the entire State;

31 K. For county officers and for propositions submitted to
32 the electors of the county only;

33 L. For Regional Superintendent of Schools;

34 M. For trustees of Sanitary Districts; and

35 N. For Trustee of a Regional Board of School Trustees.

1 Each sheet shall report the returns by precinct or ward.

2 Multiple originals of each of the sheets shall be prepared
3 and one of each shall be turned over to the chairman of the
4 county central committee of each of the then existing
5 established political parties, as defined in Section 10-2, or
6 his duly authorized representative immediately after the
7 completion of the entries on the sheets and before the totals
8 have been compiled.

9 The foregoing abstracts shall be preserved by the election
10 authority in its office.

11 Whenever any county clerk is unable to canvass the vote,
12 the deputy county clerk or a designee of the county clerk shall
13 serve in his or her place.

14 The powers and duties of the election authority canvassing
15 the votes are limited to those specified in this Section.

16 No person who is shown by the election authority's
17 ~~canvassing board's~~ proclamation to have been elected at the
18 consolidated election or general election as a write-in
19 candidate shall take office unless that person has first filed
20 with the certifying office or board a statement of candidacy
21 pursuant to Section 7-10 or Section 10-5, a statement pursuant
22 to Section 7-10.1, and a receipt for filing a statement of
23 economic interests in relation to the unit of government to
24 which he or she has been elected. For officers elected at the
25 consolidated election, the certifying officer shall notify the
26 election authority of the receipt of those documents, and the
27 county clerk shall issue the certification of election under
28 the provisions of Section 22-18.

29 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
30 94-647, eff. 1-1-06; revised 10-4-05.)

31 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

32 Sec. 22-8. In municipalities operating under Article 6 of
33 this Act, within 21 days after the close of such election, the
34 board of election commissioners shall open all returns and
35 shall make abstracts or statements of the votes for all offices

1 and questions voted on at the election.

2 Each abstract or statement ~~sheet~~ shall report the returns
3 by precinct or ward.

4 Multiple originals of each of the abstracts or statements
5 shall be prepared and one of each shall be turned over to the
6 chairman of the county central committee of each of the then
7 existing established political parties, as defined in Section
8 10-2.

9 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
10 94-647, eff. 1-1-06; revised 10-4-05.)

11 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

12 Sec. 22-9. It shall be the duty of the election authority
13 to canvass and add up and declare the result of every election
14 hereafter held within the boundaries of such city, village or
15 incorporated town operating under Article 6 of this Act. The
16 election authority shall file ~~by precinct or ward~~ a certified
17 copy of the record with the County Clerk of the county; and
18 such abstracts or results shall be treated, by the County Clerk
19 in all respects, as if made by the election authority now
20 provided by the foregoing sections of this law, and he shall
21 transmit the same, by facsimilie, e-mail, or other electronic
22 means, to the State Board of Elections, or other proper
23 officer, as required hereinabove. The county clerk or board of
24 election commissioners, as the case may be, shall also send the
25 abstract by precinct or ward and result in a sealed envelope
26 addressed to the State Board of Elections via overnight mail so
27 it arrives at the address the following calendar day. And such
28 abstracts or results so declared, and a certified copy thereof,
29 shall be treated everywhere within the state, and by all public
30 officers, with the same binding force and effect as the
31 abstract of votes now authorized by the foregoing provisions of
32 this Act.

33 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
34 94-647, eff. 1-1-06; revised 8-29-05.)

1 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

2 Sec. 22-15. The election authority shall, upon request, and
3 by mail if so requested, furnish free of charge to any
4 candidate for any office, whose name appeared upon the ballot
5 within the jurisdiction of the election authority, a copy of
6 the abstract of votes by precinct or ward for all candidates
7 for the office for which such person was a candidate. Such
8 abstract shall be furnished no later than 2 days after the
9 receipt of the request or 8 days after the completing of the
10 canvass, whichever is later.

11 Within one calendar day following the canvass and
12 proclamation of each general primary election and general
13 election, each election authority shall transmit to the
14 principal office of the State Board of Elections copies of the
15 abstracts of votes by precinct or ward for the offices of ward,
16 township, and precinct committeeman via overnight mail so that
17 the abstract of votes arrives at the address the following
18 calendar day. Each election authority shall also transmit to
19 the principal office of the State Board of Elections copies of
20 current precinct poll lists.

21 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
22 94-647, eff. 1-1-06; revised 8-29-05.)

23 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

24 Sec. 22-17. (a) Except as provided in subsection (b), the
25 canvass of votes cast at the consolidated election shall be
26 conducted by the election authority within 21 days after the
27 close of such elections.

28 (b) The board of election commissioners as provided in
29 Section 22-8 shall canvass the votes cast at the consolidated
30 election for offices of any political subdivision entirely
31 within the jurisdiction of a municipal board of election
32 commissioners.

33 (c) The canvass of votes cast upon any public questions
34 submitted to the voters of any political subdivision, or any
35 precinct or combination of precincts within a political

1 subdivision, at any regular election or at any emergency
2 referendum election, including votes cast by voters outside of
3 the political subdivision where the question is for annexation
4 thereto, shall be canvassed by the same election authority as
5 for the canvass of votes of the officers of such political
6 subdivision. However, referenda conducted throughout a county
7 and referenda of sanitary districts whose officers are elected
8 at general elections shall be canvassed by the county clerk.
9 The votes cast on a public question for the formation of a
10 political subdivision shall be canvassed by the relevant
11 election authority and filed with the circuit court that
12 ordered the question submitted.

13 (c-5) No person who is shown by the election authority's
14 ~~canvassing board's~~ proclamation to have been elected at the
15 consolidated election or general election as a write-in
16 candidate shall take office unless that person has first filed
17 with the certifying office or board a statement of candidacy
18 pursuant to Section 7-10 or Section 10-5, a statement pursuant
19 to Section 7-10.1, and a receipt for filing a statement of
20 economic interests in relation to the unit of government to
21 which he or she has been elected. For officers elected at the
22 consolidated election, the certifying officer shall notify the
23 election authority of the receipt of those documents, and the
24 county clerk shall issue the certification of election under
25 the provisions of Section 22-18.

26 (d) The canvass of votes for offices of political
27 subdivisions cast at special elections to fill vacancies held
28 on the day of any regular election shall be conducted by the
29 election authority which is responsible for canvassing the
30 votes at the regularly scheduled election for such office.

31 (e) Abstracts of votes prepared pursuant to canvasses under
32 this Section shall report returns by precinct or ward.

33 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
34 94-647, eff. 1-1-06; revised 10-4-05.)

1 Sec. 24A-2. As used in this Article: "Computer", "Automatic
2 tabulating equipment" or "equipment" includes apparatus
3 necessary to automatically examine and count votes as
4 designated on ballots, and data processing machines which can
5 be used for counting ballots and tabulating results.

6 "Ballot card" means a ballot which is voted by the process
7 of punching.

8 "Ballot configuration" means the particular combination of
9 political subdivision ballots including, for each political
10 subdivision, the particular combination of offices, candidate
11 names and ballot position numbers for each candidate and
12 question as it appears for each group of voters who may cast
13 the same ballot.

14 "Ballot labels" means the cards, papers, booklet, pages or
15 other material containing the names of officers and candidates
16 and statements of measures to be voted on.

17 "Ballot sheet" means a paper ballot printed on one or both
18 sides which is (1) designed and prepared so that the voter may
19 indicate his or her votes in designated areas, which must be
20 enclosed areas clearly printed or otherwise delineated for such
21 purpose, and (2) capable of having votes marked in the
22 designated areas automatically examined, counted, and
23 tabulated by an electronic scanning process.

24 "Ballot" may include ballot cards, ballot labels and paper
25 ballots.

26 "Separate ballot", with respect to ballot sheets, means a
27 separate portion of the ballot sheet in which the color of the
28 ink used in printing that portion of the ballot sheet is
29 distinct from the color of the ink used in printing any other
30 portion of the ballot sheet.

31 "Column" in an electronic voting system which utilizes a
32 ballot card means a space on a ballot card for punching the
33 voter's vote arranged in a row running lengthwise on the ballot
34 card.

35 "Central Counting" means the counting of ballots in one or
36 more locations selected by the election authority for the

1 processing or counting, or both, of ballots. A location for
2 central counting shall be within the territorial jurisdiction
3 of such election authority unless there is no suitable
4 tabulating equipment available within his territorial
5 jurisdiction. However, in any event a counting location shall
6 be within this State.

7 "In-precinct counting" means the counting of ballots on
8 automatic tabulating equipment provided by the election
9 authority in the same precinct polling place in which those
10 ballots have been cast.

11 "Computer operator" means any person or persons designated
12 by the election authority to operate the automatic tabulating
13 equipment during any portion of the vote tallying process in an
14 election, but shall not include judges of election operating
15 vote tabulating equipment in the precinct.

16 "Computer program" or "program" means the set of operating
17 instructions for the automatic tabulating equipment by which it
18 examines, counts, tabulates, canvasses and prints votes
19 recorded by a voter on a ballot card or other medium.

20 "Edit listing" means a computer generated listing of the
21 names and ballot position numbers for each candidate and
22 proposition as they appear in the program for each precinct.

23 "Voting System" or "Electronic Voting System" means that
24 combination of equipment and programs used in the casting,
25 examination and tabulation of ballots and the cumulation and
26 reporting of results by electronic means.

27 "Header card" means a data processing card which is coded
28 to indicate to the computer the precinct identity of the ballot
29 cards that will follow immediately and may indicate to the
30 computer how such ballot cards are to be tabulated.

31 "Marking device" means either an apparatus in which ballots
32 or ballot cards are inserted and used in connection with a
33 punch apparatus for the piercing of ballots by the voter, or
34 any approved device for marking a paper ballot with ink or
35 other substance which will enable the ballot to be tabulated by
36 means of automatic tabulating equipment or by an electronic

1 scanning process.

2 "Redundant count" means a verification of the original
3 computer count by another count using compatible equipment or
4 by hand as part of a discovery recount.

5 "Security punch" means a punch placed on a ballot card to
6 identify to the computer program the offices and propositions
7 for which votes may be cast and to indicate the manner in which
8 votes cast should be tabulated while negating any inadmissible
9 ~~inadmissable~~ votes.

10 (Source: P.A. 86-867; revised 10-12-05.)

11 (10 ILCS 5/24B-9.1)

12 Sec. 24B-9.1. Examination of Votes by Electronic Precinct
13 Tabulation Optical Scan Technology Scanning Process or other
14 authorized electronic process; definition of a vote.

15 (a) Examination of Votes by Electronic Precinct Tabulation
16 Optical Scan Technology Scanning Process. Whenever a Precinct
17 Tabulation Optical Scan Technology process is used to
18 automatically examine and count the votes on ballot sheets, the
19 provisions of this Section shall apply. A voter shall cast a
20 proper vote on a ballot sheet by making a mark, or causing a
21 mark to be made, in the designated area for the casting of a
22 vote for any party or candidate or for or against any
23 proposition. For this purpose, a mark is an intentional
24 darkening of the designated area on the ballot, and not an
25 identifying mark.

26 (b) For any ballot sheet that does not register a vote for
27 one or more ballot positions on the ballot sheet on a
28 Electronic Precinct Tabulation Optical Scan Technology
29 Scanning Process, the following shall constitute a vote on the
30 ballot sheet:

31 (1) the designated area for casting a vote for a
32 particular ballot position on the ballot sheet is fully
33 darkened or shaded in;

34 (2) the designated area for casting a vote for a
35 particular ballot position on the ballot sheet is partially

1 darkened or shaded in;

2 (3) the designated area for casting a vote for a
3 particular ballot position on the ballot sheet contains a
4 dot or ".", a check, or a plus or "+"; ~~or~~

5 (4) the designated area for casting a vote for a
6 particular ballot position on the ballot sheet contains
7 some other type of mark that indicates the clearly
8 ascertainable intent of the voter to vote based on the
9 totality of the circumstances, including but not limited to
10 any pattern or frequency of marks on other ballot positions
11 from the same ballot sheet; or.

12 (5) the designated area for casting a vote for a
13 particular ballot position on the ballot sheet is not
14 marked, but the ballot sheet contains other markings
15 associated with a particular ballot position, such as
16 circling a candidate's name, that indicates the clearly
17 ascertainable intent of the voter to vote, based on the
18 totality of the circumstances, including but not limited
19 to, any pattern or frequency of markings on other ballot
20 positions from the same ballot sheet.

21 (c) For other electronic voting systems that use a computer
22 as the marking device to mark a ballot sheet, the bar code
23 found on the ballot sheet shall constitute the votes found on
24 the ballot. If, however, the county clerk or board of election
25 commissioners determines that the votes represented by the
26 tally on the bar code for one or more ballot positions is
27 inconsistent with the votes represented by numerical ballot
28 positions identified on the ballot sheet produced using a
29 computer as the marking device, then the numerical ballot
30 positions identified on the ballot sheet shall constitute the
31 votes for purposes of any official canvass or recount
32 proceeding. An electronic voting system that uses a computer as
33 the marking device to mark a ballot sheet shall be capable of
34 producing a ballot sheet that contains all numerical ballot
35 positions selected by the voter, and provides a place for the
36 voter to cast a write-in vote for a candidate for a particular

1 numerical ballot position.

2 (d) The election authority shall provide an envelope,
3 sleeve or other device to each voter so the voter can deliver
4 the voted ballot sheet to the counting equipment and ballot box
5 without the votes indicated on the ballot sheet being visible
6 to other persons in the polling place.

7 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

8 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

9 Sec. 28-2. (a) Except as otherwise provided in this
10 Section, petitions for the submission of public questions to
11 referendum must be filed with the appropriate officer or board
12 not less than 78 days prior to a regular election to be
13 eligible for submission on the ballot at such election; and
14 petitions for the submission of a question under Section 18-120
15 of the Property Tax Code must be filed with the appropriate
16 officer or board not more than 10 months nor less than 6 months
17 prior to the election at which such question is to be submitted
18 to the voters.

19 (b) However, petitions for the submission of a public
20 question to referendum which proposes the creation or formation
21 of a political subdivision must be filed with the appropriate
22 officer or board not less than 108 days prior to a regular
23 election to be eligible for submission on the ballot at such
24 election.

25 (c) Resolutions or ordinances of governing boards of
26 political subdivisions which initiate the submission of public
27 questions pursuant to law must be adopted not less than 65 days
28 before a regularly scheduled election to be eligible for
29 submission on the ballot at such election.

30 (d) A petition, resolution or ordinance initiating the
31 submission of a public question may specify a regular election
32 at which the question is to be submitted, and must so specify
33 if the statute authorizing the public question requires
34 submission at a particular election. However, no petition,
35 resolution or ordinance initiating the submission of a public

1 question, other than a legislative resolution initiating an
2 amendment to the Constitution, may specify such submission at
3 an election more than one year, or 15 months in the case of a
4 back door referendum as defined in subsection (f), after the
5 date on which it is filed or adopted, as the case may be. A
6 petition, resolution or ordinance initiating a public question
7 which specifies a particular election at which the question is
8 to be submitted shall be so limited, and shall not be valid as
9 to any other election, other than an emergency referendum
10 ordered pursuant to Section 2A-1.4.

11 (e) If a petition initiating a public question does not
12 specify a regularly scheduled election, the public question
13 shall be submitted to referendum at the next regular election
14 occurring not less than 78 days after the filing of the
15 petition, or not less than 108 days after the filing of a
16 petition for referendum to create a political subdivision. If a
17 resolution or ordinance initiating a public question does not
18 specify a regularly scheduled election, the public question
19 shall be submitted to referendum at the next regular election
20 occurring not less than 65 days after the adoption of the
21 resolution or ordinance.

22 (f) In the case of back door referenda, any limitations in
23 another statute authorizing such a referendum which restrict
24 the time in which the initiating petition may be validly filed
25 shall apply to such petition, in addition to the filing
26 deadlines specified in this Section for submission at a
27 particular election. In the case of any back door referendum,
28 the publication of the ordinance or resolution of the political
29 subdivision shall include a notice of (1) the specific number
30 of voters required to sign a petition requesting that a public
31 question be submitted to the voters of the subdivision; (2) the
32 time within which the petition must be filed; and (3) the date
33 of the prospective referendum. The secretary or clerk of the
34 political subdivision shall provide a petition form to any
35 individual requesting one. The legal sufficiency of that form,
36 if provided by the secretary or clerk of the political

1 subdivision, cannot be the basis of a challenge to placing the
 2 back door referendum on the ballot. As used herein, a "back
 3 door referendum" is the submission of a public question to the
 4 voters of a political subdivision, initiated by a petition of
 5 voters or residents of such political subdivision, to determine
 6 whether an action by the governing body of such subdivision
 7 shall be adopted or rejected.

8 (g) A petition for the incorporation or formation of a new
 9 political subdivision whose officers are to be elected rather
 10 than appointed must have attached to it an affidavit attesting
 11 that at least 108 days and no more than 138 days prior to such
 12 election notice of intention to file such petition was
 13 published in a newspaper published within the proposed
 14 political subdivision, or if none, in a newspaper of general
 15 circulation within the territory of the proposed political
 16 subdivision in substantially the following form:

17 NOTICE OF PETITION TO FORM A NEW.....

18 Residents of the territory described below are notified
 19 that a petition will or has been filed in the Office
 20 of.....requesting a referendum to establish a
 21 new....., to be called the.....

22 *The officers of the new.....will be elected on the
 23 same day as the referendum. Candidates for the governing board
 24 of the new.....may file nominating petitions with the officer
 25 named above until.....

26 The territory proposed to comprise the new.....is
 27 described as follows:

28 (description of territory included in petition)

29 (signature).....

30 Name and address of person or persons proposing
 31 the new political subdivision.

32 * Where applicable.

33 Failure to file such affidavit, or failure to publish the
 34 required notice with the correct information contained therein
 35 shall render the petition, and any referendum held pursuant to
 36 such petition, null and void.

1 Notwithstanding the foregoing provisions of this
2 subsection (g) or any other provisions of this Code, the
3 publication of notice and affidavit requirements of this
4 subsection (g) shall not apply to any petition filed under
5 Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any
6 referendum held pursuant to any such petition, and neither any
7 petition filed under any of those Articles nor any referendum
8 held pursuant to any such petition shall be rendered null and
9 void because of the failure to file an affidavit or publish a
10 notice with respect to the petition or referendum as required
11 under this subsection (g) for petitions that are not filed
12 under any of those Articles of the School Code.

13 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;
14 revised 8-19-05.)

15 (10 ILCS 5/1A-30 rep.)

16 Section 62. The Election Code is amended by repealing
17 Section 1A-30.

18 Section 65. The Attorney General Act is amended by changing
19 Section 4a as follows:

20 (15 ILCS 205/4a) (from Ch. 14, par. 4a)

21 Sec. 4a. Attorneys and investigators appointed by the
22 attorney general, and on his payroll, when authorized by the
23 attorney general or his designee, may expend such sums as the
24 attorney general or his designee deems necessary for the
25 purchase of items for evidence, the advancement of fees in
26 cases before United States ~~State~~ courts or other State courts,
27 and in the payment of witness or subpoena fees.

28 Funds for making expenditures authorized in this Section
29 shall be advanced from funds appropriated or made available by
30 law for the support or use of the office of attorney general or
31 vouchers therefor signed by the attorney general or his
32 designee. Sums so advanced may be paid to the attorney or
33 investigator authorized to receive the advancement, or may be

1 made payable to the ultimate recipient. Any expenditures under
2 this Section shall be audited by the auditor general as part of
3 any mandated audit conducted in compliance with Section 3-2 of
4 the Illinois State Auditing Act.

5 (Source: P.A. 84-438; revised 10-11-05.)

6 Section 70. The Secretary of State Act is amended by
7 changing Section 10 as follows:

8 (15 ILCS 305/10) (from Ch. 124, par. 10)

9 Sec. 10. Whenever any bill which has passed both houses of
10 the General Assembly, and is not approved, or vetoed and
11 returned by the Governor, or filed with his objection in the
12 office of the Secretary of State, as required by Section 9, of
13 Article IV, of the Constitution, it shall be the duty of the
14 Secretary of State to authenticate the same by a certificate
15 thereon, to the following effect, as the case may be:

16 "This bill having remained with the Governor 60
17 calendar days after it was presented to him, the General
18 Assembly being in session, ~~for~~ the Governor having failed
19 to return this bill to the General Assembly during its
20 session, and having failed to file it in my office, with
21 his objections, within such 60 calendar days, it has
22 thereby become a law.

23 Dated 19

24 Signature, Secretary of State".

25 (Source: P.A. 84-550; revised 9-24-03.)

26 Section 75. The Secretary of State Merit Employment Code is
27 amended by changing Section 10b.1 as follows:

28 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

29 Sec. 10b.1. ~~(a)~~ Competitive examinations.

30 (a) For open competitive examinations to test the relative
31 fitness of applicants for the respective positions. Tests shall
32 be designed to eliminate those who are not qualified for

1 entrance into the Office of the Secretary of State and to
2 discover the relative fitness of those who are qualified. The
3 Director may use any one of or any combination of the following
4 examination methods which in his judgment best serves this end:
5 investigation of education and experience; test of cultural
6 knowledge; test of capacity; test of knowledge; test of manual
7 skill; test of linguistic ability; test of character; test of
8 physical skill; test of psychological fitness. No person with a
9 record of misdemeanor convictions except those under Sections
10 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,
11 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
12 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
13 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
14 1961, or arrested for any cause but not convicted thereon shall
15 be disqualified from taking such examinations or subsequent
16 appointment unless the person is attempting to qualify for a
17 position which would give him the powers of a peace officer, in
18 which case the person's conviction or arrest record may be
19 considered as a factor in determining the person's fitness for
20 the position. All examinations shall be announced publicly at
21 least 2 weeks in advance of the date of examinations and may be
22 advertised through the press, radio or other media.

23 The Director may, at his discretion, accept the results of
24 competitive examinations conducted by any merit system
25 established by Federal law or by the law of any State, and may
26 compile eligible lists therefrom or may add the names of
27 successful candidates in examinations conducted by those merit
28 systems to existing eligible lists in accordance with their
29 respective ratings. No person who is a non-resident of the
30 State of Illinois may be appointed from those eligible lists,
31 however, unless the requirement that applicants be residents of
32 the State of Illinois is waived by the Director of Personnel
33 and unless there are less than 3 Illinois residents available
34 for appointment from the appropriate eligible list. The results
35 of the examinations conducted by other merit systems may not be
36 used unless they are comparable in difficulty and

1 comprehensiveness to examinations conducted by the Department
2 of Personnel for similar positions. Special linguistic options
3 may also be established where deemed appropriate.

4 (b) The Director of Personnel may require that each person
5 seeking employment with the Secretary of State, as part of the
6 application process, authorize an investigation to determine
7 if the applicant has ever been convicted of a crime and if so,
8 the disposition of those convictions; this authorization shall
9 indicate the scope of the inquiry and the agencies which may be
10 contacted. Upon this authorization, the Director of Personnel
11 may request and receive information and assistance from any
12 federal, state or local governmental agency as part of the
13 authorized investigation. The investigation shall be
14 undertaken after the fingerprinting of an applicant in the form
15 and manner prescribed by the Department of State Police. The
16 investigation shall consist of a criminal history records check
17 performed by the Department of State Police and the Federal
18 Bureau of Investigation, or some other entity that has the
19 ability to check the applicant's fingerprints against the
20 fingerprint records now and hereafter filed in the Department
21 of State Police and Federal Bureau of Investigation criminal
22 history records databases. If the Department of State Police
23 and the Federal Bureau of Investigation conduct an
24 investigation directly for the Secretary of State's Office,
25 then the Department of State Police shall charge a fee for
26 conducting the criminal history records check, which shall be
27 deposited in the State Police Services Fund and shall not
28 exceed the actual cost of the records check. The Department of
29 State Police shall provide information concerning any criminal
30 convictions, and their disposition, brought against the
31 applicant or prospective employee of the Secretary of State
32 upon request of the Department of Personnel when the request is
33 made in the form and manner required by the Department of State
34 Police. The information derived from this investigation,
35 including the source of this information, and any conclusions
36 or recommendations derived from this information by the

1 Director of Personnel shall be provided to the applicant or
2 prospective employee, or his designee, upon request to the
3 Director of Personnel prior to any final action by the Director
4 of Personnel on the application. No information obtained from
5 such investigation may be placed in any automated information
6 system. Any criminal convictions and their disposition
7 information obtained by the Director of Personnel shall be
8 confidential and may not be transmitted outside the Office of
9 the Secretary of State, except as required herein, and may not
10 be transmitted to anyone within the Office of the Secretary of
11 State except as needed for the purpose of evaluating the
12 application. The only physical identity materials which the
13 applicant or prospective employee can be required to provide
14 the Director of Personnel are photographs or fingerprints;
15 these shall be returned to the applicant or prospective
16 employee upon request to the Director of Personnel, after the
17 investigation has been completed and no copy of these materials
18 may be kept by the Director of Personnel or any agency to which
19 such identity materials were transmitted. Only information and
20 standards which bear a reasonable and rational relation to the
21 performance of an employee shall be used by the Director of
22 Personnel. The Secretary of State shall adopt rules and
23 regulations for the administration of this Section. Any
24 employee of the Secretary of State who gives or causes to be
25 given away any confidential information concerning any
26 criminal convictions and their disposition of an applicant or
27 prospective employee shall be guilty of a Class A misdemeanor
28 unless release of such information is authorized by this
29 Section.

30 (Source: P.A. 93-418, eff. 1-1-04; revised 10-9-03.)

31 Section 80. The Deposit of State Moneys Act is amended by
32 changing Section 11 as follows:

33 (15 ILCS 520/11) (from Ch. 130, par. 30)

34 Sec. 11. Protection of public deposits; eligible

1 collateral.

2 (a) For deposits not insured by an agency of the federal
3 government, the State Treasurer, in his or her discretion, may
4 accept as collateral any of the following classes of
5 securities, provided there has been no default in the payment
6 of principal or interest thereon:

7 (1) Bonds, notes, or other securities constituting
8 direct and general obligations of the United States, the
9 bonds, notes, or other securities constituting the direct
10 and general obligation of any agency or instrumentality of
11 the United States, the interest and principal of which is
12 unconditionally guaranteed by the United States, and
13 bonds, notes, or other securities or evidence of
14 indebtedness constituting the obligation of a U.S. agency
15 or instrumentality.

16 (2) Direct and general obligation bonds of the State of
17 Illinois or of any other state of the United States.

18 (3) Revenue bonds of this State or any authority,
19 board, commission, or similar agency thereof.

20 (4) Direct and general obligation bonds of any city,
21 town, county, school district, or other taxing body of any
22 state, the debt service of which is payable from general ad
23 valorem taxes.

24 (5) Revenue bonds of any city, town, county, or school
25 district of the State of Illinois.

26 (6) Obligations issued, assumed, or guaranteed by the
27 International Finance Corporation, the principal of which
28 is not amortized during the life of the obligation, but no
29 such obligation shall be accepted at more than 90% of its
30 market value.

31 (7) Illinois Affordable Housing Program Trust Fund
32 Bonds or Notes as defined in and issued pursuant to the
33 Illinois Housing Development Act.

34 (8) In an amount equal to at least market value of that
35 amount of funds deposited exceeding the insurance
36 limitation provided by the Federal Deposit Insurance

1 Corporation or the National Credit Union Administration or
2 other approved share insurer: (i) securities, (ii)
3 mortgages, (iii) letters of credit issued by a Federal Home
4 Loan Bank, or (iv) loans covered by a State Guarantee
5 ~~Guaranty~~ under the Illinois Farm Development Act, if that
6 guarantee has been assumed by the Illinois Finance
7 Authority under Section 845-75 of the Illinois Finance
8 Authority Act, and loans covered by a State Guarantee under
9 Article 830 of the Illinois Finance Authority Act.

10 (b) The State Treasurer may establish a system to aggregate
11 permissible securities received as collateral from financial
12 institutions in a collateral pool to secure State deposits of
13 the institutions that have pledged securities to the pool.

14 (c) The Treasurer may at any time declare any particular
15 security ineligible to qualify as collateral when, in the
16 Treasurer's judgment, it is deemed desirable to do so.

17 (d) Notwithstanding any other provision of this Section, as
18 security the State Treasurer may, in his discretion, accept a
19 bond, executed by a company authorized to transact the kinds of
20 business described in clause (g) of Section 4 of the Illinois
21 Insurance Code, in an amount not less than the amount of the
22 deposits required by this Section to be secured, payable to the
23 State Treasurer for the benefit of the People of the State of
24 Illinois, in a form that is acceptable to the State Treasurer.

25 (Source: P.A. 93-561, eff. 1-1-04; revised 10-17-03.)

26 Section 85. The Illinois Welfare and Rehabilitation
27 Services Planning Act is amended by changing Section 4 as
28 follows:

29 (20 ILCS 10/4) (from Ch. 127, par. 954)

30 Sec. 4. (a) Plans required by Section 3 shall be prepared
31 by and submitted on behalf of the following State agencies, and
32 may be prepared and submitted by another State Agency
33 designated by the Governor:

34 (1) the Department of Children and Family Services;

- 1 (2) the Department of Public Aid;
- 2 (3) the Department of Corrections;
- 3 (4) the Department of Human Services;
- 4 (5) (blank);
- 5 (6) the Department on ~~of~~ Aging;
- 6 (7) the Department of Public Health;
- 7 (8) the Department of Employment Security.

8 (b) The plans required by Section 3 of this Act shall be
9 co-ordinated with the plan adopted by the Department of Human
10 Services under Sections 48 through 52 of the Mental Health and
11 Developmental Disabilities Administrative Act and any plan
12 adopted, re-adopted or amended by the Department of Human
13 Services under those Sections shall be coordinated with plans
14 required under Section 3 of this Act.

15 (Source: P.A. 89-507, eff. 7-1-97; revised 8-30-05.)

16 Section 90. The Illinois Act on the Aging is amended by
17 changing Section 4.02 and by setting forth and renumbering
18 multiple versions of Section 4.12 as follows:

19 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

20 Sec. 4.02. The Department shall establish a program of
21 services to prevent unnecessary institutionalization of
22 persons age 60 and older in need of long term care or who are
23 established as persons who suffer from Alzheimer's disease or a
24 related disorder under the Alzheimer's Disease Assistance Act,
25 thereby enabling them to remain in their own homes or in other
26 living arrangements. Such preventive services, which may be
27 coordinated with other programs for the aged and monitored by
28 area agencies on aging in cooperation with the Department, may
29 include, but are not limited to, any or all of the following:

- 30 (a) home health services;
- 31 (b) home nursing services;
- 32 (c) homemaker services;
- 33 (d) chore and housekeeping services;
- 34 (e) day care services;

- 1 (f) home-delivered meals;
- 2 (g) education in self-care;
- 3 (h) personal care services;
- 4 (i) adult day health services;
- 5 (j) habilitation services;
- 6 (k) respite care;
- 7 (k-5) community reintegration services;
- 8 (l) other nonmedical social services that may enable
- 9 the person to become self-supporting; or
- 10 (m) clearinghouse for information provided by senior
- 11 citizen home owners who want to rent rooms to or share
- 12 living space with other senior citizens.

13 The Department shall establish eligibility standards for

14 such services taking into consideration the unique economic and

15 social needs of the target population for whom they are to be

16 provided. Such eligibility standards shall be based on the

17 recipient's ability to pay for services; provided, however,

18 that in determining the amount and nature of services for which

19 a person may qualify, consideration shall not be given to the

20 value of cash, property or other assets held in the name of the

21 person's spouse pursuant to a written agreement dividing

22 marital property into equal but separate shares or pursuant to

23 a transfer of the person's interest in a home to his spouse,

24 provided that the spouse's share of the marital property is not

25 made available to the person seeking such services.

26 Beginning July 1, 2002, the Department shall require as a

27 condition of eligibility that all financially eligible

28 applicants and recipients apply for medical assistance under

29 Article V of the Illinois Public Aid Code in accordance with

30 rules promulgated by the Department.

31 The Department shall, in conjunction with the Department of

32 Public Aid, seek appropriate amendments under Sections 1915 and

33 1924 of the Social Security Act. The purpose of the amendments

34 shall be to extend eligibility for home and community based

35 services under Sections 1915 and 1924 of the Social Security

36 Act to persons who transfer to or for the benefit of a spouse

1 those amounts of income and resources allowed under Section
2 1924 of the Social Security Act. Subject to the approval of
3 such amendments, the Department shall extend the provisions of
4 Section 5-4 of the Illinois Public Aid Code to persons who, but
5 for the provision of home or community-based services, would
6 require the level of care provided in an institution, as is
7 provided for in federal law. Those persons no longer found to
8 be eligible for receiving noninstitutional services due to
9 changes in the eligibility criteria shall be given 60 days
10 notice prior to actual termination. Those persons receiving
11 notice of termination may contact the Department and request
12 the determination be appealed at any time during the 60 day
13 notice period. With the exception of the lengthened notice and
14 time frame for the appeal request, the appeal process shall
15 follow the normal procedure. In addition, each person affected
16 regardless of the circumstances for discontinued eligibility
17 shall be given notice and the opportunity to purchase the
18 necessary services through the Community Care Program. If the
19 individual does not elect to purchase services, the Department
20 shall advise the individual of alternative services. The target
21 population identified for the purposes of this Section are
22 persons age 60 and older with an identified service need.
23 Priority shall be given to those who are at imminent risk of
24 institutionalization. The services shall be provided to
25 eligible persons age 60 and older to the extent that the cost
26 of the services together with the other personal maintenance
27 expenses of the persons are reasonably related to the standards
28 established for care in a group facility appropriate to the
29 person's condition. These non-institutional services, pilot
30 projects or experimental facilities may be provided as part of
31 or in addition to those authorized by federal law or those
32 funded and administered by the Department of Human Services.
33 The Departments of Human Services, Public Aid, Public Health,
34 Veterans' Affairs, and Commerce and Economic Opportunity and
35 other appropriate agencies of State, federal and local
36 governments shall cooperate with the Department on Aging in the

1 establishment and development of the non-institutional
2 services. The Department shall require an annual audit from all
3 chore/housekeeping and homemaker vendors contracting with the
4 Department under this Section. The annual audit shall assure
5 that each audited vendor's procedures are in compliance with
6 Department's financial reporting guidelines requiring an
7 administrative and employee wage and benefits cost split as
8 defined in administrative rules. The audit is a public record
9 under the Freedom of Information Act. The Department shall
10 execute, relative to the nursing home prescreening project,
11 written inter-agency agreements with the Department of Human
12 Services and the Department of Public Aid, to effect the
13 following: (1) intake procedures and common eligibility
14 criteria for those persons who are receiving non-institutional
15 services; and (2) the establishment and development of
16 non-institutional services in areas of the State where they are
17 not currently available or are undeveloped. On and after July
18 1, 1996, all nursing home prescreenings for individuals 60
19 years of age or older shall be conducted by the Department.

20 As part of the Department on Aging's routine training of
21 case managers and case manager supervisors, the Department may
22 include information on family futures planning for persons who
23 are age 60 or older and who are caregivers of their adult
24 children with developmental disabilities. The content of the
25 training shall be at the Department's discretion.

26 The Department is authorized to establish a system of
27 recipient copayment for services provided under this Section,
28 such copayment to be based upon the recipient's ability to pay
29 but in no case to exceed the actual cost of the services
30 provided. Additionally, any portion of a person's income which
31 is equal to or less than the federal poverty standard shall not
32 be considered by the Department in determining the copayment.
33 The level of such copayment shall be adjusted whenever
34 necessary to reflect any change in the officially designated
35 federal poverty standard.

36 The Department, or the Department's authorized

1 representative, shall recover the amount of moneys expended for
2 services provided to or in behalf of a person under this
3 Section by a claim against the person's estate or against the
4 estate of the person's surviving spouse, but no recovery may be
5 had until after the death of the surviving spouse, if any, and
6 then only at such time when there is no surviving child who is
7 under age 21, blind, or permanently and totally disabled. This
8 paragraph, however, shall not bar recovery, at the death of the
9 person, of moneys for services provided to the person or in
10 behalf of the person under this Section to which the person was
11 not entitled; provided that such recovery shall not be enforced
12 against any real estate while it is occupied as a homestead by
13 the surviving spouse or other dependent, if no claims by other
14 creditors have been filed against the estate, or, if such
15 claims have been filed, they remain dormant for failure of
16 prosecution or failure of the claimant to compel administration
17 of the estate for the purpose of payment. This paragraph shall
18 not bar recovery from the estate of a spouse, under Sections
19 1915 and 1924 of the Social Security Act and Section 5-4 of the
20 Illinois Public Aid Code, who precedes a person receiving
21 services under this Section in death. All moneys for services
22 paid to or in behalf of the person under this Section shall be
23 claimed for recovery from the deceased spouse's estate.
24 "Homestead", as used in this paragraph, means the dwelling
25 house and contiguous real estate occupied by a surviving spouse
26 or relative, as defined by the rules and regulations of the
27 Illinois Department of Public Aid, regardless of the value of
28 the property.

29 The Department shall develop procedures to enhance
30 availability of services on evenings, weekends, and on an
31 emergency basis to meet the respite needs of caregivers.
32 Procedures shall be developed to permit the utilization of
33 services in successive blocks of 24 hours up to the monthly
34 maximum established by the Department. Workers providing these
35 services shall be appropriately trained.

36 Beginning on the effective date of this Amendatory Act of

1 1991, no person may perform chore/housekeeping and homemaker
2 services under a program authorized by this Section unless that
3 person has been issued a certificate of pre-service to do so by
4 his or her employing agency. Information gathered to effect
5 such certification shall include (i) the person's name, (ii)
6 the date the person was hired by his or her current employer,
7 and (iii) the training, including dates and levels. Persons
8 engaged in the program authorized by this Section before the
9 effective date of this amendatory Act of 1991 shall be issued a
10 certificate of all pre- and in-service training from his or her
11 employer upon submitting the necessary information. The
12 employing agency shall be required to retain records of all
13 staff pre- and in-service training, and shall provide such
14 records to the Department upon request and upon termination of
15 the employer's contract with the Department. In addition, the
16 employing agency is responsible for the issuance of
17 certifications of in-service training completed to their
18 employees.

19 The Department is required to develop a system to ensure
20 that persons working as homemakers and chore housekeepers
21 receive increases in their wages when the federal minimum wage
22 is increased by requiring vendors to certify that they are
23 meeting the federal minimum wage statute for homemakers and
24 chore housekeepers. An employer that cannot ensure that the
25 minimum wage increase is being given to homemakers and chore
26 housekeepers shall be denied any increase in reimbursement
27 costs.

28 The Community Care Program Advisory Committee is created in
29 the Department on Aging. The Director shall appoint individuals
30 to serve in the Committee, who shall serve at their own
31 expense. Members of the Committee must abide by all applicable
32 ethics laws. The Committee shall advise the Department on
33 issues related to the Department's program of services to
34 prevent unnecessary institutionalization. The Committee shall
35 meet on a bi-monthly basis and shall serve to identify and
36 advise the Department on present and potential issues affecting

1 the service delivery network, the program's clients, and the
2 Department and to recommend solution strategies. Persons
3 appointed to the Committee shall be appointed on, but not
4 limited to, their own and their agency's experience with the
5 program, geographic representation, and willingness to serve.
6 The Committee shall include, but not be limited to,
7 representatives from the following agencies and organizations:

8 (a) at least 4 adult day service representatives;

9 (b) at least 4 case coordination unit representatives;

10 (c) at least 4 representatives from in-home direct care
11 service agencies;

12 (d) at least 2 representatives of statewide trade or
13 labor unions that represent in-home direct care service
14 staff;

15 (e) at least 2 representatives of Area Agencies on
16 Aging;

17 (f) at least 2 non-provider representatives from a
18 policy, advocacy, research, or other service organization;

19 (g) at least 2 representatives from a statewide
20 membership organization for senior citizens; and

21 (h) at least 2 citizen members 60 years of age or
22 older.

23 Nominations may be presented from any agency or State
24 association with interest in the program. The Director, or his
25 or her designee, shall serve as the permanent co-chair of the
26 advisory committee. One other co-chair shall be nominated and
27 approved by the members of the committee on an annual basis.
28 Committee members' terms of appointment shall be for 4 years
29 with one-quarter of the appointees' terms expiring each year.
30 At no time may a member serve more than one consecutive term in
31 any capacity on the committee. The Department shall fill
32 vacancies that have a remaining term of over one year, and this
33 replacement shall occur through the annual replacement of
34 expiring terms. The Director shall designate Department staff
35 to provide technical assistance and staff support to the
36 committee. Department representation shall not constitute

1 membership of the committee. All Committee papers, issues,
2 recommendations, reports, and meeting memoranda are advisory
3 only. The Director, or his or her designee, shall make a
4 written report, as requested by the Committee, regarding issues
5 before the Committee.

6 The Department on Aging and the Department of Human
7 Services shall cooperate in the development and submission of
8 an annual report on programs and services provided under this
9 Section. Such joint report shall be filed with the Governor and
10 the General Assembly on or before September 30 each year.

11 The requirement for reporting to the General Assembly shall
12 be satisfied by filing copies of the report with the Speaker,
13 the Minority Leader and the Clerk of the House of
14 Representatives and the President, the Minority Leader and the
15 Secretary of the Senate and the Legislative Research Unit, as
16 required by Section 3.1 of the General Assembly Organization
17 Act and filing such additional copies with the State Government
18 Report Distribution Center for the General Assembly as is
19 required under paragraph (t) of Section 7 of the State Library
20 Act.

21 Those persons previously found eligible for receiving
22 non-institutional services whose services were discontinued
23 under the Emergency Budget Act of Fiscal Year 1992, and who do
24 not meet the eligibility standards in effect on or after July
25 1, 1992, shall remain ineligible on and after July 1, 1992.
26 Those persons previously not required to cost-share and who
27 were required to cost-share effective March 1, 1992, shall
28 continue to meet cost-share requirements on and after July 1,
29 1992. Beginning July 1, 1992, all clients will be required to
30 meet eligibility, cost-share, and other requirements and will
31 have services discontinued or altered when they fail to meet
32 these requirements.

33 (Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48,
34 eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05;
35 revised 8-19-05.)

1 (20 ILCS 105/4.12)

2 Sec. 4.12. Assistance to nursing home residents.

3 (a) The Department on Aging shall assist eligible nursing
4 home residents and their families to select long-term care
5 options that meet their needs and reflect their preferences. At
6 any time during the process, the resident or his or her
7 representative may decline further assistance.

8 (b) To provide assistance, the Department shall develop a
9 program of transition services with follow-up in selected areas
10 of the State, to be expanded statewide as funding becomes
11 available. The program shall be developed in consultation with
12 nursing homes, case managers, Area Agencies on Aging, and
13 others interested in the well-being of frail elderly Illinois
14 residents. The Department shall establish administrative rules
15 pursuant to the Illinois Administrative Procedure Act with
16 respect to resident eligibility, assessment of the resident's
17 health, cognitive, social, and financial needs, development of
18 comprehensive service transition plans, and the level of
19 services that must be available prior to transition of a
20 resident into the community.

21 (Source: P.A. 93-902, eff. 8-10-04.)

22 (20 ILCS 105/4.13)

23 Sec. 4.13 ~~4.12~~. Older Adult Services Act. The Department
24 shall implement the Older Adult Services Act.

25 (Source: P.A. 93-1031, eff. 8-27-04; revised 11-03-04.)

26 Section 95. The State Fair Act is amended by changing
27 Section 7 as follows:

28 (20 ILCS 210/7) (from Ch. 127, par. 1707)

29 Sec. 7. During the period when each State Fairgrounds is
30 not used for the annual State Fair, the Department shall make
31 all efforts to promote its use by the public for purposes that
32 the facilities can accommodate. The Department may charge and
33 collect for the use of each State Fairgrounds and its

1 facilities. The Department may negotiate and enter into
2 contracts for activities and use of facilities. The criteria
3 for such contracts shall be established by rule.

4 The Department also shall have the authority to arrange,
5 organize, and hold events on each State Fairgrounds and in any
6 facilities on each State Fairgrounds for any purpose that the
7 facilities and State Fairgrounds can accommodate ~~accomodate~~.
8 The Department may charge and collect fees associated with the
9 events.

10 (Source: P.A. 93-267, eff. 7-22-03; revised 10-11-05.)

11 Section 100. The Department of Central Management Services
12 Law of the Civil Administrative Code of Illinois is amended by
13 changing Section 405-270 as follows:

14 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

15 Sec. 405-270. Communications services. To provide for and
16 co-ordinate communications services for State agencies and,
17 when requested and when in the best interests of the State, for
18 units of federal or local governments and public and
19 not-for-profit institutions of primary, secondary, and higher
20 education. The Department may make use of its satellite uplink
21 available to interested parties not associated with State
22 government provided that State government usage shall have
23 first priority. For this purpose the Department shall have the
24 power and duty to do all of the following:

25 (1) Provide for and control the procurement,
26 retention, installation, and maintenance of communications
27 equipment or services used by State agencies in the
28 interest of efficiency and economy.

29 (2) Establish standards by January 1, 1989 for
30 communications services for State agencies which shall
31 include a minimum of one telecommunication device for the
32 deaf installed and operational within each State agency, to
33 provide public access to agency information for those
34 persons who are hearing or speech impaired. The Department

1 shall consult the Department of Human Services to develop
2 standards and implementation for this equipment.

3 (3) Establish charges (i) for communication services
4 for State agencies and, when requested, for units of
5 federal or local government and public and not-for-profit
6 institutions of primary, secondary, or higher education
7 and (ii) for use of the Department's satellite uplink by
8 parties not associated with State government. Entities
9 charged for these services shall reimburse the Department.

10 (4) Instruct all State agencies to report their usage
11 of communication services regularly to the Department in
12 the manner the Director may prescribe.

13 (5) Analyze the present and future aims and needs of
14 all State agencies in the area of communications services
15 and plan to serve those aims and needs in the most
16 effective and efficient manner.

17 (6) Provide services, including, but not limited to,
18 telecommunications, video recording, satellite uplink,
19 public information, and other communications services.

20 (7) Establish the administrative organization within
21 the Department that is required to accomplish the purpose
22 of this Section.

23 The Department is authorized to conduct a study for the
24 purpose of determining technical, engineering, and management
25 specifications for the networking, compatible connection, or
26 shared use of existing and future public and private owned
27 television broadcast and reception facilities, including but
28 not limited to terrestrial microwave, fiber optic, and
29 satellite, for broadcast and reception of educational,
30 governmental, and business programs, and to implement those
31 specifications.

32 However, the Department may not control or interfere with
33 the input of content into the telecommunications systems by the
34 several State agencies or units of federal or local government,
35 or public or not-for-profit institutions of primary,
36 secondary, and higher education, or users of the Department's

1 satellite uplink.

2 As used in this Section, the term "State agencies" means
3 all departments, officers, commissions, boards, institutions,
4 and bodies politic and corporate of the State except (i) the
5 judicial branch, including, without limitation, the several
6 courts of the State, the offices of the clerk of the supreme
7 court and the clerks of the appellate court, and the
8 Administrative Office of the Illinois Courts and (ii) the
9 General Assembly, legislative service agencies, and all
10 officers of the General Assembly.

11 (Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; revised
12 8-19-05.)

13 Section 105. The Children and Family Services Act is
14 amended by changing Section 7 as follows:

15 (20 ILCS 505/7) (from Ch. 23, par. 5007)

16 Sec. 7. Placement of children; considerations.

17 (a) In placing any child under this Act, the Department
18 shall place such child, as far as possible, in the care and
19 custody of some individual holding the same religious belief as
20 the parents of the child, or with some child care facility
21 which is operated by persons of like religious faith as the
22 parents of such child.

23 (b) In placing a child under this Act, the Department may
24 place a child with a relative if the Department has reason to
25 believe that the relative will be able to adequately provide
26 for the child's safety and welfare. The Department may not
27 place a child with a relative, with the exception of certain
28 circumstances which may be waived as defined by the Department
29 in rules, if the results of a check of the Law Enforcement
30 Agencies ~~Agency~~ Data System (LEADS) identifies a prior criminal
31 conviction of the relative or any adult member of the
32 relative's household for any of the following offenses under
33 the Criminal Code of 1961:

34 (1) murder;

- 1 (1.1) solicitation of murder;
- 2 (1.2) solicitation of murder for hire;
- 3 (1.3) intentional homicide of an unborn child;
- 4 (1.4) voluntary manslaughter of an unborn child;
- 5 (1.5) involuntary manslaughter;
- 6 (1.6) reckless homicide;
- 7 (1.7) concealment of a homicidal death;
- 8 (1.8) involuntary manslaughter of an unborn child;
- 9 (1.9) reckless homicide of an unborn child;
- 10 (1.10) drug-induced homicide;
- 11 (2) a sex offense under Article 11, except offenses
- 12 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 13 (3) kidnapping;
- 14 (3.1) aggravated unlawful restraint;
- 15 (3.2) forcible detention;
- 16 (3.3) aiding and abetting child abduction;
- 17 (4) aggravated kidnapping;
- 18 (5) child abduction;
- 19 (6) aggravated battery of a child;
- 20 (7) criminal sexual assault;
- 21 (8) aggravated criminal sexual assault;
- 22 (8.1) predatory criminal sexual assault of a child;
- 23 (9) criminal sexual abuse;
- 24 (10) aggravated sexual abuse;
- 25 (11) heinous battery;
- 26 (12) aggravated battery with a firearm;
- 27 (13) tampering with food, drugs, or cosmetics;
- 28 (14) drug-induced infliction of great bodily harm;
- 29 (15) aggravated stalking;
- 30 (16) home invasion;
- 31 (17) vehicular invasion;
- 32 (18) criminal transmission of HIV;
- 33 (19) criminal abuse or neglect of an elderly or
- 34 disabled person;
- 35 (20) child abandonment;
- 36 (21) endangering the life or health of a child;

1 (22) ritual mutilation;

2 (23) ritualized abuse of a child;

3 (24) an offense in any other state the elements of
4 which are similar and bear a substantial relationship to
5 any of the foregoing offenses.

6 For the purpose of this subsection, "relative" shall include
7 any person, 21 years of age or over, other than the parent, who
8 (i) is currently related to the child in any of the following
9 ways by blood or adoption: grandparent, sibling,
10 great-grandparent, uncle, aunt, nephew, niece, first cousin,
11 second cousin, godparent, great-uncle, or great-aunt; or (ii)
12 is the spouse of such a relative; or (iii) is the child's
13 step-father, step-mother, or adult step-brother or
14 step-sister; "relative" also includes a person related in any
15 of the foregoing ways to a sibling of a child, even though the
16 person is not related to the child, when the child and its
17 sibling are placed together with that person. A relative with
18 whom a child is placed pursuant to this subsection may, but is
19 not required to, apply for licensure as a foster family home
20 pursuant to the Child Care Act of 1969; provided, however, that
21 as of July 1, 1995, foster care payments shall be made only to
22 licensed foster family homes pursuant to the terms of Section 5
23 of this Act.

24 (c) In placing a child under this Act, the Department shall
25 ensure that the child's health, safety, and best interests are
26 met in making a family foster care placement. The Department
27 shall consider the individual needs of the child and the
28 capacity of the prospective foster or adoptive parents to meet
29 the needs of the child. When a child must be placed outside his
30 or her home and cannot be immediately returned to his or her
31 parents or guardian, a comprehensive, individualized
32 assessment shall be performed of that child at which time the
33 needs of the child shall be determined. Only if race, color, or
34 national origin is identified as a legitimate factor in
35 advancing the child's best interests shall it be considered.
36 Race, color, or national origin shall not be routinely

1 considered in making a placement decision. The Department shall
2 make special efforts for the diligent recruitment of potential
3 foster and adoptive families that reflect the ethnic and racial
4 diversity of the children for whom foster and adoptive homes
5 are needed. "Special efforts" shall include contacting and
6 working with community organizations and religious
7 organizations and may include contracting with those
8 organizations, utilizing local media and other local
9 resources, and conducting outreach activities.

10 (c-1) At the time of placement, the Department shall
11 consider concurrent planning, as described in subsection (1-1)
12 of Section 5, so that permanency may occur at the earliest
13 opportunity. Consideration should be given so that if
14 reunification fails or is delayed, the placement made is the
15 best available placement to provide permanency for the child.

16 (d) The Department may accept gifts, grants, offers of
17 services, and other contributions to use in making special
18 recruitment efforts.

19 (e) The Department in placing children in adoptive or
20 foster care homes may not, in any policy or practice relating
21 to the placement of children for adoption or foster care,
22 discriminate against any child or prospective adoptive or
23 foster parent on the basis of race.

24 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02; 92-334,
25 eff. 8-10-01; 92-651, eff. 7-11-02; revised 2-17-03.)

26 Section 110. The Illinois Renewable Fuels Development
27 Program Act is amended by renumbering Section 905 as follows:

28 (20 ILCS 689/95) (was 20 ILCS 689/905)

29 Sec. 95. ~~905.~~ (Amendatory provisions; text omitted).

30 (Source: P.A. 93-15, eff. 6-11-03; text omitted; revised
31 8-1-03.)

32 Section 115. The Rural Diversification Act is amended by
33 changing Section 2 as follows:

1 (20 ILCS 690/2) (from Ch. 5, par. 2252)

2 Sec. 2. Findings and declaration of policy. The General
3 Assembly hereby finds, determines and declares:

4 (a) That Illinois is a state of diversified economic
5 strength and that an important economic strength in Illinois is
6 derived from rural business production and the agribusiness
7 industry;

8 (b) That the Illinois rural economy is in a state of
9 transition, which presents a unique opportunity for the State
10 to act on its growth and development;

11 (c) That full and continued growth and development of
12 Illinois' rural economy, especially in the small towns and farm
13 communities, is vital for Illinois;

14 (d) That by encouraging the development of diversified
15 rural business and agricultural production, nonproduction and
16 processing activities in Illinois, the State creates a
17 beneficial climate for new and improved job opportunities for
18 its citizens and expands jobs and job training opportunities;

19 (e) That in order to cultivate strong rural economic growth
20 and development in Illinois, it is necessary to proceed with a
21 plan which encourages Illinois rural businesses and
22 agribusinesses to expand business employment opportunities
23 through diversification of business and industries, offers
24 managerial, technical and financial assistance to or on behalf
25 of rural businesses and agribusiness, and works in a
26 cooperative venture and spirit with Illinois' business, labor,
27 local government, educational and scientific communities;

28 (f) That dedication of State resources over a multi-year
29 period targeted to promoting the growth and development of one
30 or more classes of diversified rural products, particularly new
31 agricultural products, is an effective use of State funds;

32 (g) That the United States Congress, having identified
33 similar needs and purposes has enacted legislation creating the
34 United States Department of Agriculture/Farmers Home
35 Administration Non-profit National Finance Corporations Loan

1 and Grant Program and made funding available to the states
2 consistent with the purposes of this Act.

3 (h) That the Illinois General Assembly has enacted "Rural
4 Revival" and a series of "Harvest the Heartland" initiatives
5 which create within the Illinois Finance Authority a "Seed
6 Capital Fund" to provide venture capital for emerging new
7 agribusinesses, and to help coordinate cooperative research
8 and development on new agriculture technologies in conjunction
9 with the Agricultural Research and Development Consortium in
10 Peoria, the United States ~~State~~ Department of Agriculture
11 Northern Regional Research Laboratory in Peoria, the
12 institutions of higher learning in Illinois, and the
13 agribusiness community of this State, identify the need for
14 enhanced efforts by the State to promote the use of fuels
15 utilizing ethanol made from Illinois grain, and promote
16 forestry development in this State; and

17 (i) That there is a need to coordinate the many programs
18 offered by the State of Illinois Departments of Agriculture,
19 Commerce and Economic Opportunity ~~Community Affairs~~, and
20 Natural Resources, and the Illinois Finance Authority that are
21 targeted to agriculture and the rural community with those
22 offered by the federal government. Therefore it is desirable
23 that the fullest measure of coordination and integration of the
24 programs offered by the various state agencies and the federal
25 government be achieved.

26 (Source: P.A. 93-205, eff. 1-1-04; revised 10-11-05.)

27 Section 120. The Department of Natural Resources Act is
28 amended by setting forth and renumbering multiple versions of
29 Section 1-30 as follows:

30 (20 ILCS 801/1-30)

31 Sec. 1-30. Badges. The Director must authorize to each
32 Conservation Police Officer and to any other employee of the
33 Department exercising the powers of a peace officer a distinct
34 badge that, on its face, (i) clearly states that the badge is

1 authorized by the Department and (ii) contains a unique
2 identifying number. No other badge shall be authorized by the
3 Department. Nothing in this Section prohibits the Director from
4 issuing shields or other distinctive identification to
5 employees not exercising the powers of a peace officer if the
6 Director determines that a shield or distinctive
7 identification is needed by the employee to carry out his or
8 her responsibilities.

9 (Source: P.A. 93-423, eff. 8-5-03.)

10 (20 ILCS 801/1-35)

11 Sec. 1-35. ~~1-30.~~ Aquifer study. The Department shall
12 conduct a study to (i) develop an understanding of the geology
13 of each aquifer in the State; (ii) determine the groundwater
14 flow through the geologic units and the interaction of the
15 groundwater with surface waters; (iii) analyze current
16 groundwater withdrawals; and (iv) determine the chemistry of
17 the geologic units and the groundwater in those units. Based
18 upon information obtained from the study, the Department shall
19 develop geologic and groundwater flow models for each
20 underground aquifer in the State showing the impact of adding
21 future wells or of future groundwater withdrawals.

22 (Source: P.A. 93-608, eff. 11-20-03; revised 1-10-04.)

23 Section 125. The Department of Natural Resources
24 (Conservation) Law of the Civil Administrative Code of Illinois
25 is amended by changing Section 805-265 as follows:

26 (20 ILCS 805/805-265) (was 20 ILCS 805/63a39)

27 Sec. 805-265. Public utility easement on Tunnel Hill
28 Bicycle Trail. The Department has the power to grant a public
29 utility easement in the Saline Valley Conservancy ~~Conservance~~
30 District on the Tunnel Hill Bicycle Trail for construction and
31 maintenance of a waterline, subject to terms and conditions
32 determined by the Department.

33 (Source: P.A. 91-239, eff. 1-1-00; revised 10-11-05.)

1 Section 130. The Energy Conservation and Coal Development
2 Act is amended by changing Section 15 as follows:

3 (20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

4 Sec. 15. (a) The Department, in cooperation with the
5 Illinois Finance Authority, shall establish a program to assist
6 units of local government, as defined in the Illinois Finance
7 Authority Act, to identify and arrange financing for energy
8 conservation projects for buildings and facilities owned or
9 leased by those units of local government.

10 (b) The Department, in cooperation with the Illinois
11 Finance Authority, shall establish a program to assist health
12 facilities to identify and arrange financing for energy
13 conservation projects for buildings and facilities owned or
14 leased by those health facilities.

15 (Source: P.A. 93-205 (Sections 890-4 and 890-39), eff. 1-1-04;
16 revised 9-23-03.)

17 Section 135. The Department of Human Services Act is
18 amended by setting forth and renumbering multiple versions of
19 Sections 10-8 and 10-35 as follows:

20 (20 ILCS 1305/10-8)

21 Sec. 10-8. The Autism Research Fund; grants; scientific
22 review committee. The Autism Research Fund is created as a
23 special fund in the State treasury. From appropriations to the
24 Department from the Fund, the Department must make grants to
25 public or private entities in Illinois for the purpose of
26 funding research concerning the disorder of autism. For
27 purposes of this Section, the term "research" includes, without
28 limitation, expenditures to develop and advance the
29 understanding, techniques, and modalities effective in the
30 detection, prevention, screening, and treatment of autism and
31 may include clinical trials. No more than 20% of the grant
32 funds may be used for institutional overhead costs, indirect

1 costs, other organizational levies, or costs of
2 community-based support services.

3 Moneys received for the purposes of this Section,
4 including, without limitation, income tax checkoff receipts
5 and gifts, grants, and awards from any public or private
6 entity, must be deposited into the Fund. Any interest earned on
7 moneys in the Fund must be deposited into the Fund.

8 Each year, grantees of the grants provided under this
9 Section must submit a written report to the Department that
10 sets forth the types of research that is conducted with the
11 grant moneys and the status of that research.

12 The Department shall promulgate rules for the creation of a
13 scientific review committee to review and assess applications
14 for the grants authorized under this Section. The Committee
15 shall serve without compensation.

16 (Source: P.A. 94-442, eff. 8-4-05.)

17 (20 ILCS 1305/10-9)

18 Sec. 10-9 ~~10-8~~. The Diabetes Research Checkoff Fund;
19 grants. The Diabetes Research Checkoff Fund is created as a
20 special fund in the State treasury. From appropriations to the
21 Department from the Fund, the Department must make grants to
22 public or private entities in Illinois for the purpose of
23 funding research concerning the disease of diabetes. At least
24 50% of the grants made from the Fund by the Department must be
25 made to entities that conduct research for juvenile diabetes.
26 For purposes of this Section, the term "research" includes,
27 without limitation, expenditures to develop and advance the
28 understanding, techniques, and modalities effective in the
29 detection, prevention, screening, and treatment of diabetes
30 and may include clinical trials.

31 Moneys received for the purposes of this Section,
32 including, without limitation, income tax checkoff receipts
33 and gifts, grants, and awards from any public or private
34 entity, must be deposited into the Fund. Any interest earned on
35 moneys in the Fund must be deposited into the Fund.

1 (Source: P.A. 94-107, eff. 7-1-05; revised 9-27-05.)

2 (20 ILCS 1305/10-35)

3 Sec. 10-35. Folic acid; public information campaign. The
4 Department, in consultation with the Department of Public
5 Health, shall conduct a public information campaign to (i)
6 educate women about the benefits of consuming folic acid before
7 and during pregnancy to improve their chances of having a
8 healthy baby and (ii) increase the consumption of folic acid by
9 women of child-bearing age. The campaign must include
10 information about the sources of folic acid.

11 (Source: P.A. 93-84, eff. 1-1-04.)

12 (20 ILCS 1305/10-40)

13 Sec. 10-40 ~~10-35~~. Recreational programs; handicapped;
14 grants. The Department of Human Services, subject to
15 appropriation, may make grants to special recreation
16 associations for the operation of recreational programs for the
17 handicapped, including both physically and mentally
18 handicapped, and transportation to and from those programs. The
19 grants should target unserved or underserved populations, such
20 as persons with brain injuries, persons who are medically
21 fragile, and adults who have acquired disabling conditions. The
22 Department must adopt rules to implement the grant program.

23 (Source: P.A. 93-107, eff. 7-8-03; revised 9-24-03.)

24 (20 ILCS 1305/10-45)

25 Sec. 10-45 ~~10-35~~. Hispanic/Latino Teen Pregnancy
26 Prevention and Intervention Initiative.

27 (a) The Department is authorized to establish a
28 Hispanic/Latino Teen Pregnancy Prevention and Intervention
29 Initiative program.

30 (b) As a part of the program established under subsection
31 (a), the Department is authorized to award a grant to a
32 qualified entity for the purpose of conducting research,
33 education, and prevention activities to reduce pregnancy among

1 Hispanic teenagers.

2 (Source: P.A. 93-515, eff. 1-1-04; revised 9-24-03.)

3 Section 140. The Illinois Lottery Law is amended by
4 changing Sections 2, 20, and 21.6 as follows:

5 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

6 Sec. 2. This Act is enacted to implement and establish
7 within the State a lottery to be operated by the State, the
8 entire net proceeds of which are to be used for the support of
9 the State's Common School Fund, except as provided in Sections
10 21.2, ~~and~~ 21.5, and 21.6.

11 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
12 revised 8-23-05.)

13 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

14 Sec. 20. State Lottery Fund.

15 (a) There is created in the State Treasury a special fund
16 to be known as the "State Lottery Fund". Such fund shall
17 consist of all revenues received from (1) the sale of lottery
18 tickets or shares, (net of commissions, fees representing those
19 expenses that are directly proportionate to the sale of tickets
20 or shares at the agent location, and prizes of less than \$600
21 which have been validly paid at the agent level), (2)
22 application fees, and (3) all other sources including moneys
23 credited or transferred thereto from any other fund or source
24 pursuant to law. Interest earnings of the State Lottery Fund
25 shall be credited to the Common School Fund.

26 (b) The receipt and distribution of moneys under Section
27 21.5 of this Act shall be in accordance with Section 21.5.

28 (c) ~~(b)~~ The receipt and distribution of moneys under
29 Section 21.6 of this Act shall be in accordance with Section
30 21.6.

31 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
32 revised 8-19-05.)

1 (20 ILCS 1605/21.6)

2 Sec. 21.6. Scratch-off for Illinois veterans.

3 (a) The Department shall offer a special instant
4 scratch-off game for the benefit of Illinois veterans. The game
5 shall commence on January 1, 2006 or as soon thereafter, at the
6 discretion of the Director, as is reasonably practical. The
7 operation of the game shall be governed by this Act and any
8 rules adopted by the Department. If any provision of this
9 Section is inconsistent with any other provision of this Act,
10 then this Section governs.

11 (b) The Illinois Veterans Assistance Fund is created as a
12 special fund in the State treasury. The net revenue from the
13 Illinois veterans scratch-off game shall be deposited into the
14 Fund for appropriation by the General Assembly solely to the
15 Department of Veterans Affairs for making grants, funding
16 additional services, or conducting additional research
17 projects relating to:

18 (i) veterans' post traumatic stress disorder;

19 (ii) veterans' homelessness;

20 (iii) the health insurance costs of veterans;

21 (iv) veterans' disability benefits, including but not
22 limited to, disability benefits provided by veterans
23 service organizations and veterans assistance commissions
24 or centers; and

25 (v) the long-term care of veterans.

26 Moneys collected from the special instant scratch-off game
27 shall be used only as a supplemental financial resource and
28 shall not supplant existing moneys that the Department of
29 Veterans Affairs may currently expend for the purposes set
30 forth in items (i) through (v) ~~(i-v)~~.

31 Moneys received for the purposes of this Section,
32 including, without limitation, net revenue from the special
33 instant scratch-off game and from gifts, grants, and awards
34 from any public or private entity, must be deposited into the
35 Fund. Any interest earned on moneys in the Fund must be
36 deposited into the Fund.

1 For purposes of this subsection, "net revenue" means the
2 total amount for which tickets have been sold less the sum of
3 the amount paid out in the prizes and the actual administrative
4 expenses of the Department solely related to the scratch-off
5 game under this Section.

6 (c) During the time that tickets are sold for the Illinois
7 veterans scratch-off game, the Department shall not
8 unreasonably diminish the efforts devoted to marketing any
9 other instant scratch-off lottery game.

10 (d) The Department may adopt any rules necessary to
11 implement and administer the provisions of this Section.

12 (Source: P.A. 94-585, eff. 8-15-05; revised 9-6-05.)

13 Section 145. The Mental Health and Developmental
14 Disabilities Administrative Act is amended by changing Section
15 33.3 as follows:

16 (20 ILCS 1705/33.3) (from Ch. 91 1/2, par. 100-33.3)

17 Sec. 33.3. (a) The Department may develop an annual plan
18 for staff training. The plan shall establish minimum training
19 objectives and time frames and shall be based on the assessment
20 of needs of direct treatment staff. The plan shall be developed
21 using comments from employee representative organizations and
22 State and national professional and advocacy groups. The
23 training plan shall be available for public review and comment.

24 (b) A centralized pre-service training curriculum shall be
25 developed for classifications of employees of State-operated
26 facilities who have responsibility for direct patient care and
27 whose professional training and experience does not
28 substantially include the minimum training required under this
29 Section, as determined by the Department. The plan shall
30 address, at a minimum, the following areas:

31 (1) Crisis intervention;

32 (2) Communication (interpersonal theory, active
33 listening and observing);

34 (3) Group process and group dynamics;

1 (4) Diagnosis, management, treatment and discharge
2 planning;

3 (5) Psychotherapeutic and psychopharmacological
4 psychosocial approaches;

5 (6) Community resources;

6 (7) Specialized skills for: long-term treatment,
7 teaching activities of daily living skills (e.g.,
8 grooming), psychosocial rehabilitation, and schizophrenia
9 and the aged, dual-diagnosed, young, and chronic;

10 (8) The Mental Health and Developmental Disabilities
11 Code;

12 (9) The Mental Health and Developmental Disabilities
13 Confidentiality Act;

14 (10) Physical intervention techniques;

15 (11) Aggression management;

16 (12) Cardiopulmonary resuscitation;

17 (13) Social assessment training;

18 (14) Suicide prevention and intervention;

19 (15) Tardive dyskinesia ~~dyskensia~~;

20 (16) Fire safety;

21 (17) Acquired immunodeficiency syndrome (AIDS);

22 (18) Toxic substances;

23 (19) The detection and reporting of suspected
24 recipient abuse and neglect; and

25 (20) Methods of avoiding or reducing injuries in
26 connection with delivery of services.

27 (c) Each program shall establish a unit-specific
28 orientation which details the types of patients served, rules,
29 treatment strategies, response to medical emergencies,
30 policies and procedures, seclusion, restraint for special need
31 recipients, and community resources.

32 (d) The plan shall provide for in-service and any other
33 necessary training for direct service staff and shall include a
34 system for verification of completion. Pre-service training
35 shall be completed within 6 months after beginning employment,
36 as a condition of continued employment and as a prerequisite to

1 contact with recipients of services, except in the course of
2 supervised on-the-job training that may be a component of the
3 training plan. The plan may also require additional training in
4 relation to changes in employee work assignments and job
5 classifications of professional and direct service staff.

6 Direct care staff shall be trained in methods of
7 communicating with recipients who are not verbal, including
8 discerning signs of discomfort or medical problems experienced
9 by a recipient. Facility administrators also shall receive such
10 training, to ensure that facility operations are adapted to the
11 needs of mentally disabled recipients.

12 (e) To facilitate training, the Department may develop at
13 least 2 training offices, one serving State-operated
14 facilities located in the Chicago metropolitan area and the
15 second serving other facilities operated by the Department.
16 These offices shall develop and conduct the pre-service and
17 in-service training programs required by this Section and
18 coordinate other training required by the Department.

19 (Source: P.A. 86-1013; revised 10-11-05.)

20 Section 150. The Military Code of Illinois is amended by
21 changing Section 28.6 as follows:

22 (20 ILCS 1805/28.6)

23 (Text of Section before amendment by P.A. 94-359)

24 Sec. 28.6. Policy.

25 (a) A member of the Army National Guard or the Air National
26 Guard may be ordered to funeral honors duty in accordance with
27 this Article. That member shall receive an allowance of \$100
28 for any day on which a minimum of 2 hours of funeral honors
29 duty is performed. Members of the Illinois National Guard
30 ordered to funeral honors duty in accordance with this Article
31 are considered to be in the active service of the State for all
32 purposes except for pay, and the provisions of Sections 52, 53,
33 54, 55, and 56 of the Military Code of Illinois apply if a
34 member of the Illinois National Guard is injured or disabled in

1 the course of those duties.

2 (b) The Adjutant General may provide support for other
3 authorized providers who volunteer to participate in a funeral
4 honors detail conducted on behalf of the Governor. This support
5 is limited to transportation, reimbursement for
6 transportation, expenses, materials, and training.

7 (Source: P.A. 94-251, eff. 1-1-06.)

8 (Text of Section after amendment by P.A. 94-359)

9 Sec. 28.6. Policy.

10 (a) A member of the Army National Guard or the Air National
11 Guard may be ordered to funeral honors duty in accordance with
12 this Article. That member shall receive an allowance of \$100
13 for any day on which a minimum of 2 hours of funeral honors
14 duty is performed. Members of the Illinois National Guard
15 ordered to funeral honors duty in accordance with this Article
16 are considered to be in the active service of the State for all
17 purposes except for pay, and the provisions of Sections 52, 53,
18 54, 55, and 56 of the Military Code of Illinois apply if a
19 member of the Illinois National Guard is injured or disabled in
20 the course of those duties.

21 (b) The Adjutant General may provide support for other
22 authorized providers who volunteer to participate in a funeral
23 honors detail conducted on behalf of the Governor. This support
24 is limited to transportation, reimbursement for
25 transportation, expenses, materials, and training.

26 (c) On or after July 1, 2006, if the Adjutant General
27 determines that Illinois National Guard personnel are not
28 available to perform military funeral honors in accordance with
29 this Article, the Adjutant General may authorize another
30 appropriate organization to provide one or more of its members
31 to perform those honors and, subject to appropriations for that
32 purpose, shall authorize the payment of a \$100 stipend to the
33 organization.

34 (Source: P.A. 94-251, eff. 1-1-06; 94-359, eff. 7-1-06; revised
35 8-30-05.)

1 Section 155. The Department of Professional Regulation Law
2 of the Civil Administrative Code of Illinois is amended by
3 changing Section 2105-15 as follows:

4 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

5 Sec. 2105-15. General powers and duties.

6 (a) The Department has, subject to the provisions of the
7 Civil Administrative Code of Illinois, the following powers and
8 duties:

9 (1) To authorize examinations in English to ascertain
10 the qualifications and fitness of applicants to exercise
11 the profession, trade, or occupation for which the
12 examination is held.

13 (2) To prescribe rules and regulations for a fair and
14 wholly impartial method of examination of candidates to
15 exercise the respective professions, trades, or
16 occupations.

17 (3) To pass upon the qualifications of applicants for
18 licenses, certificates, and authorities, whether by
19 examination, by reciprocity, or by endorsement.

20 (4) To prescribe rules and regulations defining, for
21 the respective professions, trades, and occupations, what
22 shall constitute a school, college, or university, or
23 department of a university, or other institution,
24 reputable and in good standing, and to determine the
25 reputability and good standing of a school, college, or
26 university, or department of a university, or other
27 institution, reputable and in good standing, by reference
28 to a compliance with those rules and regulations; provided,
29 that no school, college, or university, or department of a
30 university, or other institution that refuses admittance
31 to applicants solely on account of race, color, creed, sex,
32 or national origin shall be considered reputable and in
33 good standing.

34 (5) To conduct hearings on proceedings to revoke,

1 suspend, refuse to renew, place on probationary status, or
2 take other disciplinary action as authorized in any
3 licensing Act administered by the Department with regard to
4 licenses, certificates, or authorities of persons
5 exercising the respective professions, trades, or
6 occupations and to revoke, suspend, refuse to renew, place
7 on probationary status, or take other disciplinary action
8 as authorized in any licensing Act administered by the
9 Department with regard to those licenses, certificates, or
10 authorities. The Department shall issue a monthly
11 disciplinary report. The Department shall deny any license
12 or renewal authorized by the Civil Administrative Code of
13 Illinois to any person who has defaulted on an educational
14 loan or scholarship provided by or guaranteed by the
15 Illinois Student Assistance Commission or any governmental
16 agency of this State; however, the Department may issue a
17 license or renewal if the aforementioned persons have
18 established a satisfactory repayment record as determined
19 by the Illinois Student Assistance Commission or other
20 appropriate governmental agency of this State.
21 Additionally, beginning June 1, 1996, any license issued by
22 the Department may be suspended or revoked if the
23 Department, after the opportunity for a hearing under the
24 appropriate licensing Act, finds that the licensee has
25 failed to make satisfactory repayment to the Illinois
26 Student Assistance Commission for a delinquent or
27 defaulted loan. For the purposes of this Section,
28 "satisfactory repayment record" shall be defined by rule.
29 The Department shall refuse to issue or renew a license to,
30 or shall suspend or revoke a license of, any person who,
31 after receiving notice, fails to comply with a subpoena or
32 warrant relating to a paternity or child support
33 proceeding. However, the Department may issue a license or
34 renewal upon compliance with the subpoena or warrant.

35 The Department, without further process or hearings,
36 shall revoke, suspend, or deny any license or renewal

1 authorized by the Civil Administrative Code of Illinois to
2 a person who is certified by the Illinois Department of
3 Public Aid as being more than 30 days delinquent in
4 complying with a child support order or who is certified by
5 a court as being in violation of the Non-Support Punishment
6 Act for more than 60 days. The Department may, however,
7 issue a license or renewal if the person has established a
8 satisfactory repayment record as determined by the
9 Illinois Department of Public Aid or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Illinois Department of Public
27 Aid information that may be necessary for the enforcement
28 of child support orders entered pursuant to the Illinois
29 Public Aid Code, the Illinois Marriage and Dissolution of
30 Marriage Act, the Non-Support of Spouse and Children Act,
31 the Non-Support Punishment Act, the Revised Uniform
32 Reciprocal Enforcement of Support Act, the Uniform
33 Interstate Family Support Act, or the Illinois Parentage
34 Act of 1984. Notwithstanding any provisions in this Code to
35 the contrary, the Department of Professional Regulation
36 shall not be liable under any federal or State law to any

1 person for any disclosure of information to the Illinois
2 Department of Public Aid under this paragraph (8) or for
3 any other action taken in good faith to comply with the
4 requirements of this paragraph (8).

5 (9) To perform other duties prescribed by law.

6 (b) The Department may, when a fee is payable to the
7 Department for a wall certificate of registration provided by
8 the Department of Central Management Services, require that
9 portion of the payment for printing and distribution costs be
10 made directly or through the Department to the Department of
11 Central Management Services for deposit into the Paper and
12 Printing Revolving Fund. The remainder shall be deposited into
13 the General Revenue Fund.

14 (c) For the purpose of securing and preparing evidence, and
15 for the purchase of controlled substances, professional
16 services, and equipment necessary for enforcement activities,
17 recoupment of investigative costs, and other activities
18 directed at suppressing the misuse and abuse of controlled
19 substances, including those activities set forth in Sections
20 504 and 508 of the Illinois Controlled Substances Act, the
21 Director and agents appointed and authorized by the Director
22 may expend sums from the Professional Regulation Evidence Fund
23 that the Director deems necessary from the amounts appropriated
24 for that purpose. Those sums may be advanced to the agent when
25 the Director deems that procedure to be in the public interest.
26 Sums for the purchase of controlled substances, professional
27 services, and equipment necessary for enforcement activities
28 and other activities as set forth in this Section shall be
29 advanced to the agent who is to make the purchase from the
30 Professional Regulation Evidence Fund on vouchers signed by the
31 Director. The Director and those agents are authorized to
32 maintain one or more commercial checking accounts with any
33 State banking corporation or corporations organized under or
34 subject to the Illinois Banking Act for the deposit and
35 withdrawal of moneys to be used for the purposes set forth in
36 this Section; provided, that no check may be written nor any

1 withdrawal made from any such account except upon the written
2 signatures of 2 persons designated by the Director to write
3 those checks and make those withdrawals. Vouchers for those
4 expenditures must be signed by the Director. All such
5 expenditures shall be audited by the Director, and the audit
6 shall be submitted to the Department of Central Management
7 Services for approval.

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

17 (e) The provisions of this Section do not apply to private
18 business and vocational schools as defined by Section 1 of the
19 Private Business and Vocational Schools Act.

20 (f) Beginning July 1, 1995, this Section does not apply to
21 those professions, trades, and occupations licensed under the
22 Real Estate License Act of 2000, nor does it apply to any
23 permits, certificates, or other authorizations to do business
24 provided for in the Land Sales Registration Act of 1989 or the
25 Illinois Real Estate Time-Share Act.

26 (g) Notwithstanding anything that may appear in any
27 individual licensing statute or administrative rule, the
28 Department shall deny any license application or renewal
29 authorized under any licensing Act administered by the
30 Department to any person who has failed to file a return, or to
31 pay the tax, penalty, or interest shown in a filed return, or
32 to pay any final assessment of tax, penalty, or interest, as
33 required by any tax Act administered by the Illinois Department
34 of Revenue, until such time as the requirement of any such tax
35 Act are satisfied; however, the Department may issue a license
36 or renewal if the person has established a satisfactory

1 repayment record as determined by the Illinois Department of
2 Revenue. For the purpose of this Section, "satisfactory
3 repayment record" shall be defined by rule.

4 In addition, a complaint filed with the Department by the
5 Illinois Department of Revenue that includes a certification,
6 signed by its Director or designee, attesting to the amount of
7 the unpaid tax liability or the years for which a return was
8 not filed, or both, is prima facia evidence of the licensee's
9 failure to comply with the tax laws administered by the
10 Illinois Department of Revenue. Upon receipt of that
11 certification, the Department shall, without a hearing,
12 immediately suspend all licenses held by the licensee.
13 Enforcement of the Department's order shall be stayed for 60
14 days. The Department shall provide notice of the suspension to
15 the licensee by mailing a copy of the Department's order by
16 certified and regular mail to the licensee's last known address
17 as registered with the Department. The notice shall advise the
18 licensee that the suspension shall be effective 60 days after
19 the issuance of the Department's order unless the Department
20 receives, from the licensee, a request for a hearing before the
21 Department to dispute the matters contained in the order.

22 Any suspension imposed under this subsection (g) shall be
23 terminated by the Department upon notification from the
24 Illinois Department of Revenue that the licensee is in
25 compliance with all tax laws administered by the Illinois
26 Department of Revenue.

27 The Department shall promulgate rules for the
28 administration of this subsection (g).

29 (h) ~~(g)~~ The Department may grant the title "Retired", to be
30 used immediately adjacent to the title of a profession
31 regulated by the Department, to eligible retirees. The use of
32 the title "Retired" shall not constitute representation of
33 current licensure, registration, or certification. Any person
34 without an active license, registration, or certificate in a
35 profession that requires licensure, registration, or
36 certification shall not be permitted to practice that

1 profession.

2 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised
3 8-19-05.)

4 Section 160. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Sections 2310-330 and 2310-345, by
7 renumbering Section 371, and by setting forth and renumbering
8 multiple versions of Section 2310-610 as follows:

9 (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

10 Sec. 2310-330. Sperm and tissue bank registry; AIDS test
11 for donors; penalties.

12 (a) The Department shall establish a registry of all sperm
13 banks and tissue banks operating in this State. All sperm banks
14 and tissue banks operating in this State shall register with
15 the Department by May 1 of each year. Any person, hospital,
16 clinic, corporation, partnership, or other legal entity that
17 operates a sperm bank or tissue bank in this State and fails to
18 register with the Department pursuant to this Section commits a
19 business offense and shall be subject to a fine of \$5000.

20 (b) All donors of semen for purposes of artificial
21 insemination, or donors of corneas, bones, organs, or other
22 human tissue for the purpose of injecting, transfusing, or
23 transplanting any of them in the human body, shall be tested
24 for evidence of exposure to human immunodeficiency virus (HIV)
25 and any other identified causative agent of acquired
26 immunodeficiency syndrome (AIDS) at the time of or after the
27 donation but prior to the semen, corneas, bones, organs, or
28 other human tissue being made available for that use. However,
29 when in the opinion of the attending physician the life of a
30 recipient of a bone, organ, or other human tissue donation
31 would be jeopardized by delays caused by testing for evidence
32 of exposure to HIV and any other causative agent of AIDS,
33 testing shall not be required.

34 (c) Except as otherwise provided in subsection (c-5), no

1 person may intentionally, knowingly, recklessly, or
2 negligently use the semen, corneas, bones, organs, or other
3 human tissue of a donor unless the requirements of subsection
4 (b) have been met. Except as otherwise provided in subsection
5 (c-5), no person may intentionally, knowingly, recklessly, or
6 negligently use the semen, corneas, bones, organs, or other
7 human tissue of a donor who has tested positive for exposure to
8 HIV or any other identified causative agent of AIDS. Violation
9 of this subsection (c) shall be a Class 4 felony.

10 (c-5) It is not a violation of this Section for a person to
11 perform a solid organ transplant of an organ from an HIV
12 infected donor to a person who has tested positive for exposure
13 to HIV or any other identified causative agent of AIDS and who
14 is in immediate threat of death unless the transplant is
15 performed. A tissue bank that provides an organ from an HIV
16 infected donor under this subsection (c-5) may not be
17 criminally or civilly liable for the furnishing of that organ
18 under this subsection (c-5).

19 (d) For the purposes of this Section:

20 "Human tissue" shall not be construed to mean organs or
21 whole blood or its component parts.

22 "Tissue bank" has the same meaning as set forth in the
23 Illinois Anatomical Gift Act.

24 "Solid organ transplant" means the surgical
25 transplantation of internal organs including, but not limited
26 to, the liver, kidney, pancreas, lungs, or heart. "Solid organ
27 transplant" does not mean a bone marrow based transplant or a
28 blood transfusion.

29 "HIV infected donor" means a deceased donor who was
30 infected with HIV or a living donor known to be infected with
31 HIV and who is willing to donate a part or all of one or more of
32 his or her organs. A determination of the donor's HIV infection
33 is made by the donor's medical history or by specific tests
34 that document HIV infection, such as HIV RNA or DNA, or by
35 antibodies to HIV.

36 (Source: P.A. 93-737, eff. 7-15-04; 93-794, eff. 7-22-04;

1 revised 10-25-04.)

2 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

3 Sec. 2310-345. Breast cancer; written summary regarding
4 early detection and treatment.

5 (a) From funds made available for this purpose, the
6 Department shall publish, in layman's language, a standardized
7 written summary outlining methods for the early detection and
8 diagnosis of breast cancer. The summary shall include
9 recommended guidelines for screening and detection of breast
10 cancer through the use of techniques that shall include but not
11 be limited to self-examination and diagnostic radiology.

12 (b) The summary shall also suggest that women seek
13 mammography services from facilities that are certified to
14 perform mammography as required by the federal Mammography
15 Quality Standards Act of 1992.

16 (c) The summary shall also include the medically viable
17 alternative methods for the treatment of breast cancer,
18 including, but not limited to, hormonal, radiological,
19 chemotherapeutic, or surgical treatments or combinations
20 thereof. The summary shall contain information on breast
21 reconstructive surgery, including, but not limited to, the use
22 of breast implants and their side effects. The summary shall
23 inform the patient of the advantages, disadvantages, risks, and
24 dangers of the various procedures. The summary shall include
25 (i) a statement that mammography is the most accurate method
26 for making an early detection of breast cancer, however, no
27 diagnostic tool is 100% effective and (ii) instructions for
28 ~~instructions for~~ performing breast self-examination and a
29 statement that it is important to perform a breast
30 self-examination monthly.

31 (d) In developing the summary, the Department shall consult
32 with the Advisory Board of Cancer Control, the Illinois State
33 Medical Society and consumer groups. The summary shall be
34 updated by the Department every 2 years.

35 (e) The summaries shall additionally be translated into

1 Spanish, and the Department shall conduct a public information
2 campaign to distribute the summaries to the Hispanic women of
3 this State in order to inform them of the importance of early
4 detection and mammograms.

5 (f) The Department shall distribute the summary to
6 hospitals, public health centers, and physicians who are likely
7 to perform or order diagnostic tests for breast disease or
8 treat breast cancer by surgical or other medical methods. Those
9 hospitals, public health centers, and physicians shall make the
10 summaries available to the public. The Department shall also
11 distribute the summaries to any person, organization, or other
12 interested parties upon request. The summaries may be
13 duplicated by any person, provided the copies are identical to
14 the current summary prepared by the Department.

15 (g) The summary shall display, on the inside of its cover,
16 printed in capital letters, in bold face type, the following
17 paragraph:

18 "The information contained in this brochure regarding
19 recommendations for early detection and diagnosis of breast
20 disease and alternative breast disease treatments is only for
21 the purpose of assisting you, the patient, in understanding the
22 medical information and advice offered by your physician. This
23 brochure cannot serve as a substitute for the sound
24 professional advice of your physician. The availability of this
25 brochure or the information contained within is not intended to
26 alter, in any way, the existing physician-patient
27 relationship, nor the existing professional obligations of
28 your physician in the delivery of medical services to you, the
29 patient."

30 (h) The summary shall be updated when necessary.

31 (Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

32 (20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

33 Sec. 2310-371.5 ~~371~~. Heartsaver AED Fund; grants. Subject
34 to appropriation, the Department of Public Health has the power
35 to make matching grants from the Heartsaver AED Fund, a special

1 fund created in the State treasury, to any public school,
2 public park district, public college, or public university
3 required to have an Automated External Defibrillator pursuant
4 to the Physical Fitness Facility Medical Emergency
5 Preparedness Act (Colleen O'Sullivan Law). Applicants for AED
6 grants must demonstrate that they have funds to pay 50% of the
7 cost of the AED's for which matching grant moneys are sought.
8 Matching grants authorized under this Section shall be limited
9 to one AED per eligible physical fitness facility. The State
10 Treasurer shall accept and deposit into the Fund all gifts,
11 grants, transfers, appropriations, and other amounts from any
12 legal source, public or private, that are designated for
13 deposit into the Fund.

14 (Source: P.A. 93-1085, eff. 2-14-05; revised 4-9-05.)

15 (20 ILCS 2310/2310-610)

16 Sec. 2310-610. Rules; public health preparedness. The
17 Department shall adopt and implement rules, contact lists, and
18 response plans governing public health preparedness and
19 response.

20 (Source: P.A. 93-829, eff. 7-28-04.)

21 (20 ILCS 2310/2310-630)

22 Sec. 2310-630 ~~2310-610~~. Influenza vaccinations.

23 (a) As used in this Section, "eligible individual" means a
24 resident of Illinois who: (1) is not entitled to receive an
25 influenza vaccination at no cost as a benefit under a plan of
26 health insurance, a managed care plan, or a plan provided by a
27 health maintenance organization, a health services plan
28 corporation, or a similar entity; and (2) meets the
29 requirements established by the Department of Public Health by
30 rule.

31 (b) Subject to appropriation, the Department of Public
32 Health shall establish and administer a program under which any
33 eligible individual shall, upon the eligible individual's
34 request, receive an influenza vaccination once each year at no

1 cost to the eligible individual.

2 (c) The Department of Public Health shall adopt rules for
3 the administration and operation of the program, including but
4 not limited to: determination of the influenza vaccine
5 formulation to be administered and the method of
6 administration; eligibility requirements and eligibility
7 determinations; and standards and criteria for acquisition and
8 distribution of influenza vaccine and related supplies. The
9 Department may enter into contracts or agreements with public
10 or private entities for the performance of such duties under
11 the program as the Department may deem appropriate to carry out
12 this Section and its rules adopted under this Section.

13 (Source: P.A. 93-943, eff. 1-1-05; revised 11-5-04.)

14 Section 165. The Disabilities Services Act of 2003 is
15 amended by changing Section 10 as follows:

16 (20 ILCS 2407/10)

17 Sec. 10. Application of Act; definitions.

18 (a) This Act applies to persons with disabilities. The
19 disabilities included are defined for purposes of this Act as
20 follows:

21 "Disability" means a disability as defined by the Americans
22 with Disabilities Act of 1990 that is attributable to a
23 developmental disability, a mental illness, or a physical
24 disability, or combination of those.

25 "Developmental disability" means a disability that is
26 attributable to mental retardation or a related condition. A
27 related condition must meet all of the following conditions:

28 (1) It must be attributable to cerebral palsy,
29 epilepsy, or any other condition (other than mental
30 illness) found to be closely related to mental retardation
31 because that condition results in impairment of general
32 intellectual functioning or adaptive behavior similar to
33 that of individuals with mental retardation, and requires
34 treatment or services similar to those required for those

1 individuals. For purposes of this Section, autism is
2 considered a related condition.

3 (2) It must be manifested before the individual reaches
4 age 22.

5 (3) It must be likely to continue indefinitely.

6 (4) It must result in substantial functional
7 limitations in 3 or more of the following areas of major
8 life activity: self-care, language, learning, mobility,
9 self-direction, and capacity for independent living.

10 "Mental Illness" means a mental or emotional disorder
11 verified by a diagnosis contained in the Diagnostic and
12 Statistical Manual of Mental Disorders-Fourth Edition,
13 published by the American Psychiatric Association (DSM-IV), or
14 its successor, or International Classification of Diseases,
15 9th Revision, Clinical Modification (ICD-9-CM), or its
16 successor, that substantially impairs a person's cognitive,
17 emotional, or behavioral functioning, or any combination of
18 those, excluding (i) conditions that may be the focus of
19 clinical attention but are not of sufficient duration or
20 severity to be categorized as a mental illness, such as
21 parent-child relational problems, partner-relational problems,
22 sexual abuse of a child, bereavement, academic problems,
23 phase-of-life problems, and occupational problems
24 (collectively, "V codes"), (ii) organic disorders such as
25 substance intoxication dementia, substance withdrawal
26 dementia, Alzheimer's disease, vascular dementia, dementia due
27 to HIV infection, and dementia due to Creutzfeld-Jakob disease
28 and disorders associated with known or unknown physical
29 conditions such as hallucinosis ~~hallucinosi~~s, amnesic
30 disorders and delirium, and psychoactive substance-induced
31 organic disorders, and (iii) mental retardation or
32 psychoactive substance use disorders.

33 "Mental retardation" means significantly sub-average
34 general intellectual functioning existing concurrently with
35 deficits in adaptive behavior and manifested before the age of
36 22 years.

1 "Physical disability" means a disability as defined by the
2 Americans with Disabilities Act of 1990 that meets the
3 following criteria:

4 (1) It is attributable to a physical impairment.

5 (2) It results in a substantial functional limitation
6 in any of the following areas of major life activity: (i)
7 self-care, (ii) receptive and expressive language, (iii)
8 learning, (iv) mobility, (v) self-direction, (vi) capacity
9 for independent living, and (vii) economic sufficiency.

10 (3) It reflects the person's need for a combination and
11 sequence of special, interdisciplinary, or general care,
12 treatment, or other services that are of lifelong or of
13 extended duration and must be individually planned and
14 coordinated.

15 (b) In this Act:

16 "Chronological age-appropriate services" means services,
17 activities, and strategies for persons with disabilities that
18 are representative of the lifestyle activities of nondisabled
19 peers of similar age in the community.

20 "Comprehensive evaluation" means procedures used by
21 qualified professionals selectively with an individual to
22 determine whether a person has a disability and the nature and
23 extent of the services that the person with a disability needs.

24 "Department" means the Department on Aging, the Department
25 of Human Services, the Department of Public Health, the
26 Department of Public Aid, the University of Illinois Division
27 of Specialized Care for Children, the Department of Children
28 and Family Services, and the Illinois State Board of Education,
29 where appropriate, as designated in the implementation plan
30 developed under Section 20.

31 "Family" means a natural, adoptive, or foster parent or
32 parents or other person or persons responsible for the care of
33 an individual with a disability in a family setting.

34 "Family or individual support" means those resources and
35 services that are necessary to maintain an individual with a
36 disability within the family home or his or her own home. These

1 services may include, but are not limited to, cash subsidy,
2 respite care, and counseling services.

3 "Independent service coordination" means a social service
4 that enables persons with developmental disabilities and their
5 families to locate, use, and coordinate resources and
6 opportunities in their communities on the basis of individual
7 need. Independent service coordination is independent of
8 providers of services and funding sources and is designed to
9 ensure accessibility, continuity of care, and accountability
10 and to maximize the potential of persons with developmental
11 disabilities for independence, productivity, and integration
12 into the community. Independent service coordination includes,
13 at a minimum: (i) outreach to identify eligible individuals;
14 (ii) assessment and periodic reassessment to determine each
15 individual's strengths, functional limitations, and need for
16 specific services; (iii) participation in the development of a
17 comprehensive individual service or treatment plan; (iv)
18 referral to and linkage with needed services and supports; (v)
19 monitoring to ensure the delivery of appropriate services and
20 to determine individual progress in meeting goals and
21 objectives; and (vi) advocacy to assist the person in obtaining
22 all services for which he or she is eligible or entitled.

23 "Individual service or treatment plan" means a recorded
24 assessment of the needs of a person with a disability, a
25 description of the services recommended, the goals of each type
26 of element of service, an anticipated timetable for the
27 accomplishment of the goals, and a designation of the qualified
28 professionals responsible for the implementation of the plan.

29 "Least restrictive environment" means an environment that
30 represents the least departure from the normal patterns of
31 living and that effectively meets the needs of the person
32 receiving the service.

33 (Source: P.A. 93-638, eff. 12-31-03; revised 10-12-05.)

34 Section 170. The State Police Act is amended by changing
35 Section 23 as follows:

1 (20 ILCS 2610/23) (from Ch. 121, par. 307.18d)

2 Sec. 23. The Director may appoint auxiliary State policemen
3 in such number as he deems necessary. Such auxiliary policemen
4 shall not be regular State policemen. Such auxiliary State
5 policemen shall not supplement members of the regular State
6 police in the performance of their assigned and normal duties,
7 except as otherwise provided herein. Such auxiliary State
8 policemen shall only be assigned to perform the following
9 duties: to aid or direct traffic, to aid in control of natural
10 or man made disasters, or to aid in case of civil disorder as
11 directed by the commanding officers. Identification symbols
12 worn by such auxiliary State policemen shall be different and
13 distinct from those used by State policemen. Such auxiliary
14 State policemen shall at all times during the performance of
15 their duties be subject to the direction and control of the
16 commanding officer. Such auxiliary State policemen shall not
17 carry firearms.

18 Auxiliary State policemen, prior to entering upon any of
19 their duties, shall receive a course of training in such police
20 procedures as shall be appropriate in the exercise of the
21 powers conferred upon them, which training and course of study
22 shall be determined and provided by the Department of State
23 Police. Prior to the appointment of any auxiliary State
24 policeman his fingerprints shall be taken and no person shall
25 be appointed as such auxiliary State policeman if he has been
26 convicted of a felony or other crime involving moral turpitude.

27 All auxiliary State policemen shall be between the age of
28 21 and 60 years, and shall serve without compensation.

29 The Line of Duty Compensation Act ~~"Law Enforcement~~
30 ~~Officers, Civil Defense Workers, Civil Air Patrol Members,~~
31 ~~Paramedics and Firemen Compensation Act"~~, approved September
32 ~~30, 1969, as now or hereafter amended,~~ shall be applicable to
33 auxiliary State policemen upon their death in the line of duty
34 described herein.

35 (Source: P.A. 85-1042; revised 11-15-04.)

1 Section 175. The Department of Veterans Affairs Act is
2 amended by setting forth and renumbering multiple versions of
3 Section 2e as follows:

4 (20 ILCS 2805/2e)

5 Sec. 2e. The World War II Illinois Veterans Memorial Fund.
6 There is created in the State treasury the World War II
7 Illinois Veterans Memorial Fund. The Department must make
8 grants from the Fund for the construction of a World War II
9 Illinois Veterans Memorial in Springfield, Illinois.
10 (Source: P.A. 93-131, eff. 7-10-03.)

11 (20 ILCS 2805/2f)

12 Sec. 2f ~~2e~~. LaSalle Veterans Home capacity.

13 (a) The Department finds that the Illinois Veterans Home at
14 LaSalle requires an increase in capacity to better serve the
15 north central region of Illinois and to accommodate the
16 increasing number of Illinois veterans eligible for care.

17 (b) Subject to appropriation, the Department shall
18 increase by at least 80 beds the capacity of the Illinois
19 Veterans Home at LaSalle and shall request and expend federal
20 grants for this Veterans Home addition.

21 (Source: P.A. 93-142, eff. 7-10-03; revised 9-24-03.)

22 Section 180. The Human Skeletal Remains Protection Act is
23 amended by changing Section 2 as follows:

24 (20 ILCS 3440/2) (from Ch. 127, par. 2662)

25 Sec. 2. Legislative finding and intentions. The General
26 Assembly finds that existing laws do not provide equal or
27 adequate protection for all human graves. There is a real and
28 growing threat to the safety and sanctity of unregistered and
29 unmarked graves. Numerous incidents in Illinois have resulted
30 in the desecration of human remains and vandalism to grave
31 markers. Similar incidents have occurred in neighboring states

1 and as a result those states have increased their criminal
2 penalties for such conduct. There is a strong likelihood that
3 persons engaged for personal or financial gain in the mining of
4 prehistoric and historic Indian, pioneer, and Civil War
5 veteran's graves will move their operations to Illinois to
6 avoid the increased penalties being imposed in neighboring
7 states. There is an immediate need for legislation to protect
8 the graves of these earlier Illinoisans ~~Illinoisians~~ from such
9 desecration. The General Assembly intends to assure with this
10 Act that all human burials be accorded equal treatment and
11 respect for human dignity without reference to ethnic origins,
12 cultural backgrounds or religious affiliations.

13 The General Assembly also finds that those persons engaged
14 in the scientific study or collecting of artifacts which have
15 not been acquired in violation of law are engaged in legitimate
16 and worthy scientific, educational and recreational
17 activities. This Act is not intended to interfere with the
18 continued legitimate collecting activities or studies of such
19 persons; nor is it intended to interfere with the normal
20 enjoyment of private property owners, farmers, or those engaged
21 in the development, mining or improvement of real property.

22 (Source: P.A. 86-151; revised 10-12-05.)

23 Section 185. The Illinois Finance Authority Act is amended
24 by changing Sections 801-1 and 815-10 as follows:

25 (20 ILCS 3501/801-1)

26 Sec. 801-1. Short Title. Articles 801 ~~80~~ through 845 of
27 this Act may be cited as the Illinois Finance Authority Act.
28 References to "this Act" in Articles 801 through 845 are
29 references to the Illinois Finance Authority Act.

30 (Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

31 (20 ILCS 3501/815-10)

32 Sec. 815-10. Definitions. The following terms, whenever
33 used or referred to in this Article, shall have the following

1 meanings ascribed to them, except where the context clearly
2 requires otherwise:

3 (a) "Property" means land, parcels or combination of
4 parcels, structures, and all improvements, easements and
5 franchises.~~†~~

6 (b) "Redevelopment area" means any property which is a
7 contiguous area of at least 2 acres but less than 160 acres in
8 the aggregate located within one and one-half miles of the
9 corporate limits of a municipality and not included within any
10 municipality, where, (1) if improved, a substantial proportion
11 of the industrial, commercial and residential buildings or
12 improvements are detrimental to the public safety, health,
13 morals or welfare because of a combination of any of the
14 following factors: age; physical configuration; dilapidation;
15 structural or economic obsolescence; deterioration; illegal
16 use of individual structures; presence of structures below
17 minimum code standards; excessive and sustained vacancies;
18 overcrowding of structures and community facilities;
19 inadequate ventilation, light, sewer, water, transportation
20 and other infrastructure facilities; inadequate utilities;
21 excessive land coverage; deleterious land use or layout;
22 depreciation or lack of physical maintenance; and lack of
23 community planning; or (2) if vacant, the sound utilization of
24 land for industrial projects is impaired by a combination of 2
25 or more of the following factors: obsolete platting of the
26 vacant land; diversity of ownership of such land; tax and
27 special assessment delinquencies on such land; and
28 deterioration of structures or site improvements in
29 neighboring areas to the vacant land, or the area immediately
30 prior to becoming vacant qualified as a redevelopment improved
31 area; or (3) if an improved area within the boundaries of a
32 development project is located within the corporate limits of
33 the municipality in which 50% or more of the structures in the
34 area have an age of 35 years or more, such area does not
35 qualify under clause (1) but is detrimental to the public
36 safety, health, morals or welfare and such area may become a

1 redevelopment area pursuant to clause (1) because of a
2 combination of 3 or more of the factors specified in clause
3 (1).

4 (c) "Enterprise" means an individual, corporation,
5 partnership, joint venture, trust, estate, or unincorporated
6 association.

7 (d) "Development plan" means the comprehensive program of
8 the Authority and the participating entity to reduce or
9 eliminate those conditions the existence of which qualified the
10 project area as a redevelopment area. Each development plan
11 shall set forth in writing the program to be undertaken to
12 accomplish such objectives and shall include, without
13 limitation, estimated development project costs, the sources
14 of funds to pay costs, the nature and term of any obligations
15 to be issued, the most recent equalized assessed valuation of
16 the project area, an estimate as to the equalized assessed
17 valuation after development and the general land uses to apply
18 in the project area.

19 (e) "Development project" means any project in furtherance
20 of the objectives of a development plan, including any building
21 or buildings or building addition or other structures to be
22 newly constructed, renovated or improved and suitable for use
23 by an enterprise as an industrial project, and includes the
24 sites and other rights in the property on which such buildings
25 or structures are located.

26 (f) "Participating entity" means a municipality, a local
27 industrial development agency or an enterprise or any
28 combination thereof.

29 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

30 Section 190. The Council on Responsible Fatherhood Act is
31 amended by changing Section 10 as follows:

32 (20 ILCS 3927/10)

33 (Section scheduled to be repealed on July 1, 2006)

34 Sec. 10. Fatherhood initiative.

1 (a) The purpose of this Act shall be implemented through a
2 fatherhood initiative to be directed by the Council on
3 Responsible Fatherhood created by this Act.

4 (b) The goals of the fatherhood initiative are to increase
5 the awareness of the problems created when a child grows up
6 without the presence of a responsible father; to identify
7 obstacles that impede or prevent the involvement of responsible
8 fathers in the lives of their children; to identify strategies
9 that are successful in overcoming identified obstacles and in
10 encouraging responsible fatherhood; and to facilitate the
11 transition from current policies, perceptions, and practices
12 that adversely affect the participation of fathers in their
13 children's lives to policies, perceptions, and practices that
14 promote the contributions of responsible fathers. The
15 fatherhood initiative must promote positive interaction
16 between fathers and their children. While the emphasis of the
17 program must be on the population of children whose families
18 have received or are receiving public assistance, the program
19 may not exclude other populations of children for which the
20 program is appropriate.

21 (c) ~~(b)~~ The fatherhood initiative must include, but is not
22 limited to, the following:

23 (1) The promotion of public education concerning the
24 financial and emotional responsibilities of fatherhood.

25 (2) The provision of assistance to men in preparing for
26 the legal, financial, and emotional responsibilities of
27 fatherhood.

28 (3) The promotion of the establishment of paternity
29 upon the birth of a child.

30 (4) The encouragement of fathers in fostering an
31 emotional connection to children and providing financial
32 support to children.

33 (5) The establishment of support mechanisms for
34 fathers developing and maintaining relationships with
35 their children.

36 (6) The identification and promotion of methods that

1 reduce the negative outcomes experienced by children
2 affected by divorce, separation, and disputes concerning
3 custody and visitation.

4 (7) The integration of State and local services
5 available to families.

6 (Source: P.A. 93-437, eff. 8-5-03; revised 9-28-05.)

7 Section 195. The Illinois Health Facilities Planning Act is
8 amended by changing Section 3 as follows:

9 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

10 (Section scheduled to be repealed on July 1, 2006)

11 Sec. 3. Definitions. As used in this Act:

12 "Health care facilities" means and includes the following
13 facilities and organizations:

14 1. An ambulatory surgical treatment center required to
15 be licensed pursuant to the Ambulatory Surgical Treatment
16 Center Act;

17 2. An institution, place, building, or agency required
18 to be licensed pursuant to the Hospital Licensing Act;

19 3. Skilled and intermediate long term care facilities
20 licensed under the Nursing Home Care Act;

21 ~~3. Skilled and intermediate long term care facilities~~
22 ~~licensed under the Nursing Home Care Act;~~

23 4. Hospitals, nursing homes, ambulatory surgical
24 treatment centers, or kidney disease treatment centers
25 maintained by the State or any department or agency
26 thereof;

27 5. Kidney disease treatment centers, including a
28 free-standing hemodialysis unit required to be licensed
29 under the End Stage Renal Disease Facility Act; and

30 6. An institution, place, building, or room used for
31 the performance of outpatient surgical procedures that is
32 leased, owned, or operated by or on behalf of an
33 out-of-state facility.

34 No federally owned facility shall be subject to the

1 provisions of this Act, nor facilities used solely for healing
2 by prayer or spiritual means.

3 No facility licensed under the Supportive Residences
4 Licensing Act or the Assisted Living and Shared Housing Act
5 shall be subject to the provisions of this Act.

6 A facility designated as a supportive living facility that
7 is in good standing with the program established under Section
8 5-5.01a of the Illinois Public Aid Code shall not be subject to
9 the provisions of this Act.

10 This Act does not apply to facilities granted waivers under
11 Section 3-102.2 of the Nursing Home Care Act. However, if a
12 demonstration project under that Act applies for a certificate
13 of need to convert to a nursing facility, it shall meet the
14 licensure and certificate of need requirements in effect as of
15 the date of application.

16 This Act does not apply to a dialysis facility that
17 provides only dialysis training, support, and related services
18 to individuals with end stage renal disease who have elected to
19 receive home dialysis. This Act does not apply to a dialysis
20 unit located in a licensed nursing home that offers or provides
21 dialysis-related services to residents with end stage renal
22 disease who have elected to receive home dialysis within the
23 nursing home. The Board, however, may require these dialysis
24 facilities and licensed nursing homes to report statistical
25 information on a quarterly basis to the Board to be used by the
26 Board to conduct analyses on the need for proposed kidney
27 disease treatment centers.

28 This Act shall not apply to the closure of an entity or a
29 portion of an entity licensed under the Nursing Home Care Act
30 that elects to convert, in whole or in part, to an assisted
31 living or shared housing establishment licensed under the
32 Assisted Living and Shared Housing Act.

33 With the exception of those health care facilities
34 specifically included in this Section, nothing in this Act
35 shall be intended to include facilities operated as a part of
36 the practice of a physician or other licensed health care

1 professional, whether practicing in his individual capacity or
2 within the legal structure of any partnership, medical or
3 professional corporation, or unincorporated medical or
4 professional group. Further, this Act shall not apply to
5 physicians or other licensed health care professional's
6 practices where such practices are carried out in a portion of
7 a health care facility under contract with such health care
8 facility by a physician or by other licensed health care
9 professionals, whether practicing in his individual capacity
10 or within the legal structure of any partnership, medical or
11 professional corporation, or unincorporated medical or
12 professional groups. This Act shall apply to construction or
13 modification and to establishment by such health care facility
14 of such contracted portion which is subject to facility
15 licensing requirements, irrespective of the party responsible
16 for such action or attendant financial obligation.

17 "Person" means any one or more natural persons, legal
18 entities, governmental bodies other than federal, or any
19 combination thereof.

20 "Consumer" means any person other than a person (a) whose
21 major occupation currently involves or whose official capacity
22 within the last 12 months has involved the providing,
23 administering or financing of any type of health care facility,
24 (b) who is engaged in health research or the teaching of
25 health, (c) who has a material financial interest in any
26 activity which involves the providing, administering or
27 financing of any type of health care facility, or (d) who is or
28 ever has been a member of the immediate family of the person
29 defined by (a), (b), or (c).

30 "State Board" means the Health Facilities Planning Board.

31 "Construction or modification" means the establishment,
32 erection, building, alteration, reconstruction, modernization,
33 improvement, extension, discontinuation, change of ownership,
34 of or by a health care facility, or the purchase or acquisition
35 by or through a health care facility of equipment or service
36 for diagnostic or therapeutic purposes or for facility

1 administration or operation, or any capital expenditure made by
2 or on behalf of a health care facility which exceeds the
3 capital expenditure minimum; however, any capital expenditure
4 made by or on behalf of a health care facility for (i) the
5 construction or modification of a facility licensed under the
6 Assisted Living and Shared Housing Act or (ii) a conversion
7 project undertaken in accordance with Section 30 of the Older
8 Adult Services Act shall be excluded from any obligations under
9 this Act.

10 "Establish" means the construction of a health care
11 facility or the replacement of an existing facility on another
12 site.

13 "Major medical equipment" means medical equipment which is
14 used for the provision of medical and other health services and
15 which costs in excess of the capital expenditure minimum,
16 except that such term does not include medical equipment
17 acquired by or on behalf of a clinical laboratory to provide
18 clinical laboratory services if the clinical laboratory is
19 independent of a physician's office and a hospital and it has
20 been determined under Title XVIII of the Social Security Act to
21 meet the requirements of paragraphs (10) and (11) of Section
22 1861(s) of such Act. In determining whether medical equipment
23 has a value in excess of the capital expenditure minimum, the
24 value of studies, surveys, designs, plans, working drawings,
25 specifications, and other activities essential to the
26 acquisition of such equipment shall be included.

27 "Capital Expenditure" means an expenditure: (A) made by or
28 on behalf of a health care facility (as such a facility is
29 defined in this Act); and (B) which under generally accepted
30 accounting principles is not properly chargeable as an expense
31 of operation and maintenance, or is made to obtain by lease or
32 comparable arrangement any facility or part thereof or any
33 equipment for a facility or part; and which exceeds the capital
34 expenditure minimum.

35 For the purpose of this paragraph, the cost of any studies,
36 surveys, designs, plans, working drawings, specifications, and

1 other activities essential to the acquisition, improvement,
2 expansion, or replacement of any plant or equipment with
3 respect to which an expenditure is made shall be included in
4 determining if such expenditure exceeds the capital
5 expenditures minimum. Donations of equipment or facilities to a
6 health care facility which if acquired directly by such
7 facility would be subject to review under this Act shall be
8 considered capital expenditures, and a transfer of equipment or
9 facilities for less than fair market value shall be considered
10 a capital expenditure for purposes of this Act if a transfer of
11 the equipment or facilities at fair market value would be
12 subject to review.

13 "Capital expenditure minimum" means \$6,000,000, which
14 shall be annually adjusted to reflect the increase in
15 construction costs due to inflation, for major medical
16 equipment and for all other capital expenditures; provided,
17 however, that when a capital expenditure is for the
18 construction or modification of a health and fitness center,
19 "capital expenditure minimum" means the capital expenditure
20 minimum for all other capital expenditures in effect on March
21 1, 2000, which shall be annually adjusted to reflect the
22 increase in construction costs due to inflation.

23 "Non-clinical service area" means an area (i) for the
24 benefit of the patients, visitors, staff, or employees of a
25 health care facility and (ii) not directly related to the
26 diagnosis, treatment, or rehabilitation of persons receiving
27 services from the health care facility. "Non-clinical service
28 areas" include, but are not limited to, chapels; gift shops;
29 news stands; computer systems; tunnels, walkways, and
30 elevators; telephone systems; projects to comply with life
31 safety codes; educational facilities; student housing;
32 patient, employee, staff, and visitor dining areas;
33 administration and volunteer offices; modernization of
34 structural components (such as roof replacement and masonry
35 work); boiler repair or replacement; vehicle maintenance and
36 storage facilities; parking facilities; mechanical systems for

1 heating, ventilation, and air conditioning; loading docks; and
2 repair or replacement of carpeting, tile, wall coverings,
3 window coverings or treatments, or furniture. Solely for the
4 purpose of this definition, "non-clinical service area" does
5 not include health and fitness centers.

6 "Areawide" means a major area of the State delineated on a
7 geographic, demographic, and functional basis for health
8 planning and for health service and having within it one or
9 more local areas for health planning and health service. The
10 term "region", as contrasted with the term "subregion", and the
11 word "area" may be used synonymously with the term "areawide".

12 "Local" means a subarea of a delineated major area that on
13 a geographic, demographic, and functional basis may be
14 considered to be part of such major area. The term "subregion"
15 may be used synonymously with the term "local".

16 "Areawide health planning organization" or "Comprehensive
17 health planning organization" means the health systems agency
18 designated by the Secretary, Department of Health and Human
19 Services or any successor agency.

20 "Local health planning organization" means those local
21 health planning organizations that are designated as such by
22 the areawide health planning organization of the appropriate
23 area.

24 "Physician" means a person licensed to practice in
25 accordance with the Medical Practice Act of 1987, as amended.

26 "Licensed health care professional" means a person
27 licensed to practice a health profession under pertinent
28 licensing statutes of the State of Illinois.

29 "Director" means the Director of the Illinois Department of
30 Public Health.

31 "Agency" means the Illinois Department of Public Health.

32 "Comprehensive health planning" means health planning
33 concerned with the total population and all health and
34 associated problems that affect the well-being of people and
35 that encompasses health services, health manpower, and health
36 facilities; and the coordination among these and with those

1 social, economic, and environmental factors that affect
2 health.

3 "Alternative health care model" means a facility or program
4 authorized under the Alternative Health Care Delivery Act.

5 "Out-of-state facility" means a person that is both (i)
6 licensed as a hospital or as an ambulatory surgery center under
7 the laws of another state or that qualifies as a hospital or an
8 ambulatory surgery center under regulations adopted pursuant
9 to the Social Security Act and (ii) not licensed under the
10 Ambulatory Surgical Treatment Center Act, the Hospital
11 Licensing Act, or the Nursing Home Care Act. Affiliates of
12 out-of-state facilities shall be considered out-of-state
13 facilities. Affiliates of Illinois licensed health care
14 facilities 100% owned by an Illinois licensed health care
15 facility, its parent, or Illinois physicians licensed to
16 practice medicine in all its branches shall not be considered
17 out-of-state facilities. Nothing in this definition shall be
18 construed to include an office or any part of an office of a
19 physician licensed to practice medicine in all its branches in
20 Illinois that is not required to be licensed under the
21 Ambulatory Surgical Treatment Center Act.

22 "Change of ownership of a health care facility" means a
23 change in the person who has ownership or control of a health
24 care facility's physical plant and capital assets. A change in
25 ownership is indicated by the following transactions: sale,
26 transfer, acquisition, lease, change of sponsorship, or other
27 means of transferring control.

28 "Related person" means any person that: (i) is at least 50%
29 owned, directly or indirectly, by either the health care
30 facility or a person owning, directly or indirectly, at least
31 50% of the health care facility; or (ii) owns, directly or
32 indirectly, at least 50% of the health care facility.

33 "Charity care" means care provided by a health care
34 facility for which the provider does not expect to receive
35 payment from the patient or a third-party payer.

36 (Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04;

1 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff.
2 7-26-05; revised 10-19-05.)

3 Section 200. The State Finance Act is amended by setting
4 forth, renumbering, and changing multiple versions of Sections
5 5.545, 5.552, 5.567, 5.570, 5.571, 5.595, 5.596, 5.620, 5.625,
6 5.640, and 8h and by changing Sections 6z-43, 8.42, 8g, and 25
7 as follows:

8 (30 ILCS 105/5.545)

9 Sec. 5.545. The Digital Divide Elimination Fund.

10 (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

11 (30 ILCS 105/5.552)

12 Sec. 5.552. The ICCB Adult Education Fund.

13 (Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

14 (30 ILCS 105/5.567)

15 Sec. 5.567. The Secretary of State Police Services Fund.

16 (Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

17 (30 ILCS 105/5.569)

18 Sec. 5.569 ~~5.570~~. The National Guard Grant Fund.

19 (Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

20 (30 ILCS 105/5.570)

21 Sec. 5.570. The Illinois Student Assistance Commission
22 Contracts and Grants Fund.

23 (Source: P.A. 92-597, eff. 6-28-02.)

24 (30 ILCS 105/5.571)

25 Sec. 5.571. The Career and Technical Education Fund.

26 (Source: P.A. 92-597, eff. 6-28-02.)

27 (30 ILCS 105/5.572)

28 Sec. 5.572 ~~5.570~~. The Presidential Library and Museum

1 Operating Fund.

2 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

3 (30 ILCS 105/5.573)

4 Sec. 5.573 ~~5.571~~. The Family Care Fund.

5 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

6 (30 ILCS 105/5.574)

7 Sec. 5.574 ~~5.570~~. The Transportation Safety Highway
8 Hire-back Fund.

9 (Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

10 (30 ILCS 105/5.575)

11 Sec. 5.575 ~~5.570~~. The McKinley Bridge Fund.

12 (Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

13 (30 ILCS 105/5.576)

14 Sec. 5.576 ~~5.570~~. (Repealed).

15 (Source: P.A. 92-691, eff. 7-18-02. Repealed by P.A. 94-91,
16 eff. 7-1-05; revised 8-15-05.)

17 (30 ILCS 105/5.577)

18 Sec. 5.577 ~~5.545~~. The Hospice Fund.

19 (Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)

20 (30 ILCS 105/5.578)

21 Sec. 5.578 ~~5.552~~. Lewis and Clark Bicentennial Fund.

22 (Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)

23 (30 ILCS 105/5.579)

24 Sec. 5.579 ~~5.570~~. The Public Broadcasting Fund.

25 (Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)

26 (30 ILCS 105/5.580)

27 Sec. 5.580 ~~5.570~~. The Park District Youth Program Fund.

28 (Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)

1 (30 ILCS 105/5.581)

2 Sec. 5.581 ~~5.570~~. The Professional Sports Teams Education
3 Fund.

4 (Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)

5 (30 ILCS 105/5.582)

6 Sec. 5.582 ~~5.570~~. The Illinois Pan Hellenic Trust Fund.

7 (Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)

8 (30 ILCS 105/5.583)

9 Sec. 5.583 ~~5.567~~. The September 11th Fund.

10 (Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)

11 (30 ILCS 105/5.584)

12 Sec. 5.584 ~~5.570~~. The Illinois Route 66 Heritage Project
13 Fund.

14 (Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)

15 (30 ILCS 105/5.585)

16 Sec. 5.585 ~~5.570~~. The Stop Neuroblastoma Fund.

17 (Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)

18 (30 ILCS 105/5.586)

19 Sec. 5.586 ~~5.570~~. The Lawyers' Assistance Program Fund.

20 (Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)

21 (30 ILCS 105/5.587)

22 Sec. 5.587 ~~5.570~~. The Local Planning Fund.

23 (Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)

24 (30 ILCS 105/5.588)

25 Sec. 5.588 ~~5.570~~. The Multiple Sclerosis Assistance Fund.

26 (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

27 (30 ILCS 105/5.589)

1 Sec. 5.589 ~~5.570~~. The Innovations in Long-term Care Quality
2 Demonstration Grants Fund.

3 (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

4 (30 ILCS 105/5.590)

5 Sec. 5.590 ~~5.570~~. The End Stage Renal Disease Facility
6 Licensing Fund.

7 (Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)

8 (30 ILCS 105/5.591)

9 Sec. 5.591 ~~5.570~~. The Restricted Call Registry Fund.

10 (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

11 (30 ILCS 105/5.592)

12 Sec. 5.592 ~~5.570~~. The Illinois Military Family Relief Fund.

13 (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

14 (30 ILCS 105/5.593)

15 Sec. 5.593 ~~5.595~~. The Illinois Medical District at
16 Springfield Income Fund.

17 (Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)

18 (30 ILCS 105/5.594)

19 Sec. 5.594 ~~5.595~~. The Pension Contribution Fund.

20 (Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)

21 (30 ILCS 105/5.595)

22 Sec. 5.595. The Illinois Prescription Drug Discount
23 Program Fund.

24 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
25 eff. 7-1-05.)

26 (30 ILCS 105/5.596)

27 Sec. 5.596 ~~5.595~~. The Emergency Public Health Fund.

28 (Source: P.A. 93-32, eff. 6-20-03; revised 10-9-03.)

1 (30 ILCS 105/5.597)

2 Sec. 5.597 ~~5.596~~. The Illinois Clean Water Fund.

3 (Source: P.A. 93-32, eff. 7-1-03; revised 10-9-03.)

4 (30 ILCS 105/5.598)

5 Sec. 5.598 ~~5.595~~. The Fire Truck Revolving Loan Fund.

6 (Source: P.A. 93-35, eff. 6-24-03; revised 10-9-03.)

7 (30 ILCS 105/5.599)

8 Sec. 5.599 ~~5.595~~. The Lou Gehrig's Disease (ALS) Research
9 Fund.

10 (Source: P.A. 93-36, eff. 6-24-03; revised 10-9-03.)

11 (30 ILCS 105/5.600)

12 Sec. 5.600 ~~5.595~~. The Emergency Public Health Fund.

13 (Source: P.A. 93-52, eff. 6-30-03; revised 10-9-03.)

14 (30 ILCS 105/5.601)

15 Sec. 5.601 ~~5.595~~. The Obesity Study and Prevention Fund.

16 (Source: P.A. 93-60, eff. 7-1-03; revised 10-9-03.)

17 (30 ILCS 105/5.602)

18 Sec. 5.602 ~~5.595~~. The World War II Illinois Veterans
19 Memorial Fund.

20 (Source: P.A. 93-131, eff. 7-10-03; revised 10-9-03.)

21 (30 ILCS 105/5.603)

22 Sec. 5.603 ~~5.595~~. The Oil Spill Response Fund.

23 (Source: P.A. 93-152, eff. 7-10-03; revised 10-9-03.)

24 (30 ILCS 105/5.604)

25 Sec. 5.604 ~~5.595~~. The Community Senior Services and
26 Resources Fund.

27 (Source: P.A. 93-246, eff. 7-22-03; revised 10-9-03.)

28 (30 ILCS 105/5.605)

1 Sec. 5.605 ~~5.595~~. The Good Samaritan Energy Trust Fund.
2 (Source: P.A. 93-285, eff. 7-22-03; revised 10-9-03.)

3 (30 ILCS 105/5.606)

4 Sec. 5.606 ~~5.595~~. The Leukemia Treatment and Education
5 Fund.
6 (Source: P.A. 93-324, eff. 7-23-03; revised 10-9-03.)

7 (30 ILCS 105/5.607)

8 Sec. 5.607 ~~5.595~~. The State Library Fund.
9 (Source: P.A. 93-397, eff. 1-1-04; revised 10-9-03.)

10 (30 ILCS 105/5.608)

11 Sec. 5.608 ~~5.595~~. The Responsible Fatherhood Fund.
12 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

13 (30 ILCS 105/5.609)

14 Sec. 5.609 ~~5.595~~. The Corporate Crime Fund.
15 (Source: P.A. 93-496, eff. 1-1-04; revised 10-9-03.)

16 (30 ILCS 105/5.610)

17 Sec. 5.610 ~~5.595~~. The TOMA Consumer Protection Fund.
18 (Source: P.A. 93-535, eff. 1-1-04; revised 10-9-03.)

19 (30 ILCS 105/5.611)

20 Sec. 5.611 ~~5.595~~. The Debt Collection Fund.
21 (Source: P.A. 93-570, eff. 8-20-03; revised 10-9-03.)

22 (30 ILCS 105/5.612)

23 Sec. 5.612 ~~5.595~~. The Help Illinois Vote Fund.
24 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

25 (30 ILCS 105/5.613)

26 Sec. 5.613 ~~5.595~~. The Secretary of State Police DUI Fund.
27 (Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)

1 (30 ILCS 105/5.614)

2 Sec. 5.614 ~~5.595~~. The I-FLY Fund.

3 (Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)

4 (30 ILCS 105/5.615)

5 Sec. 5.615 ~~5.596~~. The Efficiency Initiatives Revolving
6 Fund.

7 (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

8 (30 ILCS 105/5.616)

9 Sec. 5.616 ~~5.596~~. ICCB Federal Trust Fund.

10 (Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)

11 (30 ILCS 105/5.617)

12 Sec. 5.617. ~~5.595~~. The Illinois Law Enforcement Training
13 Standards Board Costs and Attorney Fees Fund.

14 (Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)

15 (30 ILCS 105/5.618)

16 Sec. 5.618 ~~5.595~~. The Tax Recovery Fund.

17 (Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)

18 (30 ILCS 105/5.619)

19 Sec. 5.619 ~~5.620~~. The Capitol Restoration Trust Fund.

20 (Source: P.A. 93-632, eff. 2-1-04; revised 2-3-04.)

21 (30 ILCS 105/5.620)

22 Sec. 5.620. The Health Care Services Trust Fund.

23 (Source: P.A. 93-659, eff. 2-3-04.)

24 (30 ILCS 105/5.622)

25 Sec. 5.622 ~~5.625~~. The Medicaid Provider Relief Fund.

26 (Source: P.A. 93-674, eff. 6-10-04; revised 11-8-04.)

27 (30 ILCS 105/5.623)

28 Sec. 5.623 ~~5.625~~. The Illinois Veterans' Homes Fund.

1 (Source: P.A. 93-776, eff. 7-21-04; revised 11-8-04.)

2 (30 ILCS 105/5.624)

3 Sec. 5.624 ~~5.625~~. The Illinois Laboratory Advisory
4 Committee Act Fund.

5 (Source: P.A. 93-784, eff. 1-1-05; revised 11-8-04.)

6 (30 ILCS 105/5.625)

7 Sec. 5.625. The Alzheimer's Disease Center Clinical Fund.

8 (Source: P.A. 93-929, eff. 8-12-04.)

9 (30 ILCS 105/5.628)

10 Sec. 5.628 ~~5.625~~. The Downtown Development and Improvement
11 Fund.

12 (Source: P.A. 93-790, eff. 1-1-05; revised 11-8-04.)

13 (30 ILCS 105/5.629)

14 Sec. 5.629 ~~5.625~~. The Accessible Electronic Information
15 Service Fund.

16 (Source: P.A. 93-797, eff. 7-22-04, revised 11-8-04.)

17 (30 ILCS 105/5.630)

18 Sec. 5.630 ~~5.625~~. The Reviewing Court Alternative Dispute
19 Resolution Fund.

20 (Source: P.A. 93-801, eff. 7-22-04, revised 11-8-04.)

21 (30 ILCS 105/5.631)

22 Sec. 5.631 ~~5.625~~. The Professional Services Fund.

23 (Source: P.A. 93-839, eff. 7-30-04; revised 11-8-04.)

24 (30 ILCS 105/5.632)

25 Sec. 5.632 ~~5.625~~. The Safe Bottled Water Fund.

26 (Source: P.A. 93-866, eff. 1-1-05; revised 11-8-04.)

27 (30 ILCS 105/5.633)

28 Sec. 5.633 ~~5.625~~. The Food Animal Institute Fund.

1 (Source: P.A. 93-883, eff. 8-6-04; revised 11-8-04.)

2 (30 ILCS 105/5.634)

3 Sec. 5.634 ~~5.625~~. The Fire Sprinkler Dormitory Revolving
4 Loan Fund.

5 (Source: P.A. 93-887, eff. 1-1-05; revised 11-8-04.)

6 (30 ILCS 105/5.635)

7 (Section scheduled to be repealed on August 31, 2007)

8 Sec. 5.635 ~~5.625~~. The Technology Immersion Pilot Project
9 Fund. This Section is repealed on August 31, 2007.

10 (Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04;
11 revised 11-8-04.)

12 (30 ILCS 105/5.636)

13 Sec. 5.636 ~~5.625~~. The Physical Fitness Facility Medical
14 Emergency Preparedness Fund.

15 (Source: P.A. 93-910, eff. 1-1-05; revised 11-8-04.)

16 (30 ILCS 105/5.637)

17 Sec. 5.637 ~~5.625~~. The Arsonist Registration Fund.

18 (Source: P.A. 93-949, eff. 1-1-05; revised 11-8-04.)

19 (30 ILCS 105/5.638)

20 Sec. 5.638 ~~5.625~~. The Mental Health Transportation Fund.

21 (Source: P.A. 93-1034, eff. 9-3-04; revised 11-8-04.)

22 (30 ILCS 105/5.639)

23 Sec. 5.639 ~~5.625~~. The Vince Demuzio Memorial Colon Cancer
24 Fund.

25 (Source: P.A. 94-142, eff. 1-1-06; revised 8-22-05.)

26 (30 ILCS 105/5.640)

27 Sec. 5.640. The Heartsaver AED Fund.

28 (Source: P.A. 93-1085, eff. 2-14-05.)

1 (30 ILCS 105/5.641)

2 Sec. 5.641 ~~5.640~~. The Fund for Child Care for Deployed
3 Military Personnel.

4 (Source: P.A. 94-35, eff. 6-15-05; revised 9-26-05.)

5 (30 ILCS 105/5.642)

6 Sec. 5.642 ~~5.640~~. The State Board of Education Special
7 Purpose Trust Fund.

8 (Source: P.A. 94-69, eff. 7-1-05; revised 9-26-05.)

9 (30 ILCS 105/5.643)

10 Sec. 5.643 ~~5.640~~. The Epilepsy Treatment and Education
11 Grants-in-Aid Fund.

12 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

13 (30 ILCS 105/5.644)

14 Sec. 5.644 ~~5.640~~. The Diabetes Research Checkoff Fund.

15 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

16 (30 ILCS 105/5.645)

17 Sec. 5.645 ~~5.640~~. The Rental Housing Support Program Fund.

18 (Source: P.A. 94-118, eff. 7-5-05; revised 9-26-05.)

19 (30 ILCS 105/5.646)

20 Sec. 5.646 ~~5.640~~. The Ticket For The Cure Fund.

21 (Source: P.A. 94-120, eff. 7-6-05; revised 9-26-05.)

22 (30 ILCS 105/5.647)

23 Sec. 5.647 ~~5.640~~. The Sarcoidosis Research Fund.

24 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

25 (30 ILCS 105/5.648)

26 Sec. 5.648 ~~5.640~~. The Illinois AgrAbility Fund.

27 (Source: P.A. 94-216, eff. 7-14-05; revised 9-26-05.)

28 (30 ILCS 105/5.649)

1 Sec. 5.649 ~~5.640~~. The Computer Investment Program Fund.
2 (Source: P.A. 94-262, eff. 1-1-06; revised 9-26-05.)

3 (30 ILCS 105/5.651)

4 Sec. 5.651 ~~5.640~~. The Traffic Control Signal Preemption
5 Devices for Ambulances Fund.
6 (Source: P.A. 94-373, eff. 1-1-06; revised 9-26-05.)

7 (30 ILCS 105/5.652)

8 Sec. 5.652 ~~5.640~~. The ICCB Instructional Development and
9 Enhancement Applications Revolving Fund.
10 (Source: P.A. 94-436, eff. 8-2-05; revised 9-26-05.)

11 (30 ILCS 105/5.653)

12 Sec. 5.653 ~~5.640~~. The Autism Research Checkoff Fund.
13 (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

14 (30 ILCS 105/5.654)

15 (Section scheduled to be repealed on December 31, 2010)

16 Sec. 5.654 ~~5.640~~. The Parental Participation Pilot Project
17 Fund. This Section is repealed on December 31, 2010.
18 (Source: P.A. 94-507, eff. 8-8-05; revised 9-26-05.)

19 (30 ILCS 105/5.655)

20 Sec. 5.655 ~~5.640~~. The Intercity Passenger Rail Fund.
21 (Source: P.A. 94-535, eff. 8-10-05; revised 9-26-05.)

22 (30 ILCS 105/5.656)

23 Sec. 5.656 ~~5.640~~. The Methamphetamine Law Enforcement
24 Fund.
25 (Source: P.A. 94-550, eff. 1-1-06; revised 9-26-05.)

26 (30 ILCS 105/5.657)

27 Sec. 5.657 ~~5.640~~. The Illinois Veterans Assistance Fund.
28 (Source: P.A. 94-585, eff. 8-15-05; revised 9-26-05.)

1 (30 ILCS 105/5.658)

2 Sec. 5.658 ~~5.640~~. The Blindness Prevention Fund.

3 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

4 (30 ILCS 105/5.659)

5 Sec. 5.659 ~~5.640~~. The Hospital Basic Services Preservation
6 Fund.

7 (Source: P.A. 94-648, eff. 1-1-06; revised 9-26-05.)

8 (30 ILCS 105/5.660)

9 Sec. 5.660 ~~5.640~~. The Illinois Brain Tumor Research Fund.

10 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

11 (30 ILCS 105/5.661)

12 Sec. 5.661 ~~5.640~~. The Sorry Works! Fund.

13 (Source: P.A. 94-677, eff. 8-25-05; revised 9-26-05.)

14 (30 ILCS 105/5.662)

15 Sec. 5.662 ~~5.640~~. The Demutualization Trust Fund.

16 (Source: P.A. 94-686, eff. 11-2-05; revised 11-15-05.)

17 (30 ILCS 105/6z-43)

18 Sec. 6z-43. Tobacco Settlement Recovery Fund.

19 (a) There is created in the State Treasury a special fund
20 to be known as the Tobacco Settlement Recovery Fund, into which
21 shall be deposited all monies paid to the State pursuant to (1)
22 the Master Settlement Agreement entered in the case of People
23 of the State of Illinois v. Philip Morris, et al. (Circuit
24 Court of Cook County, No. 96-L13146) and (2) any settlement
25 with or judgment against any tobacco product manufacturer other
26 than one participating in the Master Settlement Agreement in
27 satisfaction of any released claim as defined in the Master
28 Settlement Agreement, as well as any other monies as provided
29 by law. All earnings on Fund investments shall be deposited
30 into the Fund. Upon the creation of the Fund, the State
31 Comptroller shall order the State Treasurer to transfer into

1 the Fund any monies paid to the State as described in item (1)
2 or (2) of this Section before the creation of the Fund plus any
3 interest earned on the investment of those monies. The
4 Treasurer may invest the moneys in the Fund in the same manner,
5 in the same types of investments, and subject to the same
6 limitations provided in the Illinois Pension Code for the
7 investment of pension funds other than those established under
8 Article 3 or 4 of the Code.

9 (b) As soon as may be practical after June 30, 2001, upon
10 notification from and at the direction of the Governor, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer the unencumbered balance in the Tobacco Settlement
13 Recovery Fund as of June 30, 2001, as determined by the
14 Governor, into the Budget Stabilization Fund. The Treasurer may
15 invest the moneys in the Budget Stabilization Fund in the same
16 manner, in the same types of investments, and subject to the
17 same limitations provided in the Illinois Pension Code for the
18 investment of pension funds other than those established under
19 Article 3 or 4 of the Code.

20 (c) In addition to any other deposits authorized by law,
21 after any delivery of any bonds as authorized by Section 7.5 of
22 the General Obligation Bond Act for deposits to the General
23 Revenue Fund and the Budget Stabilization Fund (referred to as
24 "tobacco securitization general obligation bonds"), the
25 Governor shall certify, on or before June 30, 2003 and June 30
26 of each year thereafter, to the State Comptroller and State
27 Treasurer the total amount of principal of, interest on, and
28 premium, if any, due on those bonds in the next fiscal year
29 beginning with amounts due in fiscal year 2004. As soon as
30 practical after the annual payment of tobacco settlement moneys
31 to the Tobacco Settlement Recovery Fund as described in item
32 (1) of subsection (a), the State Treasurer and State
33 Comptroller shall transfer from the Tobacco Settlement
34 Recovery Fund to the General Obligation Bond Retirement and
35 Interest Fund the amount certified by the Governor, plus any
36 cumulative deficiency in those transfers for prior years.

1 (d) ~~(e)~~ All federal financial participation moneys
2 received pursuant to expenditures from the Fund shall be
3 deposited into the Fund.

4 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
5 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;
6 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

7 (30 ILCS 105/8.42)

8 Sec. 8.42. Interfund transfers. In order to address the
9 fiscal emergency resulting from shortfalls in revenue, the
10 following transfers are authorized from the designated funds
11 into the General Revenue Fund:

12	ROAD FUND	\$50,000,000
13	MOTOR FUEL TAX FUND	\$1,535,000
14	GRADE CROSSING PROTECTION FUND	\$6,500,000
15	ILLINOIS <u>AGRICULTURAL</u> AGRICULTURAL LOAN GUARANTEE	
16	FUND	\$2,500,000
17	ILLINOIS FARMER AND AGRIBUSINESS	
18	LOAN GUARANTEE FUND	\$1,500,000
19	TRANSPORTATION REGULATORY FUND	\$2,000,000
20	PARK AND CONSERVATION FUND	\$1,000,000
21	DCFS CHILDREN'S SERVICES FUND	\$1,000,000
22	TOBACCO SETTLEMENT RECOVERY FUND	\$50,000
23	AGGREGATE OPERATIONS REGULATORY FUND	\$10,000
24	APPRAISAL ADMINISTRATION FUND	\$10,000
25	AUCTION REGULATION ADMINISTRATION FUND	\$50,000
26	BANK AND TRUST COMPANY FUND	\$640,000
27	CHILD LABOR AND DAY AND TEMPORARY	
28	LABOR ENFORCEMENT FUND	\$15,000
29	CHILD SUPPORT ADMINISTRATIVE FUND	\$170,000
30	COAL MINING REGULATORY FUND	\$80,000
31	COMMUNITY WATER SUPPLY LABORATORY FUND	\$500,000
32	COMPTROLLER'S ADMINISTRATIVE FUND	\$50,000
33	CREDIT UNION FUND	\$500,000
34	CRIMINAL JUSTICE INFORMATION	
35	SYSTEMS TRUST FUND	\$300,000

1	DESIGN PROFESSIONALS ADMINISTRATION	
2	AND INVESTIGATION FUND	\$1,000,000
3	DIGITAL DIVIDE ELIMINATION	
4	INFRASTRUCTURE FUND	\$4,000,000
5	DRAM SHOP FUND	\$560,000
6	DRIVERS EDUCATION FUND	\$2,500,000
7	EMERGENCY PLANNING AND TRAINING FUND	\$50,000
8	ENERGY EFFICIENCY TRUST FUND	\$1,000,000
9	EXPLOSIVES REGULATORY FUND	\$4,000
10	FINANCIAL INSTITUTION FUND	\$300,000
11	FIREARM OWNER'S NOTIFICATION FUND	\$110,000
12	FOOD AND DRUG SAFETY FUND	\$500,000
13	GENERAL PROFESSIONS DEDICATED FUND	\$1,000,000
14	HAZARDOUS WASTE FUND	\$500,000
15	HORSE RACING FUND	\$630,000
16	ILLINOIS GAMING LAW ENFORCEMENT FUND	\$200,000
17	ILLINOIS HISTORIC SITES FUND	\$15,000
18	ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND	\$400,000
19	ILLINOIS STANDARD BRED BREEDERS FUND	\$35,000
20	ILLINOIS STATE MEDICAL DISCIPLINARY FUND	\$1,500,000
21	ILLINOIS STATE PHARMACY DISCIPLINARY FUND	\$1,500,000
22	ILLINOIS TAX INCREMENT FUND	\$20,000
23	INSURANCE FINANCIAL REGULATION FUND	\$920,000
24	LANDFILL CLOSURE AND POST-CLOSURE FUND	\$250,000
25	MANDATORY ARBITRATION FUND	\$2,000,000
26	MEDICAID FRAUD AND ABUSE PREVENTION FUND	\$80,000
27	MENTAL HEALTH FUND	\$1,000,000
28	NEW TECHNOLOGY RECOVERY FUND	\$1,000,000
29	NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND	\$460,000
30	OPEN SPACE LANDS ACQUISITION	
31	AND DEVELOPMENT FUND	\$1,510,000
32	PLUGGING AND RESTORATION FUND	\$120,000
33	PLUMBING LICENSURE AND PROGRAM FUND	\$400,000
34	PUBLIC HEALTH WATER PERMIT FUND	\$90,000
35	PUBLIC UTILITY FUND	\$2,000,000
36	RADIATION PROTECTION FUND	\$240,000

1	LOW-LEVEL RADIOACTIVE WASTE FACILITY	
2	DEVELOPMENT AND OPERATION FUND	\$1,000,000
3	REAL ESTATE AUDIT FUND	\$50,000
4	REAL ESTATE LICENSE ADMINISTRATION FUND	\$750,000
5	REAL ESTATE RESEARCH AND EDUCATION FUND	\$30,000
6	REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'	
7	ADMINISTRATION AND DISCIPLINARY FUND	\$1,000,000
8	RENEWABLE ENERGY RESOURCES TRUST FUND	\$3,000,000
9	SAVINGS AND RESIDENTIAL FINANCE	
10	REGULATORY FUND	\$850,000
11	SECURITIES AUDIT AND ENFORCEMENT FUND	\$2,000,000
12	STATE PARKS FUND	\$593,000
13	STATE POLICE VEHICLE FUND	\$15,000
14	TAX COMPLIANCE AND ADMINISTRATION FUND	\$150,000
15	TOURISM PROMOTION FUND	\$5,000,000
16	TRAFFIC AND CRIMINAL CONVICTION	
17	SURCHARGE FUND	\$250,000
18	UNDERGROUND RESOURCES CONSERVATION	
19	ENFORCEMENT FUND	\$100,000
20	UNDERGROUND STORAGE TANK FUND	\$12,100,000
21	ILLINOIS CAPITAL REVOLVING LOAN FUND	\$5,000,000
22	CONSERVATION 2000 FUND	\$15,000
23	DEATH CERTIFICATE SURCHARGE FUND	\$1,500,000
24	ENERGY ASSISTANCE CONTRIBUTION FUND	\$750,000
25	FAIR AND EXPOSITION FUND	\$500,000
26	HOME INSPECTOR ADMINISTRATION FUND	\$100,000
27	ILLINOIS AFFORDABLE HOUSING TRUST FUND	\$5,000,000
28	LARGE BUSINESS ATTRACTION FUND	\$500,000
29	SCHOOL TECHNOLOGY REVOLVING LOAN FUND	\$6,000,000
30	SOLID WASTE MANAGEMENT REVOLVING LOAN FUND	\$2,000,000
31	WIRELESS CARRIER REIMBURSEMENT FUND	\$2,000,000
32	EPA STATE PROJECTS TRUST FUND	\$150,000
33	ILLINOIS THOROUGHBRED	
34	BREEDERS FUND	\$160,000
35	FIRE PREVENTION FUND	\$2,000,000
36	MOTOR VEHICLE THEFT	

1	PREVENTION TRUST FUND	\$250,000
2	CAPITAL DEVELOPMENT BOARD	
3	REVOLVING FUND	\$500,000
4	AUDIT EXPENSE FUND	\$1,000,000
5	OFF-HIGHWAY VEHICLE	
6	TRAILS FUND	\$100,000
7	CYCLE RIDER SAFETY	
8	TRAINING FUND	\$1,000,000
9	GANG CRIME WITNESS PROTECTION FUND	\$46,000
10	MISSING AND EXPLOITED CHILDREN TRUST FUND	\$53,000
11	STATE POLICE VEHICLE FUND	\$86,000
12	SEX OFFENDER REGISTRATION FUND	\$21,000
13	STATE POLICE WIRELESS SERVICE	
14	EMERGENCY FUND	\$1,200,000
15	MEDICAID FRAUD AND ABUSE PREVENTION FUND	\$270,000
16	STATE CRIME LABORATORY FUND	\$250,000
17	LEADS MAINTENANCE FUND	\$180,000
18	STATE POLICE DUI FUND	\$100,000
19	PETROLEUM VIOLATION FUND	\$2,000,000

20 All such transfers shall be made on July 1, 2003, or as
 21 soon thereafter as practical. These transfers may be made
 22 notwithstanding any other provision of law to the contrary.

23 (Source: P.A. 93-32, eff. 6-20-03; revised 10-11-05.)

24 (30 ILCS 105/8g)

25 Sec. 8g. Fund transfers.

26 (a) In addition to any other transfers that may be provided
 27 for by law, as soon as may be practical after the effective
 28 date of this amendatory Act of the 91st General Assembly, the
 29 State Comptroller shall direct and the State Treasurer shall
 30 transfer the sum of \$10,000,000 from the General Revenue Fund
 31 to the Motor Vehicle License Plate Fund created by Senate Bill
 32 1028 of the 91st General Assembly.

33 (b) In addition to any other transfers that may be provided
 34 for by law, as soon as may be practical after the effective
 35 date of this amendatory Act of the 91st General Assembly, the

1 State Comptroller shall direct and the State Treasurer shall
2 transfer the sum of \$25,000,000 from the General Revenue Fund
3 to the Fund for Illinois' Future created by Senate Bill 1066 of
4 the 91st General Assembly.

5 (c) In addition to any other transfers that may be provided
6 for by law, on August 30 of each fiscal year's license period,
7 the Illinois Liquor Control Commission shall direct and the
8 State Comptroller and State Treasurer shall transfer from the
9 General Revenue Fund to the Youth Alcoholism and Substance
10 Abuse Prevention Fund an amount equal to the number of retail
11 liquor licenses issued for that fiscal year multiplied by \$50.

12 (d) The payments to programs required under subsection (d)
13 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
14 pursuant to appropriation, from the special funds referred to
15 in the statutes cited in that subsection, rather than directly
16 from the General Revenue Fund.

17 Beginning January 1, 2000, on the first day of each month,
18 or as soon as may be practical thereafter, the State
19 Comptroller shall direct and the State Treasurer shall transfer
20 from the General Revenue Fund to each of the special funds from
21 which payments are to be made under Section 28.1(d) of the
22 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
23 amount required for those payments from that special fund,
24 which annual amount shall not exceed the annual amount for
25 those payments from that special fund for the calendar year
26 1998. The special funds to which transfers shall be made under
27 this subsection (d) include, but are not necessarily limited
28 to, the Agricultural Premium Fund; the Metropolitan Exposition
29 Auditorium and Office Building Fund; the Fair and Exposition
30 Fund; the Standardbred Breeders Fund; the Thoroughbred
31 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

32 (e) In addition to any other transfers that may be provided
33 for by law, as soon as may be practical after the effective
34 date of this amendatory Act of the 91st General Assembly, but
35 in no event later than June 30, 2000, the State Comptroller
36 shall direct and the State Treasurer shall transfer the sum of

1 \$15,000,000 from the General Revenue Fund to the Fund for
2 Illinois' Future.

3 (f) In addition to any other transfers that may be provided
4 for by law, as soon as may be practical after the effective
5 date of this amendatory Act of the 91st General Assembly, but
6 in no event later than June 30, 2000, the State Comptroller
7 shall direct and the State Treasurer shall transfer the sum of
8 \$70,000,000 from the General Revenue Fund to the Long-Term Care
9 Provider Fund.

10 (f-1) In fiscal year 2002, in addition to any other
11 transfers that may be provided for by law, at the direction of
12 and upon notification from the Governor, the State Comptroller
13 shall direct and the State Treasurer shall transfer amounts not
14 exceeding a total of \$160,000,000 from the General Revenue Fund
15 to the Long-Term Care Provider Fund.

16 (g) In addition to any other transfers that may be provided
17 for by law, on July 1, 2001, or as soon thereafter as may be
18 practical, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$1,200,000 from the General
20 Revenue Fund to the Violence Prevention Fund.

21 (h) In each of fiscal years 2002 through 2004, but not
22 thereafter, in addition to any other transfers that may be
23 provided for by law, the State Comptroller shall direct and the
24 State Treasurer shall transfer \$5,000,000 from the General
25 Revenue Fund to the Tourism Promotion Fund.

26 (i) On or after July 1, 2001 and until May 1, 2002, in
27 addition to any other transfers that may be provided for by
28 law, at the direction of and upon notification from the
29 Governor, the State Comptroller shall direct and the State
30 Treasurer shall transfer amounts not exceeding a total of
31 \$80,000,000 from the General Revenue Fund to the Tobacco
32 Settlement Recovery Fund. Any amounts so transferred shall be
33 re-transferred by the State Comptroller and the State Treasurer
34 from the Tobacco Settlement Recovery Fund to the General
35 Revenue Fund at the direction of and upon notification from the
36 Governor, but in any event on or before June 30, 2002.

1 (i-1) On or after July 1, 2002 and until May 1, 2003, in
 2 addition to any other transfers that may be provided for by
 3 law, at the direction of and upon notification from the
 4 Governor, the State Comptroller shall direct and the State
 5 Treasurer shall transfer amounts not exceeding a total of
 6 \$80,000,000 from the General Revenue Fund to the Tobacco
 7 Settlement Recovery Fund. Any amounts so transferred shall be
 8 re-transferred by the State Comptroller and the State Treasurer
 9 from the Tobacco Settlement Recovery Fund to the General
 10 Revenue Fund at the direction of and upon notification from the
 11 Governor, but in any event on or before June 30, 2003.

12 (j) On or after July 1, 2001 and no later than June 30,
 13 2002, in addition to any other transfers that may be provided
 14 for by law, at the direction of and upon notification from the
 15 Governor, the State Comptroller shall direct and the State
 16 Treasurer shall transfer amounts not to exceed the following
 17 sums into the Statistical Services Revolving Fund:

18	From the General Revenue Fund	\$8,450,000
19	From the Public Utility Fund	1,700,000
20	From the Transportation Regulatory Fund	2,650,000
21	From the Title III Social Security and	
22	Employment Fund	3,700,000
23	From the Professions Indirect Cost Fund	4,050,000
24	From the Underground Storage Tank Fund	550,000
25	From the Agricultural Premium Fund	750,000
26	From the State Pensions Fund	200,000
27	From the Road Fund	2,000,000
28	From the Health Facilities	
29	Planning Fund	1,000,000
30	From the Savings and Residential Finance	
31	Regulatory Fund	130,800
32	From the Appraisal Administration Fund	28,600
33	From the Pawnbroker Regulation Fund	3,600
34	From the Auction Regulation	
35	Administration Fund	35,800
36	From the Bank and Trust Company Fund.....	634,800

1 From the Real Estate License
 2 Administration Fund 313,600

3 (k) In addition to any other transfers that may be provided
 4 for by law, as soon as may be practical after the effective
 5 date of this amendatory Act of the 92nd General Assembly, the
 6 State Comptroller shall direct and the State Treasurer shall
 7 transfer the sum of \$2,000,000 from the General Revenue Fund to
 8 the Teachers Health Insurance Security Fund.

9 (k-1) In addition to any other transfers that may be
 10 provided for by law, on July 1, 2002, or as soon as may be
 11 practical thereafter, the State Comptroller shall direct and
 12 the State Treasurer shall transfer the sum of \$2,000,000 from
 13 the General Revenue Fund to the Teachers Health Insurance
 14 Security Fund.

15 (k-2) In addition to any other transfers that may be
 16 provided for by law, on July 1, 2003, or as soon as may be
 17 practical thereafter, the State Comptroller shall direct and
 18 the State Treasurer shall transfer the sum of \$2,000,000 from
 19 the General Revenue Fund to the Teachers Health Insurance
 20 Security Fund.

21 (k-3) On or after July 1, 2002 and no later than June 30,
 22 2003, in addition to any other transfers that may be provided
 23 for by law, at the direction of and upon notification from the
 24 Governor, the State Comptroller shall direct and the State
 25 Treasurer shall transfer amounts not to exceed the following
 26 sums into the Statistical Services Revolving Fund:

27	Appraisal Administration Fund	\$150,000
28	General Revenue Fund	10,440,000
29	Savings and Residential Finance	
30	Regulatory Fund	200,000
31	State Pensions Fund	100,000
32	Bank and Trust Company Fund	100,000
33	Professions Indirect Cost Fund	3,400,000
34	Public Utility Fund	2,081,200
35	Real Estate License Administration Fund	150,000
36	Title III Social Security and	

1	Employment Fund.....	1,000,000
2	Transportation Regulatory Fund	3,052,100
3	Underground Storage Tank Fund	50,000

4 (l) In addition to any other transfers that may be provided
5 for by law, on July 1, 2002, or as soon as may be practical
6 thereafter, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$3,000,000 from the General
8 Revenue Fund to the Presidential Library and Museum Operating
9 Fund.

10 (m) In addition to any other transfers that may be provided
11 for by law, on July 1, 2002 and on the effective date of this
12 amendatory Act of the 93rd General Assembly, or as soon
13 thereafter as may be practical, the State Comptroller shall
14 direct and the State Treasurer shall transfer the sum of
15 \$1,200,000 from the General Revenue Fund to the Violence
16 Prevention Fund.

17 (n) In addition to any other transfers that may be provided
18 for by law, on July 1, 2003, or as soon thereafter as may be
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$6,800,000 from the General
21 Revenue Fund to the DHS Recoveries Trust Fund.

22 (o) On or after July 1, 2003, and no later than June 30,
23 2004, in addition to any other transfers that may be provided
24 for by law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not to exceed the following
27 sums into the Vehicle Inspection Fund:

28 From the Underground Storage Tank Fund \$35,000,000.

29 (p) On or after July 1, 2003 and until May 1, 2004, in
30 addition to any other transfers that may be provided for by
31 law, at the direction of and upon notification from the
32 Governor, the State Comptroller shall direct and the State
33 Treasurer shall transfer amounts not exceeding a total of
34 \$80,000,000 from the General Revenue Fund to the Tobacco
35 Settlement Recovery Fund. Any amounts so transferred shall be
36 re-transferred from the Tobacco Settlement Recovery Fund to the

1 General Revenue Fund at the direction of and upon notification
2 from the Governor, but in any event on or before June 30, 2004.

3 (q) In addition to any other transfers that may be provided
4 for by law, on July 1, 2003, or as soon as may be practical
5 thereafter, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$5,000,000 from the General
7 Revenue Fund to the Illinois Military Family Relief Fund.

8 (r) In addition to any other transfers that may be provided
9 for by law, on July 1, 2003, or as soon as may be practical
10 thereafter, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$1,922,000 from the General
12 Revenue Fund to the Presidential Library and Museum Operating
13 Fund.

14 (s) In addition to any other transfers that may be provided
15 for by law, on or after July 1, 2003, the State Comptroller
16 shall direct and the State Treasurer shall transfer the sum of
17 \$4,800,000 from the Statewide Economic Development Fund to the
18 General Revenue Fund.

19 (t) In addition to any other transfers that may be provided
20 for by law, on or after July 1, 2003, the State Comptroller
21 shall direct and the State Treasurer shall transfer the sum of
22 \$50,000,000 from the General Revenue Fund to the Budget
23 Stabilization Fund.

24 (u) On or after July 1, 2004 and until May 1, 2005, in
25 addition to any other transfers that may be provided for by
26 law, at the direction of and upon notification from the
27 Governor, the State Comptroller shall direct and the State
28 Treasurer shall transfer amounts not exceeding a total of
29 \$80,000,000 from the General Revenue Fund to the Tobacco
30 Settlement Recovery Fund. Any amounts so transferred shall be
31 retransferred by the State Comptroller and the State Treasurer
32 from the Tobacco Settlement Recovery Fund to the General
33 Revenue Fund at the direction of and upon notification from the
34 Governor, but in any event on or before June 30, 2005.

35 (v) In addition to any other transfers that may be provided
36 for by law, on July 1, 2004, or as soon thereafter as may be

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$1,200,000 from the General
3 Revenue Fund to the Violence Prevention Fund.

4 (w) In addition to any other transfers that may be provided
5 for by law, on July 1, 2004, or as soon thereafter as may be
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$6,445,000 from the General
8 Revenue Fund to the Presidential Library and Museum Operating
9 Fund.

10 (x) In addition to any other transfers that may be provided
11 for by law, on January 15, 2005, or as soon thereafter as may
12 be practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer to the General Revenue Fund the
14 following sums:

15 From the State Crime Laboratory Fund, \$200,000;

16 From the State Police Wireless Service Emergency Fund,
17 \$200,000;

18 From the State Offender DNA Identification System
19 Fund, \$800,000; and

20 From the State Police Whistleblower Reward and
21 Protection Fund, \$500,000.

22 (y) Notwithstanding any other provision of law to the
23 contrary, in addition to any other transfers that may be
24 provided for by law on June 30, 2005, or as soon as may be
25 practical thereafter, the State Comptroller shall direct and
26 the State Treasurer shall transfer the remaining balance from
27 the designated funds into the General Revenue Fund and any
28 future deposits that would otherwise be made into these funds
29 must instead be made into the General Revenue Fund:

30 (1) the Keep Illinois Beautiful Fund;

31 (2) the Metropolitan Fair and Exposition Authority
32 Reconstruction Fund;

33 (3) the New Technology Recovery Fund;

34 (4) the Illinois Rural Bond Bank Trust Fund;

35 (5) the ISBE School Bus Driver Permit Fund;

36 (6) the Solid Waste Management Revolving Loan Fund;

- 1 (7) the State Postsecondary Review Program Fund;
- 2 (8) the Tourism Attraction Development Matching Grant
3 Fund;
- 4 (9) the Patent and Copyright Fund;
- 5 (10) the Credit Enhancement Development Fund;
- 6 (11) the Community Mental Health and Developmental
7 Disabilities Services Provider Participation Fee Trust
8 Fund;
- 9 (12) the Nursing Home Grant Assistance Fund;
- 10 (13) the By-product Material Safety Fund;
- 11 (14) the Illinois Student Assistance Commission Higher
12 EdNet Fund;
- 13 (15) the DORS State Project Fund;
- 14 (16) the School Technology Revolving Fund;
- 15 (17) the Energy Assistance Contribution Fund;
- 16 (18) the Illinois Building Commission Revolving Fund;
- 17 (19) the Illinois Aquaculture Development Fund;
- 18 (20) the Homelessness Prevention Fund;
- 19 (21) the DCFS Refugee Assistance Fund;
- 20 (22) the Illinois Century Network Special Purposes
21 Fund; and
- 22 (23) the Build Illinois Purposes Fund.

23 (z) In addition to any other transfers that may be provided
24 for by law, on July 1, 2005, or as soon as may be practical
25 thereafter, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$1,200,000 from the General
27 Revenue Fund to the Violence Prevention Fund.

28 (aa) In addition to any other transfers that may be
29 provided for by law, on July 1, 2005, or as soon as may be
30 practical thereafter, the State Comptroller shall direct and
31 the State Treasurer shall transfer the sum of \$9,000,000 from
32 the General Revenue Fund to the Presidential Library and Museum
33 Operating Fund.

34 (bb) In addition to any other transfers that may be
35 provided for by law, on July 1, 2005, or as soon as may be
36 practical thereafter, the State Comptroller shall direct and

1 the State Treasurer shall transfer the sum of \$6,803,600 from
2 the General Revenue Fund to the Securities Audit and
3 Enforcement Fund.

4 (cc) In addition to any other transfers that may be
5 provided for by law, on or after July 1, 2005 and until May 1,
6 2006, at the direction of and upon notification from the
7 Governor, the State Comptroller shall direct and the State
8 Treasurer shall transfer amounts not exceeding a total of
9 \$80,000,000 from the General Revenue Fund to the Tobacco
10 Settlement Recovery Fund. Any amounts so transferred shall be
11 re-transferred by the State Comptroller and the State Treasurer
12 from the Tobacco Settlement Recovery Fund to the General
13 Revenue Fund at the direction of and upon notification from the
14 Governor, but in any event on or before June 30, 2006.

15 (dd) ~~(y)~~ In addition to any other transfers that may be
16 provided for by law, on April 1, 2005, or as soon thereafter as
17 may be practical, at the direction of the Director of Public
18 Aid, the State Comptroller shall direct and the State Treasurer
19 shall transfer from the Public Aid Recoveries Trust Fund
20 amounts not to exceed \$14,000,000 to the Community Mental
21 Health Medicaid Trust Fund.

22 (Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839,
23 eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05;
24 94-91, eff. 7-1-05; revised 8-9-05.)

25 (30 ILCS 105/8h)

26 Sec. 8h. Transfers to General Revenue Fund.

27 (a) Except as provided in subsection (b), notwithstanding
28 any other State law to the contrary, the Governor may, through
29 June 30, 2007, from time to time direct the State Treasurer and
30 Comptroller to transfer a specified sum from any fund held by
31 the State Treasurer to the General Revenue Fund in order to
32 help defray the State's operating costs for the fiscal year.
33 The total transfer under this Section from any fund in any
34 fiscal year shall not exceed the lesser of (i) 8% of the
35 revenues to be deposited into the fund during that fiscal year

1 or (ii) an amount that leaves a remaining fund balance of 25%
2 of the July 1 fund balance of that fiscal year. In fiscal year
3 2005 only, prior to calculating the July 1, 2004 final
4 balances, the Governor may calculate and direct the State
5 Treasurer with the Comptroller to transfer additional amounts
6 determined by applying the formula authorized in Public Act
7 93-839 to the funds balances on July 1, 2003. No transfer may
8 be made from a fund under this Section that would have the
9 effect of reducing the available balance in the fund to an
10 amount less than the amount remaining unexpended and unreserved
11 from the total appropriation from that fund estimated to be
12 expended for that fiscal year. This Section does not apply to
13 any funds that are restricted by federal law to a specific use,
14 to any funds in the Motor Fuel Tax Fund, the Intercity
15 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
16 Provider Relief Fund, the Teacher Health Insurance Security
17 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
18 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
19 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
20 Federal Projects Fund, the Supreme Court Special State Projects
21 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development
22 and Operation Fund, or the Hospital Basic Services Preservation
23 Fund, or to any funds to which subsection (f) of Section 20-40
24 of the Nursing and Advanced Practice Nursing Act applies. No
25 transfers may be made under this Section from the Pet
26 Population Control Fund. Notwithstanding any other provision
27 of this Section, for fiscal year 2004, the total transfer under
28 this Section from the Road Fund or the State Construction
29 Account Fund shall not exceed the lesser of (i) 5% of the
30 revenues to be deposited into the fund during that fiscal year
31 or (ii) 25% of the beginning balance in the fund. For fiscal
32 year 2005 through fiscal year 2007, no amounts may be
33 transferred under this Section from the Road Fund, the State
34 Construction Account Fund, the Criminal Justice Information
35 Systems Trust Fund, the Wireless Service Emergency Fund, or the
36 Mandatory Arbitration Fund.

1 In determining the available balance in a fund, the
2 Governor may include receipts, transfers into the fund, and
3 other resources anticipated to be available in the fund in that
4 fiscal year.

5 The State Treasurer and Comptroller shall transfer the
6 amounts designated under this Section as soon as may be
7 practicable after receiving the direction to transfer from the
8 Governor.

9 (b) This Section does not apply to: (i) the Ticket For The
10 Cure Fund; (ii) ~~or to~~ any fund established under the Community
11 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
12 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
13 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
14 and Day and Temporary Labor Enforcement Fund.

15 (c) This Section does not apply to the Demutualization
16 Trust Fund established under the Uniform Disposition of
17 Unclaimed Property Act.

18 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
19 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
20 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
21 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
22 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
23 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
24 94-691, eff. 11-2-05; revised 11-15-05.)

25 (30 ILCS 105/8i)

26 Sec. 8i ~~8h~~. Transfers between the Communications Revolving
27 Fund and the Illinois Military Family Relief Fund. The State
28 Comptroller shall order transferred and the Treasurer shall
29 transfer, on March 31, 2003 or as soon as practicable
30 thereafter, the amount of \$300,000 from the Communications
31 Revolving Fund to the Illinois Military Family Relief Fund.
32 Beginning on July 1, 2004, the State Comptroller shall order
33 transferred and the Treasurer shall transfer, on the last day
34 of each month, an amount equal to 50% of that day's beginning
35 balance in the Illinois Military Family Relief Fund from the

1 Illinois Military Family Relief Fund to the Communications
2 Revolving Fund. These transfers shall continue until the
3 cumulative total of transfers executed from the Illinois
4 Military Family Relief Fund to the Communications Revolving
5 Fund equals \$300,000.

6 (Source: P.A. 93-506, eff. 8-11-03; revised 8-21-03.)

7 (30 ILCS 105/25) (from Ch. 127, par. 161)

8 Sec. 25. Fiscal year limitations.

9 (a) All appropriations shall be available for expenditure
10 for the fiscal year or for a lesser period if the Act making
11 that appropriation so specifies. A deficiency or emergency
12 appropriation shall be available for expenditure only through
13 June 30 of the year when the Act making that appropriation is
14 enacted unless that Act otherwise provides.

15 (b) Outstanding liabilities as of June 30, payable from
16 appropriations which have otherwise expired, may be paid out of
17 the expiring appropriations during the 2-month period ending at
18 the close of business on August 31. Any service involving
19 professional or artistic skills or any personal services by an
20 employee whose compensation is subject to income tax
21 withholding must be performed as of June 30 of the fiscal year
22 in order to be considered an "outstanding liability as of June
23 30" that is thereby eligible for payment out of the expiring
24 appropriation.

25 However, payment of tuition reimbursement claims under
26 Section 14-7.03 or 18-3 of the School Code may be made by the
27 State Board of Education from its appropriations for those
28 respective purposes for any fiscal year, even though the claims
29 reimbursed by the payment may be claims attributable to a prior
30 fiscal year, and payments may be made at the direction of the
31 State Superintendent of Education from the fund from which the
32 appropriation is made without regard to any fiscal year
33 limitations.

34 Medical payments may be made by the Department of Veterans'
35 Affairs from its appropriations for those purposes for any

1 fiscal year, without regard to the fact that the medical
2 services being compensated for by such payment may have been
3 rendered in a prior fiscal year.

4 Medical payments may be made by the Department of Public
5 Aid and medical payments and child care payments may be made by
6 the Department of Human Services (as successor to the
7 Department of Public Aid) from appropriations for those
8 purposes for any fiscal year, without regard to the fact that
9 the medical or child care services being compensated for by
10 such payment may have been rendered in a prior fiscal year; and
11 payments may be made at the direction of the Department of
12 Central Management Services from the Health Insurance Reserve
13 Fund and the Local Government Health Insurance Reserve Fund
14 without regard to any fiscal year limitations.

15 Medical payments may be made by the Department of Human
16 Services from its appropriations relating to substance abuse
17 treatment services for any fiscal year, without regard to the
18 fact that the medical services being compensated for by such
19 payment may have been rendered in a prior fiscal year, provided
20 the payments are made on a fee-for-service basis consistent
21 with requirements established for Medicaid reimbursement by
22 the Department of Public Aid.

23 Additionally, payments may be made by the Department of
24 Human Services from its appropriations, or any other State
25 agency from its appropriations with the approval of the
26 Department of Human Services, from the Immigration Reform and
27 Control Fund for purposes authorized pursuant to the
28 Immigration Reform and Control Act of 1986, without regard to
29 any fiscal year limitations.

30 Further, with respect to costs incurred in fiscal years
31 2002 and 2003 only, payments may be made by the State Treasurer
32 from its appropriations from the Capital Litigation Trust Fund
33 without regard to any fiscal year limitations.

34 Lease payments may be made by the Department of Central
35 Management Services under the sale and leaseback provisions of
36 Section 7.4 of the State Property Control Act with respect to

1 the James R. Thompson Center and the Elgin Mental Health Center
2 and surrounding land from appropriations for that purpose
3 without regard to any fiscal year limitations.

4 Lease payments may be made under the sale and leaseback
5 provisions of Section 7.5 of the State Property Control Act
6 with respect to the Illinois State Toll Highway Authority
7 headquarters building and surrounding land without regard to
8 any fiscal year limitations.

9 (c) Further, payments may be made by the Department of
10 Public Health and the Department of Human Services (acting as
11 successor to the Department of Public Health under the
12 Department of Human Services Act) from their respective
13 appropriations for grants for medical care to or on behalf of
14 persons suffering from chronic renal disease, persons
15 suffering from hemophilia, rape victims, and premature and
16 high-mortality risk infants and their mothers and for grants
17 for supplemental food supplies provided under the United States
18 Department of Agriculture Women, Infants and Children
19 Nutrition Program, for any fiscal year without regard to the
20 fact that the services being compensated for by such payment
21 may have been rendered in a prior fiscal year.

22 (d) The Department of Public Health and the Department of
23 Human Services (acting as successor to the Department of Public
24 Health under the Department of Human Services Act) shall each
25 annually submit to the State Comptroller, Senate President,
26 Senate Minority Leader, Speaker of the House, House Minority
27 Leader, and the respective Chairmen and Minority Spokesmen of
28 the Appropriations Committees of the Senate and the House, on
29 or before December 31, a report of fiscal year funds used to
30 pay for services provided in any prior fiscal year. This report
31 shall document by program or service category those
32 expenditures from the most recently completed fiscal year used
33 to pay for services provided in prior fiscal years.

34 (e) The Department of Public Aid, the Department of Human
35 Services (acting as successor to the Department of Public Aid),
36 and the Department of Human Services making fee-for-service

1 payments relating to substance abuse treatment services
2 provided during a previous fiscal year shall each annually
3 submit to the State Comptroller, Senate President, Senate
4 Minority Leader, Speaker of the House, House Minority Leader,
5 the respective Chairmen and Minority Spokesmen of the
6 Appropriations Committees of the Senate and the House, on or
7 before November 30, a report that shall document by program or
8 service category those expenditures from the most recently
9 completed fiscal year used to pay for (i) services provided in
10 prior fiscal years and (ii) services for which claims were
11 received in prior fiscal years.

12 (f) The Department of Human Services (as successor to the
13 Department of Public Aid) shall annually submit to the State
14 Comptroller, Senate President, Senate Minority Leader, Speaker
15 of the House, House Minority Leader, and the respective
16 Chairmen and Minority Spokesmen of the Appropriations
17 Committees of the Senate and the House, on or before December
18 31, a report of fiscal year funds used to pay for services
19 (other than medical care) provided in any prior fiscal year.
20 This report shall document by program or service category those
21 expenditures from the most recently completed fiscal year used
22 to pay for services provided in prior fiscal years.

23 (g) In addition, each annual report required to be
24 submitted by the Department of Public Aid under subsection (e)
25 shall include the following information with respect to the
26 State's Medicaid program:

27 (1) Explanations of the exact causes of the variance
28 between the previous year's estimated and actual
29 liabilities.

30 (2) Factors affecting the Department of Public Aid's
31 liabilities, including but not limited to numbers of aid
32 recipients, levels of medical service utilization by aid
33 recipients, and inflation in the cost of medical services.

34 (3) The results of the Department's efforts to combat
35 fraud and abuse.

36 (h) As provided in Section 4 of the General Assembly

1 Compensation Act, any utility bill for service provided to a
2 General Assembly member's district office for a period
3 including portions of 2 consecutive fiscal years may be paid
4 from funds appropriated for such expenditure in either fiscal
5 year.

6 (i) An agency which administers a fund classified by the
7 Comptroller as an internal service fund may issue rules for:

8 (1) billing user agencies in advance for payments or
9 authorized inter-fund transfers based on estimated charges
10 for goods or services;

11 (2) issuing credits, refunding through inter-fund
12 transfers, or reducing future inter-fund transfers during
13 the subsequent fiscal year for all user agency payments or
14 authorized inter-fund transfers received during the prior
15 fiscal year which were in excess of the final amounts owed
16 by the user agency for that period; and

17 (3) issuing catch-up billings to user agencies during
18 the subsequent fiscal year for amounts remaining due when
19 payments or authorized inter-fund transfers received from
20 the user agency during the prior fiscal year were less than
21 the total amount owed for that period.

22 User agencies are authorized to reimburse internal service
23 funds for catch-up billings by vouchers drawn against their
24 respective appropriations for the fiscal year in which the
25 catch-up billing was issued or by increasing an authorized
26 inter-fund transfer during the current fiscal year. For the
27 purposes of this Act, "inter-fund transfers" means transfers
28 without the use of the voucher-warrant process, as authorized
29 by Section 9.01 of the State Comptroller Act.

30 (Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03;
31 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 10-25-04.)

32 (30 ILCS 105/5.05 rep.)

33 (30 ILCS 105/5.06 rep.)

34 (30 ILCS 105/5.35 rep.)

35 (30 ILCS 105/5.37 rep.)

- 1 (30 ILCS 105/5.47 rep.)
- 2 (30 ILCS 105/5.51 rep.)
- 3 (30 ILCS 105/5.59 rep.)
- 4 (30 ILCS 105/5.60 rep.)
- 5 (30 ILCS 105/5.69 rep.)
- 6 (30 ILCS 105/5.75 rep.)
- 7 (30 ILCS 105/5.76 rep.)
- 8 (30 ILCS 105/5.90 rep.)
- 9 (30 ILCS 105/5.113 rep.)
- 10 (30 ILCS 105/5.178 rep.)
- 11 (30 ILCS 105/5.190 rep.)
- 12 (30 ILCS 105/5.191 rep.)
- 13 (30 ILCS 105/5.193 rep.)
- 14 (30 ILCS 105/5.197 rep.)
- 15 (30 ILCS 105/5.205 rep.)
- 16 (30 ILCS 105/5.210 rep.)
- 17 (30 ILCS 105/5.218 rep.)
- 18 (30 ILCS 105/5.220 rep.)
- 19 (30 ILCS 105/5.228 rep.)
- 20 (30 ILCS 105/5.245 rep.)
- 21 (30 ILCS 105/5.246 rep.)
- 22 (30 ILCS 105/5.264 rep.)
- 23 (30 ILCS 105/5.271 rep.)
- 24 (30 ILCS 105/5.283 rep.)
- 25 (30 ILCS 105/5.285 rep.)
- 26 (30 ILCS 105/5.294 rep.)
- 27 (30 ILCS 105/5.299 rep.)
- 28 (30 ILCS 105/5.300 rep.)
- 29 (30 ILCS 105/5.301 rep.)
- 30 (30 ILCS 105/5.304 rep.)
- 31 (30 ILCS 105/5.308 rep.)
- 32 (30 ILCS 105/5.309 rep.)
- 33 (30 ILCS 105/5.311 rep.)
- 34 (30 ILCS 105/5.314 rep.)
- 35 (30 ILCS 105/5.327 rep.)
- 36 (30 ILCS 105/5.330 rep.)

- 1 (30 ILCS 105/5.335 rep.)
- 2 (30 ILCS 105/5.336 rep.)
- 3 (30 ILCS 105/5.360 rep., from P.A. 87-1249)
- 4 (30 ILCS 105/5.361 rep.)
- 5 (30 ILCS 105/5.363 rep.)
- 6 (30 ILCS 105/5.388 rep.)
- 7 (30 ILCS 105/5.389 rep.)
- 8 (30 ILCS 105/5.390 rep.)
- 9 (30 ILCS 105/5.393 rep.)
- 10 (30 ILCS 105/5.396 rep.)
- 11 (30 ILCS 105/5.398 rep.)
- 12 (30 ILCS 105/5.399 rep.)
- 13 (30 ILCS 105/5.400 rep.)
- 14 (30 ILCS 105/5.401 rep.)
- 15 (30 ILCS 105/5.402 rep.)
- 16 (30 ILCS 105/5.403 rep.)
- 17 (30 ILCS 105/5.404 rep.)
- 18 (30 ILCS 105/5.405 rep.)
- 19 (30 ILCS 105/5.406 rep.)
- 20 (30 ILCS 105/5.407 rep.)
- 21 (30 ILCS 105/5.417 rep.)
- 22 (30 ILCS 105/5.432 rep.)
- 23 (30 ILCS 105/5.433 rep.)
- 24 (30 ILCS 105/5.434 rep.)
- 25 (30 ILCS 105/5.439 rep.)
- 26 (30 ILCS 105/5.447 rep.)
- 27 (30 ILCS 105/5.467 rep.)
- 28 (30 ILCS 105/5.483 rep.)
- 29 (30 ILCS 105/5.486 rep.)
- 30 (30 ILCS 105/5.488 rep.)
- 31 (30 ILCS 105/5.507 rep.)
- 32 (30 ILCS 105/5.519 rep.)
- 33 (30 ILCS 105/5.522 rep.)

34 Section 201. The State Finance Act is amended by repealing
35 Sections 5.05, 5.06, 5.35, 5.37, 5.47, 5.51, 5.59, 5.60, 5.69,
36 5.75, 5.76, 5.90, 5.113, 5.178, 5.190, 5.191, 5.193, 5.197,

1 5.205, 5.210, 5.218, 5.220, 5.228, 5.245, 5.246, 5.264, 5.271,
2 5.283, 5.285, 5.294, 5.299, 5.300, 5.301, 5.304, 5.308, 5.309,
3 5.311, 5.314, 5.327, 5.330, 5.335, 5.336, 5.360 (as added by
4 P.A. 87-1249), 5.361, 5.363, 5.388, 5.389, 5.390, 5.393, 5.396,
5 5.398, 5.399, 5.400, 5.401, 5.402, 5.403, 5.404, 5.405, 5.406,
6 5.407, 5.417, 5.432, 5.433, 5.434, 5.439, 5.447, 5.467, 5.483,
7 5.486, 5.488, 5.507, 5.519, and 5.522.

8 (30 ILCS 105/5.230 rep.)

9 Section 202. The State Finance Act is amended by repealing
10 Section 5.230.

11 Section 205. The Public Funds Investment Act is amended by
12 changing Section 6 as follows:

13 (30 ILCS 235/6) (from Ch. 85, par. 906)

14 Sec. 6. Report of financial institutions.

15 (a) No bank shall receive any public funds unless it has
16 furnished the corporate authorities of a public agency
17 submitting a deposit with copies of the last two sworn
18 statements of resources and liabilities which the bank is
19 required to furnish to the Commissioner of Banks and Real
20 Estate or to the Comptroller of the Currency. Each bank
21 designated as a depository for public funds shall, while acting
22 as such depository, furnish the corporate authorities of a
23 public agency with a copy of all statements of resources and
24 liabilities which it is required to furnish to the Commissioner
25 of Banks and Real Estate or to the Comptroller of the Currency;
26 provided, that if such funds or moneys are deposited in a bank,
27 the amount of all such deposits not collateralized or insured
28 by an agency of the federal government shall not exceed 75% of
29 the capital stock and surplus of such bank, and the corporate
30 authorities of a public agency submitting a deposit shall not
31 be discharged from responsibility for any funds or moneys
32 deposited in any bank in excess of such limitation.

33 (b) No savings bank or savings and loan association shall

1 receive public funds unless it has furnished the corporate
2 authorities of a public agency submitting a deposit with copies
3 of the last 2 sworn statements of resources and liabilities
4 which the savings bank or savings and loan association is
5 required to furnish to the Commissioner of Banks and Real
6 Estate or the Federal Deposit Insurance Corporation. Each
7 savings bank or savings and loan association designated as a
8 depository for public funds shall, while acting as such
9 depository, furnish the corporate authorities of a public
10 agency with a copy of all statements of resources and
11 liabilities which it is required to furnish to the Commissioner
12 of Banks and Real Estate or the Federal Deposit Insurance
13 Corporation; provided, that if such funds or moneys are
14 deposited in a savings bank or savings and loan association,
15 the amount of all such deposits not collateralized or insured
16 by an agency of the federal government shall not exceed 75% of
17 the net worth of such savings bank or savings and loan
18 association as defined by the Federal Deposit Insurance
19 Corporation, and the corporate authorities of a public agency
20 submitting a deposit shall not be discharged from
21 responsibility for any funds or moneys deposited in any savings
22 bank or savings and loan association in excess of such
23 limitation.

24 (c) No credit union shall receive public funds unless it
25 has furnished the corporate authorities of a public agency
26 submitting a share deposit with copies of the last two reports
27 of examination prepared by or submitted to the Illinois
28 Department of Financial Institutions or the National Credit
29 Union Administration. Each credit union designated as a
30 depository for public funds shall, while acting as such
31 depository, furnish the corporate authorities of a public
32 agency with a copy of all reports of examination prepared by or
33 furnished to the Illinois Department of Financial Institutions
34 or the National Credit Union Administration; provided that if
35 such funds or moneys are invested in a credit union account,
36 the amount of all such investments not collateralized or

1 insured by an agency of the federal government or other
2 approved share insurer shall not exceed 50% of the unimpaired
3 capital and surplus of such credit union, which shall include
4 shares, reserves and undivided earnings and the corporate
5 authorities of a public agency making an investment shall not
6 be discharged from responsibility for any funds or moneys
7 invested in a credit union in excess of such limitation.

8 (d) Whenever a public agency deposits any public funds in a
9 financial institution, the public agency may enter into an
10 agreement with the financial institution requiring any funds
11 not insured by the Federal Deposit Insurance Corporation or the
12 National Credit Union Administration or other approved share
13 insurer to be collateralized by any of the following classes of
14 securities, provided there has been no default in the payment
15 of principal or interest thereon:

16 (1) Bonds, notes, or other securities constituting
17 direct and general obligations of the United States, the
18 bonds, notes, or other securities constituting the direct
19 and general obligation of any agency or instrumentality of
20 the United States, the interest and principal of which is
21 unconditionally guaranteed by the United States, and
22 bonds, notes, or other securities or evidence of
23 indebtedness constituting the obligation of a U.S. agency
24 or instrumentality.

25 (2) Direct and general obligation bonds of the State of
26 Illinois or of any other state of the United States.

27 (3) Revenue bonds of this State or any authority,
28 board, commission, or similar agency thereof.

29 (4) Direct and general obligation bonds of any city,
30 town, county, school district, or other taxing body of any
31 state, the debt service of which is payable from general ad
32 valorem taxes.

33 (5) Revenue bonds of any city, town, county, or school
34 district of the State of Illinois.

35 (6) Obligations issued, assumed, or guaranteed by the
36 International Finance Corporation, the principal of which

1 is not amortized during the life of the obligation, but no
2 such obligation shall be accepted at more than 90% of its
3 market value.

4 (7) Illinois Affordable Housing Program Trust Fund
5 Bonds or Notes as defined in and issued pursuant to the
6 Illinois Housing Development Act.

7 (8) In an amount equal to at least market value of that
8 amount of funds deposited exceeding the insurance
9 limitation provided by the Federal Deposit Insurance
10 Corporation or the National Credit Union Administration or
11 other approved share insurer: (i) securities, (ii)
12 mortgages, (iii) letters of credit issued by a Federal Home
13 Loan Bank, or (iv) loans covered by a State Guarantee
14 ~~Guaranty~~ under the Illinois Farm Development Act, if that
15 guarantee has been assumed by the Illinois Finance
16 Authority under Section 845-75 of the Illinois Finance
17 Authority Act, and loans covered by a State Guarantee under
18 Article 830 of the Illinois Finance Authority Act.

19 (9) Certificates of deposit or share certificates
20 issued to the depository institution pledging them as
21 security. The public agency may require security in the
22 amount of 125% of the value of the public agency deposit.
23 Such certificate of deposit or share certificate shall:

24 (i) be fully insured by the Federal Deposit
25 Insurance Corporation, the Federal Savings and Loan
26 Insurance Corporation, or the National Credit Union
27 Share Insurance Fund or issued by a depository
28 institution which is rated within the 3 highest
29 classifications established by at least one of the 2
30 standard rating services;

31 (ii) be issued by a financial institution having
32 assets of \$15,000,000 or more; and

33 (iii) be issued by either a savings and loan
34 association having a capital to asset ratio of at least
35 2%, by a bank having a capital to asset ratio of at
36 least 6% or by a credit union having a capital to asset

1 ratio of at least 4%.

2 The depository institution shall effect the assignment of
3 the certificate of deposit or share certificate to the public
4 agency and shall agree that, in the event the issuer of the
5 certificate fails to maintain the capital to asset ratio
6 required by this Section, such certificate of deposit or share
7 certificate shall be replaced by additional suitable security.

8 (e) The public agency may accept a system established by
9 the State Treasurer to aggregate permissible securities
10 received as collateral from financial institutions in a
11 collateral pool to secure public deposits of the institutions
12 that have pledged securities to the pool.

13 (f) The public agency may at any time declare any
14 particular security ineligible to qualify as collateral when,
15 in the public agency's judgment, it is deemed desirable to do
16 so.

17 (g) Notwithstanding any other provision of this Section, as
18 security a public agency may, at its discretion, accept a bond,
19 executed by a company authorized to transact the kinds of
20 business described in clause (g) of Section 4 of the Illinois
21 Insurance Code, in an amount not less than the amount of the
22 deposits required by this Section to be secured, payable to the
23 public agency for the benefit of the People of the unit of
24 government, in a form that is acceptable to the public agency
25 ~~Finance Authority.~~

26 (h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of
27 this Section do not apply to the University of Illinois,
28 Southern Illinois University, Chicago State University,
29 Eastern Illinois University, Governors State University,
30 Illinois State University, Northeastern Illinois University,
31 Northern Illinois University, Western Illinois University, the
32 Cooperative Computer Center and public community colleges.

33 (Source: P.A. 93-205, eff. 1-1-04; 93-561, eff. 1-1-04; revised
34 1-14-04.)

35 Section 210. The Local Government Debt Offering Act is

1 amended by changing Section 2 as follows:

2 (30 ILCS 375/2) (from Ch. 85, par. 842)

3 Sec. 2.

4 (a) "Local government" means a county, city, village, town,
5 township, school district, and other special-purpose district,
6 authority, or public corporation within the state and
7 authorized by the state to issue bonds and other long-term
8 obligations.

9 (b) "Governing body" means the body or board charged with
10 exercising the legislative authority of a local government.

11 (c) "Department" means the Department of Commerce and
12 Economic Opportunity ~~Local Governmental Affairs~~.

13 (d) "Chief financial officer" means the comptroller,
14 treasurer, director of finance or other local government
15 official charged with managing the fiscal affairs of a local
16 government official charged with managing the fiscal affairs of
17 a local government.

18 (e) "Bonds" means debt payable more than one year after
19 date of issue or incurrence, issued pursuant to the laws
20 authorizing local government borrowing.

21 (Source: P.A. 77-1504; revised 10-11-05.)

22 Section 215. The Illinois Unemployment Insurance Trust
23 Fund Financing Act is amended by changing Section 8 as follows:

24 (30 ILCS 440/8)

25 Sec. 8. Continuing appropriation. This Act shall
26 constitute an irrevocable and continuing appropriation of all
27 amounts necessary in respect to use of Fund Building Receipts
28 ~~Receipts~~ and Bond Proceeds for purposes specified in this Act,
29 including, without limitation, for the provision for payment of
30 principal and interest on the Bonds and other amounts due in
31 connection with the issuance of the Bonds pursuant to this Act,
32 to the fullest extent such appropriation is required.

33 (Source: P.A. 93-634, eff. 1-1-04; revised 10-14-05.)

1 Section 220. The Illinois Procurement Code is amended by
2 changing Sections 35-30 and 50-35 as follows:

3 (30 ILCS 500/35-30)

4 Sec. 35-30. Awards.

5 (a) All State contracts for professional and artistic
6 services, except as provided in this Section, shall be awarded
7 using the competitive request for proposal process outlined in
8 this Section.

9 (b) For each contract offered, the chief procurement
10 officer, State purchasing officer, or his or her designee shall
11 use the appropriate standard solicitation forms available from
12 the Department of Central Management Services or the higher
13 education chief procurement officer.

14 (c) Prepared forms shall be submitted to the Department of
15 Central Management Services or the higher education chief
16 procurement officer, whichever is appropriate, for publication
17 in its Illinois Procurement Bulletin and circulation to the
18 Department of Central Management Services' or the higher
19 education chief procurement officer's list of prequalified
20 vendors. Notice of the offer or request for proposal shall
21 appear at least 14 days before the response to the offer is
22 due.

23 (d) All interested respondents shall return their
24 responses to the Department of Central Management Services or
25 the higher education chief procurement officer, whichever is
26 appropriate, which shall open and record them. The Department
27 or higher education chief procurement officer then shall
28 forward the responses, together with any information it has
29 available about the qualifications and other State work of the
30 respondents.

31 (e) After evaluation, ranking, and selection, the
32 responsible chief procurement officer, State purchasing
33 officer, or his or her designee shall notify the Department of
34 Central Management Services or the higher education chief

1 procurement officer, whichever is appropriate, of the
2 successful respondent and shall forward a copy of the signed
3 contract for the Department's or higher education chief
4 procurement officer's file. The Department or higher education
5 chief procurement officer shall publish the names of the
6 responsible procurement decision-maker, the agency letting the
7 contract, the successful respondent, a contract reference, and
8 value of the let contract in the next appropriate volume of the
9 Illinois Procurement Bulletin.

10 (f) For all professional and artistic contracts with
11 annualized value that exceeds \$25,000, evaluation and ranking
12 by price are required. Any chief procurement officer or State
13 purchasing officer, but not their designees, may select an
14 offeror other than the lowest bidder by price. In any case,
15 when the contract exceeds the \$25,000 threshold ~~threshold~~ and
16 the lowest bidder is not selected, the chief procurement
17 officer or the State purchasing officer shall forward together
18 with the contract notice of who the low bidder was and a
19 written decision as to why another was selected to the
20 Department of Central Management Services or the higher
21 education chief procurement officer, whichever is appropriate.
22 The Department or higher education chief procurement officer
23 shall publish as provided in subsection (e) of Section 35-30,
24 but shall include notice of the chief procurement officer's or
25 State purchasing officer's written decision.

26 (g) The Department of Central Management Services and
27 higher education chief procurement officer may each refine, but
28 not contradict, this Section by promulgating rules for
29 submission to the Procurement Policy Board and then to the
30 Joint Committee on Administrative Rules. Any refinement shall
31 be based on the principles and procedures of the federal
32 Architect-Engineer Selection Law, Public Law 92-582 Brooks
33 Act, and the Architectural, Engineering, and Land Surveying
34 Qualifications Based Selection Act; except that pricing shall
35 be an integral part of the selection process.

36 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised

1 10-19-05.)

2 (30 ILCS 500/50-35)

3 Sec. 50-35. Disclosure and potential conflicts of
4 interest.

5 (a) All offers from responsive bidders or offerors with an
6 annual value of more than \$10,000 shall be accompanied by
7 disclosure of the financial interests of the contractor,
8 bidder, or proposer. The financial disclosure of each
9 successful bidder or offeror shall become part of the publicly
10 available contract or procurement file maintained by the
11 appropriate chief procurement officer.

12 (b) Disclosure by the responsive bidders or offerors shall
13 include any ownership or distributive income share that is in
14 excess of 5%, or an amount greater than 60% of the annual
15 salary of the Governor, of the bidding entity or its parent
16 entity, whichever is less, unless the contractor or bidder (i)
17 is a publicly traded entity subject to Federal 10K reporting,
18 in which case it may submit its 10K disclosure in place of the
19 prescribed disclosure, or (ii) is a privately held entity that
20 is exempt from Federal 10k reporting but has more than 400
21 shareholders, in which case it may submit the information that
22 Federal 10k reporting companies are required to report under 17
23 CFR 229.401 and list the names of any person or entity holding
24 any ownership share that is in excess of 5% in place of the
25 prescribed disclosure. The form of disclosure shall be
26 prescribed by the applicable chief procurement officer and must
27 include at least the names, addresses, and dollar or
28 proportionate share of ownership of each person identified in
29 this Section, their instrument of ownership or beneficial
30 relationship, and notice of any potential conflict of interest
31 resulting from the current ownership or beneficial
32 relationship of each person identified in this Section having
33 in addition any of the following relationships:

34 (1) State employment, currently or in the previous 3
35 years, including contractual employment of services.

1 (2) State employment of spouse, father, mother, son, or
2 daughter, including contractual employment for services in
3 the previous 2 years.

4 (3) Elective status; the holding of elective office of
5 the State of Illinois, the government of the United States,
6 any unit of local government authorized by the Constitution
7 of the State of Illinois or the statutes of the State of
8 Illinois currently or in the previous 3 years.

9 (4) Relationship to anyone holding elective office
10 currently or in the previous 2 years; spouse, father,
11 mother, son, or daughter.

12 (5) Appointive office; the holding of any appointive
13 government office of the State of Illinois, the United
14 States of America, or any unit of local government
15 authorized by the Constitution of the State of Illinois or
16 the statutes of the State of Illinois, which office
17 entitles the holder to compensation in excess of expenses
18 incurred in the discharge of that office currently or in
19 the previous 3 years.

20 (6) Relationship to anyone holding appointive office
21 currently or in the previous 2 years; spouse, father,
22 mother, son, or daughter.

23 (7) Employment, currently or in the previous 3 years,
24 as or by any registered lobbyist of the State government.

25 (8) Relationship to anyone who is or was a registered
26 lobbyist in the previous 2 years; spouse, father, mother,
27 son, or daughter.

28 (9) Compensated employment, currently or in the
29 previous 3 years, by any registered election or re-election
30 committee registered with the Secretary of State or any
31 county clerk in the State of Illinois, or any political
32 action committee registered with either the Secretary of
33 State or the Federal Board of Elections.

34 (10) Relationship to anyone; spouse, father, mother,
35 son, or daughter; who is or was a compensated employee in
36 the last 2 years of any registered election or re-election

1 committee registered with the Secretary of State or any
2 county clerk in the State of Illinois, or any political
3 action committee registered with either the Secretary of
4 State or the Federal Board of Elections.

5 (c) The disclosure in subsection (b) is not intended to
6 prohibit or prevent any contract. The disclosure is meant to
7 fully and publicly disclose any potential conflict to the chief
8 procurement officers, State purchasing officers, their
9 designees, and executive officers so they may adequately
10 discharge their duty to protect the State.

11 (d) In the case of any contract for personal services in
12 excess of \$50,000; any contract competitively bid in excess of
13 \$250,000; any other contract in excess of \$50,000; when a
14 potential for a conflict of interest is identified, discovered,
15 or reasonably suspected it shall be reviewed and commented on
16 in writing by the Governor of the State of Illinois, or by an
17 executive ethics board or commission he or she might designate.
18 The comment shall be returned to the responsible chief
19 procurement officer who must rule in writing whether to void or
20 allow the contract, bid, offer, or proposal weighing the best
21 interest of the State of Illinois. The comment and
22 determination shall become a publicly available part of the
23 contract, bid, or proposal file.

24 (e) These thresholds ~~thresholds~~ and disclosure do not
25 relieve the chief procurement officer, the State purchasing
26 officer, or their designees from reasonable care and diligence
27 for any contract, bid, offer, or proposal. The chief
28 procurement officer, the State purchasing officer, or their
29 designees shall be responsible for using any reasonably known
30 and publicly available information to discover any undisclosed
31 potential conflict of interest and act to protect the best
32 interest of the State of Illinois.

33 (f) Inadvertent or accidental failure to fully disclose
34 shall render the contract, bid, proposal, or relationship
35 voidable by the chief procurement officer if he or she deems it
36 in the best interest of the State of Illinois and, at his or

1 her discretion, may be cause for barring from future contracts,
2 bids, proposals, or relationships with the State for a period
3 of up to 2 years.

4 (g) Intentional, willful, or material failure to disclose
5 shall render the contract, bid, proposal, or relationship
6 voidable by the chief procurement officer if he or she deems it
7 in the best interest of the State of Illinois and shall result
8 in debarment from future contracts, bids, proposals, or
9 relationships for a period of not less than 2 years and not
10 more than 10 years. Reinstatement after 2 years and before 10
11 years must be reviewed and commented on in writing by the
12 Governor of the State of Illinois, or by an executive ethics
13 board or commission he or she might designate. The comment
14 shall be returned to the responsible chief procurement officer
15 who must rule in writing whether and when to reinstate.

16 (h) In addition, all disclosures shall note any other
17 current or pending contracts, proposals, leases, or other
18 ongoing procurement relationships the bidding, proposing, or
19 offering entity has with any other unit of State government and
20 shall clearly identify the unit and the contract, proposal,
21 lease, or other relationship.

22 (Source: P.A. 90-572, eff. 2-6-98; 91-146, eff. 7-16-99;
23 revised 10-19-05.)

24 Section 225. The State Property Control Act is amended by
25 changing Section 1.02 as follows:

26 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

27 Sec. 1.02. "Property" means State owned property and
28 includes all real estate, with the exception of rights of way
29 for State water resource and highway improvements, traffic
30 signs and traffic signals, and with the exception of common
31 school property; and all tangible personal property with the
32 exception of properties specifically exempted by the
33 administrator, provided that any property originally
34 classified as real property which has been detached from its

1 structure shall be classified as personal property.

2 "Property" does not include property owned by the Illinois
3 Medical District Commission and leased or occupied by others
4 for purposes permitted under the Illinois Medical District Act.
5 "Property" also does not include property owned and held by the
6 Illinois Medical District Commission for redevelopment.

7 "Property" does not include property described under
8 Section 5 of Public Act 92-371 with respect to depositing the
9 net proceeds from the sale or exchange of the property as
10 provided in Section 10 of that Act.

11 "Property" does not include that property described under
12 Section 5 of Public Act 94-405 ~~this amendatory Act of the 94th~~
13 ~~General Assembly.~~

14 (Source: P.A. 94-405, eff. 8-2-05; revised 8-31-05.)

15 Section 230. The State Facilities Closure Act is amended by
16 changing Section 5-1 as follows:

17 (30 ILCS 608/5-1)

18 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the
19 State Facilities Closure Act. All references in this Article to
20 "this Act" mean this Article.

21 (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

22 Section 233. The Build Illinois Act is amended by changing
23 Section 9-4.2 as follows:

24 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

25 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

26 (a) There is hereby created the Illinois Capital Revolving
27 Loan Fund, hereafter referred to in this Article as the
28 "Capital Fund" to be held as a separate fund within the State
29 Treasury.

30 The purpose of the Capital Fund is to finance intermediary
31 agreements, administration, technical assistance agreements,
32 loans, grants, or investments in Illinois. In addition, funds

1 may be used for a one time transfer in fiscal year 1994, not to
2 exceed the amounts appropriated, to the Public Infrastructure
3 Construction Loan Revolving Fund for grants and loans pursuant
4 to the Public Infrastructure Loan and Grant Program Act.
5 Investments, administration, grants, and financial aid shall
6 be used for the purposes set for in this Article. Loan
7 financing will be in the form of loan agreements pursuant to
8 the terms and conditions set forth in this Article. All loans
9 shall be conditioned on the project receiving financing from
10 participating lenders or other investors. Loan proceeds shall
11 be available for project costs, except for debt refinancing.

12 (b) There shall be deposited in the Capital Fund such
13 amounts, including but not limited to:

14 (i) All receipts, including dividends, principal and
15 interest payments and royalties, from any applicable loan,
16 intermediary, or technical assistance agreement made from
17 the Capital Fund or from direct appropriations from the
18 Build Illinois Bond Fund or the Build Illinois Purposes
19 Fund (now abolished) or the General Revenue Fund by the
20 General Assembly entered into by the Department;

21 (ii) All proceeds of assets of whatever nature received
22 by the Department as a result of default or delinquency
23 with respect to loan agreements made from the Capital Fund
24 or from direct appropriations by the General Assembly,
25 including proceeds from the sale, disposal, lease or rental
26 of real or personal property which the Department may
27 receive as a result thereof;

28 (iii) Any appropriations, grants or gifts made to the
29 Capital Fund;

30 (iv) Any income received from interest on investments
31 of moneys in the Capital Fund;

32 (v) All moneys resulting from the collection of
33 premiums, fees, charges, costs, and expenses described in
34 subsection (e) of Section 9-3.

35 (c) The Treasurer may invest moneys in the Capital Fund in
36 securities constituting obligations of the United States

1 Government, or in obligations the principal of and interest on
2 which are guaranteed by the United States Government, in
3 obligations the principal of and interest on which are
4 guaranteed by the United States Government, or in certificates
5 of deposit of any State or national bank which are fully
6 secured by obligations guaranteed as to principal and interest
7 by the United States Government.

8 (Source: P.A. 94-91, eff. 7-1-05; 94-392, eff. 8-1-05; revised
9 8-19-05.)

10 Section 235. The State Mandates Act is amended by setting
11 forth, renumbering, and changing multiple versions of Section
12 8.25 and by changing Sections 8.27, 8.28, and 8.29 as follows:

13 (30 ILCS 805/8.25)

14 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8
15 of this Act, no reimbursement by the State is required for the
16 implementation of any mandate created by Public Act 92-36,
17 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388, 92-416,
18 92-424, or 92-465.

19 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52,
20 eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281,
21 eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416,
22 eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02;
23 92-651, eff. 7-11-02.)

24 (30 ILCS 805/8.26)

25 Sec. 8.26 ~~8.25~~. Exempt mandate. Notwithstanding Sections 6
26 and 8 of this Act, no reimbursement by the State is required
27 for the implementation of any mandate created by Public Act
28 92-505, 92-533, 92-599, 92-602, 92-609, 92-616, 92-631,
29 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846. ~~this~~
30 ~~amendatory Act of the 92nd General Assembly.~~

31 (Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02;
32 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff. 7-1-02;
33 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705, eff.

1 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02; 92-779,
2 eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02;
3 revised 10-25-02.)

4 (30 ILCS 805/8.27)

5 Sec. 8.27. Exempt mandate.

6 (a) Notwithstanding Sections 6 and 8 of this Act, no
7 reimbursement by the State is required for the implementation
8 of any mandate created by Public Act 93-3, 93-19, 93-42,
9 93-119, 93-123, 93-146, 93-206, 93-209, 93-226, 93-282,
10 93-314, 93-334, 93-377, 93-378, 93-409, 93-411, 93-517,
11 93-538, 93-574, or 93-633. ~~this amendatory Act of the 93rd~~
12 ~~General Assembly.~~

13 (b) Notwithstanding Sections 6 and 8 of this Act, no
14 reimbursement by the State is required for the implementation
15 of any mandate created by Section 25.5 of the River Conservancy
16 Districts Act.

17 (c) Notwithstanding Sections 6 and 8 of this Act, no
18 reimbursement by the State is required for the implementation
19 of any mandate created by the Public Works Contract Change
20 Order Act.

21 (Source: P.A. 93-3, eff. 4-16-03; 93-19, eff. 6-20-03; 93-42,
22 eff. 7-1-03; 93-119, eff. 7-10-03; 93-123, eff. 7-10-03;
23 93-146, eff. 7-10-03; 93-206, eff. 7-18-03; 93-209, eff.
24 7-18-03; 93-226, eff. 7-22-03; 93-275, eff. 7-22-03; 93-282,
25 eff. 7-22-03; 93-314, eff. 1-1-04; 93-334, eff. 7-24-03;
26 93-377, eff. 1-1-04; 93-378, eff. 7-24-03; 93-409, eff. 8-4-03;
27 93-411, eff. 8-4-03; 93-517, eff. 8-6-03; 93-538, eff. 1-1-04;
28 93-574, eff. 8-21-03; 93-633; eff. 12-23-03; 93-656, eff.
29 6-1-04; revised 1-22-04.)

30 (30 ILCS 805/8.28)

31 Sec. 8.28. Exempt mandate.

32 (a) Notwithstanding Sections 6 and 8 of this Act, no
33 reimbursement by the State is required for the implementation
34 of any mandate created by Public Act 93-654, 93-677, 93-679,

1 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038,
2 93-1079, or 93-1090 ~~this amendatory Act of the 93rd General~~
3 ~~Assembly.~~

4 (b) Notwithstanding Sections 6 and 8 of this Act, no
5 reimbursement by the State is required for the implementation
6 of any mandate created by the Senior Citizens Assessment Freeze
7 Homestead Exemption under Section 15-172 of the Property Tax
8 Code, the General Homestead Exemption under Section 15-175 of
9 the Property Tax Code, the alternative General Homestead
10 Exemption under Section 15-176 of the Property Tax Code, the
11 Homestead Improvements Exemption under Section 15-180 of the
12 Property Tax Code, and by Public Act 93-715 ~~this amendatory Act~~
13 ~~of the 93rd General Assembly.~~

14 (Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04;
15 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff.
16 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910,
17 eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, eff. 9-14-04;
18 93-1038, eff. 6-1-05; 93-1079, eff. 1-21-05; 93-1090, eff.
19 3-11-05; revised 12-1-05.)

20 (30 ILCS 805/8.29)

21 (Text of Section before amendment by P.A. 94-234)

22 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the
24 implementation of any mandate created by Public Act 94-4,
25 94-210, 94-354, 94-478, 94-576, 94-600, 94-612, 94-621,
26 94-624, 94-639, or 94-645 ~~this amendatory Act of the 94th~~
27 ~~General Assembly.~~

28 (Source: P.A. 94-4, eff. 6-1-05; 94-210, eff. 7-14-05; 94-354,
29 eff. 1-1-06; 94-478, eff. 8-5-05; 94-576, eff. 8-12-05; 94-600,
30 eff. 8-16-05; 94-612, eff. 8-18-05; 94-621, eff. 8-18-05;
31 94-624, eff. 8-18-05; 94-639, eff. 8-22-05; 94-645, eff.
32 8-22-05; revised 9-26-05.)

33 (Text of Section after amendment by P.A. 94-234)

34 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by Public Act 94-4,
3 94-210, 94-234, 94-354, 94-478, 94-576, 94-600, 94-612,
4 94-621, 94-624, 94-639, or 94-645 ~~this amendatory Act of the~~
5 ~~94th General Assembly.~~

6 (Source: P.A. 94-4, eff. 6-1-05; 94-210, eff. 7-14-05; 94-234,
7 eff. 7-1-06; 94-354, eff. 1-1-06; 94-478, eff. 8-5-05; 94-576,
8 eff. 8-12-05; 94-600, eff. 8-16-05; 94-612, eff. 8-18-05;
9 94-621, eff. 8-18-05; 94-624, eff. 8-18-05; 94-639, eff.
10 8-22-05; 94-645, eff. 8-22-05; revised 9-26-05.)

11 Section 240. The Illinois Income Tax Act is amended by
12 changing Sections 201, 203, 205, 509, 510, and 917 and by
13 setting forth, renumbering, and changing multiple versions of
14 Sections 507X, 507Y, and 507EE as follows:

15 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

16 Sec. 201. Tax Imposed.

17 (a) In general. A tax measured by net income is hereby
18 imposed on every individual, corporation, trust and estate for
19 each taxable year ending after July 31, 1969 on the privilege
20 of earning or receiving income in or as a resident of this
21 State. Such tax shall be in addition to all other occupation or
22 privilege taxes imposed by this State or by any municipal
23 corporation or political subdivision thereof.

24 (b) Rates. The tax imposed by subsection (a) of this
25 Section shall be determined as follows, except as adjusted by
26 subsection (d-1):

27 (1) In the case of an individual, trust or estate, for
28 taxable years ending prior to July 1, 1989, an amount equal
29 to 2 1/2% of the taxpayer's net income for the taxable
30 year.

31 (2) In the case of an individual, trust or estate, for
32 taxable years beginning prior to July 1, 1989 and ending
33 after June 30, 1989, an amount equal to the sum of (i) 2
34 1/2% of the taxpayer's net income for the period prior to

1 July 1, 1989, as calculated under Section 202.3, and (ii)
2 3% of the taxpayer's net income for the period after June
3 30, 1989, as calculated under Section 202.3.

4 (3) In the case of an individual, trust or estate, for
5 taxable years beginning after June 30, 1989, an amount
6 equal to 3% of the taxpayer's net income for the taxable
7 year.

8 (4) (Blank).

9 (5) (Blank).

10 (6) In the case of a corporation, for taxable years
11 ending prior to July 1, 1989, an amount equal to 4% of the
12 taxpayer's net income for the taxable year.

13 (7) In the case of a corporation, for taxable years
14 beginning prior to July 1, 1989 and ending after June 30,
15 1989, an amount equal to the sum of (i) 4% of the
16 taxpayer's net income for the period prior to July 1, 1989,
17 as calculated under Section 202.3, and (ii) 4.8% of the
18 taxpayer's net income for the period after June 30, 1989,
19 as calculated under Section 202.3.

20 (8) In the case of a corporation, for taxable years
21 beginning after June 30, 1989, an amount equal to 4.8% of
22 the taxpayer's net income for the taxable year.

23 (c) Personal Property Tax Replacement Income Tax.
24 Beginning on July 1, 1979 and thereafter, in addition to such
25 income tax, there is also hereby imposed the Personal Property
26 Tax Replacement Income Tax measured by net income on every
27 corporation (including Subchapter S corporations), partnership
28 and trust, for each taxable year ending after June 30, 1979.
29 Such taxes are imposed on the privilege of earning or receiving
30 income in or as a resident of this State. The Personal Property
31 Tax Replacement Income Tax shall be in addition to the income
32 tax imposed by subsections (a) and (b) of this Section and in
33 addition to all other occupation or privilege taxes imposed by
34 this State or by any municipal corporation or political
35 subdivision thereof.

36 (d) Additional Personal Property Tax Replacement Income

1 Tax Rates. The personal property tax replacement income tax
2 imposed by this subsection and subsection (c) of this Section
3 in the case of a corporation, other than a Subchapter S
4 corporation and except as adjusted by subsection (d-1), shall
5 be an additional amount equal to 2.85% of such taxpayer's net
6 income for the taxable year, except that beginning on January
7 1, 1981, and thereafter, the rate of 2.85% specified in this
8 subsection shall be reduced to 2.5%, and in the case of a
9 partnership, trust or a Subchapter S corporation shall be an
10 additional amount equal to 1.5% of such taxpayer's net income
11 for the taxable year.

12 (d-1) Rate reduction for certain foreign insurers. In the
13 case of a foreign insurer, as defined by Section 35A-5 of the
14 Illinois Insurance Code, whose state or country of domicile
15 imposes on insurers domiciled in Illinois a retaliatory tax
16 (excluding any insurer whose premiums from reinsurance assumed
17 are 50% or more of its total insurance premiums as determined
18 under paragraph (2) of subsection (b) of Section 304, except
19 that for purposes of this determination premiums from
20 reinsurance do not include premiums from inter-affiliate
21 reinsurance arrangements), beginning with taxable years ending
22 on or after December 31, 1999, the sum of the rates of tax
23 imposed by subsections (b) and (d) shall be reduced (but not
24 increased) to the rate at which the total amount of tax imposed
25 under this Act, net of all credits allowed under this Act,
26 shall equal (i) the total amount of tax that would be imposed
27 on the foreign insurer's net income allocable to Illinois for
28 the taxable year by such foreign insurer's state or country of
29 domicile if that net income were subject to all income taxes
30 and taxes measured by net income imposed by such foreign
31 insurer's state or country of domicile, net of all credits
32 allowed or (ii) a rate of zero if no such tax is imposed on such
33 income by the foreign insurer's state of domicile. For the
34 purposes of this subsection (d-1), an inter-affiliate includes
35 a mutual insurer under common management.

36 (1) For the purposes of subsection (d-1), in no event

1 shall the sum of the rates of tax imposed by subsections
2 (b) and (d) be reduced below the rate at which the sum of:

3 (A) the total amount of tax imposed on such foreign
4 insurer under this Act for a taxable year, net of all
5 credits allowed under this Act, plus

6 (B) the privilege tax imposed by Section 409 of the
7 Illinois Insurance Code, the fire insurance company
8 tax imposed by Section 12 of the Fire Investigation
9 Act, and the fire department taxes imposed under
10 Section 11-10-1 of the Illinois Municipal Code,
11 equals 1.25% for taxable years ending prior to December 31,
12 2003, or 1.75% for taxable years ending on or after
13 December 31, 2003, of the net taxable premiums written for
14 the taxable year, as described by subsection (1) of Section
15 409 of the Illinois Insurance Code. This paragraph will in
16 no event increase the rates imposed under subsections (b)
17 and (d).

18 (2) Any reduction in the rates of tax imposed by this
19 subsection shall be applied first against the rates imposed
20 by subsection (b) and only after the tax imposed by
21 subsection (a) net of all credits allowed under this
22 Section other than the credit allowed under subsection (i)
23 has been reduced to zero, against the rates imposed by
24 subsection (d).

25 This subsection (d-1) is exempt from the provisions of
26 Section 250.

27 (e) Investment credit. A taxpayer shall be allowed a credit
28 against the Personal Property Tax Replacement Income Tax for
29 investment in qualified property.

30 (1) A taxpayer shall be allowed a credit equal to .5%
31 of the basis of qualified property placed in service during
32 the taxable year, provided such property is placed in
33 service on or after July 1, 1984. There shall be allowed an
34 additional credit equal to .5% of the basis of qualified
35 property placed in service during the taxable year,
36 provided such property is placed in service on or after

1 July 1, 1986, and the taxpayer's base employment within
2 Illinois has increased by 1% or more over the preceding
3 year as determined by the taxpayer's employment records
4 filed with the Illinois Department of Employment Security.
5 Taxpayers who are new to Illinois shall be deemed to have
6 met the 1% growth in base employment for the first year in
7 which they file employment records with the Illinois
8 Department of Employment Security. The provisions added to
9 this Section by Public Act 85-1200 (and restored by Public
10 Act 87-895) shall be construed as declaratory of existing
11 law and not as a new enactment. If, in any year, the
12 increase in base employment within Illinois over the
13 preceding year is less than 1%, the additional credit shall
14 be limited to that percentage times a fraction, the
15 numerator of which is .5% and the denominator of which is
16 1%, but shall not exceed .5%. The investment credit shall
17 not be allowed to the extent that it would reduce a
18 taxpayer's liability in any tax year below zero, nor may
19 any credit for qualified property be allowed for any year
20 other than the year in which the property was placed in
21 service in Illinois. For tax years ending on or after
22 December 31, 1987, and on or before December 31, 1988, the
23 credit shall be allowed for the tax year in which the
24 property is placed in service, or, if the amount of the
25 credit exceeds the tax liability for that year, whether it
26 exceeds the original liability or the liability as later
27 amended, such excess may be carried forward and applied to
28 the tax liability of the 5 taxable years following the
29 excess credit years if the taxpayer (i) makes investments
30 which cause the creation of a minimum of 2,000 full-time
31 equivalent jobs in Illinois, (ii) is located in an
32 enterprise zone established pursuant to the Illinois
33 Enterprise Zone Act and (iii) is certified by the
34 Department of Commerce and Community Affairs (now
35 Department of Commerce and Economic Opportunity) as
36 complying with the requirements specified in clause (i) and

1 (ii) by July 1, 1986. The Department of Commerce and
2 Community Affairs (now Department of Commerce and Economic
3 Opportunity) shall notify the Department of Revenue of all
4 such certifications immediately. For tax years ending
5 after December 31, 1988, the credit shall be allowed for
6 the tax year in which the property is placed in service,
7 or, if the amount of the credit exceeds the tax liability
8 for that year, whether it exceeds the original liability or
9 the liability as later amended, such excess may be carried
10 forward and applied to the tax liability of the 5 taxable
11 years following the excess credit years. The credit shall
12 be applied to the earliest year for which there is a
13 liability. If there is credit from more than one tax year
14 that is available to offset a liability, earlier credit
15 shall be applied first.

16 (2) The term "qualified property" means property
17 which:

18 (A) is tangible, whether new or used, including
19 buildings and structural components of buildings and
20 signs that are real property, but not including land or
21 improvements to real property that are not a structural
22 component of a building such as landscaping, sewer
23 lines, local access roads, fencing, parking lots, and
24 other appurtenances;

25 (B) is depreciable pursuant to Section 167 of the
26 Internal Revenue Code, except that "3-year property"
27 as defined in Section 168(c)(2)(A) of that Code is not
28 eligible for the credit provided by this subsection
29 (e);

30 (C) is acquired by purchase as defined in Section
31 179(d) of the Internal Revenue Code;

32 (D) is used in Illinois by a taxpayer who is
33 primarily engaged in manufacturing, or in mining coal
34 or fluorite, or in retailing; and

35 (E) has not previously been used in Illinois in
36 such a manner and by such a person as would qualify for

1 the credit provided by this subsection (e) or
2 subsection (f).

3 (3) For purposes of this subsection (e),
4 "manufacturing" means the material staging and production
5 of tangible personal property by procedures commonly
6 regarded as manufacturing, processing, fabrication, or
7 assembling which changes some existing material into new
8 shapes, new qualities, or new combinations. For purposes of
9 this subsection (e) the term "mining" shall have the same
10 meaning as the term "mining" in Section 613(c) of the
11 Internal Revenue Code. For purposes of this subsection (e),
12 the term "retailing" means the sale of tangible personal
13 property or services rendered in conjunction with the sale
14 of tangible consumer goods or commodities.

15 (4) The basis of qualified property shall be the basis
16 used to compute the depreciation deduction for federal
17 income tax purposes.

18 (5) If the basis of the property for federal income tax
19 depreciation purposes is increased after it has been placed
20 in service in Illinois by the taxpayer, the amount of such
21 increase shall be deemed property placed in service on the
22 date of such increase in basis.

23 (6) The term "placed in service" shall have the same
24 meaning as under Section 46 of the Internal Revenue Code.

25 (7) If during any taxable year, any property ceases to
26 be qualified property in the hands of the taxpayer within
27 48 months after being placed in service, or the situs of
28 any qualified property is moved outside Illinois within 48
29 months after being placed in service, the Personal Property
30 Tax Replacement Income Tax for such taxable year shall be
31 increased. Such increase shall be determined by (i)
32 recomputing the investment credit which would have been
33 allowed for the year in which credit for such property was
34 originally allowed by eliminating such property from such
35 computation and, (ii) subtracting such recomputed credit
36 from the amount of credit previously allowed. For the

1 purposes of this paragraph (7), a reduction of the basis of
2 qualified property resulting from a redetermination of the
3 purchase price shall be deemed a disposition of qualified
4 property to the extent of such reduction.

5 (8) Unless the investment credit is extended by law,
6 the basis of qualified property shall not include costs
7 incurred after December 31, 2008, except for costs incurred
8 pursuant to a binding contract entered into on or before
9 December 31, 2008.

10 (9) Each taxable year ending before December 31, 2000,
11 a partnership may elect to pass through to its partners the
12 credits to which the partnership is entitled under this
13 subsection (e) for the taxable year. A partner may use the
14 credit allocated to him or her under this paragraph only
15 against the tax imposed in subsections (c) and (d) of this
16 Section. If the partnership makes that election, those
17 credits shall be allocated among the partners in the
18 partnership in accordance with the rules set forth in
19 Section 704(b) of the Internal Revenue Code, and the rules
20 promulgated under that Section, and the allocated amount of
21 the credits shall be allowed to the partners for that
22 taxable year. The partnership shall make this election on
23 its Personal Property Tax Replacement Income Tax return for
24 that taxable year. The election to pass through the credits
25 shall be irrevocable.

26 For taxable years ending on or after December 31, 2000,
27 a partner that qualifies its partnership for a subtraction
28 under subparagraph (I) of paragraph (2) of subsection (d)
29 of Section 203 or a shareholder that qualifies a Subchapter
30 S corporation for a subtraction under subparagraph (S) of
31 paragraph (2) of subsection (b) of Section 203 shall be
32 allowed a credit under this subsection (e) equal to its
33 share of the credit earned under this subsection (e) during
34 the taxable year by the partnership or Subchapter S
35 corporation, determined in accordance with the
36 determination of income and distributive share of income

1 under Sections 702 and 704 and Subchapter S of the Internal
2 Revenue Code. This paragraph is exempt from the provisions
3 of Section 250.

4 (f) Investment credit; Enterprise Zone.

5 (1) A taxpayer shall be allowed a credit against the
6 tax imposed by subsections (a) and (b) of this Section for
7 investment in qualified property which is placed in service
8 in an Enterprise Zone created pursuant to the Illinois
9 Enterprise Zone Act. For partners, shareholders of
10 Subchapter S corporations, and owners of limited liability
11 companies, if the liability company is treated as a
12 partnership for purposes of federal and State income
13 taxation, there shall be allowed a credit under this
14 subsection (f) to be determined in accordance with the
15 determination of income and distributive share of income
16 under Sections 702 and 704 and Subchapter S of the Internal
17 Revenue Code. The credit shall be .5% of the basis for such
18 property. The credit shall be available only in the taxable
19 year in which the property is placed in service in the
20 Enterprise Zone and shall not be allowed to the extent that
21 it would reduce a taxpayer's liability for the tax imposed
22 by subsections (a) and (b) of this Section to below zero.
23 For tax years ending on or after December 31, 1985, the
24 credit shall be allowed for the tax year in which the
25 property is placed in service, or, if the amount of the
26 credit exceeds the tax liability for that year, whether it
27 exceeds the original liability or the liability as later
28 amended, such excess may be carried forward and applied to
29 the tax liability of the 5 taxable years following the
30 excess credit year. The credit shall be applied to the
31 earliest year for which there is a liability. If there is
32 credit from more than one tax year that is available to
33 offset a liability, the credit accruing first in time shall
34 be applied first.

35 (2) The term qualified property means property which:

36 (A) is tangible, whether new or used, including

1 buildings and structural components of buildings;

2 (B) is depreciable pursuant to Section 167 of the
3 Internal Revenue Code, except that "3-year property"
4 as defined in Section 168(c)(2)(A) of that Code is not
5 eligible for the credit provided by this subsection
6 (f);

7 (C) is acquired by purchase as defined in Section
8 179(d) of the Internal Revenue Code;

9 (D) is used in the Enterprise Zone by the taxpayer;
10 and

11 (E) has not been previously used in Illinois in
12 such a manner and by such a person as would qualify for
13 the credit provided by this subsection (f) or
14 subsection (e).

15 (3) The basis of qualified property shall be the basis
16 used to compute the depreciation deduction for federal
17 income tax purposes.

18 (4) If the basis of the property for federal income tax
19 depreciation purposes is increased after it has been placed
20 in service in the Enterprise Zone by the taxpayer, the
21 amount of such increase shall be deemed property placed in
22 service on the date of such increase in basis.

23 (5) The term "placed in service" shall have the same
24 meaning as under Section 46 of the Internal Revenue Code.

25 (6) If during any taxable year, any property ceases to
26 be qualified property in the hands of the taxpayer within
27 48 months after being placed in service, or the situs of
28 any qualified property is moved outside the Enterprise Zone
29 within 48 months after being placed in service, the tax
30 imposed under subsections (a) and (b) of this Section for
31 such taxable year shall be increased. Such increase shall
32 be determined by (i) recomputing the investment credit
33 which would have been allowed for the year in which credit
34 for such property was originally allowed by eliminating
35 such property from such computation, and (ii) subtracting
36 such recomputed credit from the amount of credit previously

1 allowed. For the purposes of this paragraph (6), a
2 reduction of the basis of qualified property resulting from
3 a redetermination of the purchase price shall be deemed a
4 disposition of qualified property to the extent of such
5 reduction.

6 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade
7 Zone or Sub-Zone.

8 (1) A taxpayer conducting a trade or business in an
9 enterprise zone or a High Impact Business designated by the
10 Department of Commerce and Economic Opportunity conducting
11 a trade or business in a federally designated Foreign Trade
12 Zone or Sub-Zone shall be allowed a credit against the tax
13 imposed by subsections (a) and (b) of this Section in the
14 amount of \$500 per eligible employee hired to work in the
15 zone during the taxable year.

16 (2) To qualify for the credit:

17 (A) the taxpayer must hire 5 or more eligible
18 employees to work in an enterprise zone or federally
19 designated Foreign Trade Zone or Sub-Zone during the
20 taxable year;

21 (B) the taxpayer's total employment within the
22 enterprise zone or federally designated Foreign Trade
23 Zone or Sub-Zone must increase by 5 or more full-time
24 employees beyond the total employed in that zone at the
25 end of the previous tax year for which a jobs tax
26 credit under this Section was taken, or beyond the
27 total employed by the taxpayer as of December 31, 1985,
28 whichever is later; and

29 (C) the eligible employees must be employed 180
30 consecutive days in order to be deemed hired for
31 purposes of this subsection.

32 (3) An "eligible employee" means an employee who is:

33 (A) Certified by the Department of Commerce and
34 Economic Opportunity as "eligible for services"
35 pursuant to regulations promulgated in accordance with
36 Title II of the Job Training Partnership Act, Training

1 Services for the Disadvantaged or Title III of the Job
2 Training Partnership Act, Employment and Training
3 Assistance for Dislocated Workers Program.

4 (B) Hired after the enterprise zone or federally
5 designated Foreign Trade Zone or Sub-Zone was
6 designated or the trade or business was located in that
7 zone, whichever is later.

8 (C) Employed in the enterprise zone or Foreign
9 Trade Zone or Sub-Zone. An employee is employed in an
10 enterprise zone or federally designated Foreign Trade
11 Zone or Sub-Zone if his services are rendered there or
12 it is the base of operations for the services
13 performed.

14 (D) A full-time employee working 30 or more hours
15 per week.

16 (4) For tax years ending on or after December 31, 1985
17 and prior to December 31, 1988, the credit shall be allowed
18 for the tax year in which the eligible employees are hired.
19 For tax years ending on or after December 31, 1988, the
20 credit shall be allowed for the tax year immediately
21 following the tax year in which the eligible employees are
22 hired. If the amount of the credit exceeds the tax
23 liability for that year, whether it exceeds the original
24 liability or the liability as later amended, such excess
25 may be carried forward and applied to the tax liability of
26 the 5 taxable years following the excess credit year. The
27 credit shall be applied to the earliest year for which
28 there is a liability. If there is credit from more than one
29 tax year that is available to offset a liability, earlier
30 credit shall be applied first.

31 (5) The Department of Revenue shall promulgate such
32 rules and regulations as may be deemed necessary to carry
33 out the purposes of this subsection (g).

34 (6) The credit shall be available for eligible
35 employees hired on or after January 1, 1986.

36 (h) Investment credit; High Impact Business.

1 (1) Subject to subsections (b) and (b-5) of Section 5.5
2 of the Illinois Enterprise Zone Act, a taxpayer shall be
3 allowed a credit against the tax imposed by subsections (a)
4 and (b) of this Section for investment in qualified
5 property which is placed in service by a Department of
6 Commerce and Economic Opportunity designated High Impact
7 Business. The credit shall be .5% of the basis for such
8 property. The credit shall not be available (i) until the
9 minimum investments in qualified property set forth in
10 subdivision (a)(3)(A) of Section 5.5 of the Illinois
11 Enterprise Zone Act have been satisfied or (ii) until the
12 time authorized in subsection (b-5) of the Illinois
13 Enterprise Zone Act for entities designated as High Impact
14 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
15 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
16 Act, and shall not be allowed to the extent that it would
17 reduce a taxpayer's liability for the tax imposed by
18 subsections (a) and (b) of this Section to below zero. The
19 credit applicable to such investments shall be taken in the
20 taxable year in which such investments have been completed.
21 The credit for additional investments beyond the minimum
22 investment by a designated high impact business authorized
23 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
24 Enterprise Zone Act shall be available only in the taxable
25 year in which the property is placed in service and shall
26 not be allowed to the extent that it would reduce a
27 taxpayer's liability for the tax imposed by subsections (a)
28 and (b) of this Section to below zero. For tax years ending
29 on or after December 31, 1987, the credit shall be allowed
30 for the tax year in which the property is placed in
31 service, or, if the amount of the credit exceeds the tax
32 liability for that year, whether it exceeds the original
33 liability or the liability as later amended, such excess
34 may be carried forward and applied to the tax liability of
35 the 5 taxable years following the excess credit year. The
36 credit shall be applied to the earliest year for which

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, the
3 credit accruing first in time shall be applied first.

4 Changes made in this subdivision (h) (1) by Public Act
5 88-670 restore changes made by Public Act 85-1182 and
6 reflect existing law.

7 (2) The term qualified property means property which:

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings;

10 (B) is depreciable pursuant to Section 167 of the
11 Internal Revenue Code, except that "3-year property"
12 as defined in Section 168(c) (2) (A) of that Code is not
13 eligible for the credit provided by this subsection
14 (h);

15 (C) is acquired by purchase as defined in Section
16 179(d) of the Internal Revenue Code; and

17 (D) is not eligible for the Enterprise Zone
18 Investment Credit provided by subsection (f) of this
19 Section.

20 (3) The basis of qualified property shall be the basis
21 used to compute the depreciation deduction for federal
22 income tax purposes.

23 (4) If the basis of the property for federal income tax
24 depreciation purposes is increased after it has been placed
25 in service in a federally designated Foreign Trade Zone or
26 Sub-Zone located in Illinois by the taxpayer, the amount of
27 such increase shall be deemed property placed in service on
28 the date of such increase in basis.

29 (5) The term "placed in service" shall have the same
30 meaning as under Section 46 of the Internal Revenue Code.

31 (6) If during any taxable year ending on or before
32 December 31, 1996, any property ceases to be qualified
33 property in the hands of the taxpayer within 48 months
34 after being placed in service, or the situs of any
35 qualified property is moved outside Illinois within 48
36 months after being placed in service, the tax imposed under

1 subsections (a) and (b) of this Section for such taxable
2 year shall be increased. Such increase shall be determined
3 by (i) recomputing the investment credit which would have
4 been allowed for the year in which credit for such property
5 was originally allowed by eliminating such property from
6 such computation, and (ii) subtracting such recomputed
7 credit from the amount of credit previously allowed. For
8 the purposes of this paragraph (6), a reduction of the
9 basis of qualified property resulting from a
10 redetermination of the purchase price shall be deemed a
11 disposition of qualified property to the extent of such
12 reduction.

13 (7) Beginning with tax years ending after December 31,
14 1996, if a taxpayer qualifies for the credit under this
15 subsection (h) and thereby is granted a tax abatement and
16 the taxpayer relocates its entire facility in violation of
17 the explicit terms and length of the contract under Section
18 18-183 of the Property Tax Code, the tax imposed under
19 subsections (a) and (b) of this Section shall be increased
20 for the taxable year in which the taxpayer relocated its
21 facility by an amount equal to the amount of credit
22 received by the taxpayer under this subsection (h).

23 (i) Credit for Personal Property Tax Replacement Income
24 Tax. For tax years ending prior to December 31, 2003, a credit
25 shall be allowed against the tax imposed by subsections (a) and
26 (b) of this Section for the tax imposed by subsections (c) and
27 (d) of this Section. This credit shall be computed by
28 multiplying the tax imposed by subsections (c) and (d) of this
29 Section by a fraction, the numerator of which is base income
30 allocable to Illinois and the denominator of which is Illinois
31 base income, and further multiplying the product by the tax
32 rate imposed by subsections (a) and (b) of this Section.

33 Any credit earned on or after December 31, 1986 under this
34 subsection which is unused in the year the credit is computed
35 because it exceeds the tax liability imposed by subsections (a)
36 and (b) for that year (whether it exceeds the original

1 liability or the liability as later amended) may be carried
2 forward and applied to the tax liability imposed by subsections
3 (a) and (b) of the 5 taxable years following the excess credit
4 year, provided that no credit may be carried forward to any
5 year ending on or after December 31, 2003. This credit shall be
6 applied first to the earliest year for which there is a
7 liability. If there is a credit under this subsection from more
8 than one tax year that is available to offset a liability the
9 earliest credit arising under this subsection shall be applied
10 first.

11 If, during any taxable year ending on or after December 31,
12 1986, the tax imposed by subsections (c) and (d) of this
13 Section for which a taxpayer has claimed a credit under this
14 subsection (i) is reduced, the amount of credit for such tax
15 shall also be reduced. Such reduction shall be determined by
16 recomputing the credit to take into account the reduced tax
17 imposed by subsections (c) and (d). If any portion of the
18 reduced amount of credit has been carried to a different
19 taxable year, an amended return shall be filed for such taxable
20 year to reduce the amount of credit claimed.

21 (j) Training expense credit. Beginning with tax years
22 ending on or after December 31, 1986 and prior to December 31,
23 2003, a taxpayer shall be allowed a credit against the tax
24 imposed by subsections (a) and (b) under this Section for all
25 amounts paid or accrued, on behalf of all persons employed by
26 the taxpayer in Illinois or Illinois residents employed outside
27 of Illinois by a taxpayer, for educational or vocational
28 training in semi-technical or technical fields or semi-skilled
29 or skilled fields, which were deducted from gross income in the
30 computation of taxable income. The credit against the tax
31 imposed by subsections (a) and (b) shall be 1.6% of such
32 training expenses. For partners, shareholders of subchapter S
33 corporations, and owners of limited liability companies, if the
34 liability company is treated as a partnership for purposes of
35 federal and State income taxation, there shall be allowed a
36 credit under this subsection (j) to be determined in accordance

1 with the determination of income and distributive share of
2 income under Sections 702 and 704 and subchapter S of the
3 Internal Revenue Code.

4 Any credit allowed under this subsection which is unused in
5 the year the credit is earned may be carried forward to each of
6 the 5 taxable years following the year for which the credit is
7 first computed until it is used. This credit shall be applied
8 first to the earliest year for which there is a liability. If
9 there is a credit under this subsection from more than one tax
10 year that is available to offset a liability the earliest
11 credit arising under this subsection shall be applied first. No
12 carryforward credit may be claimed in any tax year ending on or
13 after December 31, 2003.

14 (k) Research and development credit.

15 For tax years ending after July 1, 1990 and prior to
16 December 31, 2003, and beginning again for tax years ending on
17 or after December 31, 2004, a taxpayer shall be allowed a
18 credit against the tax imposed by subsections (a) and (b) of
19 this Section for increasing research activities in this State.
20 The credit allowed against the tax imposed by subsections (a)
21 and (b) shall be equal to 6 1/2% of the qualifying expenditures
22 for increasing research activities in this State. For partners,
23 shareholders of subchapter S corporations, and owners of
24 limited liability companies, if the liability company is
25 treated as a partnership for purposes of federal and State
26 income taxation, there shall be allowed a credit under this
27 subsection to be determined in accordance with the
28 determination of income and distributive share of income under
29 Sections 702 and 704 and subchapter S of the Internal Revenue
30 Code.

31 For purposes of this subsection, "qualifying expenditures"
32 means the qualifying expenditures as defined for the federal
33 credit for increasing research activities which would be
34 allowable under Section 41 of the Internal Revenue Code and
35 which are conducted in this State, "qualifying expenditures for
36 increasing research activities in this State" means the excess

1 of qualifying expenditures for the taxable year in which
2 incurred over qualifying expenditures for the base period,
3 "qualifying expenditures for the base period" means the average
4 of the qualifying expenditures for each year in the base
5 period, and "base period" means the 3 taxable years immediately
6 preceding the taxable year for which the determination is being
7 made.

8 Any credit in excess of the tax liability for the taxable
9 year may be carried forward. A taxpayer may elect to have the
10 unused credit shown on its final completed return carried over
11 as a credit against the tax liability for the following 5
12 taxable years or until it has been fully used, whichever occurs
13 first; provided that no credit earned in a tax year ending
14 prior to December 31, 2003 may be carried forward to any year
15 ending on or after December 31, 2003.

16 If an unused credit is carried forward to a given year from
17 2 or more earlier years, that credit arising in the earliest
18 year will be applied first against the tax liability for the
19 given year. If a tax liability for the given year still
20 remains, the credit from the next earliest year will then be
21 applied, and so on, until all credits have been used or no tax
22 liability for the given year remains. Any remaining unused
23 credit or credits then will be carried forward to the next
24 following year in which a tax liability is incurred, except
25 that no credit can be carried forward to a year which is more
26 than 5 years after the year in which the expense for which the
27 credit is given was incurred.

28 No inference shall be drawn from this amendatory Act of the
29 91st General Assembly in construing this Section for taxable
30 years beginning before January 1, 1999.

31 (1) Environmental Remediation Tax Credit.

32 (i) For tax years ending after December 31, 1997 and on
33 or before December 31, 2001, a taxpayer shall be allowed a
34 credit against the tax imposed by subsections (a) and (b)
35 of this Section for certain amounts paid for unreimbursed
36 eligible remediation costs, as specified in this

1 subsection. For purposes of this Section, "unreimbursed
2 eligible remediation costs" means costs approved by the
3 Illinois Environmental Protection Agency ("Agency") under
4 Section 58.14 of the Environmental Protection Act that were
5 paid in performing environmental remediation at a site for
6 which a No Further Remediation Letter was issued by the
7 Agency and recorded under Section 58.10 of the
8 Environmental Protection Act. The credit must be claimed
9 for the taxable year in which Agency approval of the
10 eligible remediation costs is granted. The credit is not
11 available to any taxpayer if the taxpayer or any related
12 party caused or contributed to, in any material respect, a
13 release of regulated substances on, in, or under the site
14 that was identified and addressed by the remedial action
15 pursuant to the Site Remediation Program of the
16 Environmental Protection Act. After the Pollution Control
17 Board rules are adopted pursuant to the Illinois
18 Administrative Procedure Act for the administration and
19 enforcement of Section 58.9 of the Environmental
20 Protection Act, determinations as to credit availability
21 for purposes of this Section shall be made consistent with
22 those rules. For purposes of this Section, "taxpayer"
23 includes a person whose tax attributes the taxpayer has
24 succeeded to under Section 381 of the Internal Revenue Code
25 and "related party" includes the persons disallowed a
26 deduction for losses by paragraphs (b), (c), and (f)(1) of
27 Section 267 of the Internal Revenue Code by virtue of being
28 a related taxpayer, as well as any of its partners. The
29 credit allowed against the tax imposed by subsections (a)
30 and (b) shall be equal to 25% of the unreimbursed eligible
31 remediation costs in excess of \$100,000 per site, except
32 that the \$100,000 threshold shall not apply to any site
33 contained in an enterprise zone as determined by the
34 Department of Commerce and Community Affairs (now
35 Department of Commerce and Economic Opportunity). The
36 total credit allowed shall not exceed \$40,000 per year with

1 a maximum total of \$150,000 per site. For partners and
2 shareholders of subchapter S corporations, there shall be
3 allowed a credit under this subsection to be determined in
4 accordance with the determination of income and
5 distributive share of income under Sections 702 and 704 and
6 subchapter S of the Internal Revenue Code.

7 (ii) A credit allowed under this subsection that is
8 unused in the year the credit is earned may be carried
9 forward to each of the 5 taxable years following the year
10 for which the credit is first earned until it is used. The
11 term "unused credit" does not include any amounts of
12 unreimbursed eligible remediation costs in excess of the
13 maximum credit per site authorized under paragraph (i).
14 This credit shall be applied first to the earliest year for
15 which there is a liability. If there is a credit under this
16 subsection from more than one tax year that is available to
17 offset a liability, the earliest credit arising under this
18 subsection shall be applied first. A credit allowed under
19 this subsection may be sold to a buyer as part of a sale of
20 all or part of the remediation site for which the credit
21 was granted. The purchaser of a remediation site and the
22 tax credit shall succeed to the unused credit and remaining
23 carry-forward period of the seller. To perfect the
24 transfer, the assignor shall record the transfer in the
25 chain of title for the site and provide written notice to
26 the Director of the Illinois Department of Revenue of the
27 assignor's intent to sell the remediation site and the
28 amount of the tax credit to be transferred as a portion of
29 the sale. In no event may a credit be transferred to any
30 taxpayer if the taxpayer or a related party would not be
31 eligible under the provisions of subsection (i).

32 (iii) For purposes of this Section, the term "site"
33 shall have the same meaning as under Section 58.2 of the
34 Environmental Protection Act.

35 (m) Education expense credit. Beginning with tax years
36 ending after December 31, 1999, a taxpayer who is the custodian

1 of one or more qualifying pupils shall be allowed a credit
2 against the tax imposed by subsections (a) and (b) of this
3 Section for qualified education expenses incurred on behalf of
4 the qualifying pupils. The credit shall be equal to 25% of
5 qualified education expenses, but in no event may the total
6 credit under this subsection claimed by a family that is the
7 custodian of qualifying pupils exceed \$500. In no event shall a
8 credit under this subsection reduce the taxpayer's liability
9 under this Act to less than zero. This subsection is exempt
10 from the provisions of Section 250 of this Act.

11 For purposes of this subsection:

12 "Qualifying pupils" means individuals who (i) are
13 residents of the State of Illinois, (ii) are under the age of
14 21 at the close of the school year for which a credit is
15 sought, and (iii) during the school year for which a credit is
16 sought were full-time pupils enrolled in a kindergarten through
17 twelfth grade education program at any school, as defined in
18 this subsection.

19 "Qualified education expense" means the amount incurred on
20 behalf of a qualifying pupil in excess of \$250 for tuition,
21 book fees, and lab fees at the school in which the pupil is
22 enrolled during the regular school year.

23 "School" means any public or nonpublic elementary or
24 secondary school in Illinois that is in compliance with Title
25 VI of the Civil Rights Act of 1964 and attendance at which
26 satisfies the requirements of Section 26-1 of the School Code,
27 except that nothing shall be construed to require a child to
28 attend any particular public or nonpublic school to qualify for
29 the credit under this Section.

30 "Custodian" means, with respect to qualifying pupils, an
31 Illinois resident who is a parent, the parents, a legal
32 guardian, or the legal guardians of the qualifying pupils.

33 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651,
34 eff. 7-11-02; 93-840, eff. 7-30-04; 92-846, eff. 8-23-02;
35 93-29, eff. 6-20-03; 93-840, eff. 7-30-04; 93-871, eff. 8-6-04;
36 revised 10-25-04.)

1 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

2 Sec. 203. Base income defined.

3 (a) Individuals.

4 (1) In general. In the case of an individual, base
5 income means an amount equal to the taxpayer's adjusted
6 gross income for the taxable year as modified by paragraph
7 (2).

8 (2) Modifications. The adjusted gross income referred
9 to in paragraph (1) shall be modified by adding thereto the
10 sum of the following amounts:

11 (A) An amount equal to all amounts paid or accrued
12 to the taxpayer as interest or dividends during the
13 taxable year to the extent excluded from gross income
14 in the computation of adjusted gross income, except
15 stock dividends of qualified public utilities
16 described in Section 305(e) of the Internal Revenue
17 Code;

18 (B) An amount equal to the amount of tax imposed by
19 this Act to the extent deducted from gross income in
20 the computation of adjusted gross income for the
21 taxable year;

22 (C) An amount equal to the amount received during
23 the taxable year as a recovery or refund of real
24 property taxes paid with respect to the taxpayer's
25 principal residence under the Revenue Act of 1939 and
26 for which a deduction was previously taken under
27 subparagraph (L) of this paragraph (2) prior to July 1,
28 1991, the retrospective application date of Article 4
29 of Public Act 87-17. In the case of multi-unit or
30 multi-use structures and farm dwellings, the taxes on
31 the taxpayer's principal residence shall be that
32 portion of the total taxes for the entire property
33 which is attributable to such principal residence;

34 (D) An amount equal to the amount of the capital
35 gain deduction allowable under the Internal Revenue

1 Code, to the extent deducted from gross income in the
2 computation of adjusted gross income;

3 (D-5) An amount, to the extent not included in
4 adjusted gross income, equal to the amount of money
5 withdrawn by the taxpayer in the taxable year from a
6 medical care savings account and the interest earned on
7 the account in the taxable year of a withdrawal
8 pursuant to subsection (b) of Section 20 of the Medical
9 Care Savings Account Act or subsection (b) of Section
10 20 of the Medical Care Savings Account Act of 2000;

11 (D-10) For taxable years ending after December 31,
12 1997, an amount equal to any eligible remediation costs
13 that the individual deducted in computing adjusted
14 gross income and for which the individual claims a
15 credit under subsection (l) of Section 201;

16 (D-15) For taxable years 2001 and thereafter, an
17 amount equal to the bonus depreciation deduction (30%
18 of the adjusted basis of the qualified property) taken
19 on the taxpayer's federal income tax return for the
20 taxable year under subsection (k) of Section 168 of the
21 Internal Revenue Code;

22 (D-16) If the taxpayer reports a capital gain or
23 loss on the taxpayer's federal income tax return for
24 the taxable year based on a sale or transfer of
25 property for which the taxpayer was required in any
26 taxable year to make an addition modification under
27 subparagraph (D-15), then an amount equal to the
28 aggregate amount of the deductions taken in all taxable
29 years under subparagraph (Z) with respect to that
30 property.

31 The taxpayer is required to make the addition
32 modification under this subparagraph only once with
33 respect to any one piece of property;

34 (D-17) For taxable years ending on or after
35 December 31, 2004, an amount equal to the amount
36 otherwise allowed as a deduction in computing base

1 income for interest paid, accrued, or incurred,
2 directly or indirectly, to a foreign person who would
3 be a member of the same unitary business group but for
4 the fact that foreign person's business activity
5 outside the United States is 80% or more of the foreign
6 person's total business activity. The addition
7 modification required by this subparagraph shall be
8 reduced to the extent that dividends were included in
9 base income of the unitary group for the same taxable
10 year and received by the taxpayer or by a member of the
11 taxpayer's unitary business group (including amounts
12 included in gross income under Sections 951 through 964
13 of the Internal Revenue Code and amounts included in
14 gross income under Section 78 of the Internal Revenue
15 Code) with respect to the stock of the same person to
16 whom the interest was paid, accrued, or incurred.

17 This paragraph shall not apply to the following:

18 (i) an item of interest paid, accrued, or
19 incurred, directly or indirectly, to a foreign
20 person who is subject in a foreign country or
21 state, other than a state which requires mandatory
22 unitary reporting, to a tax on or measured by net
23 income with respect to such interest; or

24 (ii) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a foreign
26 person if the taxpayer can establish, based on a
27 preponderance of the evidence, both of the
28 following:

29 (a) the foreign person, during the same
30 taxable year, paid, accrued, or incurred, the
31 interest to a person that is not a related
32 member, and

33 (b) the transaction giving rise to the
34 interest expense between the taxpayer and the
35 foreign person did not have as a principal
36 purpose the avoidance of Illinois income tax,

1 and is paid pursuant to a contract or agreement
2 that reflects an arm's-length interest rate
3 and terms; or

4 (iii) the taxpayer can establish, based on
5 clear and convincing evidence, that the interest
6 paid, accrued, or incurred relates to a contract or
7 agreement entered into at arm's-length rates and
8 terms and the principal purpose for the payment is
9 not federal or Illinois tax avoidance; or

10 (iv) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a foreign
12 person if the taxpayer establishes by clear and
13 convincing evidence that the adjustments are
14 unreasonable; or if the taxpayer and the Director
15 agree in writing to the application or use of an
16 alternative method of apportionment under Section
17 304(f).

18 Nothing in this subsection shall preclude the
19 Director from making any other adjustment
20 otherwise allowed under Section 404 of this Act for
21 any tax year beginning after the effective date of
22 this amendment provided such adjustment is made
23 pursuant to regulation adopted by the Department
24 and such regulations provide methods and standards
25 by which the Department will utilize its authority
26 under Section 404 of this Act;

27 (D-18) For taxable years ending on or after
28 December 31, 2004, an amount equal to the amount of
29 intangible expenses and costs otherwise allowed as a
30 deduction in computing base income, and that were paid,
31 accrued, or incurred, directly or indirectly, to a
32 foreign person who would be a member of the same
33 unitary business group but for the fact that the
34 foreign person's business activity outside the United
35 States is 80% or more of that person's total business
36 activity. The addition modification required by this

1 (ii) any item of intangible expense or cost
2 paid, accrued, or incurred, directly or
3 indirectly, if the taxpayer can establish, based
4 on a preponderance of the evidence, both of the
5 following:

6 (a) the foreign person during the same
7 taxable year paid, accrued, or incurred, the
8 intangible expense or cost to a person that is
9 not a related member, and

10 (b) the transaction giving rise to the
11 intangible expense or cost between the
12 taxpayer and the foreign person did not have as
13 a principal purpose the avoidance of Illinois
14 income tax, and is paid pursuant to a contract
15 or agreement that reflects arm's-length terms;
16 or

17 (iii) any item of intangible expense or cost
18 paid, accrued, or incurred, directly or
19 indirectly, from a transaction with a foreign
20 person if the taxpayer establishes by clear and
21 convincing evidence, that the adjustments are
22 unreasonable; or if the taxpayer and the Director
23 agree in writing to the application or use of an
24 alternative method of apportionment under Section
25 304(f);

26 Nothing in this subsection shall preclude the
27 Director from making any other adjustment
28 otherwise allowed under Section 404 of this Act for
29 any tax year beginning after the effective date of
30 this amendment provided such adjustment is made
31 pursuant to regulation adopted by the Department
32 and such regulations provide methods and standards
33 by which the Department will utilize its authority
34 under Section 404 of this Act;

35 (D-20) For taxable years beginning on or after
36 January 1, 2002, in the case of a distribution from a

1 qualified tuition program under Section 529 of the
2 Internal Revenue Code, other than (i) a distribution
3 from a College Savings Pool created under Section 16.5
4 of the State Treasurer Act or (ii) a distribution from
5 the Illinois Prepaid Tuition Trust Fund, an amount
6 equal to the amount excluded from gross income under
7 Section 529(c)(3)(B);

8 and by deducting from the total so obtained the sum of the
9 following amounts:

10 (E) For taxable years ending before December 31,
11 2001, any amount included in such total in respect of
12 any compensation (including but not limited to any
13 compensation paid or accrued to a serviceman while a
14 prisoner of war or missing in action) paid to a
15 resident by reason of being on active duty in the Armed
16 Forces of the United States and in respect of any
17 compensation paid or accrued to a resident who as a
18 governmental employee was a prisoner of war or missing
19 in action, and in respect of any compensation paid to a
20 resident in 1971 or thereafter for annual training
21 performed pursuant to Sections 502 and 503, Title 32,
22 United States Code as a member of the Illinois National
23 Guard. For taxable years ending on or after December
24 31, 2001, any amount included in such total in respect
25 of any compensation (including but not limited to any
26 compensation paid or accrued to a serviceman while a
27 prisoner of war or missing in action) paid to a
28 resident by reason of being a member of any component
29 of the Armed Forces of the United States and in respect
30 of any compensation paid or accrued to a resident who
31 as a governmental employee was a prisoner of war or
32 missing in action, and in respect of any compensation
33 paid to a resident in 2001 or thereafter by reason of
34 being a member of the Illinois National Guard. The
35 provisions of this amendatory Act of the 92nd General
36 Assembly are exempt from the provisions of Section 250;

1 (F) An amount equal to all amounts included in such
2 total pursuant to the provisions of Sections 402(a),
3 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
4 Internal Revenue Code, or included in such total as
5 distributions under the provisions of any retirement
6 or disability plan for employees of any governmental
7 agency or unit, or retirement payments to retired
8 partners, which payments are excluded in computing net
9 earnings from self employment by Section 1402 of the
10 Internal Revenue Code and regulations adopted pursuant
11 thereto;

12 (G) The valuation limitation amount;

13 (H) An amount equal to the amount of any tax
14 imposed by this Act which was refunded to the taxpayer
15 and included in such total for the taxable year;

16 (I) An amount equal to all amounts included in such
17 total pursuant to the provisions of Section 111 of the
18 Internal Revenue Code as a recovery of items previously
19 deducted from adjusted gross income in the computation
20 of taxable income;

21 (J) An amount equal to those dividends included in
22 such total which were paid by a corporation which
23 conducts business operations in an Enterprise Zone or
24 zones created under the Illinois Enterprise Zone Act,
25 and conducts substantially all of its operations in an
26 Enterprise Zone or zones;

27 (K) An amount equal to those dividends included in
28 such total that were paid by a corporation that
29 conducts business operations in a federally designated
30 Foreign Trade Zone or Sub-Zone and that is designated a
31 High Impact Business located in Illinois; provided
32 that dividends eligible for the deduction provided in
33 subparagraph (J) of paragraph (2) of this subsection
34 shall not be eligible for the deduction provided under
35 this subparagraph (K);

36 (L) For taxable years ending after December 31,

1 1983, an amount equal to all social security benefits
2 and railroad retirement benefits included in such
3 total pursuant to Sections 72(r) and 86 of the Internal
4 Revenue Code;

5 (M) With the exception of any amounts subtracted
6 under subparagraph (N), an amount equal to the sum of
7 all amounts disallowed as deductions by (i) Sections
8 171(a) (2), and 265(2) of the Internal Revenue Code of
9 1954, as now or hereafter amended, and all amounts of
10 expenses allocable to interest and disallowed as
11 deductions by Section 265(1) of the Internal Revenue
12 Code of 1954, as now or hereafter amended; and (ii) for
13 taxable years ending on or after August 13, 1999,
14 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
15 the Internal Revenue Code; the provisions of this
16 subparagraph are exempt from the provisions of Section
17 250;

18 (N) An amount equal to all amounts included in such
19 total which are exempt from taxation by this State
20 either by reason of its statutes or Constitution or by
21 reason of the Constitution, treaties or statutes of the
22 United States; provided that, in the case of any
23 statute of this State that exempts income derived from
24 bonds or other obligations from the tax imposed under
25 this Act, the amount exempted shall be the interest net
26 of bond premium amortization;

27 (O) An amount equal to any contribution made to a
28 job training project established pursuant to the Tax
29 Increment Allocation Redevelopment Act;

30 (P) An amount equal to the amount of the deduction
31 used to compute the federal income tax credit for
32 restoration of substantial amounts held under claim of
33 right for the taxable year pursuant to Section 1341 of
34 the Internal Revenue Code of 1986;

35 (Q) An amount equal to any amounts included in such
36 total, received by the taxpayer as an acceleration in

1 the payment of life, endowment or annuity benefits in
2 advance of the time they would otherwise be payable as
3 an indemnity for a terminal illness;

4 (R) An amount equal to the amount of any federal or
5 State bonus paid to veterans of the Persian Gulf War;

6 (S) An amount, to the extent included in adjusted
7 gross income, equal to the amount of a contribution
8 made in the taxable year on behalf of the taxpayer to a
9 medical care savings account established under the
10 Medical Care Savings Account Act or the Medical Care
11 Savings Account Act of 2000 to the extent the
12 contribution is accepted by the account administrator
13 as provided in that Act;

14 (T) An amount, to the extent included in adjusted
15 gross income, equal to the amount of interest earned in
16 the taxable year on a medical care savings account
17 established under the Medical Care Savings Account Act
18 or the Medical Care Savings Account Act of 2000 on
19 behalf of the taxpayer, other than interest added
20 pursuant to item (D-5) of this paragraph (2);

21 (U) For one taxable year beginning on or after
22 January 1, 1994, an amount equal to the total amount of
23 tax imposed and paid under subsections (a) and (b) of
24 Section 201 of this Act on grant amounts received by
25 the taxpayer under the Nursing Home Grant Assistance
26 Act during the taxpayer's taxable years 1992 and 1993;

27 (V) Beginning with tax years ending on or after
28 December 31, 1995 and ending with tax years ending on
29 or before December 31, 2004, an amount equal to the
30 amount paid by a taxpayer who is a self-employed
31 taxpayer, a partner of a partnership, or a shareholder
32 in a Subchapter S corporation for health insurance or
33 long-term care insurance for that taxpayer or that
34 taxpayer's spouse or dependents, to the extent that the
35 amount paid for that health insurance or long-term care
36 insurance may be deducted under Section 213 of the

1 Internal Revenue Code of 1986, has not been deducted on
2 the federal income tax return of the taxpayer, and does
3 not exceed the taxable income attributable to that
4 taxpayer's income, self-employment income, or
5 Subchapter S corporation income; except that no
6 deduction shall be allowed under this item (V) if the
7 taxpayer is eligible to participate in any health
8 insurance or long-term care insurance plan of an
9 employer of the taxpayer or the taxpayer's spouse. The
10 amount of the health insurance and long-term care
11 insurance subtracted under this item (V) shall be
12 determined by multiplying total health insurance and
13 long-term care insurance premiums paid by the taxpayer
14 times a number that represents the fractional
15 percentage of eligible medical expenses under Section
16 213 of the Internal Revenue Code of 1986 not actually
17 deducted on the taxpayer's federal income tax return;

18 (W) For taxable years beginning on or after January
19 1, 1998, all amounts included in the taxpayer's federal
20 gross income in the taxable year from amounts converted
21 from a regular IRA to a Roth IRA. This paragraph is
22 exempt from the provisions of Section 250;

23 (X) For taxable year 1999 and thereafter, an amount
24 equal to the amount of any (i) distributions, to the
25 extent includible in gross income for federal income
26 tax purposes, made to the taxpayer because of his or
27 her status as a victim of persecution for racial or
28 religious reasons by Nazi Germany or any other Axis
29 regime or as an heir of the victim and (ii) items of
30 income, to the extent includible in gross income for
31 federal income tax purposes, attributable to, derived
32 from or in any way related to assets stolen from,
33 hidden from, or otherwise lost to a victim of
34 persecution for racial or religious reasons by Nazi
35 Germany or any other Axis regime immediately prior to,
36 during, and immediately after World War II, including,

1 but not limited to, interest on the proceeds receivable
2 as insurance under policies issued to a victim of
3 persecution for racial or religious reasons by Nazi
4 Germany or any other Axis regime by European insurance
5 companies immediately prior to and during World War II;
6 provided, however, this subtraction from federal
7 adjusted gross income does not apply to assets acquired
8 with such assets or with the proceeds from the sale of
9 such assets; provided, further, this paragraph shall
10 only apply to a taxpayer who was the first recipient of
11 such assets after their recovery and who is a victim of
12 persecution for racial or religious reasons by Nazi
13 Germany or any other Axis regime or as an heir of the
14 victim. The amount of and the eligibility for any
15 public assistance, benefit, or similar entitlement is
16 not affected by the inclusion of items (i) and (ii) of
17 this paragraph in gross income for federal income tax
18 purposes. This paragraph is exempt from the provisions
19 of Section 250;

20 (Y) For taxable years beginning on or after January
21 1, 2002 and ending on or before December 31, 2004,
22 moneys contributed in the taxable year to a College
23 Savings Pool account under Section 16.5 of the State
24 Treasurer Act, except that amounts excluded from gross
25 income under Section 529(c)(3)(C)(i) of the Internal
26 Revenue Code shall not be considered moneys
27 contributed under this subparagraph (Y). For taxable
28 years beginning on or after January 1, 2005, a maximum
29 of \$10,000 contributed in the taxable year to (i) a
30 College Savings Pool account under Section 16.5 of the
31 State Treasurer Act or (ii) the Illinois Prepaid
32 Tuition Trust Fund, except that amounts excluded from
33 gross income under Section 529(c)(3)(C)(i) of the
34 Internal Revenue Code shall not be considered moneys
35 contributed under this subparagraph (Y). This
36 subparagraph (Y) is exempt from the provisions of

1 Section 250;

2 (Z) For taxable years 2001 and thereafter, for the
3 taxable year in which the bonus depreciation deduction
4 (30% of the adjusted basis of the qualified property)
5 is taken on the taxpayer's federal income tax return
6 under subsection (k) of Section 168 of the Internal
7 Revenue Code and for each applicable taxable year
8 thereafter, an amount equal to "x", where:

9 (1) "y" equals the amount of the depreciation
10 deduction taken for the taxable year on the
11 taxpayer's federal income tax return on property
12 for which the bonus depreciation deduction (30% of
13 the adjusted basis of the qualified property) was
14 taken in any year under subsection (k) of Section
15 168 of the Internal Revenue Code, but not including
16 the bonus depreciation deduction; and

17 (2) "x" equals "y" multiplied by 30 and then
18 divided by 70 (or "y" multiplied by 0.429).

19 The aggregate amount deducted under this
20 subparagraph in all taxable years for any one piece of
21 property may not exceed the amount of the bonus
22 depreciation deduction (30% of the adjusted basis of
23 the qualified property) taken on that property on the
24 taxpayer's federal income tax return under subsection
25 (k) of Section 168 of the Internal Revenue Code;

26 (AA) If the taxpayer reports a capital gain or loss
27 on the taxpayer's federal income tax return for the
28 taxable year based on a sale or transfer of property
29 for which the taxpayer was required in any taxable year
30 to make an addition modification under subparagraph
31 (D-15), then an amount equal to that addition
32 modification.

33 The taxpayer is allowed to take the deduction under
34 this subparagraph only once with respect to any one
35 piece of property;

36 (BB) Any amount included in adjusted gross income,

1 other than salary, received by a driver in a
2 ridesharing arrangement using a motor vehicle;

3 (CC) The amount of (i) any interest income (net of
4 the deductions allocable thereto) taken into account
5 for the taxable year with respect to a transaction with
6 a taxpayer that is required to make an addition
7 modification with respect to such transaction under
8 Section 203(a)(2)(D-17), 203(b)(2)(E-13),
9 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
10 the amount of that addition modification, and (ii) any
11 income from intangible property (net of the deductions
12 allocable thereto) taken into account for the taxable
13 year with respect to a transaction with a taxpayer that
14 is required to make an addition modification with
15 respect to such transaction under Section
16 203(a)(2)(D-18), 203(b)(2)(E-14), 203(c)(2)(G-13), or
17 203(d)(2)(D-8), but not to exceed the amount of that
18 addition modification;

19 (DD) An amount equal to the interest income taken
20 into account for the taxable year (net of the
21 deductions allocable thereto) with respect to
22 transactions with a foreign person who would be a
23 member of the taxpayer's unitary business group but for
24 the fact that the foreign person's business activity
25 outside the United States is 80% or more of that
26 person's total business activity, but not to exceed the
27 addition modification required to be made for the same
28 taxable year under Section 203(a)(2)(D-17) for
29 interest paid, accrued, or incurred, directly or
30 indirectly, to the same foreign person; and

31 (EE) An amount equal to the income from intangible
32 property taken into account for the taxable year (net
33 of the deductions allocable thereto) with respect to
34 transactions with a foreign person who would be a
35 member of the taxpayer's unitary business group but for
36 the fact that the foreign person's business activity

1 outside the United States is 80% or more of that
2 person's total business activity, but not to exceed the
3 addition modification required to be made for the same
4 taxable year under Section 203(a)(2)(D-18) for
5 intangible expenses and costs paid, accrued, or
6 incurred, directly or indirectly, to the same foreign
7 person.

8 (b) Corporations.

9 (1) In general. In the case of a corporation, base
10 income means an amount equal to the taxpayer's taxable
11 income for the taxable year as modified by paragraph (2).

12 (2) Modifications. The taxable income referred to in
13 paragraph (1) shall be modified by adding thereto the sum
14 of the following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest and all distributions
17 received from regulated investment companies during
18 the taxable year to the extent excluded from gross
19 income in the computation of taxable income;

20 (B) An amount equal to the amount of tax imposed by
21 this Act to the extent deducted from gross income in
22 the computation of taxable income for the taxable year;

23 (C) In the case of a regulated investment company,
24 an amount equal to the excess of (i) the net long-term
25 capital gain for the taxable year, over (ii) the amount
26 of the capital gain dividends designated as such in
27 accordance with Section 852(b)(3)(C) of the Internal
28 Revenue Code and any amount designated under Section
29 852(b)(3)(D) of the Internal Revenue Code,
30 attributable to the taxable year (this amendatory Act
31 of 1995 (Public Act 89-89) is declarative of existing
32 law and is not a new enactment);

33 (D) The amount of any net operating loss deduction
34 taken in arriving at taxable income, other than a net
35 operating loss carried forward from a taxable year

1 ending prior to December 31, 1986;

2 (E) For taxable years in which a net operating loss
3 carryback or carryforward from a taxable year ending
4 prior to December 31, 1986 is an element of taxable
5 income under paragraph (1) of subsection (e) or
6 subparagraph (E) of paragraph (2) of subsection (e),
7 the amount by which addition modifications other than
8 those provided by this subparagraph (E) exceeded
9 subtraction modifications in such earlier taxable
10 year, with the following limitations applied in the
11 order that they are listed:

12 (i) the addition modification relating to the
13 net operating loss carried back or forward to the
14 taxable year from any taxable year ending prior to
15 December 31, 1986 shall be reduced by the amount of
16 addition modification under this subparagraph (E)
17 which related to that net operating loss and which
18 was taken into account in calculating the base
19 income of an earlier taxable year, and

20 (ii) the addition modification relating to the
21 net operating loss carried back or forward to the
22 taxable year from any taxable year ending prior to
23 December 31, 1986 shall not exceed the amount of
24 such carryback or carryforward;

25 For taxable years in which there is a net operating
26 loss carryback or carryforward from more than one other
27 taxable year ending prior to December 31, 1986, the
28 addition modification provided in this subparagraph
29 (E) shall be the sum of the amounts computed
30 independently under the preceding provisions of this
31 subparagraph (E) for each such taxable year;

32 (E-5) For taxable years ending after December 31,
33 1997, an amount equal to any eligible remediation costs
34 that the corporation deducted in computing adjusted
35 gross income and for which the corporation claims a
36 credit under subsection (1) of Section 201;

1 (E-10) For taxable years 2001 and thereafter, an
2 amount equal to the bonus depreciation deduction (30%
3 of the adjusted basis of the qualified property) taken
4 on the taxpayer's federal income tax return for the
5 taxable year under subsection (k) of Section 168 of the
6 Internal Revenue Code; and

7 (E-11) If the taxpayer reports a capital gain or
8 loss on the taxpayer's federal income tax return for
9 the taxable year based on a sale or transfer of
10 property for which the taxpayer was required in any
11 taxable year to make an addition modification under
12 subparagraph (E-10), then an amount equal to the
13 aggregate amount of the deductions taken in all taxable
14 years under subparagraph (T) with respect to that
15 property.

16 The taxpayer is required to make the addition
17 modification under this subparagraph only once with
18 respect to any one piece of property;

19 (E-12) For taxable years ending on or after
20 December 31, 2004, an amount equal to the amount
21 otherwise allowed as a deduction in computing base
22 income for interest paid, accrued, or incurred,
23 directly or indirectly, to a foreign person who would
24 be a member of the same unitary business group but for
25 the fact the foreign person's business activity
26 outside the United States is 80% or more of the foreign
27 person's total business activity. The addition
28 modification required by this subparagraph shall be
29 reduced to the extent that dividends were included in
30 base income of the unitary group for the same taxable
31 year and received by the taxpayer or by a member of the
32 taxpayer's unitary business group (including amounts
33 included in gross income pursuant to Sections 951
34 through 964 of the Internal Revenue Code and amounts
35 included in gross income under Section 78 of the
36 Internal Revenue Code) with respect to the stock of the

1 same person to whom the interest was paid, accrued, or
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a foreign
6 person who is subject in a foreign country or
7 state, other than a state which requires mandatory
8 unitary reporting, to a tax on or measured by net
9 income with respect to such interest; or

10 (ii) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a foreign
12 person if the taxpayer can establish, based on a
13 preponderance of the evidence, both of the
14 following:

15 (a) the foreign person, during the same
16 taxable year, paid, accrued, or incurred, the
17 interest to a person that is not a related
18 member, and

19 (b) the transaction giving rise to the
20 interest expense between the taxpayer and the
21 foreign person did not have as a principal
22 purpose the avoidance of Illinois income tax,
23 and is paid pursuant to a contract or agreement
24 that reflects an arm's-length interest rate
25 and terms; or

26 (iii) the taxpayer can establish, based on
27 clear and convincing evidence, that the interest
28 paid, accrued, or incurred relates to a contract or
29 agreement entered into at arm's-length rates and
30 terms and the principal purpose for the payment is
31 not federal or Illinois tax avoidance; or

32 (iv) an item of interest paid, accrued, or
33 incurred, directly or indirectly, to a foreign
34 person if the taxpayer establishes by clear and
35 convincing evidence that the adjustments are
36 unreasonable; or if the taxpayer and the Director

1 agree in writing to the application or use of an
2 alternative method of apportionment under Section
3 304(f).

4 Nothing in this subsection shall preclude the
5 Director from making any other adjustment
6 otherwise allowed under Section 404 of this Act for
7 any tax year beginning after the effective date of
8 this amendment provided such adjustment is made
9 pursuant to regulation adopted by the Department
10 and such regulations provide methods and standards
11 by which the Department will utilize its authority
12 under Section 404 of this Act;

13 (E-13) For taxable years ending on or after
14 December 31, 2004, an amount equal to the amount of
15 intangible expenses and costs otherwise allowed as a
16 deduction in computing base income, and that were paid,
17 accrued, or incurred, directly or indirectly, to a
18 foreign person who would be a member of the same
19 unitary business group but for the fact that the
20 foreign person's business activity outside the United
21 States is 80% or more of that person's total business
22 activity. The addition modification required by this
23 subparagraph shall be reduced to the extent that
24 dividends were included in base income of the unitary
25 group for the same taxable year and received by the
26 taxpayer or by a member of the taxpayer's unitary
27 business group (including amounts included in gross
28 income pursuant to Sections 951 through 964 of the
29 Internal Revenue Code and amounts included in gross
30 income under Section 78 of the Internal Revenue Code)
31 with respect to the stock of the same person to whom
32 the intangible expenses and costs were directly or
33 indirectly paid, incurred, or accrued. The preceding
34 sentence shall not apply to the extent that the same
35 dividends caused a reduction to the addition
36 modification required under Section 203(b)(2)(E-12) of

1 this Act. As used in this subparagraph, the term
2 "intangible expenses and costs" includes (1) expenses,
3 losses, and costs for, or related to, the direct or
4 indirect acquisition, use, maintenance or management,
5 ownership, sale, exchange, or any other disposition of
6 intangible property; (2) losses incurred, directly or
7 indirectly, from factoring transactions or discounting
8 transactions; (3) royalty, patent, technical, and
9 copyright fees; (4) licensing fees; and (5) other
10 similar expenses and costs. For purposes of this
11 subparagraph, "intangible property" includes patents,
12 patent applications, trade names, trademarks, service
13 marks, copyrights, mask works, trade secrets, and
14 similar types of intangible assets.

15 This paragraph shall not apply to the following:

16 (i) any item of intangible expenses or costs
17 paid, accrued, or incurred, directly or
18 indirectly, from a transaction with a foreign
19 person who is subject in a foreign country or
20 state, other than a state which requires mandatory
21 unitary reporting, to a tax on or measured by net
22 income with respect to such item; or

23 (ii) any item of intangible expense or cost
24 paid, accrued, or incurred, directly or
25 indirectly, if the taxpayer can establish, based
26 on a preponderance of the evidence, both of the
27 following:

28 (a) the foreign person during the same
29 taxable year paid, accrued, or incurred, the
30 intangible expense or cost to a person that is
31 not a related member, and

32 (b) the transaction giving rise to the
33 intangible expense or cost between the
34 taxpayer and the foreign person did not have as
35 a principal purpose the avoidance of Illinois
36 income tax, and is paid pursuant to a contract

1 or agreement that reflects arm's-length terms;
2 or

3 (iii) any item of intangible expense or cost
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a foreign
6 person if the taxpayer establishes by clear and
7 convincing evidence, that the adjustments are
8 unreasonable; or if the taxpayer and the Director
9 agree in writing to the application or use of an
10 alternative method of apportionment under Section
11 304(f);

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act for
15 any tax year beginning after the effective date of
16 this amendment provided such adjustment is made
17 pursuant to regulation adopted by the Department
18 and such regulations provide methods and standards
19 by which the Department will utilize its authority
20 under Section 404 of this Act;

21 and by deducting from the total so obtained the sum of the
22 following amounts:

23 (F) An amount equal to the amount of any tax
24 imposed by this Act which was refunded to the taxpayer
25 and included in such total for the taxable year;

26 (G) An amount equal to any amount included in such
27 total under Section 78 of the Internal Revenue Code;

28 (H) In the case of a regulated investment company,
29 an amount equal to the amount of exempt interest
30 dividends as defined in subsection (b) (5) of Section
31 852 of the Internal Revenue Code, paid to shareholders
32 for the taxable year;

33 (I) With the exception of any amounts subtracted
34 under subparagraph (J), an amount equal to the sum of
35 all amounts disallowed as deductions by (i) Sections
36 171(a) (2), and 265(a) (2) and amounts disallowed as

1 interest expense by Section 291(a)(3) of the Internal
2 Revenue Code, as now or hereafter amended, and all
3 amounts of expenses allocable to interest and
4 disallowed as deductions by Section 265(a)(1) of the
5 Internal Revenue Code, as now or hereafter amended; and
6 (ii) for taxable years ending on or after August 13,
7 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and
8 832(b)(5)(B)(i) of the Internal Revenue Code; the
9 provisions of this subparagraph are exempt from the
10 provisions of Section 250;

11 (J) An amount equal to all amounts included in such
12 total which are exempt from taxation by this State
13 either by reason of its statutes or Constitution or by
14 reason of the Constitution, treaties or statutes of the
15 United States; provided that, in the case of any
16 statute of this State that exempts income derived from
17 bonds or other obligations from the tax imposed under
18 this Act, the amount exempted shall be the interest net
19 of bond premium amortization;

20 (K) An amount equal to those dividends included in
21 such total which were paid by a corporation which
22 conducts business operations in an Enterprise Zone or
23 zones created under the Illinois Enterprise Zone Act
24 and conducts substantially all of its operations in an
25 Enterprise Zone or zones;

26 (L) An amount equal to those dividends included in
27 such total that were paid by a corporation that
28 conducts business operations in a federally designated
29 Foreign Trade Zone or Sub-Zone and that is designated a
30 High Impact Business located in Illinois; provided
31 that dividends eligible for the deduction provided in
32 subparagraph (K) of paragraph 2 of this subsection
33 shall not be eligible for the deduction provided under
34 this subparagraph (L);

35 (M) For any taxpayer that is a financial
36 organization within the meaning of Section 304(c) of

1 this Act, an amount included in such total as interest
2 income from a loan or loans made by such taxpayer to a
3 borrower, to the extent that such a loan is secured by
4 property which is eligible for the Enterprise Zone
5 Investment Credit. To determine the portion of a loan
6 or loans that is secured by property eligible for a
7 Section 201(f) investment credit to the borrower, the
8 entire principal amount of the loan or loans between
9 the taxpayer and the borrower should be divided into
10 the basis of the Section 201(f) investment credit
11 property which secures the loan or loans, using for
12 this purpose the original basis of such property on the
13 date that it was placed in service in the Enterprise
14 Zone. The subtraction modification available to
15 taxpayer in any year under this subsection shall be
16 that portion of the total interest paid by the borrower
17 with respect to such loan attributable to the eligible
18 property as calculated under the previous sentence;

19 (M-1) For any taxpayer that is a financial
20 organization within the meaning of Section 304(c) of
21 this Act, an amount included in such total as interest
22 income from a loan or loans made by such taxpayer to a
23 borrower, to the extent that such a loan is secured by
24 property which is eligible for the High Impact Business
25 Investment Credit. To determine the portion of a loan
26 or loans that is secured by property eligible for a
27 Section 201(h) investment credit to the borrower, the
28 entire principal amount of the loan or loans between
29 the taxpayer and the borrower should be divided into
30 the basis of the Section 201(h) investment credit
31 property which secures the loan or loans, using for
32 this purpose the original basis of such property on the
33 date that it was placed in service in a federally
34 designated Foreign Trade Zone or Sub-Zone located in
35 Illinois. No taxpayer that is eligible for the
36 deduction provided in subparagraph (M) of paragraph

1 (2) of this subsection shall be eligible for the
2 deduction provided under this subparagraph (M-1). The
3 subtraction modification available to taxpayers in any
4 year under this subsection shall be that portion of the
5 total interest paid by the borrower with respect to
6 such loan attributable to the eligible property as
7 calculated under the previous sentence;

8 (N) Two times any contribution made during the
9 taxable year to a designated zone organization to the
10 extent that the contribution (i) qualifies as a
11 charitable contribution under subsection (c) of
12 Section 170 of the Internal Revenue Code and (ii) must,
13 by its terms, be used for a project approved by the
14 Department of Commerce and Economic Opportunity under
15 Section 11 of the Illinois Enterprise Zone Act;

16 (O) An amount equal to: (i) 85% for taxable years
17 ending on or before December 31, 1992, or, a percentage
18 equal to the percentage allowable under Section
19 243(a)(1) of the Internal Revenue Code of 1986 for
20 taxable years ending after December 31, 1992, of the
21 amount by which dividends included in taxable income
22 and received from a corporation that is not created or
23 organized under the laws of the United States or any
24 state or political subdivision thereof, including, for
25 taxable years ending on or after December 31, 1988,
26 dividends received or deemed received or paid or deemed
27 paid under Sections 951 through 964 of the Internal
28 Revenue Code, exceed the amount of the modification
29 provided under subparagraph (G) of paragraph (2) of
30 this subsection (b) which is related to such dividends;
31 plus (ii) 100% of the amount by which dividends,
32 included in taxable income and received, including,
33 for taxable years ending on or after December 31, 1988,
34 dividends received or deemed received or paid or deemed
35 paid under Sections 951 through 964 of the Internal
36 Revenue Code, from any such corporation specified in

1 clause (i) that would but for the provisions of Section
2 1504 (b) (3) of the Internal Revenue Code be treated as
3 a member of the affiliated group which includes the
4 dividend recipient, exceed the amount of the
5 modification provided under subparagraph (G) of
6 paragraph (2) of this subsection (b) which is related
7 to such dividends;

8 (P) An amount equal to any contribution made to a
9 job training project established pursuant to the Tax
10 Increment Allocation Redevelopment Act;

11 (Q) An amount equal to the amount of the deduction
12 used to compute the federal income tax credit for
13 restoration of substantial amounts held under claim of
14 right for the taxable year pursuant to Section 1341 of
15 the Internal Revenue Code of 1986;

16 (R) In the case of an attorney-in-fact with respect
17 to whom an interinsurer or a reciprocal insurer has
18 made the election under Section 835 of the Internal
19 Revenue Code, 26 U.S.C. 835, an amount equal to the
20 excess, if any, of the amounts paid or incurred by that
21 interinsurer or reciprocal insurer in the taxable year
22 to the attorney-in-fact over the deduction allowed to
23 that interinsurer or reciprocal insurer with respect
24 to the attorney-in-fact under Section 835(b) of the
25 Internal Revenue Code for the taxable year;

26 (S) For taxable years ending on or after December
27 31, 1997, in the case of a Subchapter S corporation, an
28 amount equal to all amounts of income allocable to a
29 shareholder subject to the Personal Property Tax
30 Replacement Income Tax imposed by subsections (c) and
31 (d) of Section 201 of this Act, including amounts
32 allocable to organizations exempt from federal income
33 tax by reason of Section 501(a) of the Internal Revenue
34 Code. This subparagraph (S) is exempt from the
35 provisions of Section 250;

36 (T) For taxable years 2001 and thereafter, for the

1 taxable year in which the bonus depreciation deduction
2 (30% of the adjusted basis of the qualified property)
3 is taken on the taxpayer's federal income tax return
4 under subsection (k) of Section 168 of the Internal
5 Revenue Code and for each applicable taxable year
6 thereafter, an amount equal to "x", where:

7 (1) "y" equals the amount of the depreciation
8 deduction taken for the taxable year on the
9 taxpayer's federal income tax return on property
10 for which the bonus depreciation deduction (30% of
11 the adjusted basis of the qualified property) was
12 taken in any year under subsection (k) of Section
13 168 of the Internal Revenue Code, but not including
14 the bonus depreciation deduction; and

15 (2) "x" equals "y" multiplied by 30 and then
16 divided by 70 (or "y" multiplied by 0.429).

17 The aggregate amount deducted under this
18 subparagraph in all taxable years for any one piece of
19 property may not exceed the amount of the bonus
20 depreciation deduction (30% of the adjusted basis of
21 the qualified property) taken on that property on the
22 taxpayer's federal income tax return under subsection
23 (k) of Section 168 of the Internal Revenue Code;

24 (U) If the taxpayer reports a capital gain or loss
25 on the taxpayer's federal income tax return for the
26 taxable year based on a sale or transfer of property
27 for which the taxpayer was required in any taxable year
28 to make an addition modification under subparagraph
29 (E-10), then an amount equal to that addition
30 modification.

31 The taxpayer is allowed to take the deduction under
32 this subparagraph only once with respect to any one
33 piece of property;

34 (V) The amount of: (i) any interest income (net of
35 the deductions allocable thereto) taken into account
36 for the taxable year with respect to a transaction with

1 a taxpayer that is required to make an addition
2 modification with respect to such transaction under
3 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
4 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
5 the amount of such addition modification and (ii) any
6 income from intangible property (net of the deductions
7 allocable thereto) taken into account for the taxable
8 year with respect to a transaction with a taxpayer that
9 is required to make an addition modification with
10 respect to such transaction under Section
11 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
12 203(d)(2)(D-8), but not to exceed the amount of such
13 addition modification;

14 (W) An amount equal to the interest income taken
15 into account for the taxable year (net of the
16 deductions allocable thereto) with respect to
17 transactions with a foreign person who would be a
18 member of the taxpayer's unitary business group but for
19 the fact that the foreign person's business activity
20 outside the United States is 80% or more of that
21 person's total business activity, but not to exceed the
22 addition modification required to be made for the same
23 taxable year under Section 203(b)(2)(E-12) for
24 interest paid, accrued, or incurred, directly or
25 indirectly, to the same foreign person; and

26 (X) An amount equal to the income from intangible
27 property taken into account for the taxable year (net
28 of the deductions allocable thereto) with respect to
29 transactions with a foreign person who would be a
30 member of the taxpayer's unitary business group but for
31 the fact that the foreign person's business activity
32 outside the United States is 80% or more of that
33 person's total business activity, but not to exceed the
34 addition modification required to be made for the same
35 taxable year under Section 203(b)(2)(E-13) for
36 intangible expenses and costs paid, accrued, or

1 incurred, directly or indirectly, to the same foreign
2 person.

3 (3) Special rule. For purposes of paragraph (2) (A),
4 "gross income" in the case of a life insurance company, for
5 tax years ending on and after December 31, 1994, shall mean
6 the gross investment income for the taxable year.

7 (c) Trusts and estates.

8 (1) In general. In the case of a trust or estate, base
9 income means an amount equal to the taxpayer's taxable
10 income for the taxable year as modified by paragraph (2).

11 (2) Modifications. Subject to the provisions of
12 paragraph (3), the taxable income referred to in paragraph
13 (1) shall be modified by adding thereto the sum of the
14 following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest or dividends during the
17 taxable year to the extent excluded from gross income
18 in the computation of taxable income;

19 (B) In the case of (i) an estate, \$600; (ii) a
20 trust which, under its governing instrument, is
21 required to distribute all of its income currently,
22 \$300; and (iii) any other trust, \$100, but in each such
23 case, only to the extent such amount was deducted in
24 the computation of taxable income;

25 (C) An amount equal to the amount of tax imposed by
26 this Act to the extent deducted from gross income in
27 the computation of taxable income for the taxable year;

28 (D) The amount of any net operating loss deduction
29 taken in arriving at taxable income, other than a net
30 operating loss carried forward from a taxable year
31 ending prior to December 31, 1986;

32 (E) For taxable years in which a net operating loss
33 carryback or carryforward from a taxable year ending
34 prior to December 31, 1986 is an element of taxable
35 income under paragraph (1) of subsection (e) or

1 subparagraph (E) of paragraph (2) of subsection (e),
2 the amount by which addition modifications other than
3 those provided by this subparagraph (E) exceeded
4 subtraction modifications in such taxable year, with
5 the following limitations applied in the order that
6 they are listed:

7 (i) the addition modification relating to the
8 net operating loss carried back or forward to the
9 taxable year from any taxable year ending prior to
10 December 31, 1986 shall be reduced by the amount of
11 addition modification under this subparagraph (E)
12 which related to that net operating loss and which
13 was taken into account in calculating the base
14 income of an earlier taxable year, and

15 (ii) the addition modification relating to the
16 net operating loss carried back or forward to the
17 taxable year from any taxable year ending prior to
18 December 31, 1986 shall not exceed the amount of
19 such carryback or carryforward;

20 For taxable years in which there is a net operating
21 loss carryback or carryforward from more than one other
22 taxable year ending prior to December 31, 1986, the
23 addition modification provided in this subparagraph
24 (E) shall be the sum of the amounts computed
25 independently under the preceding provisions of this
26 subparagraph (E) for each such taxable year;

27 (F) For taxable years ending on or after January 1,
28 1989, an amount equal to the tax deducted pursuant to
29 Section 164 of the Internal Revenue Code if the trust
30 or estate is claiming the same tax for purposes of the
31 Illinois foreign tax credit under Section 601 of this
32 Act;

33 (G) An amount equal to the amount of the capital
34 gain deduction allowable under the Internal Revenue
35 Code, to the extent deducted from gross income in the
36 computation of taxable income;

1 (G-5) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation costs
3 that the trust or estate deducted in computing adjusted
4 gross income and for which the trust or estate claims a
5 credit under subsection (l) of Section 201;

6 (G-10) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction (30%
8 of the adjusted basis of the qualified property) taken
9 on the taxpayer's federal income tax return for the
10 taxable year under subsection (k) of Section 168 of the
11 Internal Revenue Code; and

12 (G-11) If the taxpayer reports a capital gain or
13 loss on the taxpayer's federal income tax return for
14 the taxable year based on a sale or transfer of
15 property for which the taxpayer was required in any
16 taxable year to make an addition modification under
17 subparagraph (G-10), then an amount equal to the
18 aggregate amount of the deductions taken in all taxable
19 years under subparagraph (R) with respect to that
20 property.

21 The taxpayer is required to make the addition
22 modification under this subparagraph only once with
23 respect to any one piece of property;

24 (G-12) For taxable years ending on or after
25 December 31, 2004, an amount equal to the amount
26 otherwise allowed as a deduction in computing base
27 income for interest paid, accrued, or incurred,
28 directly or indirectly, to a foreign person who would
29 be a member of the same unitary business group but for
30 the fact that the foreign person's business activity
31 outside the United States is 80% or more of the foreign
32 person's total business activity. The addition
33 modification required by this subparagraph shall be
34 reduced to the extent that dividends were included in
35 base income of the unitary group for the same taxable
36 year and received by the taxpayer or by a member of the

1 taxpayer's unitary business group (including amounts
2 included in gross income pursuant to Sections 951
3 through 964 of the Internal Revenue Code and amounts
4 included in gross income under Section 78 of the
5 Internal Revenue Code) with respect to the stock of the
6 same person to whom the interest was paid, accrued, or
7 incurred.

8 This paragraph shall not apply to the following:

9 (i) an item of interest paid, accrued, or
10 incurred, directly or indirectly, to a foreign
11 person who is subject in a foreign country or
12 state, other than a state which requires mandatory
13 unitary reporting, to a tax on or measured by net
14 income with respect to such interest; or

15 (ii) an item of interest paid, accrued, or
16 incurred, directly or indirectly, to a foreign
17 person if the taxpayer can establish, based on a
18 preponderance of the evidence, both of the
19 following:

20 (a) the foreign person, during the same
21 taxable year, paid, accrued, or incurred, the
22 interest to a person that is not a related
23 member, and

24 (b) the transaction giving rise to the
25 interest expense between the taxpayer and the
26 foreign person did not have as a principal
27 purpose the avoidance of Illinois income tax,
28 and is paid pursuant to a contract or agreement
29 that reflects an arm's-length interest rate
30 and terms; or

31 (iii) the taxpayer can establish, based on
32 clear and convincing evidence, that the interest
33 paid, accrued, or incurred relates to a contract or
34 agreement entered into at arm's-length rates and
35 terms and the principal purpose for the payment is
36 not federal or Illinois tax avoidance; or

1 (iv) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a foreign
3 person if the taxpayer establishes by clear and
4 convincing evidence that the adjustments are
5 unreasonable; or if the taxpayer and the Director
6 agree in writing to the application or use of an
7 alternative method of apportionment under Section
8 304(f).

9 Nothing in this subsection shall preclude the
10 Director from making any other adjustment
11 otherwise allowed under Section 404 of this Act for
12 any tax year beginning after the effective date of
13 this amendment provided such adjustment is made
14 pursuant to regulation adopted by the Department
15 and such regulations provide methods and standards
16 by which the Department will utilize its authority
17 under Section 404 of this Act;

18 (G-13) For taxable years ending on or after
19 December 31, 2004, an amount equal to the amount of
20 intangible expenses and costs otherwise allowed as a
21 deduction in computing base income, and that were paid,
22 accrued, or incurred, directly or indirectly, to a
23 foreign person who would be a member of the same
24 unitary business group but for the fact that the
25 foreign person's business activity outside the United
26 States is 80% or more of that person's total business
27 activity. The addition modification required by this
28 subparagraph shall be reduced to the extent that
29 dividends were included in base income of the unitary
30 group for the same taxable year and received by the
31 taxpayer or by a member of the taxpayer's unitary
32 business group (including amounts included in gross
33 income pursuant to Sections 951 through 964 of the
34 Internal Revenue Code and amounts included in gross
35 income under Section 78 of the Internal Revenue Code)
36 with respect to the stock of the same person to whom

1 the intangible expenses and costs were directly or
2 indirectly paid, incurred, or accrued. The preceding
3 sentence shall not apply to the extent that the same
4 dividends caused a reduction to the addition
5 modification required under Section 203(c)(2)(G-12) of
6 this Act. As used in this subparagraph, the term
7 "intangible expenses and costs" includes: (1)
8 expenses, losses, and costs for or related to the
9 direct or indirect acquisition, use, maintenance or
10 management, ownership, sale, exchange, or any other
11 disposition of intangible property; (2) losses
12 incurred, directly or indirectly, from factoring
13 transactions or discounting transactions; (3) royalty,
14 patent, technical, and copyright fees; (4) licensing
15 fees; and (5) other similar expenses and costs. For
16 purposes of this subparagraph, "intangible property"
17 includes patents, patent applications, trade names,
18 trademarks, service marks, copyrights, mask works,
19 trade secrets, and similar types of intangible assets.

20 This paragraph shall not apply to the following:

21 (i) any item of intangible expenses or costs
22 paid, accrued, or incurred, directly or
23 indirectly, from a transaction with a foreign
24 person who is subject in a foreign country or
25 state, other than a state which requires mandatory
26 unitary reporting, to a tax on or measured by net
27 income with respect to such item; or

28 (ii) any item of intangible expense or cost
29 paid, accrued, or incurred, directly or
30 indirectly, if the taxpayer can establish, based
31 on a preponderance of the evidence, both of the
32 following:

33 (a) the foreign person during the same
34 taxable year paid, accrued, or incurred, the
35 intangible expense or cost to a person that is
36 not a related member, and

1 (b) the transaction giving rise to the
2 intangible expense or cost between the
3 taxpayer and the foreign person did not have as
4 a principal purpose the avoidance of Illinois
5 income tax, and is paid pursuant to a contract
6 or agreement that reflects arm's-length terms;
7 or

8 (iii) any item of intangible expense or cost
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a foreign
11 person if the taxpayer establishes by clear and
12 convincing evidence, that the adjustments are
13 unreasonable; or if the taxpayer and the Director
14 agree in writing to the application or use of an
15 alternative method of apportionment under Section
16 304(f);

17 Nothing in this subsection shall preclude the
18 Director from making any other adjustment
19 otherwise allowed under Section 404 of this Act for
20 any tax year beginning after the effective date of
21 this amendment provided such adjustment is made
22 pursuant to regulation adopted by the Department
23 and such regulations provide methods and standards
24 by which the Department will utilize its authority
25 under Section 404 of this Act;

26 and by deducting from the total so obtained the sum of the
27 following amounts:

28 (H) An amount equal to all amounts included in such
29 total pursuant to the provisions of Sections 402(a),
30 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
31 Internal Revenue Code or included in such total as
32 distributions under the provisions of any retirement
33 or disability plan for employees of any governmental
34 agency or unit, or retirement payments to retired
35 partners, which payments are excluded in computing net
36 earnings from self employment by Section 1402 of the

1 Internal Revenue Code and regulations adopted pursuant
2 thereto;

3 (I) The valuation limitation amount;

4 (J) An amount equal to the amount of any tax
5 imposed by this Act which was refunded to the taxpayer
6 and included in such total for the taxable year;

7 (K) An amount equal to all amounts included in
8 taxable income as modified by subparagraphs (A), (B),
9 (C), (D), (E), (F) and (G) which are exempt from
10 taxation by this State either by reason of its statutes
11 or Constitution or by reason of the Constitution,
12 treaties or statutes of the United States; provided
13 that, in the case of any statute of this State that
14 exempts income derived from bonds or other obligations
15 from the tax imposed under this Act, the amount
16 exempted shall be the interest net of bond premium
17 amortization;

18 (L) With the exception of any amounts subtracted
19 under subparagraph (K), an amount equal to the sum of
20 all amounts disallowed as deductions by (i) Sections
21 171(a) (2) and 265(a) (2) of the Internal Revenue Code,
22 as now or hereafter amended, and all amounts of
23 expenses allocable to interest and disallowed as
24 deductions by Section 265(1) of the Internal Revenue
25 Code of 1954, as now or hereafter amended; and (ii) for
26 taxable years ending on or after August 13, 1999,
27 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
28 the Internal Revenue Code; the provisions of this
29 subparagraph are exempt from the provisions of Section
30 250;

31 (M) An amount equal to those dividends included in
32 such total which were paid by a corporation which
33 conducts business operations in an Enterprise Zone or
34 zones created under the Illinois Enterprise Zone Act
35 and conducts substantially all of its operations in an
36 Enterprise Zone or Zones;

1 (N) An amount equal to any contribution made to a
2 job training project established pursuant to the Tax
3 Increment Allocation Redevelopment Act;

4 (O) An amount equal to those dividends included in
5 such total that were paid by a corporation that
6 conducts business operations in a federally designated
7 Foreign Trade Zone or Sub-Zone and that is designated a
8 High Impact Business located in Illinois; provided
9 that dividends eligible for the deduction provided in
10 subparagraph (M) of paragraph (2) of this subsection
11 shall not be eligible for the deduction provided under
12 this subparagraph (O);

13 (P) An amount equal to the amount of the deduction
14 used to compute the federal income tax credit for
15 restoration of substantial amounts held under claim of
16 right for the taxable year pursuant to Section 1341 of
17 the Internal Revenue Code of 1986;

18 (Q) For taxable year 1999 and thereafter, an amount
19 equal to the amount of any (i) distributions, to the
20 extent includible in gross income for federal income
21 tax purposes, made to the taxpayer because of his or
22 her status as a victim of persecution for racial or
23 religious reasons by Nazi Germany or any other Axis
24 regime or as an heir of the victim and (ii) items of
25 income, to the extent includible in gross income for
26 federal income tax purposes, attributable to, derived
27 from or in any way related to assets stolen from,
28 hidden from, or otherwise lost to a victim of
29 persecution for racial or religious reasons by Nazi
30 Germany or any other Axis regime immediately prior to,
31 during, and immediately after World War II, including,
32 but not limited to, interest on the proceeds receivable
33 as insurance under policies issued to a victim of
34 persecution for racial or religious reasons by Nazi
35 Germany or any other Axis regime by European insurance
36 companies immediately prior to and during World War II;

1 provided, however, this subtraction from federal
2 adjusted gross income does not apply to assets acquired
3 with such assets or with the proceeds from the sale of
4 such assets; provided, further, this paragraph shall
5 only apply to a taxpayer who was the first recipient of
6 such assets after their recovery and who is a victim of
7 persecution for racial or religious reasons by Nazi
8 Germany or any other Axis regime or as an heir of the
9 victim. The amount of and the eligibility for any
10 public assistance, benefit, or similar entitlement is
11 not affected by the inclusion of items (i) and (ii) of
12 this paragraph in gross income for federal income tax
13 purposes. This paragraph is exempt from the provisions
14 of Section 250;

15 (R) For taxable years 2001 and thereafter, for the
16 taxable year in which the bonus depreciation deduction
17 (30% of the adjusted basis of the qualified property)
18 is taken on the taxpayer's federal income tax return
19 under subsection (k) of Section 168 of the Internal
20 Revenue Code and for each applicable taxable year
21 thereafter, an amount equal to "x", where:

22 (1) "y" equals the amount of the depreciation
23 deduction taken for the taxable year on the
24 taxpayer's federal income tax return on property
25 for which the bonus depreciation deduction (30% of
26 the adjusted basis of the qualified property) was
27 taken in any year under subsection (k) of Section
28 168 of the Internal Revenue Code, but not including
29 the bonus depreciation deduction; and

30 (2) "x" equals "y" multiplied by 30 and then
31 divided by 70 (or "y" multiplied by 0.429).

32 The aggregate amount deducted under this
33 subparagraph in all taxable years for any one piece of
34 property may not exceed the amount of the bonus
35 depreciation deduction (30% of the adjusted basis of
36 the qualified property) taken on that property on the

1 taxpayer's federal income tax return under subsection
2 (k) of Section 168 of the Internal Revenue Code;

3 (S) If the taxpayer reports a capital gain or loss
4 on the taxpayer's federal income tax return for the
5 taxable year based on a sale or transfer of property
6 for which the taxpayer was required in any taxable year
7 to make an addition modification under subparagraph
8 (G-10), then an amount equal to that addition
9 modification.

10 The taxpayer is allowed to take the deduction under
11 this subparagraph only once with respect to any one
12 piece of property;

13 (T) The amount of (i) any interest income (net of
14 the deductions allocable thereto) taken into account
15 for the taxable year with respect to a transaction with
16 a taxpayer that is required to make an addition
17 modification with respect to such transaction under
18 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
19 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
20 the amount of such addition modification and (ii) any
21 income from intangible property (net of the deductions
22 allocable thereto) taken into account for the taxable
23 year with respect to a transaction with a taxpayer that
24 is required to make an addition modification with
25 respect to such transaction under Section
26 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
27 203(d)(2)(D-8), but not to exceed the amount of such
28 addition modification;

29 (U) An amount equal to the interest income taken
30 into account for the taxable year (net of the
31 deductions allocable thereto) with respect to
32 transactions with a foreign person who would be a
33 member of the taxpayer's unitary business group but for
34 the fact the foreign person's business activity
35 outside the United States is 80% or more of that
36 person's total business activity, but not to exceed the

1 addition modification required to be made for the same
2 taxable year under Section 203(c)(2)(G-12) for
3 interest paid, accrued, or incurred, directly or
4 indirectly, to the same foreign person; and

5 (V) An amount equal to the income from intangible
6 property taken into account for the taxable year (net
7 of the deductions allocable thereto) with respect to
8 transactions with a foreign person who would be a
9 member of the taxpayer's unitary business group but for
10 the fact that the foreign person's business activity
11 outside the United States is 80% or more of that
12 person's total business activity, but not to exceed the
13 addition modification required to be made for the same
14 taxable year under Section 203(c)(2)(G-13) for
15 intangible expenses and costs paid, accrued, or
16 incurred, directly or indirectly, to the same foreign
17 person.

18 (3) Limitation. The amount of any modification
19 otherwise required under this subsection shall, under
20 regulations prescribed by the Department, be adjusted by
21 any amounts included therein which were properly paid,
22 credited, or required to be distributed, or permanently set
23 aside for charitable purposes pursuant to Internal Revenue
24 Code Section 642(c) during the taxable year.

25 (d) Partnerships.

26 (1) In general. In the case of a partnership, base
27 income means an amount equal to the taxpayer's taxable
28 income for the taxable year as modified by paragraph (2).

29 (2) Modifications. The taxable income referred to in
30 paragraph (1) shall be modified by adding thereto the sum
31 of the following amounts:

32 (A) An amount equal to all amounts paid or accrued
33 to the taxpayer as interest or dividends during the
34 taxable year to the extent excluded from gross income
35 in the computation of taxable income;

1 (B) An amount equal to the amount of tax imposed by
2 this Act to the extent deducted from gross income for
3 the taxable year;

4 (C) The amount of deductions allowed to the
5 partnership pursuant to Section 707 (c) of the Internal
6 Revenue Code in calculating its taxable income;

7 (D) An amount equal to the amount of the capital
8 gain deduction allowable under the Internal Revenue
9 Code, to the extent deducted from gross income in the
10 computation of taxable income;

11 (D-5) For taxable years 2001 and thereafter, an
12 amount equal to the bonus depreciation deduction (30%
13 of the adjusted basis of the qualified property) taken
14 on the taxpayer's federal income tax return for the
15 taxable year under subsection (k) of Section 168 of the
16 Internal Revenue Code;

17 (D-6) If the taxpayer reports a capital gain or
18 loss on the taxpayer's federal income tax return for
19 the taxable year based on a sale or transfer of
20 property for which the taxpayer was required in any
21 taxable year to make an addition modification under
22 subparagraph (D-5), then an amount equal to the
23 aggregate amount of the deductions taken in all taxable
24 years under subparagraph (O) with respect to that
25 property.

26 The taxpayer is required to make the addition
27 modification under this subparagraph only once with
28 respect to any one piece of property;

29 (D-7) For taxable years ending on or after December
30 31, 2004, an amount equal to the amount otherwise
31 allowed as a deduction in computing base income for
32 interest paid, accrued, or incurred, directly or
33 indirectly, to a foreign person who would be a member
34 of the same unitary business group but for the fact the
35 foreign person's business activity outside the United
36 States is 80% or more of the foreign person's total

1 business activity. The addition modification required
2 by this subparagraph shall be reduced to the extent
3 that dividends were included in base income of the
4 unitary group for the same taxable year and received by
5 the taxpayer or by a member of the taxpayer's unitary
6 business group (including amounts included in gross
7 income pursuant to Sections 951 through 964 of the
8 Internal Revenue Code and amounts included in gross
9 income under Section 78 of the Internal Revenue Code)
10 with respect to the stock of the same person to whom
11 the interest was paid, accrued, or incurred.

12 This paragraph shall not apply to the following:

13 (i) an item of interest paid, accrued, or
14 incurred, directly or indirectly, to a foreign
15 person who is subject in a foreign country or
16 state, other than a state which requires mandatory
17 unitary reporting, to a tax on or measured by net
18 income with respect to such interest; or

19 (ii) an item of interest paid, accrued, or
20 incurred, directly or indirectly, to a foreign
21 person if the taxpayer can establish, based on a
22 preponderance of the evidence, both of the
23 following:

24 (a) the foreign person, during the same
25 taxable year, paid, accrued, or incurred, the
26 interest to a person that is not a related
27 member, and

28 (b) the transaction giving rise to the
29 interest expense between the taxpayer and the
30 foreign person did not have as a principal
31 purpose the avoidance of Illinois income tax,
32 and is paid pursuant to a contract or agreement
33 that reflects an arm's-length interest rate
34 and terms; or

35 (iii) the taxpayer can establish, based on
36 clear and convincing evidence, that the interest

1 paid, accrued, or incurred relates to a contract or
2 agreement entered into at arm's-length rates and
3 terms and the principal purpose for the payment is
4 not federal or Illinois tax avoidance; or

5 (iv) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a foreign
7 person if the taxpayer establishes by clear and
8 convincing evidence that the adjustments are
9 unreasonable; or if the taxpayer and the Director
10 agree in writing to the application or use of an
11 alternative method of apportionment under Section
12 304(f).

13 Nothing in this subsection shall preclude the
14 Director from making any other adjustment
15 otherwise allowed under Section 404 of this Act for
16 any tax year beginning after the effective date of
17 this amendment provided such adjustment is made
18 pursuant to regulation adopted by the Department
19 and such regulations provide methods and standards
20 by which the Department will utilize its authority
21 under Section 404 of this Act; and

22 (D-8) For taxable years ending on or after December
23 31, 2004, an amount equal to the amount of intangible
24 expenses and costs otherwise allowed as a deduction in
25 computing base income, and that were paid, accrued, or
26 incurred, directly or indirectly, to a foreign person
27 who would be a member of the same unitary business
28 group but for the fact that the foreign person's
29 business activity outside the United States is 80% or
30 more of that person's total business activity. The
31 addition modification required by this subparagraph
32 shall be reduced to the extent that dividends were
33 included in base income of the unitary group for the
34 same taxable year and received by the taxpayer or by a
35 member of the taxpayer's unitary business group
36 (including amounts included in gross income pursuant

1 to Sections 951 through 964 of the Internal Revenue
2 Code and amounts included in gross income under Section
3 78 of the Internal Revenue Code) with respect to the
4 stock of the same person to whom the intangible
5 expenses and costs were directly or indirectly paid,
6 incurred or accrued. The preceding sentence shall not
7 apply to the extent that the same dividends caused a
8 reduction to the addition modification required under
9 Section 203(d)(2)(D-7) of this Act. As used in this
10 subparagraph, the term "intangible expenses and costs"
11 includes (1) expenses, losses, and costs for, or
12 related to, the direct or indirect acquisition, use,
13 maintenance or management, ownership, sale, exchange,
14 or any other disposition of intangible property; (2)
15 losses incurred, directly or indirectly, from
16 factoring transactions or discounting transactions;
17 (3) royalty, patent, technical, and copyright fees;
18 (4) licensing fees; and (5) other similar expenses and
19 costs. For purposes of this subparagraph, "intangible
20 property" includes patents, patent applications, trade
21 names, trademarks, service marks, copyrights, mask
22 works, trade secrets, and similar types of intangible
23 assets;

24 This paragraph shall not apply to the following:

25 (i) any item of intangible expenses or costs
26 paid, accrued, or incurred, directly or
27 indirectly, from a transaction with a foreign
28 person who is subject in a foreign country or
29 state, other than a state which requires mandatory
30 unitary reporting, to a tax on or measured by net
31 income with respect to such item; or

32 (ii) any item of intangible expense or cost
33 paid, accrued, or incurred, directly or
34 indirectly, if the taxpayer can establish, based
35 on a preponderance of the evidence, both of the
36 following:

1 (a) the foreign person during the same
2 taxable year paid, accrued, or incurred, the
3 intangible expense or cost to a person that is
4 not a related member, and

5 (b) the transaction giving rise to the
6 intangible expense or cost between the
7 taxpayer and the foreign person did not have as
8 a principal purpose the avoidance of Illinois
9 income tax, and is paid pursuant to a contract
10 or agreement that reflects arm's-length terms;
11 or

12 (iii) any item of intangible expense or cost
13 paid, accrued, or incurred, directly or
14 indirectly, from a transaction with a foreign
15 person if the taxpayer establishes by clear and
16 convincing evidence, that the adjustments are
17 unreasonable; or if the taxpayer and the Director
18 agree in writing to the application or use of an
19 alternative method of apportionment under Section
20 304(f);

21 Nothing in this subsection shall preclude the
22 Director from making any other adjustment
23 otherwise allowed under Section 404 of this Act for
24 any tax year beginning after the effective date of
25 this amendment provided such adjustment is made
26 pursuant to regulation adopted by the Department
27 and such regulations provide methods and standards
28 by which the Department will utilize its authority
29 under Section 404 of this Act;

30 and by deducting from the total so obtained the following
31 amounts:

32 (E) The valuation limitation amount;

33 (F) An amount equal to the amount of any tax
34 imposed by this Act which was refunded to the taxpayer
35 and included in such total for the taxable year;

36 (G) An amount equal to all amounts included in

1 taxable income as modified by subparagraphs (A), (B),
2 (C) and (D) which are exempt from taxation by this
3 State either by reason of its statutes or Constitution
4 or by reason of the Constitution, treaties or statutes
5 of the United States; provided that, in the case of any
6 statute of this State that exempts income derived from
7 bonds or other obligations from the tax imposed under
8 this Act, the amount exempted shall be the interest net
9 of bond premium amortization;

10 (H) Any income of the partnership which
11 constitutes personal service income as defined in
12 Section 1348 (b) (1) of the Internal Revenue Code (as
13 in effect December 31, 1981) or a reasonable allowance
14 for compensation paid or accrued for services rendered
15 by partners to the partnership, whichever is greater;

16 (I) An amount equal to all amounts of income
17 distributable to an entity subject to the Personal
18 Property Tax Replacement Income Tax imposed by
19 subsections (c) and (d) of Section 201 of this Act
20 including amounts distributable to organizations
21 exempt from federal income tax by reason of Section
22 501(a) of the Internal Revenue Code;

23 (J) With the exception of any amounts subtracted
24 under subparagraph (G), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a) (2), and 265(2) of the Internal Revenue Code of
27 1954, as now or hereafter amended, and all amounts of
28 expenses allocable to interest and disallowed as
29 deductions by Section 265(1) of the Internal Revenue
30 Code, as now or hereafter amended; and (ii) for taxable
31 years ending on or after August 13, 1999, Sections
32 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of the
33 Internal Revenue Code; the provisions of this
34 subparagraph are exempt from the provisions of Section
35 250;

36 (K) An amount equal to those dividends included in

1 such total which were paid by a corporation which
2 conducts business operations in an Enterprise Zone or
3 zones created under the Illinois Enterprise Zone Act,
4 enacted by the 82nd General Assembly, and conducts
5 substantially all of its operations in an Enterprise
6 Zone or Zones;

7 (L) An amount equal to any contribution made to a
8 job training project established pursuant to the Real
9 Property Tax Increment Allocation Redevelopment Act;

10 (M) An amount equal to those dividends included in
11 such total that were paid by a corporation that
12 conducts business operations in a federally designated
13 Foreign Trade Zone or Sub-Zone and that is designated a
14 High Impact Business located in Illinois; provided
15 that dividends eligible for the deduction provided in
16 subparagraph (K) of paragraph (2) of this subsection
17 shall not be eligible for the deduction provided under
18 this subparagraph (M);

19 (N) An amount equal to the amount of the deduction
20 used to compute the federal income tax credit for
21 restoration of substantial amounts held under claim of
22 right for the taxable year pursuant to Section 1341 of
23 the Internal Revenue Code of 1986;

24 (O) For taxable years 2001 and thereafter, for the
25 taxable year in which the bonus depreciation deduction
26 (30% of the adjusted basis of the qualified property)
27 is taken on the taxpayer's federal income tax return
28 under subsection (k) of Section 168 of the Internal
29 Revenue Code and for each applicable taxable year
30 thereafter, an amount equal to "x", where:

31 (1) "y" equals the amount of the depreciation
32 deduction taken for the taxable year on the
33 taxpayer's federal income tax return on property
34 for which the bonus depreciation deduction (30% of
35 the adjusted basis of the qualified property) was
36 taken in any year under subsection (k) of Section

1 168 of the Internal Revenue Code, but not including
2 the bonus depreciation deduction; and

3 (2) "x" equals "y" multiplied by 30 and then
4 divided by 70 (or "y" multiplied by 0.429).

5 The aggregate amount deducted under this
6 subparagraph in all taxable years for any one piece of
7 property may not exceed the amount of the bonus
8 depreciation deduction (30% of the adjusted basis of
9 the qualified property) taken on that property on the
10 taxpayer's federal income tax return under subsection
11 (k) of Section 168 of the Internal Revenue Code;

12 (P) If the taxpayer reports a capital gain or loss
13 on the taxpayer's federal income tax return for the
14 taxable year based on a sale or transfer of property
15 for which the taxpayer was required in any taxable year
16 to make an addition modification under subparagraph
17 (D-5), then an amount equal to that addition
18 modification.

19 The taxpayer is allowed to take the deduction under
20 this subparagraph only once with respect to any one
21 piece of property;

22 (Q) The amount of (i) any interest income (net of
23 the deductions allocable thereto) taken into account
24 for the taxable year with respect to a transaction with
25 a taxpayer that is required to make an addition
26 modification with respect to such transaction under
27 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
28 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
29 the amount of such addition modification and (ii) any
30 income from intangible property (net of the deductions
31 allocable thereto) taken into account for the taxable
32 year with respect to a transaction with a taxpayer that
33 is required to make an addition modification with
34 respect to such transaction under Section
35 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
36 203(d)(2)(D-8), but not to exceed the amount of such

1 addition modification;

2 (R) An amount equal to the interest income taken
3 into account for the taxable year (net of the
4 deductions allocable thereto) with respect to
5 transactions with a foreign person who would be a
6 member of the taxpayer's unitary business group but for
7 the fact that the foreign person's business activity
8 outside the United States is 80% or more of that
9 person's total business activity, but not to exceed the
10 addition modification required to be made for the same
11 taxable year under Section 203(d)(2)(D-7) for interest
12 paid, accrued, or incurred, directly or indirectly, to
13 the same foreign person; and

14 (S) An amount equal to the income from intangible
15 property taken into account for the taxable year (net
16 of the deductions allocable thereto) with respect to
17 transactions with a foreign person who would be a
18 member of the taxpayer's unitary business group but for
19 the fact that the foreign person's business activity
20 outside the United States is 80% or more of that
21 person's total business activity, but not to exceed the
22 addition modification required to be made for the same
23 taxable year under Section 203(d)(2)(D-8) for
24 intangible expenses and costs paid, accrued, or
25 incurred, directly or indirectly, to the same foreign
26 person.

27 (e) Gross income; adjusted gross income; taxable income.

28 (1) In general. Subject to the provisions of paragraph
29 (2) and subsection (b) (3), for purposes of this Section
30 and Section 803(e), a taxpayer's gross income, adjusted
31 gross income, or taxable income for the taxable year shall
32 mean the amount of gross income, adjusted gross income or
33 taxable income properly reportable for federal income tax
34 purposes for the taxable year under the provisions of the
35 Internal Revenue Code. Taxable income may be less than

1 zero. However, for taxable years ending on or after
2 December 31, 1986, net operating loss carryforwards from
3 taxable years ending prior to December 31, 1986, may not
4 exceed the sum of federal taxable income for the taxable
5 year before net operating loss deduction, plus the excess
6 of addition modifications over subtraction modifications
7 for the taxable year. For taxable years ending prior to
8 December 31, 1986, taxable income may never be an amount in
9 excess of the net operating loss for the taxable year as
10 defined in subsections (c) and (d) of Section 172 of the
11 Internal Revenue Code, provided that when taxable income of
12 a corporation (other than a Subchapter S corporation),
13 trust, or estate is less than zero and addition
14 modifications, other than those provided by subparagraph
15 (E) of paragraph (2) of subsection (b) for corporations or
16 subparagraph (E) of paragraph (2) of subsection (c) for
17 trusts and estates, exceed subtraction modifications, an
18 addition modification must be made under those
19 subparagraphs for any other taxable year to which the
20 taxable income less than zero (net operating loss) is
21 applied under Section 172 of the Internal Revenue Code or
22 under subparagraph (E) of paragraph (2) of this subsection
23 (e) applied in conjunction with Section 172 of the Internal
24 Revenue Code.

25 (2) Special rule. For purposes of paragraph (1) of this
26 subsection, the taxable income properly reportable for
27 federal income tax purposes shall mean:

28 (A) Certain life insurance companies. In the case
29 of a life insurance company subject to the tax imposed
30 by Section 801 of the Internal Revenue Code, life
31 insurance company taxable income, plus the amount of
32 distribution from pre-1984 policyholder surplus
33 accounts as calculated under Section 815a of the
34 Internal Revenue Code;

35 (B) Certain other insurance companies. In the case
36 of mutual insurance companies subject to the tax

1 imposed by Section 831 of the Internal Revenue Code,
2 insurance company taxable income;

3 (C) Regulated investment companies. In the case of
4 a regulated investment company subject to the tax
5 imposed by Section 852 of the Internal Revenue Code,
6 investment company taxable income;

7 (D) Real estate investment trusts. In the case of a
8 real estate investment trust subject to the tax imposed
9 by Section 857 of the Internal Revenue Code, real
10 estate investment trust taxable income;

11 (E) Consolidated corporations. In the case of a
12 corporation which is a member of an affiliated group of
13 corporations filing a consolidated income tax return
14 for the taxable year for federal income tax purposes,
15 taxable income determined as if such corporation had
16 filed a separate return for federal income tax purposes
17 for the taxable year and each preceding taxable year
18 for which it was a member of an affiliated group. For
19 purposes of this subparagraph, the taxpayer's separate
20 taxable income shall be determined as if the election
21 provided by Section 243(b) (2) of the Internal Revenue
22 Code had been in effect for all such years;

23 (F) Cooperatives. In the case of a cooperative
24 corporation or association, the taxable income of such
25 organization determined in accordance with the
26 provisions of Section 1381 through 1388 of the Internal
27 Revenue Code;

28 (G) Subchapter S corporations. In the case of: (i)
29 a Subchapter S corporation for which there is in effect
30 an election for the taxable year under Section 1362 of
31 the Internal Revenue Code, the taxable income of such
32 corporation determined in accordance with Section
33 1363(b) of the Internal Revenue Code, except that
34 taxable income shall take into account those items
35 which are required by Section 1363(b)(1) of the
36 Internal Revenue Code to be separately stated; and (ii)

1 a Subchapter S corporation for which there is in effect
2 a federal election to opt out of the provisions of the
3 Subchapter S Revision Act of 1982 and have applied
4 instead the prior federal Subchapter S rules as in
5 effect on July 1, 1982, the taxable income of such
6 corporation determined in accordance with the federal
7 Subchapter S rules as in effect on July 1, 1982; and

8 (H) Partnerships. In the case of a partnership,
9 taxable income determined in accordance with Section
10 703 of the Internal Revenue Code, except that taxable
11 income shall take into account those items which are
12 required by Section 703(a)(1) to be separately stated
13 but which would be taken into account by an individual
14 in calculating his taxable income.

15 (3) Recapture of business expenses on disposition of
16 asset or business. Notwithstanding any other law to the
17 contrary, if in prior years income from an asset or
18 business has been classified as business income and in a
19 later year is demonstrated to be non-business income, then
20 all expenses, without limitation, deducted in such later
21 year and in the 2 immediately preceding taxable years
22 related to that asset or business that generated the
23 non-business income shall be added back and recaptured as
24 business income in the year of the disposition of the asset
25 or business. Such amount shall be apportioned to Illinois
26 using the greater of the apportionment fraction computed
27 for the business under Section 304 of this Act for the
28 taxable year or the average of the apportionment fractions
29 computed for the business under Section 304 of this Act for
30 the taxable year and for the 2 immediately preceding
31 taxable years.

32 (f) Valuation limitation amount.

33 (1) In general. The valuation limitation amount
34 referred to in subsections (a) (2) (G), (c) (2) (I) and
35 (d) (2) (E) is an amount equal to:

36 (A) The sum of the pre-August 1, 1969 appreciation

1 amounts (to the extent consisting of gain reportable
2 under the provisions of Section 1245 or 1250 of the
3 Internal Revenue Code) for all property in respect of
4 which such gain was reported for the taxable year; plus

5 (B) The lesser of (i) the sum of the pre-August 1,
6 1969 appreciation amounts (to the extent consisting of
7 capital gain) for all property in respect of which such
8 gain was reported for federal income tax purposes for
9 the taxable year, or (ii) the net capital gain for the
10 taxable year, reduced in either case by any amount of
11 such gain included in the amount determined under
12 subsection (a) (2) (F) or (c) (2) (H).

13 (2) Pre-August 1, 1969 appreciation amount.

14 (A) If the fair market value of property referred
15 to in paragraph (1) was readily ascertainable on August
16 1, 1969, the pre-August 1, 1969 appreciation amount for
17 such property is the lesser of (i) the excess of such
18 fair market value over the taxpayer's basis (for
19 determining gain) for such property on that date
20 (determined under the Internal Revenue Code as in
21 effect on that date), or (ii) the total gain realized
22 and reportable for federal income tax purposes in
23 respect of the sale, exchange or other disposition of
24 such property.

25 (B) If the fair market value of property referred
26 to in paragraph (1) was not readily ascertainable on
27 August 1, 1969, the pre-August 1, 1969 appreciation
28 amount for such property is that amount which bears the
29 same ratio to the total gain reported in respect of the
30 property for federal income tax purposes for the
31 taxable year, as the number of full calendar months in
32 that part of the taxpayer's holding period for the
33 property ending July 31, 1969 bears to the number of
34 full calendar months in the taxpayer's entire holding
35 period for the property.

36 (C) The Department shall prescribe such

1 regulations as may be necessary to carry out the
2 purposes of this paragraph.

3 (g) Double deductions. Unless specifically provided
4 otherwise, nothing in this Section shall permit the same item
5 to be deducted more than once.

6 (h) Legislative intention. Except as expressly provided by
7 this Section there shall be no modifications or limitations on
8 the amounts of income, gain, loss or deduction taken into
9 account in determining gross income, adjusted gross income or
10 taxable income for federal income tax purposes for the taxable
11 year, or in the amount of such items entering into the
12 computation of base income and net income under this Act for
13 such taxable year, whether in respect of property values as of
14 August 1, 1969 or otherwise.

15 (Source: P.A. 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439,
16 eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02;
17 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; 93-812, eff.
18 7-26-04; 93-840, eff. 7-30-04; revised 10-12-04.)

19 (35 ILCS 5/205) (from Ch. 120, par. 2-205)

20 Sec. 205. Exempt organizations.

21 (a) Charitable, etc. organizations. The base income of an
22 organization which is exempt from the federal income tax by
23 reason of Section 501(a) of the Internal Revenue Code shall not
24 be determined under section 203 of this Act, but shall be its
25 unrelated business taxable income as determined under section
26 512 of the Internal Revenue Code, without any deduction for the
27 tax imposed by this Act. The standard exemption provided by
28 section 204 of this Act shall not be allowed in determining the
29 net income of an organization to which this subsection applies.

30 (b) Partnerships. A partnership as such shall not be
31 subject to the tax imposed by subsection 201 (a) and (b) of
32 this Act, but shall be subject to the replacement tax imposed
33 by subsection 201 (c) and (d) of this Act and shall compute its

1 base income as described in subsection (d) of Section 203 of
2 this Act. For taxable years ending on or after December 31,
3 2004, an investment partnership, as defined in Section
4 1501(a)(11.5) of this Act, shall not be subject to the tax
5 imposed by subsections (c) and (d) of Section 201 of this Act.
6 A partnership shall file such returns and other information at
7 such time and in such manner as may be required under Article 5
8 of this Act. The partners in a partnership shall be liable for
9 the replacement tax imposed by subsection 201 (c) and (d) of
10 this Act on such partnership, to the extent such tax is not
11 paid by the partnership, as provided under the laws of Illinois
12 governing the liability of partners for the obligations of a
13 partnership. Persons carrying on business as partners shall be
14 liable for the tax imposed by subsection 201 (a) and (b) of
15 this Act only in their separate or individual capacities.

16 (c) Subchapter S corporations. A Subchapter S corporation
17 shall not be subject to the tax imposed by subsection 201 (a)
18 and (b) of this Act but shall be subject to the replacement tax
19 imposed by subsection 201 (c) and (d) of this Act and shall
20 file such returns and other information at such time and in
21 such manner as may be required under Article 5 of this Act.

22 (d) Combat zone death. An individual relieved from the
23 federal income tax for any taxable year by reason of section
24 692 of the Internal Revenue Code shall not be subject to the
25 tax imposed by this Act for such taxable year.

26 (e) Certain trusts. A common trust fund described in
27 Section 584 of the Internal Revenue Code, and any other trust
28 to the extent that the grantor is treated as the owner thereof
29 under sections 671 through 678 of the Internal Revenue Code
30 shall not be subject to the tax imposed by this Act.

31 (f) Certain business activities. A person not otherwise
32 subject to the tax imposed by this Act shall not become subject
33 to the tax imposed by this Act by reason of:

- 34 (1) that person's ownership of tangible personal
35 property located at the premises of a printer in this State
36 with which the person has contracted for printing, or

1 (2) activities of the person's employees or agents
2 located solely at the premises of a printer and related to
3 quality control, distribution, or printing services
4 performed by a printer in the State with which the person
5 has contracted for printing.

6 (g) A nonprofit risk organization that holds a certificate
7 of authority under Article VIID of the Illinois Insurance Code
8 is exempt from the tax imposed under this Act with respect to
9 its activities or operations in furtherance of the powers
10 conferred upon it under that Article VIID of the Illinois
11 Insurance Code.

12 (Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05;
13 revised 10-25-04.)

14 (35 ILCS 5/507X)

15 Sec. 507X. The Multiple Sclerosis Assistance Fund
16 checkoff. Beginning with taxable years ending on or after
17 December 31, 2002, the Department shall print on its standard
18 individual income tax form a provision indicating that if the
19 taxpayer wishes to contribute to the Multiple Sclerosis
20 Assistance Fund, as authorized by this amendatory Act of the
21 92nd General Assembly, he or she may do so by stating the
22 amount of the contribution (not less than \$1) on the return and
23 that the contribution will reduce the taxpayer's refund or
24 increase the amount of payment to accompany the return. Failure
25 to remit any amount of increased payment shall reduce the
26 contribution accordingly. This Section shall not apply to any
27 amended return.

28 (Source: P.A. 92-772, eff. 8-6-02.)

29 (35 ILCS 5/507Y)

30 Sec. 507Y ~~507X~~. The Illinois Military Family Relief
31 checkoff. Beginning with taxable years ending on or after
32 December 31, 2003, the Department shall print on its standard
33 individual income tax form a provision indicating that if the
34 taxpayer wishes to contribute to the Illinois Military Family

1 Relief Fund, as authorized by this amendatory Act of the 92nd
2 General Assembly, he or she may do so by stating the amount of
3 the contribution (not less than \$1) on the return and that the
4 contribution will reduce the taxpayer's refund or increase the
5 amount of payment to accompany the return. Failure to remit any
6 amount of increased payment shall reduce the contribution
7 accordingly. This Section shall not apply to any amended
8 return.

9 (Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

10 (35 ILCS 5/507AA)

11 Sec. 507AA ~~507A~~. The Lou Gehrig's Disease (ALS) Research
12 Fund checkoff. Beginning with the taxable year ending on
13 December 31, 2003, the Department shall print on its standard
14 individual income tax form a provision indicating that if the
15 taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS)
16 Research Fund, as authorized by this amendatory Act of the 93rd
17 General Assembly, he or she may do so by stating the amount of
18 the contribution (not less than \$1) on the return and that the
19 contribution will reduce the taxpayer's refund or increase the
20 amount of payment to accompany the return. Failure to remit any
21 amount of increased payment shall reduce the contribution
22 accordingly. This Section shall not apply to any amended
23 return.

24 (Source: P.A. 93-36, eff. 6-24-03; revised 9-24-03.)

25 (35 ILCS 5/507BB)

26 Sec. 507BB ~~507B~~. Asthma and Lung Research checkoff. The
27 Department must print on its standard individual income tax
28 form a provision indicating that if the taxpayer wishes to
29 contribute to the Asthma and Lung Research Fund, as authorized
30 by this amendatory Act of the 93rd General Assembly, he or she
31 may do so by stating the amount of the contribution (not less
32 than \$1) on the return and that the contribution will reduce
33 the taxpayer's refund or increase the amount of payment to
34 accompany the return. Failure to remit any amount of increased

1 payment reduces the contribution accordingly. This Section
2 does not apply to an amended return.

3 (Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

4 (35 ILCS 5/507CC)

5 Sec. 507CC ~~507Y~~. The Leukemia Treatment and Education
6 checkoff. The Department shall print on its standard individual
7 income tax form a provision indicating that if the taxpayer
8 wishes to contribute to the Leukemia Treatment and Education
9 Fund, as authorized by this amendatory Act of the 93rd General
10 Assembly, he or she may do so by stating the amount of the
11 contribution (not less than \$1) on the return and that the
12 contribution will reduce the taxpayer's refund or increase the
13 amount of payment to accompany the return. Failure to remit any
14 amount of increased payment shall reduce the contribution
15 accordingly. This Section shall not apply to any amended
16 return.

17 (Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

18 (35 ILCS 5/507EE)

19 Sec. 507EE. Pet Population Control Fund checkoff. The
20 Department must print on its standard individual income tax
21 form a provision indicating that if the taxpayer wishes to
22 contribute to the Pet Population Control Fund, as established
23 in the Illinois Public Health and Safety Animal Population
24 Control Act, he or she may do so by stating the amount of the
25 contribution (not less than \$1) on the return and that the
26 contribution will reduce the taxpayer's refund or increase the
27 amount of payment to accompany the return. Failure to remit any
28 amount of increased payment reduces the contribution
29 accordingly. This Section does not apply to any amended return.

30 The Department of Revenue shall determine annually the
31 total amount contributed to the Fund pursuant to this Section
32 and shall notify the State Comptroller and the State Treasurer
33 of the amount to be transferred to the Pet Population Control
34 Fund, and upon receipt of the notification the State

1 Comptroller shall transfer the amount.

2 (Source: P.A. 94-639, eff. 8-22-05.)

3 (35 ILCS 5/507FF)

4 Sec. 507FF ~~507EE~~. Epilepsy Treatment and Education
5 Grants-in-Aid Fund checkoff. The Department must print on its
6 standard individual income tax form a provision indicating that
7 if the taxpayer wishes to contribute to the Epilepsy Treatment
8 and Education Grants-in-Aid Fund, as authorized by Public Act
9 94-73 ~~this amendatory Act of the 94th General Assembly~~, he or
10 she may do so by stating the amount of the contribution (not
11 less than \$1) on the return and that the contribution will
12 reduce the taxpayer's refund or increase the amount of payment
13 to accompany the return. Failure to remit any amount of
14 increased payment reduces the contribution accordingly. This
15 Section does not apply to any amended return.

16 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

17 (35 ILCS 5/507GG)

18 Sec. 507GG ~~507EE~~. Diabetes Research Checkoff Fund
19 checkoff. For taxable years ending on or after December 31,
20 2005, the Department must print on its standard individual
21 income tax form a provision indicating that if the taxpayer
22 wishes to contribute to the Diabetes Research Checkoff Fund, as
23 authorized by Public 94-107 ~~this amendatory Act of the 94th~~
24 ~~General Assembly~~, he or she may do so by stating the amount of
25 the contribution (not less than \$1) on the return and that the
26 contribution will reduce the taxpayer's refund or increase the
27 amount of payment to accompany the return. Failure to remit any
28 amount of increased payment shall reduce the contribution
29 accordingly. This Section does not apply to any amended return.

30 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

31 (35 ILCS 5/507HH)

32 Sec. 507HH ~~507EE~~. Sarcoidosis Research Fund checkoff. The
33 Department shall print on its standard individual income tax

1 form a provision indicating that if the taxpayer wishes to
2 contribute to the Sarcoidosis Research Fund, as authorized by
3 Public Act 94-141 ~~this amendatory Act of the 94th General~~
4 ~~Assembly~~, he or she may do so by stating the amount of the
5 contribution (not less than \$1) on the return and that the
6 contribution will reduce the taxpayer's refund or increase the
7 amount of payment to accompany the return. Failure to remit any
8 amount of increased payment shall reduce the contribution
9 accordingly. This Section shall not apply to any amended
10 return.

11 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

12 (35 ILCS 5/507II)

13 Sec. 507II ~~507EE~~. The Vince Demuzio Memorial Colon Cancer
14 Fund checkoff. For taxable years ending on or after December
15 31, 2005, the Department must print on its standard individual
16 income tax form a provision indicating that if the taxpayer
17 wishes to contribute to the Vince Demuzio Memorial Colon Cancer
18 Fund, as authorized by Public Act 94-142 ~~this amendatory Act of~~
19 ~~the 94th General Assembly~~, he or she may do so by stating the
20 amount of the contribution (not less than \$1) on the return and
21 that the contribution will reduce the taxpayer's refund or
22 increase the amount of payment to accompany the return. Failure
23 to remit any amount of increased payment shall reduce the
24 contribution accordingly. This Section does not apply to any
25 amended return.

26 (Source: P.A. 94-142, eff. 1-1-06; revised 9-26-05.)

27 (35 ILCS 5/507JJ)

28 Sec. 507JJ ~~507EE~~. The Autism Research Fund checkoff. For
29 taxable years ending on or after December 31, 2005, the
30 Department must print on its standard individual income tax
31 form a provision indicating that if the taxpayer wishes to
32 contribute to the Autism Research Fund, as authorized by Public
33 Act 94-442 ~~this amendatory Act of the 94th General Assembly~~, he
34 or she may do so by stating the amount of the contribution (not

1 less than \$1) on the return and that the contribution will
2 reduce the taxpayer's refund or increase the amount of payment
3 to accompany the return. Failure to remit any amount of
4 increased payment shall reduce the contribution accordingly.
5 This Section does not apply to any amended return.
6 (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

7 (35 ILCS 5/507KK)

8 Sec. 507KK ~~507EE~~. Blindness Prevention Fund checkoff. For
9 taxable years ending on or after December 31, 2005, the
10 Department shall print on its standard individual income tax
11 form a provision indicating that if the taxpayer wishes to
12 contribute to the Blindness Prevention Fund, as authorized by
13 Public Act 94-602 ~~this amendatory Act of the 94th General~~
14 ~~Assembly~~, he or she may do so by stating the amount of the
15 contribution (not less than \$1) on the return and that the
16 contribution will reduce the taxpayer's refund or increase the
17 amount of payment to accompany the return. Failure to remit any
18 amount of increased payment shall reduce the contribution
19 accordingly. This Section shall not apply to any amended
20 return.

21 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

22 (35 ILCS 5/507LL)

23 Sec. 507LL ~~507EE~~. The Illinois Brain Tumor Research
24 checkoff. For taxable years ending on or after December 31,
25 2005, the Department shall print on its standard individual
26 income tax form a provision indicating that if the taxpayer
27 wishes to contribute to the Illinois Brain Tumor Research Fund,
28 as authorized by Public Act 94-649 ~~this amendatory Act of the~~
29 ~~94th General Assembly~~, he or she may do so by stating the
30 amount of the contribution (not less than \$1) on the return and
31 that the contribution will reduce the taxpayer's refund or
32 increase the amount of payment to accompany the return. Failure
33 to remit any amount of increased payment shall reduce the
34 contribution accordingly. This Section shall not apply to any

1 amended return.

2 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

3 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

4 Sec. 509. Tax checkoff explanations. All individual income
5 tax return forms shall contain appropriate explanations and
6 spaces to enable the taxpayers to designate contributions to
7 the following funds: the Child Abuse Prevention Fund, the
8 Illinois Wildlife Preservation Fund (as required by the
9 Illinois Non-Game Wildlife Protection Act), the Alzheimer's
10 Disease Research Fund (as required by the Alzheimer's Disease
11 Research Act), the Assistance to the Homeless Fund (as required
12 by this Act), the Penny Severns Breast and Cervical Cancer
13 Research Fund, the National World War II Memorial Fund, the
14 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)
15 Research Fund, the Multiple Sclerosis Assistance Fund, the
16 Sarcoidosis Research Fund, the Leukemia Treatment and
17 Education Fund, the World War II Illinois Veterans Memorial
18 Fund, the Korean War Veterans National Museum and Library Fund,
19 the Illinois Military Family Relief Fund, the Blindness
20 Prevention Fund, the Illinois Veterans' Homes Fund, the
21 Epilepsy Treatment and Education Grants-in-Aid Fund, the
22 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial
23 Colon Cancer Fund, the Autism Research Fund, the Asthma and
24 Lung Research Fund, and the Illinois Brain Tumor Research Fund.

25 Each form shall contain a statement that the contributions
26 will reduce the taxpayer's refund or increase the amount of
27 payment to accompany the return. Failure to remit any amount of
28 increased payment shall reduce the contribution accordingly.

29 If, on October 1 of any year, the total contributions to
30 any one of the funds made under this Section do not equal
31 \$100,000 or more, the explanations and spaces for designating
32 contributions to the fund shall be removed from the individual
33 income tax return forms for the following and all subsequent
34 years and all subsequent contributions to the fund shall be
35 refunded to the taxpayer.

1 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
2 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
3 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
4 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
5 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

6 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

7 Sec. 510. Determination of amounts contributed. The
8 Department shall determine the total amount contributed to each
9 of the following: the Child Abuse Prevention Fund, the Illinois
10 Wildlife Preservation Fund, the Assistance to the Homeless
11 Fund, the Alzheimer's Disease Research Fund, the Penny Severns
12 Breast and Cervical Cancer Research Fund, the National World
13 War II Memorial Fund, the Prostate Cancer Research Fund, the
14 Illinois Military Family Relief Fund, the Lou Gehrig's Disease
15 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,
16 the Sarcoidosis Research Fund, the Leukemia Treatment and
17 Education Fund, the World War II Illinois Veterans Memorial
18 Fund, the Korean War Veterans National Museum and Library Fund,
19 the Illinois Veterans' Homes Fund, the Epilepsy Treatment and
20 Education Grants-in-Aid Fund, the Diabetes Research Checkoff
21 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism
22 Research Fund, the Blindness Prevention Fund, the Asthma and
23 Lung Research Fund, and the Illinois Brain Tumor Research Fund;
24 and shall notify the State Comptroller and the State Treasurer
25 of the amounts to be transferred from the General Revenue Fund
26 to each fund, and upon receipt of such notification the State
27 Treasurer and Comptroller shall transfer the amounts.

28 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
29 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
30 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
31 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
32 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

33 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

34 Sec. 917. Confidentiality and information sharing.

1 (a) Confidentiality. Except as provided in this Section,
2 all information received by the Department from returns filed
3 under this Act, or from any investigation conducted under the
4 provisions of this Act, shall be confidential, except for
5 official purposes within the Department or pursuant to official
6 procedures for collection of any State tax or pursuant to an
7 investigation or audit by the Illinois State Scholarship
8 Commission of a delinquent student loan or monetary award or
9 enforcement of any civil or criminal penalty or sanction
10 imposed by this Act or by another statute imposing a State tax,
11 and any person who divulges any such information in any manner,
12 except for such purposes and pursuant to order of the Director
13 or in accordance with a proper judicial order, shall be guilty
14 of a Class A misdemeanor. However, the provisions of this
15 paragraph are not applicable to information furnished to (i)
16 the Department of Public Aid, State's Attorneys, and the
17 Attorney General for child support enforcement purposes and
18 (ii) a licensed attorney representing the taxpayer where an
19 appeal or a protest has been filed on behalf of the taxpayer.
20 If it is necessary to file information obtained pursuant to
21 this Act in a child support enforcement proceeding, the
22 information shall be filed under seal.

23 (b) Public information. Nothing contained in this Act shall
24 prevent the Director from publishing or making available to the
25 public the names and addresses of persons filing returns under
26 this Act, or from publishing or making available reasonable
27 statistics concerning the operation of the tax wherein the
28 contents of returns are grouped into aggregates in such a way
29 that the information contained in any individual return shall
30 not be disclosed.

31 (c) Governmental agencies. The Director may make available
32 to the Secretary of the Treasury of the United States or his
33 delegate, or the proper officer or his delegate of any other
34 state imposing a tax upon or measured by income, for
35 exclusively official purposes, information received by the
36 Department in the administration of this Act, but such

1 permission shall be granted only if the United States or such
2 other state, as the case may be, grants the Department
3 substantially similar privileges. The Director may exchange
4 information with the Illinois Department of Public Aid and the
5 Department of Human Services (acting as successor to the
6 Department of Public Aid under the Department of Human Services
7 Act) for the purpose of verifying sources and amounts of income
8 and for other purposes directly connected with the
9 administration of this Act and the Illinois Public Aid Code.
10 The Director may exchange information with the Director of the
11 Department of Employment Security for the purpose of verifying
12 sources and amounts of income and for other purposes directly
13 connected with the administration of this Act and Acts
14 administered by the Department of Employment Security. The
15 Director may make available to the Illinois Workers'
16 Compensation Commission information regarding employers for
17 the purpose of verifying the insurance coverage required under
18 the Workers' Compensation Act and Workers' Occupational
19 Diseases Act. The Director may exchange information with the
20 Illinois Department on Aging for the purpose of verifying
21 sources and amounts of income for purposes directly related to
22 confirming eligibility for participation in the programs of
23 benefits authorized by the Senior Citizens and Disabled Persons
24 Property Tax Relief and Pharmaceutical Assistance Act.

25 The Director may make available to any State agency,
26 including the Illinois Supreme Court, which licenses persons to
27 engage in any occupation, information that a person licensed by
28 such agency has failed to file returns under this Act or pay
29 the tax, penalty and interest shown therein, or has failed to
30 pay any final assessment of tax, penalty or interest due under
31 this Act. The Director may make available to any State agency,
32 including the Illinois Supreme Court, information regarding
33 whether a bidder, contractor, or an affiliate of a bidder or
34 contractor has failed to file returns under this Act or pay the
35 tax, penalty, and interest shown therein, or has failed to pay
36 any final assessment of tax, penalty, or interest due under

1 this Act, for the limited purpose of enforcing bidder and
2 contractor certifications. For purposes of this Section, the
3 term "affiliate" means any entity that (1) directly,
4 indirectly, or constructively controls another entity, (2) is
5 directly, indirectly, or constructively controlled by another
6 entity, or (3) is subject to the control of a common entity.
7 For purposes of this subsection (a), an entity controls another
8 entity if it owns, directly or individually, more than 10% of
9 the voting securities of that entity. As used in this
10 subsection (a), the term "voting security" means a security
11 that (1) confers upon the holder the right to vote for the
12 election of members of the board of directors or similar
13 governing body of the business or (2) is convertible into, or
14 entitles the holder to receive upon its exercise, a security
15 that confers such a right to vote. A general partnership
16 interest is a voting security.

17 The Director may make available to any State agency,
18 including the Illinois Supreme Court, units of local
19 government, and school districts, information regarding
20 whether a bidder or contractor is an affiliate of a person who
21 is not collecting and remitting Illinois Use taxes, for the
22 limited purpose of enforcing bidder and contractor
23 certifications.

24 The Director may also make available to the Secretary of
25 State information that a corporation which has been issued a
26 certificate of incorporation by the Secretary of State has
27 failed to file returns under this Act or pay the tax, penalty
28 and interest shown therein, or has failed to pay any final
29 assessment of tax, penalty or interest due under this Act. An
30 assessment is final when all proceedings in court for review of
31 such assessment have terminated or the time for the taking
32 thereof has expired without such proceedings being instituted.
33 For taxable years ending on or after December 31, 1987, the
34 Director may make available to the Director or principal
35 officer of any Department of the State of Illinois, information
36 that a person employed by such Department has failed to file

1 returns under this Act or pay the tax, penalty and interest
2 shown therein. For purposes of this paragraph, the word
3 "Department" shall have the same meaning as provided in Section
4 3 of the State Employees Group Insurance Act of 1971.

5 (d) The Director shall make available for public inspection
6 in the Department's principal office and for publication, at
7 cost, administrative decisions issued on or after January 1,
8 1995. These decisions are to be made available in a manner so
9 that the following taxpayer information is not disclosed:

10 (1) The names, addresses, and identification numbers
11 of the taxpayer, related entities, and employees.

12 (2) At the sole discretion of the Director, trade
13 secrets or other confidential information identified as
14 such by the taxpayer, no later than 30 days after receipt
15 of an administrative decision, by such means as the
16 Department shall provide by rule.

17 The Director shall determine the appropriate extent of the
18 deletions allowed in paragraph (2). In the event the taxpayer
19 does not submit deletions, the Director shall make only the
20 deletions specified in paragraph (1).

21 The Director shall make available for public inspection and
22 publication an administrative decision within 180 days after
23 the issuance of the administrative decision. The term
24 "administrative decision" has the same meaning as defined in
25 Section 3-101 of Article III of the Code of Civil Procedure.
26 Costs collected under this Section shall be paid into the Tax
27 Compliance and Administration Fund.

28 (e) Nothing contained in this Act shall prevent the
29 Director from divulging information to any person pursuant to a
30 request or authorization made by the taxpayer, by an authorized
31 representative of the taxpayer, or, in the case of information
32 related to a joint return, by the spouse filing the joint
33 return with the taxpayer.

34 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-835;
35 eff. 7-29-04; 93-841, eff. 7-30-04; revised 10-25-04.)

1 Section 245. The Use Tax Act is amended by changing Section
2 3-5 as follows:

3 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

4 Sec. 3-5. Exemptions. Use of the following tangible
5 personal property is exempt from the tax imposed by this Act:

6 (1) Personal property purchased from a corporation,
7 society, association, foundation, institution, or
8 organization, other than a limited liability company, that is
9 organized and operated as a not-for-profit service enterprise
10 for the benefit of persons 65 years of age or older if the
11 personal property was not purchased by the enterprise for the
12 purpose of resale by the enterprise.

13 (2) Personal property purchased by a not-for-profit
14 Illinois county fair association for use in conducting,
15 operating, or promoting the county fair.

16 (3) Personal property purchased by a not-for-profit arts or
17 cultural organization that establishes, by proof required by
18 the Department by rule, that it has received an exemption under
19 Section 501(c)(3) of the Internal Revenue Code and that is
20 organized and operated primarily for the presentation or
21 support of arts or cultural programming, activities, or
22 services. These organizations include, but are not limited to,
23 music and dramatic arts organizations such as symphony
24 orchestras and theatrical groups, arts and cultural service
25 organizations, local arts councils, visual arts organizations,
26 and media arts organizations. On and after the effective date
27 of this amendatory Act of the 92nd General Assembly, however,
28 an entity otherwise eligible for this exemption shall not make
29 tax-free purchases unless it has an active identification
30 number issued by the Department.

31 (4) Personal property purchased by a governmental body, by
32 a corporation, society, association, foundation, or
33 institution organized and operated exclusively for charitable,
34 religious, or educational purposes, or by a not-for-profit
35 corporation, society, association, foundation, institution, or

1 organization that has no compensated officers or employees and
2 that is organized and operated primarily for the recreation of
3 persons 55 years of age or older. A limited liability company
4 may qualify for the exemption under this paragraph only if the
5 limited liability company is organized and operated
6 exclusively for educational purposes. On and after July 1,
7 1987, however, no entity otherwise eligible for this exemption
8 shall make tax-free purchases unless it has an active exemption
9 identification number issued by the Department.

10 (5) Until July 1, 2003, a passenger car that is a
11 replacement vehicle to the extent that the purchase price of
12 the car is subject to the Replacement Vehicle Tax.

13 (6) Until July 1, 2003 and beginning again on September 1,
14 2004, graphic arts machinery and equipment, including repair
15 and replacement parts, both new and used, and including that
16 manufactured on special order, certified by the purchaser to be
17 used primarily for graphic arts production, and including
18 machinery and equipment purchased for lease. Equipment
19 includes chemicals or chemicals acting as catalysts but only if
20 the chemicals or chemicals acting as catalysts effect a direct
21 and immediate change upon a graphic arts product.

22 (7) Farm chemicals.

23 (8) Legal tender, currency, medallions, or gold or silver
24 coinage issued by the State of Illinois, the government of the
25 United States of America, or the government of any foreign
26 country, and bullion.

27 (9) Personal property purchased from a teacher-sponsored
28 student organization affiliated with an elementary or
29 secondary school located in Illinois.

30 (10) A motor vehicle of the first division, a motor vehicle
31 of the second division that is a self-contained motor vehicle
32 designed or permanently converted to provide living quarters
33 for recreational, camping, or travel use, with direct walk
34 through to the living quarters from the driver's seat, or a
35 motor vehicle of the second division that is of the van
36 configuration designed for the transportation of not less than

1 7 nor more than 16 passengers, as defined in Section 1-146 of
2 the Illinois Vehicle Code, that is used for automobile renting,
3 as defined in the Automobile Renting Occupation and Use Tax
4 Act.

5 (11) Farm machinery and equipment, both new and used,
6 including that manufactured on special order, certified by the
7 purchaser to be used primarily for production agriculture or
8 State or federal agricultural programs, including individual
9 replacement parts for the machinery and equipment, including
10 machinery and equipment purchased for lease, and including
11 implements of husbandry defined in Section 1-130 of the
12 Illinois Vehicle Code, farm machinery and agricultural
13 chemical and fertilizer spreaders, and nurse wagons required to
14 be registered under Section 3-809 of the Illinois Vehicle Code,
15 but excluding other motor vehicles required to be registered
16 under the Illinois Vehicle Code. Horticultural polyhouses or
17 hoop houses used for propagating, growing, or overwintering
18 plants shall be considered farm machinery and equipment under
19 this item (11). Agricultural chemical tender tanks and dry
20 boxes shall include units sold separately from a motor vehicle
21 required to be licensed and units sold mounted on a motor
22 vehicle required to be licensed if the selling price of the
23 tender is separately stated.

24 Farm machinery and equipment shall include precision
25 farming equipment that is installed or purchased to be
26 installed on farm machinery and equipment including, but not
27 limited to, tractors, harvesters, sprayers, planters, seeders,
28 or spreaders. Precision farming equipment includes, but is not
29 limited to, soil testing sensors, computers, monitors,
30 software, global positioning and mapping systems, and other
31 such equipment.

32 Farm machinery and equipment also includes computers,
33 sensors, software, and related equipment used primarily in the
34 computer-assisted operation of production agriculture
35 facilities, equipment, and activities such as, but not limited
36 to, the collection, monitoring, and correlation of animal and

1 crop data for the purpose of formulating animal diets and
2 agricultural chemicals. This item (11) is exempt from the
3 provisions of Section 3-90.

4 (12) Fuel and petroleum products sold to or used by an air
5 common carrier, certified by the carrier to be used for
6 consumption, shipment, or storage in the conduct of its
7 business as an air common carrier, for a flight destined for or
8 returning from a location or locations outside the United
9 States without regard to previous or subsequent domestic
10 stopovers.

11 (13) Proceeds of mandatory service charges separately
12 stated on customers' bills for the purchase and consumption of
13 food and beverages purchased at retail from a retailer, to the
14 extent that the proceeds of the service charge are in fact
15 turned over as tips or as a substitute for tips to the
16 employees who participate directly in preparing, serving,
17 hosting or cleaning up the food or beverage function with
18 respect to which the service charge is imposed.

19 (14) Until July 1, 2003, oil field exploration, drilling,
20 and production equipment, including (i) rigs and parts of rigs,
21 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
22 tubular goods, including casing and drill strings, (iii) pumps
23 and pump-jack units, (iv) storage tanks and flow lines, (v) any
24 individual replacement part for oil field exploration,
25 drilling, and production equipment, and (vi) machinery and
26 equipment purchased for lease; but excluding motor vehicles
27 required to be registered under the Illinois Vehicle Code.

28 (15) Photoprocessing machinery and equipment, including
29 repair and replacement parts, both new and used, including that
30 manufactured on special order, certified by the purchaser to be
31 used primarily for photoprocessing, and including
32 photoprocessing machinery and equipment purchased for lease.

33 (16) Until July 1, 2003, coal exploration, mining,
34 offhighway hauling, processing, maintenance, and reclamation
35 equipment, including replacement parts and equipment, and
36 including equipment purchased for lease, but excluding motor

1 vehicles required to be registered under the Illinois Vehicle
2 Code.

3 (17) Until July 1, 2003, distillation machinery and
4 equipment, sold as a unit or kit, assembled or installed by the
5 retailer, certified by the user to be used only for the
6 production of ethyl alcohol that will be used for consumption
7 as motor fuel or as a component of motor fuel for the personal
8 use of the user, and not subject to sale or resale.

9 (18) Manufacturing and assembling machinery and equipment
10 used primarily in the process of manufacturing or assembling
11 tangible personal property for wholesale or retail sale or
12 lease, whether that sale or lease is made directly by the
13 manufacturer or by some other person, whether the materials
14 used in the process are owned by the manufacturer or some other
15 person, or whether that sale or lease is made apart from or as
16 an incident to the seller's engaging in the service occupation
17 of producing machines, tools, dies, jigs, patterns, gauges, or
18 other similar items of no commercial value on special order for
19 a particular purchaser.

20 (19) Personal property delivered to a purchaser or
21 purchaser's donee inside Illinois when the purchase order for
22 that personal property was received by a florist located
23 outside Illinois who has a florist located inside Illinois
24 deliver the personal property.

25 (20) Semen used for artificial insemination of livestock
26 for direct agricultural production.

27 (21) Horses, or interests in horses, registered with and
28 meeting the requirements of any of the Arabian Horse Club
29 Registry of America, Appaloosa Horse Club, American Quarter
30 Horse Association, United States Trotting Association, or
31 Jockey Club, as appropriate, used for purposes of breeding or
32 racing for prizes.

33 (22) Computers and communications equipment utilized for
34 any hospital purpose and equipment used in the diagnosis,
35 analysis, or treatment of hospital patients purchased by a
36 lessor who leases the equipment, under a lease of one year or

1 longer executed or in effect at the time the lessor would
2 otherwise be subject to the tax imposed by this Act, to a
3 hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of the
5 Retailers' Occupation Tax Act. If the equipment is leased in a
6 manner that does not qualify for this exemption or is used in
7 any other non-exempt manner, the lessor shall be liable for the
8 tax imposed under this Act or the Service Use Tax Act, as the
9 case may be, based on the fair market value of the property at
10 the time the non-qualifying use occurs. No lessor shall collect
11 or attempt to collect an amount (however designated) that
12 purports to reimburse that lessor for the tax imposed by this
13 Act or the Service Use Tax Act, as the case may be, if the tax
14 has not been paid by the lessor. If a lessor improperly
15 collects any such amount from the lessee, the lessee shall have
16 a legal right to claim a refund of that amount from the lessor.
17 If, however, that amount is not refunded to the lessee for any
18 reason, the lessor is liable to pay that amount to the
19 Department.

20 (23) Personal property purchased by a lessor who leases the
21 property, under a lease of one year or longer executed or in
22 effect at the time the lessor would otherwise be subject to the
23 tax imposed by this Act, to a governmental body that has been
24 issued an active sales tax exemption identification number by
25 the Department under Section 1g of the Retailers' Occupation
26 Tax Act. If the property is leased in a manner that does not
27 qualify for this exemption or used in any other non-exempt
28 manner, the lessor shall be liable for the tax imposed under
29 this Act or the Service Use Tax Act, as the case may be, based
30 on the fair market value of the property at the time the
31 non-qualifying use occurs. No lessor shall collect or attempt
32 to collect an amount (however designated) that purports to
33 reimburse that lessor for the tax imposed by this Act or the
34 Service Use Tax Act, as the case may be, if the tax has not been
35 paid by the lessor. If a lessor improperly collects any such
36 amount from the lessee, the lessee shall have a legal right to

1 claim a refund of that amount from the lessor. If, however,
2 that amount is not refunded to the lessee for any reason, the
3 lessor is liable to pay that amount to the Department.

4 (24) Beginning with taxable years ending on or after
5 December 31, 1995 and ending with taxable years ending on or
6 before December 31, 2004, personal property that is donated for
7 disaster relief to be used in a State or federally declared
8 disaster area in Illinois or bordering Illinois by a
9 manufacturer or retailer that is registered in this State to a
10 corporation, society, association, foundation, or institution
11 that has been issued a sales tax exemption identification
12 number by the Department that assists victims of the disaster
13 who reside within the declared disaster area.

14 (25) Beginning with taxable years ending on or after
15 December 31, 1995 and ending with taxable years ending on or
16 before December 31, 2004, personal property that is used in the
17 performance of infrastructure repairs in this State, including
18 but not limited to municipal roads and streets, access roads,
19 bridges, sidewalks, waste disposal systems, water and sewer
20 line extensions, water distribution and purification
21 facilities, storm water drainage and retention facilities, and
22 sewage treatment facilities, resulting from a State or
23 federally declared disaster in Illinois or bordering Illinois
24 when such repairs are initiated on facilities located in the
25 declared disaster area within 6 months after the disaster.

26 (26) Beginning July 1, 1999, game or game birds purchased
27 at a "game breeding and hunting preserve area" or an "exotic
28 game hunting area" as those terms are used in the Wildlife Code
29 or at a hunting enclosure approved through rules adopted by the
30 Department of Natural Resources. This paragraph is exempt from
31 the provisions of Section 3-90.

32 (27) A motor vehicle, as that term is defined in Section
33 1-146 of the Illinois Vehicle Code, that is donated to a
34 corporation, limited liability company, society, association,
35 foundation, or institution that is determined by the Department
36 to be organized and operated exclusively for educational

1 purposes. For purposes of this exemption, "a corporation,
2 limited liability company, society, association, foundation,
3 or institution organized and operated exclusively for
4 educational purposes" means all tax-supported public schools,
5 private schools that offer systematic instruction in useful
6 branches of learning by methods common to public schools and
7 that compare favorably in their scope and intensity with the
8 course of study presented in tax-supported schools, and
9 vocational or technical schools or institutes organized and
10 operated exclusively to provide a course of study of not less
11 than 6 weeks duration and designed to prepare individuals to
12 follow a trade or to pursue a manual, technical, mechanical,
13 industrial, business, or commercial occupation.

14 (28) Beginning January 1, 2000, personal property,
15 including food, purchased through fundraising events for the
16 benefit of a public or private elementary or secondary school,
17 a group of those schools, or one or more school districts if
18 the events are sponsored by an entity recognized by the school
19 district that consists primarily of volunteers and includes
20 parents and teachers of the school children. This paragraph
21 does not apply to fundraising events (i) for the benefit of
22 private home instruction or (ii) for which the fundraising
23 entity purchases the personal property sold at the events from
24 another individual or entity that sold the property for the
25 purpose of resale by the fundraising entity and that profits
26 from the sale to the fundraising entity. This paragraph is
27 exempt from the provisions of Section 3-90.

28 (29) Beginning January 1, 2000 and through December 31,
29 2001, new or used automatic vending machines that prepare and
30 serve hot food and beverages, including coffee, soup, and other
31 items, and replacement parts for these machines. Beginning
32 January 1, 2002 and through June 30, 2003, machines and parts
33 for machines used in commercial, coin-operated amusement and
34 vending business if a use or occupation tax is paid on the
35 gross receipts derived from the use of the commercial,
36 coin-operated amusement and vending machines. This paragraph

1 is exempt from the provisions of Section 3-90.

2 (30) Food for human consumption that is to be consumed off
3 the premises where it is sold (other than alcoholic beverages,
4 soft drinks, and food that has been prepared for immediate
5 consumption) and prescription and nonprescription medicines,
6 drugs, medical appliances, and insulin, urine testing
7 materials, syringes, and needles used by diabetics, for human
8 use, when purchased for use by a person receiving medical
9 assistance under Article 5 of the Illinois Public Aid Code who
10 resides in a licensed long-term care facility, as defined in
11 the Nursing Home Care Act.

12 (31) Beginning on the effective date of this amendatory Act
13 of the 92nd General Assembly, computers and communications
14 equipment utilized for any hospital purpose and equipment used
15 in the diagnosis, analysis, or treatment of hospital patients
16 purchased by a lessor who leases the equipment, under a lease
17 of one year or longer executed or in effect at the time the
18 lessor would otherwise be subject to the tax imposed by this
19 Act, to a hospital that has been issued an active tax exemption
20 identification number by the Department under Section 1g of the
21 Retailers' Occupation Tax Act. If the equipment is leased in a
22 manner that does not qualify for this exemption or is used in
23 any other nonexempt manner, the lessor shall be liable for the
24 tax imposed under this Act or the Service Use Tax Act, as the
25 case may be, based on the fair market value of the property at
26 the time the nonqualifying use occurs. No lessor shall collect
27 or attempt to collect an amount (however designated) that
28 purports to reimburse that lessor for the tax imposed by this
29 Act or the Service Use Tax Act, as the case may be, if the tax
30 has not been paid by the lessor. If a lessor improperly
31 collects any such amount from the lessee, the lessee shall have
32 a legal right to claim a refund of that amount from the lessor.
33 If, however, that amount is not refunded to the lessee for any
34 reason, the lessor is liable to pay that amount to the
35 Department. This paragraph is exempt from the provisions of
36 Section 3-90.

1 (32) Beginning on the effective date of this amendatory Act
2 of the 92nd General Assembly, personal property purchased by a
3 lessor who leases the property, under a lease of one year or
4 longer executed or in effect at the time the lessor would
5 otherwise be subject to the tax imposed by this Act, to a
6 governmental body that has been issued an active sales tax
7 exemption identification number by the Department under
8 Section 1g of the Retailers' Occupation Tax Act. If the
9 property is leased in a manner that does not qualify for this
10 exemption or used in any other nonexempt manner, the lessor
11 shall be liable for the tax imposed under this Act or the
12 Service Use Tax Act, as the case may be, based on the fair
13 market value of the property at the time the nonqualifying use
14 occurs. No lessor shall collect or attempt to collect an amount
15 (however designated) that purports to reimburse that lessor for
16 the tax imposed by this Act or the Service Use Tax Act, as the
17 case may be, if the tax has not been paid by the lessor. If a
18 lessor improperly collects any such amount from the lessee, the
19 lessee shall have a legal right to claim a refund of that
20 amount from the lessor. If, however, that amount is not
21 refunded to the lessee for any reason, the lessor is liable to
22 pay that amount to the Department. This paragraph is exempt
23 from the provisions of Section 3-90.

24 (33) On and after July 1, 2003 and through June 30, 2004,
25 the use in this State of motor vehicles of the second division
26 with a gross vehicle weight in excess of 8,000 pounds and that
27 are subject to the commercial distribution fee imposed under
28 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
29 1, 2004 and through June 30, 2005, the use in this State of
30 motor vehicles of the second division: (i) with a gross vehicle
31 weight rating in excess of 8,000 pounds; (ii) that are subject
32 to the commercial distribution fee imposed under Section
33 3-815.1 of the Illinois Vehicle Code; and (iii) that are
34 primarily used for commercial purposes. Through June 30, 2005,
35 this exemption applies to repair and replacement parts added
36 after the initial purchase of such a motor vehicle if that

1 motor vehicle is used in a manner that would qualify for the
2 rolling stock exemption otherwise provided for in this Act. For
3 purposes of this paragraph, the term "used for commercial
4 purposes" means the transportation of persons or property in
5 furtherance of any commercial or industrial enterprise,
6 whether for-hire or not.

7 (Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337,
8 eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02;
9 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04;
10 93-1033, eff. 9-3-04; revised 10-21-04.)

11 Section 250. The Retailers' Occupation Tax Act is amended
12 by changing Section 3 as follows:

13 (35 ILCS 120/3) (from Ch. 120, par. 442)

14 Sec. 3. Except as provided in this Section, on or before
15 the twentieth day of each calendar month, every person engaged
16 in the business of selling tangible personal property at retail
17 in this State during the preceding calendar month shall file a
18 return with the Department, stating:

19 1. The name of the seller;

20 2. His residence address and the address of his
21 principal place of business and the address of the
22 principal place of business (if that is a different
23 address) from which he engages in the business of selling
24 tangible personal property at retail in this State;

25 3. Total amount of receipts received by him during the
26 preceding calendar month or quarter, as the case may be,
27 from sales of tangible personal property, and from services
28 furnished, by him during such preceding calendar month or
29 quarter;

30 4. Total amount received by him during the preceding
31 calendar month or quarter on charge and time sales of
32 tangible personal property, and from services furnished,
33 by him prior to the month or quarter for which the return
34 is filed;

- 1 5. Deductions allowed by law;
- 2 6. Gross receipts which were received by him during the
- 3 preceding calendar month or quarter and upon the basis of
- 4 which the tax is imposed;
- 5 7. The amount of credit provided in Section 2d of this
- 6 Act;
- 7 8. The amount of tax due;
- 8 9. The signature of the taxpayer; and
- 9 10. Such other reasonable information as the
- 10 Department may require.

11 If a taxpayer fails to sign a return within 30 days after
12 the proper notice and demand for signature by the Department,
13 the return shall be considered valid and any amount shown to be
14 due on the return shall be deemed assessed.

15 Each return shall be accompanied by the statement of
16 prepaid tax issued pursuant to Section 2e for which credit is
17 claimed.

18 Prior to October 1, 2003, and on and after September 1,
19 2004 a retailer may accept a Manufacturer's Purchase Credit
20 certification from a purchaser in satisfaction of Use Tax as
21 provided in Section 3-85 of the Use Tax Act if the purchaser
22 provides the appropriate documentation as required by Section
23 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
24 certification, accepted by a retailer prior to October 1, 2003
25 and on and after September 1, 2004 as provided in Section 3-85
26 of the Use Tax Act, may be used by that retailer to satisfy
27 Retailers' Occupation Tax liability in the amount claimed in
28 the certification, not to exceed 6.25% of the receipts subject
29 to tax from a qualifying purchase. A Manufacturer's Purchase
30 Credit reported on any original or amended return filed under
31 this Act after October 20, 2003 for reporting periods prior to
32 September 1, 2004 shall be disallowed. Manufacturer's
33 Purchaser Credit reported on annual returns due on or after
34 January 1, 2005 will be disallowed for periods prior to
35 September 1, 2004. No Manufacturer's Purchase Credit may be
36 used after September 30, 2003 through August 31, 2004 to

1 satisfy any tax liability imposed under this Act, including any
2 audit liability.

3 The Department may require returns to be filed on a
4 quarterly basis. If so required, a return for each calendar
5 quarter shall be filed on or before the twentieth day of the
6 calendar month following the end of such calendar quarter. The
7 taxpayer shall also file a return with the Department for each
8 of the first two months of each calendar quarter, on or before
9 the twentieth day of the following calendar month, stating:

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from
12 which he engages in the business of selling tangible
13 personal property at retail in this State;
- 14 3. The total amount of taxable receipts received by him
15 during the preceding calendar month from sales of tangible
16 personal property by him during such preceding calendar
17 month, including receipts from charge and time sales, but
18 less all deductions allowed by law;
- 19 4. The amount of credit provided in Section 2d of this
20 Act;
- 21 5. The amount of tax due; and
- 22 6. Such other reasonable information as the Department
23 may require.

24 Beginning on October 1, 2003, any person who is not a
25 licensed distributor, importing distributor, or manufacturer,
26 as defined in the Liquor Control Act of 1934, but is engaged in
27 the business of selling, at retail, alcoholic liquor shall file
28 a statement with the Department of Revenue, in a format and at
29 a time prescribed by the Department, showing the total amount
30 paid for alcoholic liquor purchased during the preceding month
31 and such other information as is reasonably required by the
32 Department. The Department may adopt rules to require that this
33 statement be filed in an electronic or telephonic format. Such
34 rules may provide for exceptions from the filing requirements
35 of this paragraph. For the purposes of this paragraph, the term
36 "alcoholic liquor" shall have the meaning prescribed in the

1 Liquor Control Act of 1934.

2 Beginning on October 1, 2003, every distributor, importing
3 distributor, and manufacturer of alcoholic liquor as defined in
4 the Liquor Control Act of 1934, shall file a statement with the
5 Department of Revenue, no later than the 10th day of the month
6 for the preceding month during which transactions occurred, by
7 electronic means, showing the total amount of gross receipts
8 from the sale of alcoholic liquor sold or distributed during
9 the preceding month to purchasers; identifying the purchaser to
10 whom it was sold or distributed; the purchaser's tax
11 registration number; and such other information reasonably
12 required by the Department. A distributor, importing
13 distributor, or manufacturer of alcoholic liquor must
14 personally deliver, mail, or provide by electronic means to
15 each retailer listed on the monthly statement a report
16 containing a cumulative total of that distributor's, importing
17 distributor's, or manufacturer's total sales of alcoholic
18 liquor to that retailer no later than the 10th day of the month
19 for the preceding month during which the transaction occurred.
20 The distributor, importing distributor, or manufacturer shall
21 notify the retailer as to the method by which the distributor,
22 importing distributor, or manufacturer will provide the sales
23 information. If the retailer is unable to receive the sales
24 information by electronic means, the distributor, importing
25 distributor, or manufacturer shall furnish the sales
26 information by personal delivery or by mail. For purposes of
27 this paragraph, the term "electronic means" includes, but is
28 not limited to, the use of a secure Internet website, e-mail,
29 or facsimile.

30 If a total amount of less than \$1 is payable, refundable or
31 creditable, such amount shall be disregarded if it is less than
32 50 cents and shall be increased to \$1 if it is 50 cents or more.

33 Beginning October 1, 1993, a taxpayer who has an average
34 monthly tax liability of \$150,000 or more shall make all
35 payments required by rules of the Department by electronic
36 funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make
2 all payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1995, a taxpayer who has
4 an average monthly tax liability of \$50,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 2000, a taxpayer who has
7 an annual tax liability of \$200,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. The term "annual tax liability" shall be the
10 sum of the taxpayer's liabilities under this Act, and under all
11 other State and local occupation and use tax laws administered
12 by the Department, for the immediately preceding calendar year.
13 The term "average monthly tax liability" shall be the sum of
14 the taxpayer's liabilities under this Act, and under all other
15 State and local occupation and use tax laws administered by the
16 Department, for the immediately preceding calendar year
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has
18 a tax liability in the amount set forth in subsection (b) of
19 Section 2505-210 of the Department of Revenue Law shall make
20 all payments required by rules of the Department by electronic
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the
23 Department shall notify all taxpayers required to make payments
24 by electronic funds transfer. All taxpayers required to make
25 payments by electronic funds transfer shall make those payments
26 for a minimum of one year beginning on October 1.

27 Any taxpayer not required to make payments by electronic
28 funds transfer may make payments by electronic funds transfer
29 with the permission of the Department.

30 All taxpayers required to make payment by electronic funds
31 transfer and any taxpayers authorized to voluntarily make
32 payments by electronic funds transfer shall make those payments
33 in the manner authorized by the Department.

34 The Department shall adopt such rules as are necessary to
35 effectuate a program of electronic funds transfer and the
36 requirements of this Section.

1 Any amount which is required to be shown or reported on any
2 return or other document under this Act shall, if such amount
3 is not a whole-dollar amount, be increased to the nearest
4 whole-dollar amount in any case where the fractional part of a
5 dollar is 50 cents or more, and decreased to the nearest
6 whole-dollar amount where the fractional part of a dollar is
7 less than 50 cents.

8 If the retailer is otherwise required to file a monthly
9 return and if the retailer's average monthly tax liability to
10 the Department does not exceed \$200, the Department may
11 authorize his returns to be filed on a quarter annual basis,
12 with the return for January, February and March of a given year
13 being due by April 20 of such year; with the return for April,
14 May and June of a given year being due by July 20 of such year;
15 with the return for July, August and September of a given year
16 being due by October 20 of such year, and with the return for
17 October, November and December of a given year being due by
18 January 20 of the following year.

19 If the retailer is otherwise required to file a monthly or
20 quarterly return and if the retailer's average monthly tax
21 liability with the Department does not exceed \$50, the
22 Department may authorize his returns to be filed on an annual
23 basis, with the return for a given year being due by January 20
24 of the following year.

25 Such quarter annual and annual returns, as to form and
26 substance, shall be subject to the same requirements as monthly
27 returns.

28 Notwithstanding any other provision in this Act concerning
29 the time within which a retailer may file his return, in the
30 case of any retailer who ceases to engage in a kind of business
31 which makes him responsible for filing returns under this Act,
32 such retailer shall file a final return under this Act with the
33 Department not more than one month after discontinuing such
34 business.

35 Where the same person has more than one business registered
36 with the Department under separate registrations under this

1 Act, such person may not file each return that is due as a
2 single return covering all such registered businesses, but
3 shall file separate returns for each such registered business.

4 In addition, with respect to motor vehicles, watercraft,
5 aircraft, and trailers that are required to be registered with
6 an agency of this State, every retailer selling this kind of
7 tangible personal property shall file, with the Department,
8 upon a form to be prescribed and supplied by the Department, a
9 separate return for each such item of tangible personal
10 property which the retailer sells, except that if, in the same
11 transaction, (i) a retailer of aircraft, watercraft, motor
12 vehicles or trailers transfers more than one aircraft,
13 watercraft, motor vehicle or trailer to another aircraft,
14 watercraft, motor vehicle retailer or trailer retailer for the
15 purpose of resale or (ii) a retailer of aircraft, watercraft,
16 motor vehicles, or trailers transfers more than one aircraft,
17 watercraft, motor vehicle, or trailer to a purchaser for use as
18 a qualifying rolling stock as provided in Section 2-5 of this
19 Act, then that seller may report the transfer of all aircraft,
20 watercraft, motor vehicles or trailers involved in that
21 transaction to the Department on the same uniform
22 invoice-transaction reporting return form. For purposes of
23 this Section, "watercraft" means a Class 2, Class 3, or Class 4
24 watercraft as defined in Section 3-2 of the Boat Registration
25 and Safety Act, a personal watercraft, or any boat equipped
26 with an inboard motor.

27 Any retailer who sells only motor vehicles, watercraft,
28 aircraft, or trailers that are required to be registered with
29 an agency of this State, so that all retailers' occupation tax
30 liability is required to be reported, and is reported, on such
31 transaction reporting returns and who is not otherwise required
32 to file monthly or quarterly returns, need not file monthly or
33 quarterly returns. However, those retailers shall be required
34 to file returns on an annual basis.

35 The transaction reporting return, in the case of motor
36 vehicles or trailers that are required to be registered with an

1 agency of this State, shall be the same document as the Uniform
2 Invoice referred to in Section 5-402 of The Illinois Vehicle
3 Code and must show the name and address of the seller; the name
4 and address of the purchaser; the amount of the selling price
5 including the amount allowed by the retailer for traded-in
6 property, if any; the amount allowed by the retailer for the
7 traded-in tangible personal property, if any, to the extent to
8 which Section 1 of this Act allows an exemption for the value
9 of traded-in property; the balance payable after deducting such
10 trade-in allowance from the total selling price; the amount of
11 tax due from the retailer with respect to such transaction; the
12 amount of tax collected from the purchaser by the retailer on
13 such transaction (or satisfactory evidence that such tax is not
14 due in that particular instance, if that is claimed to be the
15 fact); the place and date of the sale; a sufficient
16 identification of the property sold; such other information as
17 is required in Section 5-402 of The Illinois Vehicle Code, and
18 such other information as the Department may reasonably
19 require.

20 The transaction reporting return in the case of watercraft
21 or aircraft must show the name and address of the seller; the
22 name and address of the purchaser; the amount of the selling
23 price including the amount allowed by the retailer for
24 traded-in property, if any; the amount allowed by the retailer
25 for the traded-in tangible personal property, if any, to the
26 extent to which Section 1 of this Act allows an exemption for
27 the value of traded-in property; the balance payable after
28 deducting such trade-in allowance from the total selling price;
29 the amount of tax due from the retailer with respect to such
30 transaction; the amount of tax collected from the purchaser by
31 the retailer on such transaction (or satisfactory evidence that
32 such tax is not due in that particular instance, if that is
33 claimed to be the fact); the place and date of the sale, a
34 sufficient identification of the property sold, and such other
35 information as the Department may reasonably require.

36 Such transaction reporting return shall be filed not later

1 than 20 days after the day of delivery of the item that is
2 being sold, but may be filed by the retailer at any time sooner
3 than that if he chooses to do so. The transaction reporting
4 return and tax remittance or proof of exemption from the
5 Illinois use tax may be transmitted to the Department by way of
6 the State agency with which, or State officer with whom the
7 tangible personal property must be titled or registered (if
8 titling or registration is required) if the Department and such
9 agency or State officer determine that this procedure will
10 expedite the processing of applications for title or
11 registration.

12 With each such transaction reporting return, the retailer
13 shall remit the proper amount of tax due (or shall submit
14 satisfactory evidence that the sale is not taxable if that is
15 the case), to the Department or its agents, whereupon the
16 Department shall issue, in the purchaser's name, a use tax
17 receipt (or a certificate of exemption if the Department is
18 satisfied that the particular sale is tax exempt) which such
19 purchaser may submit to the agency with which, or State officer
20 with whom, he must title or register the tangible personal
21 property that is involved (if titling or registration is
22 required) in support of such purchaser's application for an
23 Illinois certificate or other evidence of title or registration
24 to such tangible personal property.

25 No retailer's failure or refusal to remit tax under this
26 Act precludes a user, who has paid the proper tax to the
27 retailer, from obtaining his certificate of title or other
28 evidence of title or registration (if titling or registration
29 is required) upon satisfying the Department that such user has
30 paid the proper tax (if tax is due) to the retailer. The
31 Department shall adopt appropriate rules to carry out the
32 mandate of this paragraph.

33 If the user who would otherwise pay tax to the retailer
34 wants the transaction reporting return filed and the payment of
35 the tax or proof of exemption made to the Department before the
36 retailer is willing to take these actions and such user has not

1 paid the tax to the retailer, such user may certify to the fact
2 of such delay by the retailer and may (upon the Department
3 being satisfied of the truth of such certification) transmit
4 the information required by the transaction reporting return
5 and the remittance for tax or proof of exemption directly to
6 the Department and obtain his tax receipt or exemption
7 determination, in which event the transaction reporting return
8 and tax remittance (if a tax payment was required) shall be
9 credited by the Department to the proper retailer's account
10 with the Department, but without the 2.1% or 1.75% discount
11 provided for in this Section being allowed. When the user pays
12 the tax directly to the Department, he shall pay the tax in the
13 same amount and in the same form in which it would be remitted
14 if the tax had been remitted to the Department by the retailer.

15 Refunds made by the seller during the preceding return
16 period to purchasers, on account of tangible personal property
17 returned to the seller, shall be allowed as a deduction under
18 subdivision 5 of his monthly or quarterly return, as the case
19 may be, in case the seller had theretofore included the
20 receipts from the sale of such tangible personal property in a
21 return filed by him and had paid the tax imposed by this Act
22 with respect to such receipts.

23 Where the seller is a corporation, the return filed on
24 behalf of such corporation shall be signed by the president,
25 vice-president, secretary or treasurer or by the properly
26 accredited agent of such corporation.

27 Where the seller is a limited liability company, the return
28 filed on behalf of the limited liability company shall be
29 signed by a manager, member, or properly accredited agent of
30 the limited liability company.

31 Except as provided in this Section, the retailer filing the
32 return under this Section shall, at the time of filing such
33 return, pay to the Department the amount of tax imposed by this
34 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
35 on and after January 1, 1990, or \$5 per calendar year,
36 whichever is greater, which is allowed to reimburse the

1 retailer for the expenses incurred in keeping records,
2 preparing and filing returns, remitting the tax and supplying
3 data to the Department on request. Any prepayment made pursuant
4 to Section 2d of this Act shall be included in the amount on
5 which such 2.1% or 1.75% discount is computed. In the case of
6 retailers who report and pay the tax on a transaction by
7 transaction basis, as provided in this Section, such discount
8 shall be taken with each such tax remittance instead of when
9 such retailer files his periodic return.

10 Before October 1, 2000, if the taxpayer's average monthly
11 tax liability to the Department under this Act, the Use Tax
12 Act, the Service Occupation Tax Act, and the Service Use Tax
13 Act, excluding any liability for prepaid sales tax to be
14 remitted in accordance with Section 2d of this Act, was \$10,000
15 or more during the preceding 4 complete calendar quarters, he
16 shall file a return with the Department each month by the 20th
17 day of the month next following the month during which such tax
18 liability is incurred and shall make payments to the Department
19 on or before the 7th, 15th, 22nd and last day of the month
20 during which such liability is incurred. On and after October
21 1, 2000, if the taxpayer's average monthly tax liability to the
22 Department under this Act, the Use Tax Act, the Service
23 Occupation Tax Act, and the Service Use Tax Act, excluding any
24 liability for prepaid sales tax to be remitted in accordance
25 with Section 2d of this Act, was \$20,000 or more during the
26 preceding 4 complete calendar quarters, he shall file a return
27 with the Department each month by the 20th day of the month
28 next following the month during which such tax liability is
29 incurred and shall make payment to the Department on or before
30 the 7th, 15th, 22nd and last day of the month during which such
31 liability is incurred. If the month during which such tax
32 liability is incurred began prior to January 1, 1985, each
33 payment shall be in an amount equal to 1/4 of the taxpayer's
34 actual liability for the month or an amount set by the
35 Department not to exceed 1/4 of the average monthly liability
36 of the taxpayer to the Department for the preceding 4 complete

1 calendar quarters (excluding the month of highest liability and
2 the month of lowest liability in such 4 quarter period). If the
3 month during which such tax liability is incurred begins on or
4 after January 1, 1985 and prior to January 1, 1987, each
5 payment shall be in an amount equal to 22.5% of the taxpayer's
6 actual liability for the month or 27.5% of the taxpayer's
7 liability for the same calendar month of the preceding year. If
8 the month during which such tax liability is incurred begins on
9 or after January 1, 1987 and prior to January 1, 1988, each
10 payment shall be in an amount equal to 22.5% of the taxpayer's
11 actual liability for the month or 26.25% of the taxpayer's
12 liability for the same calendar month of the preceding year. If
13 the month during which such tax liability is incurred begins on
14 or after January 1, 1988, and prior to January 1, 1989, or
15 begins on or after January 1, 1996, each payment shall be in an
16 amount equal to 22.5% of the taxpayer's actual liability for
17 the month or 25% of the taxpayer's liability for the same
18 calendar month of the preceding year. If the month during which
19 such tax liability is incurred begins on or after January 1,
20 1989, and prior to January 1, 1996, each payment shall be in an
21 amount equal to 22.5% of the taxpayer's actual liability for
22 the month or 25% of the taxpayer's liability for the same
23 calendar month of the preceding year or 100% of the taxpayer's
24 actual liability for the quarter monthly reporting period. The
25 amount of such quarter monthly payments shall be credited
26 against the final tax liability of the taxpayer's return for
27 that month. Before October 1, 2000, once applicable, the
28 requirement of the making of quarter monthly payments to the
29 Department by taxpayers having an average monthly tax liability
30 of \$10,000 or more as determined in the manner provided above
31 shall continue until such taxpayer's average monthly liability
32 to the Department during the preceding 4 complete calendar
33 quarters (excluding the month of highest liability and the
34 month of lowest liability) is less than \$9,000, or until such
35 taxpayer's average monthly liability to the Department as
36 computed for each calendar quarter of the 4 preceding complete

1 calendar quarter period is less than \$10,000. However, if a
2 taxpayer can show the Department that a substantial change in
3 the taxpayer's business has occurred which causes the taxpayer
4 to anticipate that his average monthly tax liability for the
5 reasonably foreseeable future will fall below the \$10,000
6 threshold stated above, then such taxpayer may petition the
7 Department for a change in such taxpayer's reporting status. On
8 and after October 1, 2000, once applicable, the requirement of
9 the making of quarter monthly payments to the Department by
10 taxpayers having an average monthly tax liability of \$20,000 or
11 more as determined in the manner provided above shall continue
12 until such taxpayer's average monthly liability to the
13 Department during the preceding 4 complete calendar quarters
14 (excluding the month of highest liability and the month of
15 lowest liability) is less than \$19,000 or until such taxpayer's
16 average monthly liability to the Department as computed for
17 each calendar quarter of the 4 preceding complete calendar
18 quarter period is less than \$20,000. However, if a taxpayer can
19 show the Department that a substantial change in the taxpayer's
20 business has occurred which causes the taxpayer to anticipate
21 that his average monthly tax liability for the reasonably
22 foreseeable future will fall below the \$20,000 threshold stated
23 above, then such taxpayer may petition the Department for a
24 change in such taxpayer's reporting status. The Department
25 shall change such taxpayer's reporting status unless it finds
26 that such change is seasonal in nature and not likely to be
27 long term. If any such quarter monthly payment is not paid at
28 the time or in the amount required by this Section, then the
29 taxpayer shall be liable for penalties and interest on the
30 difference between the minimum amount due as a payment and the
31 amount of such quarter monthly payment actually and timely
32 paid, except insofar as the taxpayer has previously made
33 payments for that month to the Department in excess of the
34 minimum payments previously due as provided in this Section.
35 The Department shall make reasonable rules and regulations to
36 govern the quarter monthly payment amount and quarter monthly

1 payment dates for taxpayers who file on other than a calendar
2 monthly basis.

3 The provisions of this paragraph apply before October 1,
4 2001. Without regard to whether a taxpayer is required to make
5 quarter monthly payments as specified above, any taxpayer who
6 is required by Section 2d of this Act to collect and remit
7 prepaid taxes and has collected prepaid taxes which average in
8 excess of \$25,000 per month during the preceding 2 complete
9 calendar quarters, shall file a return with the Department as
10 required by Section 2f and shall make payments to the
11 Department on or before the 7th, 15th, 22nd and last day of the
12 month during which such liability is incurred. If the month
13 during which such tax liability is incurred began prior to the
14 effective date of this amendatory Act of 1985, each payment
15 shall be in an amount not less than 22.5% of the taxpayer's
16 actual liability under Section 2d. If the month during which
17 such tax liability is incurred begins on or after January 1,
18 1986, each payment shall be in an amount equal to 22.5% of the
19 taxpayer's actual liability for the month or 27.5% of the
20 taxpayer's liability for the same calendar month of the
21 preceding calendar year. If the month during which such tax
22 liability is incurred begins on or after January 1, 1987, each
23 payment shall be in an amount equal to 22.5% of the taxpayer's
24 actual liability for the month or 26.25% of the taxpayer's
25 liability for the same calendar month of the preceding year.
26 The amount of such quarter monthly payments shall be credited
27 against the final tax liability of the taxpayer's return for
28 that month filed under this Section or Section 2f, as the case
29 may be. Once applicable, the requirement of the making of
30 quarter monthly payments to the Department pursuant to this
31 paragraph shall continue until such taxpayer's average monthly
32 prepaid tax collections during the preceding 2 complete
33 calendar quarters is \$25,000 or less. If any such quarter
34 monthly payment is not paid at the time or in the amount
35 required, the taxpayer shall be liable for penalties and
36 interest on such difference, except insofar as the taxpayer has

1 previously made payments for that month in excess of the
2 minimum payments previously due.

3 The provisions of this paragraph apply on and after October
4 1, 2001. Without regard to whether a taxpayer is required to
5 make quarter monthly payments as specified above, any taxpayer
6 who is required by Section 2d of this Act to collect and remit
7 prepaid taxes and has collected prepaid taxes that average in
8 excess of \$20,000 per month during the preceding 4 complete
9 calendar quarters shall file a return with the Department as
10 required by Section 2f and shall make payments to the
11 Department on or before the 7th, 15th, 22nd and last day of the
12 month during which the liability is incurred. Each payment
13 shall be in an amount equal to 22.5% of the taxpayer's actual
14 liability for the month or 25% of the taxpayer's liability for
15 the same calendar month of the preceding year. The amount of
16 the quarter monthly payments shall be credited against the
17 final tax liability of the taxpayer's return for that month
18 filed under this Section or Section 2f, as the case may be.
19 Once applicable, the requirement of the making of quarter
20 monthly payments to the Department pursuant to this paragraph
21 shall continue until the taxpayer's average monthly prepaid tax
22 collections during the preceding 4 complete calendar quarters
23 (excluding the month of highest liability and the month of
24 lowest liability) is less than \$19,000 or until such taxpayer's
25 average monthly liability to the Department as computed for
26 each calendar quarter of the 4 preceding complete calendar
27 quarters is less than \$20,000. If any such quarter monthly
28 payment is not paid at the time or in the amount required, the
29 taxpayer shall be liable for penalties and interest on such
30 difference, except insofar as the taxpayer has previously made
31 payments for that month in excess of the minimum payments
32 previously due.

33 If any payment provided for in this Section exceeds the
34 taxpayer's liabilities under this Act, the Use Tax Act, the
35 Service Occupation Tax Act and the Service Use Tax Act, as
36 shown on an original monthly return, the Department shall, if

1 requested by the taxpayer, issue to the taxpayer a credit
2 memorandum no later than 30 days after the date of payment. The
3 credit evidenced by such credit memorandum may be assigned by
4 the taxpayer to a similar taxpayer under this Act, the Use Tax
5 Act, the Service Occupation Tax Act or the Service Use Tax Act,
6 in accordance with reasonable rules and regulations to be
7 prescribed by the Department. If no such request is made, the
8 taxpayer may credit such excess payment against tax liability
9 subsequently to be remitted to the Department under this Act,
10 the Use Tax Act, the Service Occupation Tax Act or the Service
11 Use Tax Act, in accordance with reasonable rules and
12 regulations prescribed by the Department. If the Department
13 subsequently determined that all or any part of the credit
14 taken was not actually due to the taxpayer, the taxpayer's 2.1%
15 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
16 of the difference between the credit taken and that actually
17 due, and that taxpayer shall be liable for penalties and
18 interest on such difference.

19 If a retailer of motor fuel is entitled to a credit under
20 Section 2d of this Act which exceeds the taxpayer's liability
21 to the Department under this Act for the month which the
22 taxpayer is filing a return, the Department shall issue the
23 taxpayer a credit memorandum for the excess.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the Local Government Tax Fund, a special fund in the
26 State treasury which is hereby created, the net revenue
27 realized for the preceding month from the 1% tax on sales of
28 food for human consumption which is to be consumed off the
29 premises where it is sold (other than alcoholic beverages, soft
30 drinks and food which has been prepared for immediate
31 consumption) and prescription and nonprescription medicines,
32 drugs, medical appliances and insulin, urine testing
33 materials, syringes and needles used by diabetics.

34 Beginning January 1, 1990, each month the Department shall
35 pay into the County and Mass Transit District Fund, a special
36 fund in the State treasury which is hereby created, 4% of the

1 net revenue realized for the preceding month from the 6.25%
2 general rate.

3 Beginning August 1, 2000, each month the Department shall
4 pay into the County and Mass Transit District Fund 20% of the
5 net revenue realized for the preceding month from the 1.25%
6 rate on the selling price of motor fuel and gasohol.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the net revenue
9 realized for the preceding month from the 6.25% general rate on
10 the selling price of tangible personal property.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the Local Government Tax Fund 80% of the net revenue
13 realized for the preceding month from the 1.25% rate on the
14 selling price of motor fuel and gasohol.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, (a) 1.75% thereof shall be paid into the
17 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
18 and after July 1, 1989, 3.8% thereof shall be paid into the
19 Build Illinois Fund; provided, however, that if in any fiscal
20 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
21 may be, of the moneys received by the Department and required
22 to be paid into the Build Illinois Fund pursuant to this Act,
23 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
24 Act, and Section 9 of the Service Occupation Tax Act, such Acts
25 being hereinafter called the "Tax Acts" and such aggregate of
26 2.2% or 3.8%, as the case may be, of moneys being hereinafter
27 called the "Tax Act Amount", and (2) the amount transferred to
28 the Build Illinois Fund from the State and Local Sales Tax
29 Reform Fund shall be less than the Annual Specified Amount (as
30 hereinafter defined), an amount equal to the difference shall
31 be immediately paid into the Build Illinois Fund from other
32 moneys received by the Department pursuant to the Tax Acts; the
33 "Annual Specified Amount" means the amounts specified below for
34 fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000

1	1987	\$76,650,000
2	1988	\$80,480,000
3	1989	\$88,510,000
4	1990	\$115,330,000
5	1991	\$145,470,000
6	1992	\$182,730,000
7	1993	\$206,520,000;

8 and means the Certified Annual Debt Service Requirement (as
9 defined in Section 13 of the Build Illinois Bond Act) or the
10 Tax Act Amount, whichever is greater, for fiscal year 1994 and
11 each fiscal year thereafter; and further provided, that if on
12 the last business day of any month the sum of (1) the Tax Act
13 Amount required to be deposited into the Build Illinois Bond
14 Account in the Build Illinois Fund during such month and (2)
15 the amount transferred to the Build Illinois Fund from the
16 State and Local Sales Tax Reform Fund shall have been less than
17 1/12 of the Annual Specified Amount, an amount equal to the
18 difference shall be immediately paid into the Build Illinois
19 Fund from other moneys received by the Department pursuant to
20 the Tax Acts; and, further provided, that in no event shall the
21 payments required under the preceding proviso result in
22 aggregate payments into the Build Illinois Fund pursuant to
23 this clause (b) for any fiscal year in excess of the greater of
24 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
25 such fiscal year. The amounts payable into the Build Illinois
26 Fund under clause (b) of the first sentence in this paragraph
27 shall be payable only until such time as the aggregate amount
28 on deposit under each trust indenture securing Bonds issued and
29 outstanding pursuant to the Build Illinois Bond Act is
30 sufficient, taking into account any future investment income,
31 to fully provide, in accordance with such indenture, for the
32 defeasance of or the payment of the principal of, premium, if
33 any, and interest on the Bonds secured by such indenture and on
34 any Bonds expected to be issued thereafter and all fees and
35 costs payable with respect thereto, all as certified by the
36 Director of the Bureau of the Budget (now Governor's Office of

1 Management and Budget). If on the last business day of any
 2 month in which Bonds are outstanding pursuant to the Build
 3 Illinois Bond Act, the aggregate of moneys deposited in the
 4 Build Illinois Bond Account in the Build Illinois Fund in such
 5 month shall be less than the amount required to be transferred
 6 in such month from the Build Illinois Bond Account to the Build
 7 Illinois Bond Retirement and Interest Fund pursuant to Section
 8 13 of the Build Illinois Bond Act, an amount equal to such
 9 deficiency shall be immediately paid from other moneys received
 10 by the Department pursuant to the Tax Acts to the Build
 11 Illinois Fund; provided, however, that any amounts paid to the
 12 Build Illinois Fund in any fiscal year pursuant to this
 13 sentence shall be deemed to constitute payments pursuant to
 14 clause (b) of the first sentence of this paragraph and shall
 15 reduce the amount otherwise payable for such fiscal year
 16 pursuant to that clause (b). The moneys received by the
 17 Department pursuant to this Act and required to be deposited
 18 into the Build Illinois Fund are subject to the pledge, claim
 19 and charge set forth in Section 12 of the Build Illinois Bond
 20 Act.

21 Subject to payment of amounts into the Build Illinois Fund
 22 as provided in the preceding paragraph or in any amendment
 23 thereto hereafter enacted, the following specified monthly
 24 installment of the amount requested in the certificate of the
 25 Chairman of the Metropolitan Pier and Exposition Authority
 26 provided under Section 8.25f of the State Finance Act, but not
 27 in excess of sums designated as "Total Deposit", shall be
 28 deposited in the aggregate from collections under Section 9 of
 29 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 30 9 of the Service Occupation Tax Act, and Section 3 of the
 31 Retailers' Occupation Tax Act into the McCormick Place
 32 Expansion Project Fund in the specified fiscal years.

33	Fiscal Year	Total
		Deposit
34	1993	\$0
35	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000
27	2021	246,000,000
28	2022	260,000,000
29	2023 and	275,000,000

30 each fiscal year
 31 thereafter that bonds
 32 are outstanding under
 33 Section 13.2 of the
 34 Metropolitan Pier and
 35 Exposition Authority Act,
 36 but not after fiscal year 2042.

1 Beginning July 20, 1993 and in each month of each fiscal
2 year thereafter, one-eighth of the amount requested in the
3 certificate of the Chairman of the Metropolitan Pier and
4 Exposition Authority for that fiscal year, less the amount
5 deposited into the McCormick Place Expansion Project Fund by
6 the State Treasurer in the respective month under subsection
7 (g) of Section 13 of the Metropolitan Pier and Exposition
8 Authority Act, plus cumulative deficiencies in the deposits
9 required under this Section for previous months and years,
10 shall be deposited into the McCormick Place Expansion Project
11 Fund, until the full amount requested for the fiscal year, but
12 not in excess of the amount specified above as "Total Deposit",
13 has been deposited.

14 Subject to payment of amounts into the Build Illinois Fund
15 and the McCormick Place Expansion Project Fund pursuant to the
16 preceding paragraphs or in any amendments thereto hereafter
17 enacted, beginning July 1, 1993, the Department shall each
18 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
19 the net revenue realized for the preceding month from the 6.25%
20 general rate on the selling price of tangible personal
21 property.

22 Subject to payment of amounts into the Build Illinois Fund
23 and the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, beginning with the receipt of the first report of
26 taxes paid by an eligible business and continuing for a 25-year
27 period, the Department shall each month pay into the Energy
28 Infrastructure Fund 80% of the net revenue realized from the
29 6.25% general rate on the selling price of Illinois-mined coal
30 that was sold to an eligible business. For purposes of this
31 paragraph, the term "eligible business" means a new electric
32 generating facility certified pursuant to Section 605-332 of
33 the Department of Commerce and Economic Opportunity Law of the
34 Civil Administrative Code of Illinois.

35 Of the remainder of the moneys received by the Department
36 pursuant to this Act, 75% thereof shall be paid into the State

1 Treasury and 25% shall be reserved in a special account and
2 used only for the transfer to the Common School Fund as part of
3 the monthly transfer from the General Revenue Fund in
4 accordance with Section 8a of the State Finance Act.

5 The Department may, upon separate written notice to a
6 taxpayer, require the taxpayer to prepare and file with the
7 Department on a form prescribed by the Department within not
8 less than 60 days after receipt of the notice an annual
9 information return for the tax year specified in the notice.
10 Such annual return to the Department shall include a statement
11 of gross receipts as shown by the retailer's last Federal
12 income tax return. If the total receipts of the business as
13 reported in the Federal income tax return do not agree with the
14 gross receipts reported to the Department of Revenue for the
15 same period, the retailer shall attach to his annual return a
16 schedule showing a reconciliation of the 2 amounts and the
17 reasons for the difference. The retailer's annual return to the
18 Department shall also disclose the cost of goods sold by the
19 retailer during the year covered by such return, opening and
20 closing inventories of such goods for such year, costs of goods
21 used from stock or taken from stock and given away by the
22 retailer during such year, payroll information of the
23 retailer's business during such year and any additional
24 reasonable information which the Department deems would be
25 helpful in determining the accuracy of the monthly, quarterly
26 or annual returns filed by such retailer as provided for in
27 this Section.

28 If the annual information return required by this Section
29 is not filed when and as required, the taxpayer shall be liable
30 as follows:

31 (i) Until January 1, 1994, the taxpayer shall be liable
32 for a penalty equal to 1/6 of 1% of the tax due from such
33 taxpayer under this Act during the period to be covered by
34 the annual return for each month or fraction of a month
35 until such return is filed as required, the penalty to be
36 assessed and collected in the same manner as any other

1 penalty provided for in this Act.

2 (ii) On and after January 1, 1994, the taxpayer shall
3 be liable for a penalty as described in Section 3-4 of the
4 Uniform Penalty and Interest Act.

5 The chief executive officer, proprietor, owner or highest
6 ranking manager shall sign the annual return to certify the
7 accuracy of the information contained therein. Any person who
8 willfully signs the annual return containing false or
9 inaccurate information shall be guilty of perjury and punished
10 accordingly. The annual return form prescribed by the
11 Department shall include a warning that the person signing the
12 return may be liable for perjury.

13 The provisions of this Section concerning the filing of an
14 annual information return do not apply to a retailer who is not
15 required to file an income tax return with the United States
16 Government.

17 As soon as possible after the first day of each month, upon
18 certification of the Department of Revenue, the Comptroller
19 shall order transferred and the Treasurer shall transfer from
20 the General Revenue Fund to the Motor Fuel Tax Fund an amount
21 equal to 1.7% of 80% of the net revenue realized under this Act
22 for the second preceding month. Beginning April 1, 2000, this
23 transfer is no longer required and shall not be made.

24 Net revenue realized for a month shall be the revenue
25 collected by the State pursuant to this Act, less the amount
26 paid out during that month as refunds to taxpayers for
27 overpayment of liability.

28 For greater simplicity of administration, manufacturers,
29 importers and wholesalers whose products are sold at retail in
30 Illinois by numerous retailers, and who wish to do so, may
31 assume the responsibility for accounting and paying to the
32 Department all tax accruing under this Act with respect to such
33 sales, if the retailers who are affected do not make written
34 objection to the Department to this arrangement.

35 Any person who promotes, organizes, provides retail
36 selling space for concessionaires or other types of sellers at

1 the Illinois State Fair, DuQuoin State Fair, county fairs,
2 local fairs, art shows, flea markets and similar exhibitions or
3 events, including any transient merchant as defined by Section
4 2 of the Transient Merchant Act of 1987, is required to file a
5 report with the Department providing the name of the merchant's
6 business, the name of the person or persons engaged in
7 merchant's business, the permanent address and Illinois
8 Retailers Occupation Tax Registration Number of the merchant,
9 the dates and location of the event and other reasonable
10 information that the Department may require. The report must be
11 filed not later than the 20th day of the month next following
12 the month during which the event with retail sales was held.
13 Any person who fails to file a report required by this Section
14 commits a business offense and is subject to a fine not to
15 exceed \$250.

16 Any person engaged in the business of selling tangible
17 personal property at retail as a concessionaire or other type
18 of seller at the Illinois State Fair, county fairs, art shows,
19 flea markets and similar exhibitions or events, or any
20 transient merchants, as defined by Section 2 of the Transient
21 Merchant Act of 1987, may be required to make a daily report of
22 the amount of such sales to the Department and to make a daily
23 payment of the full amount of tax due. The Department shall
24 impose this requirement when it finds that there is a
25 significant risk of loss of revenue to the State at such an
26 exhibition or event. Such a finding shall be based on evidence
27 that a substantial number of concessionaires or other sellers
28 who are not residents of Illinois will be engaging in the
29 business of selling tangible personal property at retail at the
30 exhibition or event, or other evidence of a significant risk of
31 loss of revenue to the State. The Department shall notify
32 concessionaires and other sellers affected by the imposition of
33 this requirement. In the absence of notification by the
34 Department, the concessionaires and other sellers shall file
35 their returns as otherwise required in this Section.

36 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,

1 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
2 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
3 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
4 93-1057, eff. 12-2-04; revised 12-6-04.)

5 Section 255. The Hotel Operators' Occupation Tax Act is
6 amended by changing Section 6 as follows:

7 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

8 Sec. 6. Except as provided hereinafter in this Section, on
9 or before the last day of each calendar month, every person
10 engaged in the business of renting, leasing or letting rooms in
11 a hotel in this State during the preceding calendar month shall
12 file a return with the Department, stating:

- 13 1. The name of the operator;
 - 14 2. His residence address and the address of his
15 principal place of business and the address of the
16 principal place of business (if that is a different
17 address) from which he engages in the business of renting,
18 leasing or letting rooms in a hotel in this State;
 - 19 3. Total amount of rental receipts received by him
20 during the preceding calendar month from renting, leasing
21 or letting rooms during such preceding calendar month;
 - 22 4. Total amount of rental receipts received by him
23 during the preceding calendar month from renting, leasing
24 or letting rooms to permanent residents during such
25 preceding calendar month;
 - 26 5. Total amount of other exclusions from gross rental
27 receipts allowed by this Act;
 - 28 6. Gross rental receipts which were received by him
29 during the preceding calendar month and upon the basis of
30 which the tax is imposed;
 - 31 7. The amount of tax due;
 - 32 8. Such other reasonable information as the Department
33 may require.
- 34 If the operator's average monthly tax liability to the

1 Department does not exceed \$200, the Department may authorize
2 his returns to be filed on a quarter annual basis, with the
3 return for January, February and March of a given year being
4 due by April 30 of such year; with the return for April, May
5 and June of a given year being due by July 31 of such year; with
6 the return for July, August and September of a given year being
7 due by October 31 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 31 of the following year.

10 If the operator's average monthly tax liability to the
11 Department does not exceed \$50, the Department may authorize
12 his returns to be filed on an annual basis, with the return for
13 a given year being due by January 31 of the following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as monthly
16 returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which an operator may file his return, in the
19 case of any operator who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such operator shall file a final return under this Act with the
22 Department not more than 1 month after discontinuing such
23 business.

24 Where the same person has more than 1 business registered
25 with the Department under separate registrations under this
26 Act, such person shall not file each return that is due as a
27 single return covering all such registered businesses, but
28 shall file separate returns for each such registered business.

29 In his return, the operator shall determine the value of
30 any consideration other than money received by him in
31 connection with the renting, leasing or letting of rooms in the
32 course of his business and he shall include such value in his
33 return. Such determination shall be subject to review and
34 revision by the Department in the manner hereinafter provided
35 for the correction of returns.

36 Where the operator is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,
2 vice-president, secretary or treasurer or by the properly
3 accredited agent of such corporation.

4 The person filing the return herein provided for shall, at
5 the time of filing such return, pay to the Department the
6 amount of tax herein imposed. The operator filing the return
7 under this Section shall, at the time of filing such return,
8 pay to the Department the amount of tax imposed by this Act
9 less a discount of 2.1% or \$25 per calendar year, whichever is
10 greater, which is allowed to reimburse the operator for the
11 expenses incurred in keeping records, preparing and filing
12 returns, remitting the tax and supplying data to the Department
13 on request.

14 There shall be deposited in the Build Illinois Fund in the
15 State Treasury for each State fiscal year 40% of the amount of
16 total net proceeds from the tax imposed by subsection (a) of
17 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
18 in the Illinois Sports Facilities Fund and credited to the
19 Subsidy Account each fiscal year by making monthly deposits in
20 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in
21 such deposits for prior months, and an additional \$8,000,000
22 shall be deposited in the Illinois Sports Facilities Fund and
23 credited to the Advance Account each fiscal year by making
24 monthly deposits in the amount of 1/8 of \$8,000,000 plus any
25 cumulative deficiencies in such deposits for prior months;
26 provided, that for fiscal years ending after June 30, 2001, the
27 amount to be so deposited into the Illinois Sports Facilities
28 Fund and credited to the Advance Account each fiscal year shall
29 be increased from \$8,000,000 to the then applicable Advance
30 Amount and the required monthly deposits beginning with July
31 2001 shall be in the amount of 1/8 of the then applicable
32 Advance Amount plus any cumulative deficiencies in those
33 deposits for prior months. (The deposits of the additional
34 \$8,000,000 or the then applicable Advance Amount, as
35 applicable, during each fiscal year shall be treated as
36 advances of funds to the Illinois Sports Facilities Authority

1 for its corporate purposes to the extent paid to the Authority
2 or its trustee and shall be repaid into the General Revenue
3 Fund in the State Treasury by the State Treasurer on behalf of
4 the Authority pursuant to Section 19 of the Illinois Sports
5 Facilities Authority Act, as amended. If in any fiscal year the
6 full amount of the then applicable Advance Amount is not repaid
7 into the General Revenue Fund, then the deficiency shall be
8 paid from the amount in the Local Government Distributive Fund
9 that would otherwise be allocated to the City of Chicago under
10 the State Revenue Sharing Act.)

11 For purposes of the foregoing paragraph, the term "Advance
12 Amount" means, for fiscal year 2002, \$22,179,000, and for
13 subsequent fiscal years through fiscal year 2032, 105.615% of
14 the Advance Amount for the immediately preceding fiscal year,
15 rounded up to the nearest \$1,000.

16 Of the remaining 60% of the amount of total net proceeds
17 from the tax imposed by subsection (a) of Section 3 after all
18 required deposits in the Illinois Sports Facilities Fund, the
19 amount equal to 8% of the net revenue realized from the Hotel
20 Operators' Occupation Tax Act plus an amount equal to 8% of the
21 net revenue realized from any tax imposed under Section 4.05 of
22 the Chicago World's Fair-1992 Authority Act during the
23 preceding month shall be deposited in the Local Tourism Fund
24 each month for purposes authorized by Section 605-705 of the
25 Department of Commerce and Economic Opportunity ~~Community~~
26 ~~Affairs~~ Law (20 ILCS 605/605-705) ~~in the Local Tourism Fund,~~
27 and beginning August 1, 1999, the amount equal to 4.5% of the
28 net revenue realized from the Hotel Operators' Occupation Tax
29 Act during the preceding month shall be deposited into the
30 International Tourism Fund for the purposes authorized in
31 Section 605-707 ~~605-725~~ of the Department of Commerce and
32 Economic Opportunity ~~Community Affairs~~ Law. "Net revenue
33 realized for a month" means the revenue collected by the State
34 under that Act during the previous month less the amount paid
35 out during that same month as refunds to taxpayers for
36 overpayment of liability under that Act.

1 After making all these deposits, all other proceeds of the
2 tax imposed under subsection (a) of Section 3 shall be
3 deposited in the General Revenue Fund in the State Treasury.
4 All moneys received by the Department from the additional tax
5 imposed under subsection (b) of Section 3 shall be deposited
6 into the Build Illinois Fund in the State Treasury.

7 The Department may, upon separate written notice to a
8 taxpayer, require the taxpayer to prepare and file with the
9 Department on a form prescribed by the Department within not
10 less than 60 days after receipt of the notice an annual
11 information return for the tax year specified in the notice.
12 Such annual return to the Department shall include a statement
13 of gross receipts as shown by the operator's last State income
14 tax return. If the total receipts of the business as reported
15 in the State income tax return do not agree with the gross
16 receipts reported to the Department for the same period, the
17 operator shall attach to his annual information return a
18 schedule showing a reconciliation of the 2 amounts and the
19 reasons for the difference. The operator's annual information
20 return to the Department shall also disclose pay roll
21 information of the operator's business during the year covered
22 by such return and any additional reasonable information which
23 the Department deems would be helpful in determining the
24 accuracy of the monthly, quarterly or annual tax returns by
25 such operator as hereinbefore provided for in this Section.

26 If the annual information return required by this Section
27 is not filed when and as required the taxpayer shall be liable
28 for a penalty in an amount determined in accordance with
29 Section 3-4 of the Uniform Penalty and Interest Act until such
30 return is filed as required, the penalty to be assessed and
31 collected in the same manner as any other penalty provided for
32 in this Act.

33 The chief executive officer, proprietor, owner or highest
34 ranking manager shall sign the annual return to certify the
35 accuracy of the information contained therein. Any person who
36 willfully signs the annual return containing false or

1 inaccurate information shall be guilty of perjury and punished
2 accordingly. The annual return form prescribed by the
3 Department shall include a warning that the person signing the
4 return may be liable for perjury.

5 The foregoing portion of this Section concerning the filing
6 of an annual information return shall not apply to an operator
7 who is not required to file an income tax return with the
8 United States Government.

9 (Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02;
10 revised 10-15-03.)

11 Section 260. The Property Tax Code is amended by changing
12 Sections 15-25, 15-55, 16-190, 18-185, and 21-310 and by
13 setting forth and renumbering multiple versions of Section
14 18-92 as follows:

15 (35 ILCS 200/15-25)

16 Sec. 15-25. Removal of exemptions. If the Department
17 determines that any property has been unlawfully exempted from
18 taxation, or is no longer entitled to exemption, the Department
19 shall, before January 1 of any year, direct the chief county
20 assessment officer to assess the property and return it to the
21 assessment rolls for the next assessment year. The Department
22 shall give notice of its decision to the owner of the property
23 by certified mail. The decision shall be subject to review and
24 hearing under Section 8-35, upon application by the owner filed
25 within 60 days after the notice of decision is mailed. However,
26 the extension of taxes on the assessment shall not be delayed
27 by any proceedings under this Section. If the property is
28 determined to be exempt, any taxes extended upon the assessment
29 shall be abated or, if already paid, be refunded.

30 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;
31 revised 7-26-02.)

32 (35 ILCS 200/15-55)

33 Sec. 15-55. State property.

1 (a) All property belonging to the State of Illinois is
2 exempt. However, the State agency holding title shall file the
3 certificate of ownership and use required by Section 15-10,
4 together with a copy of any written lease or agreement, in
5 effect on March 30 of the assessment year, concerning parcels
6 of 1 acre or more, or an explanation of the terms of any oral
7 agreement under which the property is leased, subleased or
8 rented.

9 The leased property shall be assessed to the lessee and the
10 taxes thereon extended and billed to the lessee, and collected
11 in the same manner as for property which is not exempt. The
12 lessee shall be liable for the taxes and no lien shall attach
13 to the property of the State.

14 For the purposes of this Section, the word "leases"
15 includes licenses, franchises, operating agreements and other
16 arrangements under which private individuals, associations or
17 corporations are granted the right to use property of the
18 Illinois State Toll Highway Authority and includes all property
19 of the Authority used by others without regard to the size of
20 the leased parcel.

21 (b) However, all property of every kind belonging to the
22 State of Illinois, which is or may hereafter be leased to the
23 Illinois Prairie Path Corporation, shall be exempt from all
24 assessments, taxation or collection, despite the making of any
25 such lease, if it is used for:

26 (1) conservation, nature trail or any other
27 charitable, scientific, educational or recreational
28 purposes with public benefit, including the preserving and
29 aiding in the preservation of natural areas, objects,
30 flora, fauna or biotic communities;

31 (2) the establishment of footpaths, trails and other
32 protected areas;

33 (3) the conservation of the proper use of natural
34 resources or the promotion of the study of plant and animal
35 communities and of other phases of ecology, natural history
36 and conservation;

1 (4) the promotion of education in the fields of nature,
2 preservation and conservation; or

3 (5) similar public recreational activities conducted
4 by the Illinois Prairie Path Corporation.

5 No lien shall attach to the property of the State. No tax
6 liability shall become the obligation of or be enforceable
7 against Illinois Prairie Path Corporation.

8 (c) If the State sells the James R. Thompson Center or the
9 Elgin Mental Health Center and surrounding land located at 750
10 S. State Street, Elgin, Illinois, as provided in subdivision
11 (a)(2) of Section 7.4 of the State Property Control Act, to
12 another entity whose property is not exempt and immediately
13 thereafter enters into a leaseback or other agreement that
14 directly or indirectly gives the State a right to use, control,
15 and possess the property, that portion of the property leased
16 and occupied exclusively by the State shall remain exempt under
17 this Section. For the property to remain exempt under this
18 subsection (c), the State must retain an option to purchase the
19 property at a future date or, within the limitations period for
20 reverters, the property must revert back to the State.

21 If the property has been conveyed as described in this
22 subsection (c), the property is no longer exempt pursuant to
23 this Section as of the date when:

24 (1) the right of the State to use, control, and possess
25 the property has been terminated; or

26 (2) the State no longer has an option to purchase or
27 otherwise acquire the property and there is no provision
28 for a reverter of the property to the State within the
29 limitations period for reverters.

30 Pursuant to Sections 15-15 and 15-20 of this Code, the
31 State shall notify the chief county assessment officer of any
32 transaction under this subsection (c). The chief county
33 assessment officer shall determine initial and continuing
34 compliance with the requirements of this Section for tax
35 exemption. Failure to notify the chief county assessment
36 officer of a transaction under this subsection (c) or to

1 otherwise comply with the requirements of Sections 15-15 and
2 15-20 of this Code shall, in the discretion of the chief county
3 assessment officer, constitute cause to terminate the
4 exemption, notwithstanding any other provision of this Code.

5 (c-1) If the Illinois State Toll Highway Authority sells
6 the Illinois State Toll Highway Authority headquarters
7 building and surrounding land, located at 2700 Ogden Avenue,
8 Downers Grove, Illinois as provided in subdivision (a)(2) of
9 Section 7.5 of the State Property Control Act, to another
10 entity whose property is not exempt and immediately thereafter
11 enters into a leaseback or other agreement that directly or
12 indirectly gives the State or the Illinois State Toll Highway
13 Authority a right to use, control, and possess the property,
14 that portion of the property leased and occupied exclusively by
15 the State or the Authority shall remain exempt under this
16 Section. For the property to remain exempt under this
17 subsection (c), the Authority must retain an option to purchase
18 the property at a future date or, within the limitations period
19 for reverters, the property must revert back to the Authority.

20 If the property has been conveyed as described in this
21 subsection (c), the property is no longer exempt pursuant to
22 this Section as of the date when:

23 (1) the right of the State or the Authority to use,
24 control, and possess the property has been terminated; or

25 (2) the Authority no longer has an option to purchase
26 or otherwise acquire the property and there is no provision
27 for a reverter of the property to the Authority within the
28 limitations period for reverters.

29 Pursuant to Sections 15-15 and 15-20 of this Code, the
30 Authority shall notify the chief county assessment officer of
31 any transaction under this subsection (c). The chief county
32 assessment officer shall determine initial and continuing
33 compliance with the requirements of this Section for tax
34 exemption. Failure to notify the chief county assessment
35 officer of a transaction under this subsection (c) or to
36 otherwise comply with the requirements of Sections 15-15 and

1 15-20 of this Code shall, in the discretion of the chief county
2 assessment officer, constitute cause to terminate the
3 exemption, notwithstanding any other provision of this Code.

4 (d) ~~However,~~ The fair market rent of each parcel of real
5 property in Will County owned by the State of Illinois for the
6 purpose of developing an airport by the Department of
7 Transportation shall include the assessed value of leasehold
8 tax. The lessee of each parcel of real property in Will County
9 owned by the State of Illinois for the purpose of developing an
10 airport by the Department of Transportation shall not be liable
11 for the taxes thereon. In order for the State to compensate
12 taxing districts for the leasehold tax under this paragraph the
13 Will County Supervisor of Assessments shall certify, in
14 writing, to the Department of Transportation, the amount of
15 leasehold taxes extended for the 2002 property tax year for
16 each such exempt parcel. The Department of Transportation shall
17 pay to the Will County Treasurer, from the Tax Recovery Fund,
18 on or before July 1 of each year, the amount of leasehold taxes
19 for each such exempt parcel as certified by the Will County
20 Supervisor of Assessments. The tax compensation shall
21 terminate on December 31, 2010. It is the duty of the
22 Department of Transportation to file with the Office of the
23 Will County Supervisor of Assessments an affidavit stating the
24 termination date for rental of each such parcel due to airport
25 construction. The affidavit shall include the property
26 identification number for each such parcel. In no instance
27 shall tax compensation for property owned by the State be
28 deemed delinquent or bear interest. In no instance shall a lien
29 attach to the property of the State. In no instance shall the
30 State be required to pay leasehold tax compensation in excess
31 of the Tax Recovery Fund's balance.

32 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or
33 agreements entered into or renewed on or after September 24,
34 1979.

35 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;
36 revised 1-22-04.)

1 (35 ILCS 200/16-190)

2 Sec. 16-190. Record of proceedings and orders.

3 (a) The Property Tax Appeal Board shall keep a record of
4 its proceedings and orders and the record shall be a public
5 record. In all cases where the contesting party is seeking a
6 change of \$100,000 or more in assessed valuation, the
7 contesting party must provide a court reporter at his or her
8 own expense. The original certified transcript of such hearing
9 shall be forwarded to the Springfield office of the Property
10 Tax Appeal Board and shall become part of the Board's official
11 record of the proceeding on appeal. Each year the Property Tax
12 Appeal Board shall publish a volume containing a synopsis of
13 representative cases decided by the Board during that year. The
14 publication shall be organized by or cross-referenced by the
15 issue presented before the Board in each case contained in the
16 publication. The publication shall be available for inspection
17 by the public at the Property Tax Appeal Board offices and
18 copies shall be available for a reasonable cost, except as
19 provided in Section 16-191.

20 (b) The Property Tax Appeal Board shall provide annually,
21 no later than February 1, to the Governor and the General
22 Assembly a report that contains for each county the following:

23 (1) the total number of cases for commercial and
24 industrial property requesting a reduction in assessed
25 value of \$100,000 or more for each of the last 5 years;

26 (2) the total number of cases for commercial and
27 industrial property decided by the Property Tax Appeal
28 Board for each of the last 5 years; and

29 (3) the total change in assessed value based on the
30 Property Tax Appeal Board decisions for commercial
31 property and industrial property for each of the last 5
32 years.

33 (c) The requirement for providing a report to the General
34 Assembly shall be satisfied by filing copies of the report with
35 the following:

- 1 (1) the Speaker of the House of Representatives;
- 2 (2) the Minority Leader of the House of
- 3 Representatives;
- 4 (3) the Clerk of the House of Representatives;
- 5 (4) the President of the Senate;
- 6 (5) the Minority Leader of the Senate;
- 7 (6) the Secretary of the Senate;
- 8 (7) the Legislative Research Unit, as required by
- 9 Section 3.1 of the General Assembly Organization Act; and
- 10 (8) the State Government Report Distribution Center
- 11 for the General Assembly, as required by subsection (t) of
- 12 Section 7 320 of the State Library Act.

13 (Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

14 (35 ILCS 200/18-92)

15 Sec. 18-92. Downstate School Finance Authority for
16 Elementary Districts Law. The provisions of the Truth in
17 Taxation Law are subject to the Downstate School Finance
18 Authority for Elementary Districts Law.

19 (Source: P.A. 92-855, eff. 12-6-02.)

20 (35 ILCS 200/18-93)

21 Sec. 18-93 ~~18-92~~. Maywood Public Library District Tax Levy
22 Validation (2002) Law. The provisions of the Truth in Taxation
23 Law are subject to the Maywood Public Library District Tax Levy
24 Validation (2002) Law.

25 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

26 (35 ILCS 200/18-185)

27 Sec. 18-185. Short title; definitions. This Division 5 may
28 be cited as the Property Tax Extension Limitation Law. As used
29 in this Division 5:

30 "Consumer Price Index" means the Consumer Price Index for
31 All Urban Consumers for all items published by the United
32 States Department of Labor.

33 "Extension limitation" means (a) the lesser of 5% or the

1 percentage increase in the Consumer Price Index during the
2 12-month calendar year preceding the levy year or (b) the rate
3 of increase approved by voters under Section 18-205.

4 "Affected county" means a county of 3,000,000 or more
5 inhabitants or a county contiguous to a county of 3,000,000 or
6 more inhabitants.

7 "Taxing district" has the same meaning provided in Section
8 1-150, except as otherwise provided in this Section. For the
9 1991 through 1994 levy years only, "taxing district" includes
10 only each non-home rule taxing district having the majority of
11 its 1990 equalized assessed value within any county or counties
12 contiguous to a county with 3,000,000 or more inhabitants.
13 Beginning with the 1995 levy year, "taxing district" includes
14 only each non-home rule taxing district subject to this Law
15 before the 1995 levy year and each non-home rule taxing
16 district not subject to this Law before the 1995 levy year
17 having the majority of its 1994 equalized assessed value in an
18 affected county or counties. Beginning with the levy year in
19 which this Law becomes applicable to a taxing district as
20 provided in Section 18-213, "taxing district" also includes
21 those taxing districts made subject to this Law as provided in
22 Section 18-213.

23 "Aggregate extension" for taxing districts to which this
24 Law applied before the 1995 levy year means the annual
25 corporate extension for the taxing district and those special
26 purpose extensions that are made annually for the taxing
27 district, excluding special purpose extensions: (a) made for
28 the taxing district to pay interest or principal on general
29 obligation bonds that were approved by referendum; (b) made for
30 any taxing district to pay interest or principal on general
31 obligation bonds issued before October 1, 1991; (c) made for
32 any taxing district to pay interest or principal on bonds
33 issued to refund or continue to refund those bonds issued
34 before October 1, 1991; (d) made for any taxing district to pay
35 interest or principal on bonds issued to refund or continue to
36 refund bonds issued after October 1, 1991 that were approved by

1 referendum; (e) made for any taxing district to pay interest or
2 principal on revenue bonds issued before October 1, 1991 for
3 payment of which a property tax levy or the full faith and
4 credit of the unit of local government is pledged; however, a
5 tax for the payment of interest or principal on those bonds
6 shall be made only after the governing body of the unit of
7 local government finds that all other sources for payment are
8 insufficient to make those payments; (f) made for payments
9 under a building commission lease when the lease payments are
10 for the retirement of bonds issued by the commission before
11 October 1, 1991, to pay for the building project; (g) made for
12 payments due under installment contracts entered into before
13 October 1, 1991; (h) made for payments of principal and
14 interest on bonds issued under the Metropolitan Water
15 Reclamation District Act to finance construction projects
16 initiated before October 1, 1991; (i) made for payments of
17 principal and interest on limited bonds, as defined in Section
18 3 of the Local Government Debt Reform Act, in an amount not to
19 exceed the debt service extension base less the amount in items
20 (b), (c), (e), and (h) of this definition for non-referendum
21 obligations, except obligations initially issued pursuant to
22 referendum; (j) made for payments of principal and interest on
23 bonds issued under Section 15 of the Local Government Debt
24 Reform Act; (k) made by a school district that participates in
25 the Special Education District of Lake County, created by
26 special education joint agreement under Section 10-22.31 of the
27 School Code, for payment of the school district's share of the
28 amounts required to be contributed by the Special Education
29 District of Lake County to the Illinois Municipal Retirement
30 Fund under Article 7 of the Illinois Pension Code; the amount
31 of any extension under this item (k) shall be certified by the
32 school district to the county clerk; (l) made to fund expenses
33 of providing joint recreational programs for the handicapped
34 under Section 5-8 of the Park District Code or Section 11-95-14
35 of the Illinois Municipal Code; (m) made for temporary
36 relocation loan repayment purposes pursuant to Sections 2-3.77

1 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of
2 principal and interest on any bonds issued under the authority
3 of Section 17-2.2d of the School Code; and (o) ~~(m)~~ made for
4 contributions to a firefighter's pension fund created under
5 Article 4 of the Illinois Pension Code, to the extent of the
6 amount certified under item (5) of Section 4-134 of the
7 Illinois Pension Code.

8 "Aggregate extension" for the taxing districts to which
9 this Law did not apply before the 1995 levy year (except taxing
10 districts subject to this Law in accordance with Section
11 18-213) means the annual corporate extension for the taxing
12 district and those special purpose extensions that are made
13 annually for the taxing district, excluding special purpose
14 extensions: (a) made for the taxing district to pay interest or
15 principal on general obligation bonds that were approved by
16 referendum; (b) made for any taxing district to pay interest or
17 principal on general obligation bonds issued before March 1,
18 1995; (c) made for any taxing district to pay interest or
19 principal on bonds issued to refund or continue to refund those
20 bonds issued before March 1, 1995; (d) made for any taxing
21 district to pay interest or principal on bonds issued to refund
22 or continue to refund bonds issued after March 1, 1995 that
23 were approved by referendum; (e) made for any taxing district
24 to pay interest or principal on revenue bonds issued before
25 March 1, 1995 for payment of which a property tax levy or the
26 full faith and credit of the unit of local government is
27 pledged; however, a tax for the payment of interest or
28 principal on those bonds shall be made only after the governing
29 body of the unit of local government finds that all other
30 sources for payment are insufficient to make those payments;
31 (f) made for payments under a building commission lease when
32 the lease payments are for the retirement of bonds issued by
33 the commission before March 1, 1995 to pay for the building
34 project; (g) made for payments due under installment contracts
35 entered into before March 1, 1995; (h) made for payments of
36 principal and interest on bonds issued under the Metropolitan

1 Water Reclamation District Act to finance construction
2 projects initiated before October 1, 1991; (h-4) made for
3 stormwater management purposes by the Metropolitan Water
4 Reclamation District of Greater Chicago under Section 12 of the
5 Metropolitan Water Reclamation District Act; (i) made for
6 payments of principal and interest on limited bonds, as defined
7 in Section 3 of the Local Government Debt Reform Act, in an
8 amount not to exceed the debt service extension base less the
9 amount in items (b), (c), and (e) of this definition for
10 non-referendum obligations, except obligations initially
11 issued pursuant to referendum and bonds described in subsection
12 (h) of this definition; (j) made for payments of principal and
13 interest on bonds issued under Section 15 of the Local
14 Government Debt Reform Act; (k) made for payments of principal
15 and interest on bonds authorized by Public Act 88-503 and
16 issued under Section 20a of the Chicago Park District Act for
17 aquarium or museum projects; (l) made for payments of principal
18 and interest on bonds authorized by Public Act 87-1191 or
19 93-601 and (i) issued pursuant to Section 21.2 of the Cook
20 County Forest Preserve District Act, (ii) issued under Section
21 42 of the Cook County Forest Preserve District Act for
22 zoological park projects, or (iii) issued under Section 44.1 of
23 the Cook County Forest Preserve District Act for botanical
24 gardens projects; (m) made pursuant to Section 34-53.5 of the
25 School Code, whether levied annually or not; (n) made to fund
26 expenses of providing joint recreational programs for the
27 handicapped under Section 5-8 of the Park District Code or
28 Section 11-95-14 of the Illinois Municipal Code; (o) made by
29 the Chicago Park District for recreational programs for the
30 handicapped under subsection (c) of Section 7.06 of the Chicago
31 Park District Act; and (p) made for contributions to a
32 firefighter's pension fund created under Article 4 of the
33 Illinois Pension Code, to the extent of the amount certified
34 under item (5) of Section 4-134 of the Illinois Pension Code.

35 "Aggregate extension" for all taxing districts to which
36 this Law applies in accordance with Section 18-213, except for

1 those taxing districts subject to paragraph (2) of subsection
2 (e) of Section 18-213, means the annual corporate extension for
3 the taxing district and those special purpose extensions that
4 are made annually for the taxing district, excluding special
5 purpose extensions: (a) made for the taxing district to pay
6 interest or principal on general obligation bonds that were
7 approved by referendum; (b) made for any taxing district to pay
8 interest or principal on general obligation bonds issued before
9 the date on which the referendum making this Law applicable to
10 the taxing district is held; (c) made for any taxing district
11 to pay interest or principal on bonds issued to refund or
12 continue to refund those bonds issued before the date on which
13 the referendum making this Law applicable to the taxing
14 district is held; (d) made for any taxing district to pay
15 interest or principal on bonds issued to refund or continue to
16 refund bonds issued after the date on which the referendum
17 making this Law applicable to the taxing district is held if
18 the bonds were approved by referendum after the date on which
19 the referendum making this Law applicable to the taxing
20 district is held; (e) made for any taxing district to pay
21 interest or principal on revenue bonds issued before the date
22 on which the referendum making this Law applicable to the
23 taxing district is held for payment of which a property tax
24 levy or the full faith and credit of the unit of local
25 government is pledged; however, a tax for the payment of
26 interest or principal on those bonds shall be made only after
27 the governing body of the unit of local government finds that
28 all other sources for payment are insufficient to make those
29 payments; (f) made for payments under a building commission
30 lease when the lease payments are for the retirement of bonds
31 issued by the commission before the date on which the
32 referendum making this Law applicable to the taxing district is
33 held to pay for the building project; (g) made for payments due
34 under installment contracts entered into before the date on
35 which the referendum making this Law applicable to the taxing
36 district is held; (h) made for payments of principal and

1 interest on limited bonds, as defined in Section 3 of the Local
2 Government Debt Reform Act, in an amount not to exceed the debt
3 service extension base less the amount in items (b), (c), and
4 (e) of this definition for non-referendum obligations, except
5 obligations initially issued pursuant to referendum; (i) made
6 for payments of principal and interest on bonds issued under
7 Section 15 of the Local Government Debt Reform Act; (j) made
8 for a qualified airport authority to pay interest or principal
9 on general obligation bonds issued for the purpose of paying
10 obligations due under, or financing airport facilities
11 required to be acquired, constructed, installed or equipped
12 pursuant to, contracts entered into before March 1, 1996 (but
13 not including any amendments to such a contract taking effect
14 on or after that date); (k) made to fund expenses of providing
15 joint recreational programs for the handicapped under Section
16 5-8 of the Park District Code or Section 11-95-14 of the
17 Illinois Municipal Code; and (l) made for contributions to a
18 firefighter's pension fund created under Article 4 of the
19 Illinois Pension Code, to the extent of the amount certified
20 under item (5) of Section 4-134 of the Illinois Pension Code.

21 "Aggregate extension" for all taxing districts to which
22 this Law applies in accordance with paragraph (2) of subsection
23 (e) of Section 18-213 means the annual corporate extension for
24 the taxing district and those special purpose extensions that
25 are made annually for the taxing district, excluding special
26 purpose extensions: (a) made for the taxing district to pay
27 interest or principal on general obligation bonds that were
28 approved by referendum; (b) made for any taxing district to pay
29 interest or principal on general obligation bonds issued before
30 the effective date of this amendatory Act of 1997; (c) made for
31 any taxing district to pay interest or principal on bonds
32 issued to refund or continue to refund those bonds issued
33 before the effective date of this amendatory Act of 1997; (d)
34 made for any taxing district to pay interest or principal on
35 bonds issued to refund or continue to refund bonds issued after
36 the effective date of this amendatory Act of 1997 if the bonds

1 were approved by referendum after the effective date of this
2 amendatory Act of 1997; (e) made for any taxing district to pay
3 interest or principal on revenue bonds issued before the
4 effective date of this amendatory Act of 1997 for payment of
5 which a property tax levy or the full faith and credit of the
6 unit of local government is pledged; however, a tax for the
7 payment of interest or principal on those bonds shall be made
8 only after the governing body of the unit of local government
9 finds that all other sources for payment are insufficient to
10 make those payments; (f) made for payments under a building
11 commission lease when the lease payments are for the retirement
12 of bonds issued by the commission before the effective date of
13 this amendatory Act of 1997 to pay for the building project;
14 (g) made for payments due under installment contracts entered
15 into before the effective date of this amendatory Act of 1997;
16 (h) made for payments of principal and interest on limited
17 bonds, as defined in Section 3 of the Local Government Debt
18 Reform Act, in an amount not to exceed the debt service
19 extension base less the amount in items (b), (c), and (e) of
20 this definition for non-referendum obligations, except
21 obligations initially issued pursuant to referendum; (i) made
22 for payments of principal and interest on bonds issued under
23 Section 15 of the Local Government Debt Reform Act; (j) made
24 for a qualified airport authority to pay interest or principal
25 on general obligation bonds issued for the purpose of paying
26 obligations due under, or financing airport facilities
27 required to be acquired, constructed, installed or equipped
28 pursuant to, contracts entered into before March 1, 1996 (but
29 not including any amendments to such a contract taking effect
30 on or after that date); (k) made to fund expenses of providing
31 joint recreational programs for the handicapped under Section
32 5-8 of the Park District Code or Section 11-95-14 of the
33 Illinois Municipal Code; and (l) made for contributions to a
34 firefighter's pension fund created under Article 4 of the
35 Illinois Pension Code, to the extent of the amount certified
36 under item (5) of Section 4-134 of the Illinois Pension Code.

1 "Debt service extension base" means an amount equal to that
2 portion of the extension for a taxing district for the 1994
3 levy year, or for those taxing districts subject to this Law in
4 accordance with Section 18-213, except for those subject to
5 paragraph (2) of subsection (e) of Section 18-213, for the levy
6 year in which the referendum making this Law applicable to the
7 taxing district is held, or for those taxing districts subject
8 to this Law in accordance with paragraph (2) of subsection (e)
9 of Section 18-213 for the 1996 levy year, constituting an
10 extension for payment of principal and interest on bonds issued
11 by the taxing district without referendum, but not including
12 excluded non-referendum bonds. For park districts (i) that were
13 first subject to this Law in 1991 or 1995 and (ii) whose
14 extension for the 1994 levy year for the payment of principal
15 and interest on bonds issued by the park district without
16 referendum (but not including excluded non-referendum bonds)
17 was less than 51% of the amount for the 1991 levy year
18 constituting an extension for payment of principal and interest
19 on bonds issued by the park district without referendum (but
20 not including excluded non-referendum bonds), "debt service
21 extension base" means an amount equal to that portion of the
22 extension for the 1991 levy year constituting an extension for
23 payment of principal and interest on bonds issued by the park
24 district without referendum (but not including excluded
25 non-referendum bonds). The debt service extension base may be
26 established or increased as provided under Section 18-212.
27 "Excluded non-referendum bonds" means (i) bonds authorized by
28 Public Act 88-503 and issued under Section 20a of the Chicago
29 Park District Act for aquarium and museum projects; (ii) bonds
30 issued under Section 15 of the Local Government Debt Reform
31 Act; or (iii) refunding obligations issued to refund or to
32 continue to refund obligations initially issued pursuant to
33 referendum.

34 "Special purpose extensions" include, but are not limited
35 to, extensions for levies made on an annual basis for
36 unemployment and workers' compensation, self-insurance,

1 contributions to pension plans, and extensions made pursuant to
2 Section 6-601 of the Illinois Highway Code for a road
3 district's permanent road fund whether levied annually or not.
4 The extension for a special service area is not included in the
5 aggregate extension.

6 "Aggregate extension base" means the taxing district's
7 last preceding aggregate extension as adjusted under Sections
8 18-215 through 18-230.

9 "Levy year" has the same meaning as "year" under Section
10 1-155.

11 "New property" means (i) the assessed value, after final
12 board of review or board of appeals action, of new improvements
13 or additions to existing improvements on any parcel of real
14 property that increase the assessed value of that real property
15 during the levy year multiplied by the equalization factor
16 issued by the Department under Section 17-30, (ii) the assessed
17 value, after final board of review or board of appeals action,
18 of real property not exempt from real estate taxation, which
19 real property was exempt from real estate taxation for any
20 portion of the immediately preceding levy year, multiplied by
21 the equalization factor issued by the Department under Section
22 17-30, and (iii) in counties that classify in accordance with
23 Section 4 of Article IX of the Illinois Constitution, an
24 incentive property's additional assessed value resulting from
25 a scheduled increase in the level of assessment as applied to
26 the first year final board of review market value. In addition,
27 the county clerk in a county containing a population of
28 3,000,000 or more shall include in the 1997 recovered tax
29 increment value for any school district, any recovered tax
30 increment value that was applicable to the 1995 tax year
31 calculations.

32 "Qualified airport authority" means an airport authority
33 organized under the Airport Authorities Act and located in a
34 county bordering on the State of Wisconsin and having a
35 population in excess of 200,000 and not greater than 500,000.

36 "Recovered tax increment value" means, except as otherwise

1 provided in this paragraph, the amount of the current year's
2 equalized assessed value, in the first year after a
3 municipality terminates the designation of an area as a
4 redevelopment project area previously established under the
5 Tax Increment Allocation Development Act in the Illinois
6 Municipal Code, previously established under the Industrial
7 Jobs Recovery Law in the Illinois Municipal Code, or previously
8 established under the Economic Development Area Tax Increment
9 Allocation Act, of each taxable lot, block, tract, or parcel of
10 real property in the redevelopment project area over and above
11 the initial equalized assessed value of each property in the
12 redevelopment project area. For the taxes which are extended
13 for the 1997 levy year, the recovered tax increment value for a
14 non-home rule taxing district that first became subject to this
15 Law for the 1995 levy year because a majority of its 1994
16 equalized assessed value was in an affected county or counties
17 shall be increased if a municipality terminated the designation
18 of an area in 1993 as a redevelopment project area previously
19 established under the Tax Increment Allocation Development Act
20 in the Illinois Municipal Code, previously established under
21 the Industrial Jobs Recovery Law in the Illinois Municipal
22 Code, or previously established under the Economic Development
23 Area Tax Increment Allocation Act, by an amount equal to the
24 1994 equalized assessed value of each taxable lot, block,
25 tract, or parcel of real property in the redevelopment project
26 area over and above the initial equalized assessed value of
27 each property in the redevelopment project area. In the first
28 year after a municipality removes a taxable lot, block, tract,
29 or parcel of real property from a redevelopment project area
30 established under the Tax Increment Allocation Development Act
31 in the Illinois Municipal Code, the Industrial Jobs Recovery
32 Law in the Illinois Municipal Code, or the Economic Development
33 Area Tax Increment Allocation Act, "recovered tax increment
34 value" means the amount of the current year's equalized
35 assessed value of each taxable lot, block, tract, or parcel of
36 real property removed from the redevelopment project area over

1 and above the initial equalized assessed value of that real
2 property before removal from the redevelopment project area.

3 Except as otherwise provided in this Section, "limiting
4 rate" means a fraction the numerator of which is the last
5 preceding aggregate extension base times an amount equal to one
6 plus the extension limitation defined in this Section and the
7 denominator of which is the current year's equalized assessed
8 value of all real property in the territory under the
9 jurisdiction of the taxing district during the prior levy year.
10 For those taxing districts that reduced their aggregate
11 extension for the last preceding levy year, the highest
12 aggregate extension in any of the last 3 preceding levy years
13 shall be used for the purpose of computing the limiting rate.
14 The denominator shall not include new property. The denominator
15 shall not include the recovered tax increment value.

16 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
17 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.
18 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised
19 12-14-04.)

20 (35 ILCS 200/21-310)

21 Sec. 21-310. Sales in error.

22 (a) When, upon application of the county collector, the
23 owner of the certificate of purchase, or a municipality which
24 owns or has owned the property ordered sold, it appears to the
25 satisfaction of the court which ordered the property sold that
26 any of the following subsections are applicable, the court
27 shall declare the sale to be a sale in error:

28 (1) the property was not subject to taxation, or all or
29 any part of the lien of taxes sold has become null and void
30 pursuant to Section 21-95 or unenforceable pursuant to
31 subsection (c) of Section 18-250 or subsection (b) of
32 Section 22-40,

33 (2) the taxes or special assessments had been paid
34 prior to the sale of the property,

35 (3) there is a double assessment,

1 (4) the description is void for uncertainty,

2 (5) the assessor, chief county assessment officer,
3 board of review, board of appeals, or other county official
4 has made an error (other than an error of judgment as to
5 the value of any property),

6 (5.5) the owner of the homestead property had tendered
7 timely and full payment to the county collector that the
8 owner reasonably believed was due and owing on the
9 homestead property, and the county collector did not apply
10 the payment to the homestead property; provided that this
11 provision applies only to homeowners, not their agents or
12 third-party payors,

13 (6) prior to the tax sale a voluntary or involuntary
14 petition has been filed by or against the legal or
15 beneficial owner of the property requesting relief under
16 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

17 (7) the property is owned by the United States, the
18 State of Illinois, a municipality, or a taxing district, or

19 (8) the owner of the property is a reservist or
20 guardsperson who is granted an extension of his or her due
21 date under Sections 21-15, 21-20, and 21-25 of this Act.

22 (b) When, upon application of the owner of the certificate
23 of purchase only, it appears to the satisfaction of the court
24 which ordered the property sold that any of the following
25 subsections are applicable, the court shall declare the sale to
26 be a sale in error:

27 (1) A voluntary or involuntary petition under the
28 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
29 filed subsequent to the tax sale and prior to the issuance
30 of the tax deed.

31 (2) The improvements upon the property sold have been
32 substantially destroyed or rendered uninhabitable or
33 otherwise unfit for occupancy subsequent to the tax sale
34 and prior to the issuance of the tax deed.

35 (3) There is an interest held by the United States in
36 the property sold which could not be extinguished by the

1 tax deed.

2 (4) The real property contains a hazardous substance,
3 hazardous waste, or underground storage tank that would
4 require cleanup or other removal under any federal, State,
5 or local law, ordinance, or regulation, only if the tax
6 purchaser purchased the property without actual knowledge
7 of the hazardous substance, hazardous waste, or
8 underground storage tank. This paragraph (4) applies only
9 if the owner of the certificate of purchase has made
10 application for a sale in error at any time before the
11 issuance of a tax deed.

12 (c) When the county collector discovers, prior to the
13 expiration of the period of redemption, that a tax sale should
14 not have occurred for one or more of the reasons set forth in
15 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,
16 the county collector shall notify the last known owner of the
17 certificate of purchase by certified and regular mail, or other
18 means reasonably calculated to provide actual notice, that the
19 county collector intends to declare an administrative sale in
20 error and of the reasons therefor, including documentation
21 sufficient to establish the reason why the sale should not have
22 occurred. The owner of the certificate of purchase may object
23 in writing within 28 days after the date of the mailing by the
24 county collector. If an objection is filed, the county
25 collector shall not administratively declare a sale in error,
26 but may apply to the circuit court for a sale in error as
27 provided in subsection (a) of this Section. Thirty days
28 following the receipt of notice by the last known owner of the
29 certificate of purchase, or within a reasonable time
30 thereafter, the county collector shall make a written
31 declaration, based upon clear and convincing evidence, that the
32 taxes were sold in error and shall deliver a copy thereof to
33 the county clerk within 30 days after the date the declaration
34 is made for entry in the tax judgment, sale, redemption, and
35 forfeiture record pursuant to subsection (d) of this Section.
36 The county collector shall promptly notify the last known owner

1 of the certificate of purchase of the declaration by regular
2 mail and shall promptly pay the amount of the tax sale,
3 together with interest and costs as provided in Section 21-315,
4 upon surrender of the original certificate of purchase.

5 (d) If a sale is declared to be a sale in error, the county
6 clerk shall make entry in the tax judgment, sale, redemption
7 and forfeiture record, that the property was erroneously sold,
8 and the county collector shall, on demand of the owner of the
9 certificate of purchase, refund the amount paid, pay any
10 interest and costs as may be ordered under Sections 21-315
11 through 21-335, and cancel the certificate so far as it relates
12 to the property. The county collector shall deduct from the
13 accounts of the appropriate taxing bodies their pro rata
14 amounts paid.

15 (Source: P.A. 94-312, eff. 7-25-05; 94-662, eff. 1-1-06;
16 revised 8-29-05.)

17 (35 ILCS 200/18-101.47 rep.)

18 Section 262. The Property Tax Code is amended by repealing
19 Section 18-101.47 as added by Public Acts 92-855 and 92-884.

20 Section 265. The Simplified Municipal Telecommunications
21 Tax Act is amended by changing Section 5-50 as follows:

22 (35 ILCS 636/5-50)

23 Sec. 5-50. Returns to the Department.

24 (a) Commencing on February 1, 2003, for the tax imposed
25 under subsection (a) of Section 5-20 of this Act, every
26 retailer maintaining a place of business in this State shall,
27 on or before the last day of each month make a return to the
28 Department for the preceding calendar month, stating:

29 (1) Its name;

30 (2) The address of its principal place of business or
31 the address of the principal place of business (if that is
32 a different address) from which it engages in the business
33 of transmitting telecommunications;

1 (3) Total amount of gross charges billed by it during
2 the preceding calendar month for providing
3 telecommunications during the calendar month;

4 (4) Total amount received by it during the preceding
5 calendar month on credit extended;

6 (5) Deductions allowed by law;

7 (6) Gross charges that were billed by it during the
8 preceding calendar month and upon the basis of which the
9 tax is imposed;

10 (7) Amount of tax (computed upon Item 6);

11 (8) The municipalities to which the Department shall
12 remit the taxes and the amount of such remittances;

13 (9) Such other reasonable information as the
14 Department may require.

15 (b) Any retailer required to make payments under this
16 Section may make the payments by electronic funds transfer. The
17 Department shall adopt rules necessary to effectuate a program
18 of electronic funds transfer. Any retailer who has average
19 monthly tax billings due to the Department under this Act and
20 the Telecommunications Excise Tax Act that exceed \$1,000 shall
21 make all payments by electronic funds transfer as required by
22 rules of the Department.

23 (c) If the retailer's average monthly tax billings due to
24 the Department under this Act and the Telecommunications Excise
25 Tax Act do not exceed \$1,000, the Department may authorize such
26 retailer's returns to be filed on a quarter-annual basis, with
27 the return for January, February, and March of a given year
28 being due by April 30th of that year; with the return for
29 April, May, and June of a given year being due by July 31st of
30 that year; with the return for July, August, and September of a
31 given year being due by October 31st of that year; and with the
32 return for October, November, and December of a given year
33 being due by January 31st of the following year.

34 (d) If the retailer is otherwise required to file a monthly
35 or quarterly return and if the retailer's average monthly tax
36 billings due to the Department under this Act and the

1 Telecommunications Excise Tax Act do not exceed \$400, the
2 Department may authorize such retailer's return to be filed on
3 an annual basis, with the return for a given year being due by
4 January 31st of the following year.

5 (e) Each retailer whose average monthly remittance to the
6 Department under this Act and the Telecommunications Excise Tax
7 Act was \$25,000 or more during the preceding calendar year,
8 excluding the month of highest remittance and the month of
9 lowest remittance in such calendar year, and who is not
10 operated by a unit of local government, shall make estimated
11 payments to the Department on or before the 7th, 15th, 22nd,
12 and last day of the month during which the tax remittance is
13 owed to the Department in an amount not less than the lower of
14 either 22.5% of the retailer's actual tax collections for the
15 month or 25% of the retailer's actual tax collections for the
16 same calendar month of the preceding year. The amount of such
17 quarter-monthly payments shall be credited against the final
18 remittance of the retailer's return for that month. Any
19 outstanding credit, approved by the Department, arising from
20 the retailer's overpayment of its final remittance for any
21 month may be applied to reduce the amount of any subsequent
22 quarter-monthly payment or credited against the final
23 remittance of the retailer's return for any subsequent month.
24 If any quarter-monthly payment is not paid at the time or in
25 the amount required by this Section, the retailer shall be
26 liable for penalty and interest on the difference between the
27 minimum amount due as a payment and the amount of such payment
28 actually and timely paid, except insofar as the retailer has
29 previously made payments for that month to the Department or
30 received credits in excess of the minimum payments previously
31 due.

32 (f) Notwithstanding any other provision of this Section
33 containing the time within which a retailer may file his or her
34 return, in the case of any retailer who ceases to engage in a
35 kind of business that makes him or her responsible for filing
36 returns under this Section, the retailer shall file a final

1 return under this Section with the Department not more than one
2 month after discontinuing such business.

3 (g) In making such return, the retailer shall determine the
4 value of any consideration other than money received by it and
5 such retailer shall include the value in its return. Such
6 determination shall be subject to review and revision by the
7 Department in the manner hereinafter provided for the
8 correction of returns.

9 (h) Any retailer who has average monthly tax billings due
10 to the Department under this Act and the Telecommunications
11 Excise Tax Act that exceed \$1,000 shall file the return
12 required by this Section by electronic means as required by
13 rules of the Department.

14 (i) The retailer filing the return herein provided for
15 shall, at the time of filing the return, pay to the Department
16 the amounts due pursuant to this Act. The Department shall
17 immediately pay over to the State Treasurer, ex officio, as
18 trustee, 99.5% of all taxes, penalties, and interest collected
19 hereunder for deposit into the Municipal Telecommunications
20 Fund, which is hereby created. The remaining 0.5% received by
21 the Department pursuant to this Act shall be deposited into the
22 Tax Compliance and Administration Fund and shall be used by the
23 Department, subject to appropriation, to cover the costs of the
24 Department.

25 On or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the Comptroller the
27 disbursement of stated sums of money to be paid to named
28 municipalities from the Municipal Telecommunications Fund for
29 amounts collected during the second preceding calendar month.
30 The named municipalities shall be those municipalities
31 identified by a retailer in such retailer's return as having
32 imposed the tax authorized by the Act. The amount of money to
33 be paid to each municipality shall be the amount (not including
34 credit memoranda) collected hereunder during the second
35 preceding calendar month by the Department, plus an amount the
36 Department determines is necessary to offset any amounts that

1 were erroneously ~~erronenously~~ paid to a different taxing body,
2 and not including an amount equal to the amount of refunds made
3 during the second preceding calendar month by the Department on
4 behalf of such municipality, and not including any amount that
5 the Department determines is necessary to offset any amount
6 that were payable to a different taxing body but were
7 erroneously paid to the municipality. Within 10 days after
8 receipt by the Comptroller of the disbursement certification
9 from the Department, the Comptroller shall cause the orders to
10 be drawn for the respective amounts in accordance with the
11 directions contained in the certification. When certifying to
12 the Comptroller the amount of a monthly disbursement to a
13 municipality under this Section, the Department shall increase
14 or decrease the amount by an amount necessary to offset any
15 misallocation of previous disbursements. The offset amount
16 shall be the amount erroneously disbursed within the previous 6
17 months from the time a misallocation is discovered.

18 (j) For municipalities with populations of less than
19 500,000, whenever the Department determines that a refund shall
20 be made under this Section to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the order to be drawn for the
23 amount specified and to the person named in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the Municipal Telecommunications Fund.

26 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

27 Section 270. The Uniform Penalty and Interest Act is
28 amended by changing Section 3-2 as follows:

29 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

30 Sec. 3-2. Interest.

31 (a) Interest paid by the Department to taxpayers and
32 interest charged to taxpayers by the Department shall be paid
33 at the annual rate determined by the Department. For periods
34 prior to January 1, 2004, that rate shall be the underpayment

1 rate established under Section 6621 of the Internal Revenue
2 Code. For periods after December 31, 2003, that rate shall be:

3 (1) for the one-year period beginning with the date of
4 underpayment or overpayment, the short-term federal rate
5 established under Section 6621 of the Internal Revenue
6 Code.

7 (2) for any period beginning the day after the one-year
8 period described in paragraph (1) of this subsection (a),
9 the underpayment rate established under Section 6621 of the
10 Internal Revenue Code.

11 (b) The interest rate shall be adjusted on a semiannual
12 basis, on January 1 and July 1, based upon the underpayment
13 rate or short-term federal rate going into effect on that
14 January 1 or July 1 under Section 6621 of the Internal Revenue
15 Code.

16 (c) This subsection (c) is applicable to returns due on and
17 before December 31, 2000. Interest shall be simple interest
18 calculated on a daily basis. Interest shall accrue upon tax and
19 penalty due. If notice and demand is made for the payment of
20 any amount of tax due and if the amount due is paid within 30
21 days after the date of such notice and demand, interest under
22 this Section on the amount so paid shall not be imposed for the
23 period after the date of the notice and demand.

24 (c-5) This subsection (c-5) is applicable to returns due on
25 and after January 1, 2001. Interest shall be simple interest
26 calculated on a daily basis. Interest shall accrue upon tax
27 due. If notice and demand is made for the payment of any amount
28 of tax due and if the amount due is paid within 30 days after
29 the date of the notice and demand, interest under this Section
30 on the amount so paid shall not be imposed for the period after
31 the date of the notice and demand.

32 (d) No interest shall be paid upon any overpayment of tax
33 if the overpayment is refunded or a credit approved within 90
34 days after the last date prescribed for filing the original
35 return, or within 90 days of the receipt of the processable
36 return, or within 90 days after the date of overpayment,

1 whichever date is latest, as determined without regard to
2 processing time by the Comptroller or without regard to the
3 date on which the credit is applied to the taxpayer's account.
4 In order for an original return to be processable for purposes
5 of this Section, it must be in the form prescribed or approved
6 by the Department, signed by the person authorized by law, and
7 contain all information, schedules, and support documents
8 necessary to determine the tax due and to make allocations of
9 tax as prescribed by law. For the purposes of computing
10 interest, a return shall be deemed to be processable unless the
11 Department notifies the taxpayer that the return is not
12 processable within 90 days after the receipt of the return;
13 however, interest shall not accumulate for the period following
14 this date of notice. Interest on amounts refunded or credited
15 pursuant to the filing of an amended return or claim for refund
16 shall be determined from the due date of the original return or
17 the date of overpayment, whichever is later, to the date of
18 payment by the Department without regard to processing time by
19 the Comptroller or the date of credit by the Department or
20 without regard to the date on which the credit is applied to
21 the taxpayer's account. If a claim for refund relates to an
22 overpayment attributable to a net loss carryback as provided by
23 Section 207 of the Illinois Income Tax Act, the date of
24 overpayment shall be the last day of the taxable year in which
25 the loss was incurred.

26 (e) Interest on erroneous refunds. Any portion of the tax
27 imposed by an Act to which this Act is applicable or any
28 interest or penalty which has been erroneously refunded and
29 which is recoverable by the Department shall bear interest from
30 the date of payment of the refund. However, no interest will be
31 charged if the erroneous refund is for an amount less than \$500
32 and is due to a mistake of the Department.

33 (f) If a taxpayer has a tax liability that is eligible for
34 amnesty under the Tax Delinquency Amnesty Act and the taxpayer
35 fails to satisfy the tax liability during the amnesty period
36 provided for in that Act, then the interest charged by the

1 Department under this Section shall be imposed at a rate that
2 is 200% of the rate that would otherwise be imposed under this
3 Section.

4 (Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised
5 8-1-03.)

6 Section 275. The Illinois Pension Code is amended by
7 changing Sections 2-134 and 8-138 and the heading of Article 9
8 and Section 11-134 and the heading of Article 13 and Sections
9 14-103.04, 15-125, 16-150, and 16-182 as follows:

10 (40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)

11 Sec. 2-134. To certify required State contributions and
12 submit vouchers.

13 (a) The Board shall certify to the Governor on or before
14 December 15 of each year the amount of the required State
15 contribution to the System for the next fiscal year. The
16 certification shall include a copy of the actuarial
17 recommendations upon which it is based.

18 On or before May 1, 2004, the Board shall recalculate and
19 recertify to the Governor the amount of the required State
20 contribution to the System for State fiscal year 2005, taking
21 into account the amounts appropriated to and received by the
22 System under subsection (d) of Section 7.2 of the General
23 Obligation Bond Act.

24 On or before July 1, 2005, the Board shall recalculate and
25 recertify to the Governor the amount of the required State
26 contribution to the System for State fiscal year 2006, taking
27 into account the changes in required State contributions made
28 by this amendatory Act of the 94th General Assembly.

29 (b) Beginning in State fiscal year 1996, on or as soon as
30 possible after the 15th day of each month the Board shall
31 submit vouchers for payment of State contributions to the
32 System, in a total monthly amount of one-twelfth of the
33 required annual State contribution certified under subsection
34 (a). From the effective date of this amendatory Act of the 93rd

1 General Assembly through June 30, 2004, the Board shall not
2 submit vouchers for the remainder of fiscal year 2004 in excess
3 of the fiscal year 2004 certified contribution amount
4 determined under this Section after taking into consideration
5 the transfer to the System under subsection (d) of Section
6 6z-61 of the State Finance Act. These vouchers shall be paid by
7 the State Comptroller and Treasurer by warrants drawn on the
8 funds appropriated to the System for that fiscal year. If in
9 any month the amount remaining unexpended from all other
10 appropriations to the System for the applicable fiscal year
11 (including the appropriations to the System under Section 8.12
12 of the State Finance Act and Section 1 of the State Pension
13 Funds Continuing Appropriation Act) is less than the amount
14 lawfully vouchered under this Section, the difference shall be
15 paid from the General Revenue Fund under the continuing
16 appropriation authority provided in Section 1.1 of the State
17 Pension Funds Continuing Appropriation Act.

18 (c) The full amount of any annual appropriation for the
19 System for State fiscal year 1995 shall be transferred and made
20 available to the System at the beginning of that fiscal year at
21 the request of the Board. Any excess funds remaining at the end
22 of any fiscal year from appropriations shall be retained by the
23 System as a general reserve to meet the System's accrued
24 liabilities.

25 (Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4,
26 eff. 6-1-05; 94-536, eff. 8-10-05; revised 8-19-05.)

27 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

28 Sec. 8-138. Minimum annuities - Additional provisions.

29 (a) An employee who withdraws after age 65 or more with at
30 least 20 years of service, for whom the amount of age and
31 service and prior service annuity combined is less than the
32 amount stated in this Section, shall from the date of
33 withdrawal, instead of all annuities otherwise provided, be
34 entitled to receive an annuity for life of \$150 a year, plus 1
35 1/2% for each year of service, to and including 20 years, and 1

1 2/3% for each year of service over 20 years, of his highest
2 average annual salary for any 4 consecutive years within the
3 last 10 years of service immediately preceding the date of
4 withdrawal.

5 An employee who withdraws after 20 or more years of
6 service, before age 65, shall be entitled to such annuity, to
7 begin not earlier than upon attained age of 55 years if under
8 such age at withdrawal, reduced by 2% for each full year or
9 fractional part thereof that his attained age is less than 65,
10 plus an additional 2% reduction for each full year or
11 fractional part thereof that his attained age when annuity is
12 to begin is less than 60 so that the total reduction at age 55
13 shall be 30%.

14 (b) An employee who withdraws after July 1, 1957, at age 60
15 or over, with 20 or more years of service, for whom the age and
16 service and prior service annuity combined, is less than the
17 amount stated in this paragraph, shall, from the date of
18 withdrawal, instead of such annuities, be entitled to receive
19 an annuity for life equal to 1 2/3% for each year of service,
20 of the highest average annual salary for any 5 consecutive
21 years within the last 10 years of service immediately preceding
22 the date of withdrawal; provided, that in the case of any
23 employee who withdraws on or after July 1, 1971, such employee
24 age 60 or over with 20 or more years of service, shall receive
25 an annuity for life equal to 1.67% for each of the first 10
26 years of service; 1.90% for each of the next 10 years of
27 service; 2.10% for each year of service in excess of 20 but not
28 exceeding 30; and 2.30% for each year of service in excess of
29 30, based on the highest average annual salary for any 4
30 consecutive years within the last 10 years of service
31 immediately preceding the date of withdrawal.

32 An employee who withdraws after July 1, 1957 and before
33 January 1, 1988, with 20 or more years of service, before age
34 60 years is entitled to annuity, to begin not earlier than upon
35 attained age of 55 years, if under such age at withdrawal, as
36 computed in the last preceding paragraph, reduced 0.25% for

1 each full month or fractional part thereof that his attained
2 age when annuity is to begin is less than 60 if the employee
3 was born before January 1, 1936, or 0.5% for each such month if
4 the employee was born on or after January 1, 1936.

5 Any employee born before January 1, 1936, who withdraws
6 with 20 or more years of service, and any employee with 20 or
7 more years of service who withdraws on or after January 1,
8 1988, may elect to receive, in lieu of any other employee
9 annuity provided in this Section, an annuity for life equal to
10 1.80% for each of the first 10 years of service, 2.00% for each
11 of the next 10 years of service, 2.20% for each year of service
12 in excess of 20 but not exceeding 30, and 2.40% for each year
13 of service in excess of 30, of the highest average annual
14 salary for any 4 consecutive years within the last 10 years of
15 service immediately preceding the date of withdrawal, to begin
16 not earlier than upon attained age of 55 years, if under such
17 age at withdrawal, reduced 0.25% for each full month or
18 fractional part thereof that his attained age when annuity is
19 to begin is less than 60; except that an employee retiring on
20 or after January 1, 1988, at age 55 or over but less than age
21 60, having at least 35 years of service, or an employee
22 retiring on or after July 1, 1990, at age 55 or over but less
23 than age 60, having at least 30 years of service, or an
24 employee retiring on or after the effective date of this
25 amendatory Act of 1997, at age 55 or over but less than age 60,
26 having at least 25 years of service, shall not be subject to
27 the reduction in retirement annuity because of retirement below
28 age 60.

29 However, in the case of an employee who retired on or after
30 January 1, 1985 but before January 1, 1988, at age 55 or older
31 and with at least 35 years of service, and who was subject
32 under this subsection (b) to the reduction in retirement
33 annuity because of retirement below age 60, that reduction
34 shall cease to be effective January 1, 1991, and the retirement
35 annuity shall be recalculated accordingly.

36 Any employee who withdraws on or after July 1, 1990, with

1 20 or more years of service, may elect to receive, in lieu of
2 any other employee annuity provided in this Section, an annuity
3 for life equal to 2.20% for each year of service if withdrawal
4 is before January 1, 2002, ~~60 days after the effective date of~~
5 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
6 each year of service if withdrawal is on or after January 1,
7 2002, ~~60 days after the effective date of this amendatory Act~~
8 ~~of the 92nd General Assembly or later,~~ of the highest average
9 annual salary for any 4 consecutive years within the last 10
10 years of service immediately preceding the date of withdrawal,
11 to begin not earlier than upon attained age of 55 years, if
12 under such age at withdrawal, reduced 0.25% for each full month
13 or fractional part thereof that his attained age when annuity
14 is to begin is less than 60; except that an employee retiring
15 at age 55 or over but less than age 60, having at least 30 years
16 of service, shall not be subject to the reduction in retirement
17 annuity because of retirement below age 60.

18 Any employee who withdraws on or after the effective date
19 of this amendatory Act of 1997 with 20 or more years of service
20 may elect to receive, in lieu of any other employee annuity
21 provided in this Section, an annuity for life equal to 2.20%
22 for each year of service, if withdrawal is before January 1,
23 2002, ~~60 days after the effective date of this amendatory Act~~
24 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service
25 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
26 ~~effective date of this amendatory Act of the 92nd General~~
27 ~~Assembly or later,~~ of the highest average annual salary for any
28 4 consecutive years within the last 10 years of service
29 immediately preceding the date of withdrawal, to begin not
30 earlier than upon attainment of age 55 (age 50 if the employee
31 has at least 30 years of service), reduced 0.25% for each full
32 month or remaining fractional part thereof that the employee's
33 attained age when annuity is to begin is less than 60; except
34 that an employee retiring at age 50 or over with at least 30
35 years of service or at age 55 or over with at least 25 years of
36 service shall not be subject to the reduction in retirement

1 annuity because of retirement below age 60.

2 The maximum annuity payable under part (a) and (b) of this
3 Section shall not exceed 70% of highest average annual salary
4 in the case of an employee who withdraws prior to July 1, 1971,
5 75% if withdrawal takes place on or after July 1, 1971 and
6 prior to January 1, 2002, ~~60 days after the effective date of~~
7 ~~this amendatory Act of the 92nd General Assembly,~~ or 80% if
8 withdrawal takes place on or after January 1, 2002 ~~is 60 days~~
9 ~~after the effective date of this amendatory Act of the 92nd~~
10 ~~General Assembly or later.~~ For the purpose of the minimum
11 annuity provided in this Section \$1,500 is considered the
12 minimum annual salary for any year; and the maximum annual
13 salary for the computation of such annuity is \$4,800 for any
14 year before 1953, \$6000 for the years 1953 to 1956, inclusive,
15 and the actual annual salary, as salary is defined in this
16 Article, for any year thereafter.

17 To preserve rights existing on December 31, 1959, for
18 participants and contributors on that date to the fund created
19 by the Court and Law Department Employees' Annuity Act, who
20 became participants in the fund provided for on January 1,
21 1960, the maximum annual salary to be considered for such
22 persons for the years 1955 and 1956 is \$7,500.

23 (c) For an employee receiving disability benefit, his
24 salary for annuity purposes under paragraphs (a) and (b) of
25 this Section, for all periods of disability benefit subsequent
26 to the year 1956, is the amount on which his disability benefit
27 was based.

28 (d) An employee with 20 or more years of service, whose
29 entire disability benefit credit period expires before
30 attainment of age 55 while still disabled for service, is
31 entitled upon withdrawal to the larger of (1) the minimum
32 annuity provided above, assuming he is then age 55, and
33 reducing such annuity to its actuarial equivalent as of his
34 attained age on such date or (2) the annuity provided from his
35 age and service and prior service annuity credits.

36 (e) The minimum annuity provisions do not apply to any

1 former municipal employee receiving an annuity from the fund
2 who re-enters service as a municipal employee, unless he
3 renders at least 3 years of additional service after the date
4 of re-entry.

5 (f) An employee in service on July 1, 1947, or who became a
6 contributor after July 1, 1947 and before attainment of age 70,
7 who withdraws after age 65, with less than 20 years of service
8 for whom the annuity has been fixed under this Article shall,
9 instead of the annuity so fixed, receive an annuity as follows:

10 Such amount as he could have received had the accumulated
11 amounts for annuity been improved with interest at the
12 effective rate to the date of his withdrawal, or to attainment
13 of age 70, whichever is earlier, and had the city contributed
14 to such earlier date for age and service annuity the amount
15 that it would have contributed had he been under age 65, after
16 the date his annuity was fixed in accordance with this Article,
17 and assuming his annuity were computed from such accumulations
18 as of his age on such earlier date. The annuity so computed
19 shall not exceed the annuity which would be payable under the
20 other provisions of this Section if the employee was credited
21 with 20 years of service and would qualify for annuity
22 thereunder.

23 (g) Instead of the annuity provided in this Article, an
24 employee having attained age 65 with at least 15 years of
25 service who withdraws from service on or after July 1, 1971 and
26 whose annuity computed under other provisions of this Article
27 is less than the amount provided under this paragraph, is
28 entitled to a minimum annuity for life equal to 1% of the
29 highest average annual salary, as salary is defined and limited
30 in this Section for any 4 consecutive years within the last 10
31 years of service for each year of service, plus the sum of \$25
32 for each year of service. The annuity shall not exceed 60% of
33 such highest average annual salary.

34 (g-1) Instead of any other retirement annuity provided in
35 this Article, an employee who has at least 10 years of service
36 and withdraws from service on or after January 1, 1999 may

1 elect to receive a retirement annuity for life, beginning no
2 earlier than upon attainment of age 60, equal to 2.2% if
3 withdrawal is before January 1, 2002, ~~60 days after the~~
4 ~~effective date of this amendatory Act of the 92nd General~~
5 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002,
6 ~~60 days after the effective date of this amendatory Act of the~~
7 ~~92nd General Assembly or later,~~ of final average salary for
8 each year of service, subject to a maximum of 75% of final
9 average salary if withdrawal is before January 1, 2002, or 80%
10 if withdrawal is on or after January 1, 2002. For the purpose
11 of calculating this annuity, "final average salary" means the
12 highest average annual salary for any 4 consecutive years in
13 the last 10 years of service.

14 (h) The minimum annuities provided under this Section shall
15 be paid in equal monthly installments.

16 (i) The amendatory provisions of part (b) and (g) of this
17 Section shall be effective July 1, 1971 and apply in the case
18 of every qualifying employee withdrawing on or after July 1,
19 1971.

20 (j) The amendatory provisions of this amendatory Act of
21 1985 (P.A. 84-23) relating to the discount of annuity because
22 of retirement prior to attainment of age 60, and to the
23 retirement formula, for those born before January 1, 1936,
24 shall apply only to qualifying employees withdrawing on or
25 after July 18, 1985.

26 (j-1) The changes made to this Section by Public Act 92-609
27 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
28 the retirement formula to 2.4% per year of service and
29 increasing the maximum to 80%) apply to persons who withdraw
30 from service on or after January 1, 2002, regardless of whether
31 that withdrawal takes place before the effective date of that
32 ~~this amendatory~~ Act. In the case of a person who withdraws from
33 service on or after January 1, 2002 but begins to receive a
34 retirement annuity before July 1, 2002 ~~the effective date of~~
35 ~~this amendatory Act~~, the annuity shall be recalculated, with
36 the increase resulting from Public ~~this amendatory~~ Act 92-609

1 accruing from the date the retirement annuity began. The
 2 changes made by Public Act 92-609 control over the changes made
 3 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

4 (k) Beginning on January 1, 1999, the minimum amount of
 5 employee's annuity shall be \$850 per month for life for the
 6 following classes of employees, without regard to the fact that
 7 withdrawal occurred prior to the effective date of this
 8 amendatory Act of 1998:

9 (1) any employee annuitant alive and receiving a life
 10 annuity on the effective date of this amendatory Act of
 11 1998, except a reciprocal annuity;

12 (2) any employee annuitant alive and receiving a term
 13 annuity on the effective date of this amendatory Act of
 14 1998, except a reciprocal annuity;

15 (3) any employee annuitant alive and receiving a
 16 reciprocal annuity on the effective date of this amendatory
 17 Act of 1998, whose service in this fund is at least 5
 18 years;

19 (4) any employee annuitant withdrawing after age 60 on
 20 or after the effective date of this amendatory Act of 1998,
 21 with at least 10 years of service in this fund.

22 The increases granted under items (1), (2) and (3) of this
 23 subsection (k) shall not be limited by any other Section of
 24 this Act.

25 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
 26 revised 9-11-02.)

27 (40 ILCS 5/Art. 9 heading)

28 ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS'
 29 ANNUITY AND BENEFIT FUND - COUNTIES OVER
 30 3,000,000 ~~500,000~~ INHABITANTS

31 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)
 32 Sec. 11-134. Minimum annuities.

33 (a) An employee whose withdrawal occurs after July 1, 1957
 34 at age 60 or over, with 20 or more years of service, (as

1 service is defined or computed in Section 11-216), for whom the
2 age and service and prior service annuity combined is less than
3 the amount stated in this Section, shall, from and after the
4 date of withdrawal, in lieu of all annuities otherwise provided
5 in this Article, be entitled to receive an annuity for life of
6 an amount equal to 1 2/3% for each year of service, of the
7 highest average annual salary for any 5 consecutive years
8 within the last 10 years of service immediately preceding the
9 date of withdrawal; provided, that in the case of any employee
10 who withdraws on or after July 1, 1971, such employee age 60 or
11 over with 20 or more years of service, shall be entitled to
12 instead receive an annuity for life equal to 1.67% for each of
13 the first 10 years of service; 1.90% for each of the next 10
14 years of service; 2.10% for each year of service in excess of
15 20 but not exceeding 30; and 2.30% for each year of service in
16 excess of 30, based on the highest average annual salary for
17 any 4 consecutive years within the last 10 years of service
18 immediately preceding the date of withdrawal.

19 An employee who withdraws after July 1, 1957 and before
20 January 1, 1988, with 20 or more years of service, before age
21 60, shall be entitled to an annuity, to begin not earlier than
22 age 55, if under such age at withdrawal, as computed in the
23 last preceding paragraph, reduced 0.25% if the employee was
24 born before January 1, 1936, or 0.5% if the employee was born
25 on or after January 1, 1936, for each full month or fractional
26 part thereof that his attained age when such annuity is to
27 begin is less than 60.

28 Any employee born before January 1, 1936 who withdraws with
29 20 or more years of service, and any employee with 20 or more
30 years of service who withdraws on or after January 1, 1988, may
31 elect to receive, in lieu of any other employee annuity
32 provided in this Section, an annuity for life equal to 1.80%
33 for each of the first 10 years of service, 2.00% for each of
34 the next 10 years of service, 2.20% for each year of service in
35 excess of 20, but not exceeding 30, and 2.40% for each year of
36 service in excess of 30, of the highest average annual salary

1 for any 4 consecutive years within the last 10 years of service
2 immediately preceding the date of withdrawal, to begin not
3 earlier than upon attained age of 55 years, if under such age
4 at withdrawal, reduced 0.25% for each full month or fractional
5 part thereof that his attained age when annuity is to begin is
6 less than 60; except that an employee retiring on or after
7 January 1, 1988, at age 55 or over but less than age 60, having
8 at least 35 years of service, or an employee retiring on or
9 after July 1, 1990, at age 55 or over but less than age 60,
10 having at least 30 years of service, or an employee retiring on
11 or after the effective date of this amendatory Act of 1997, at
12 age 55 or over but less than age 60, having at least 25 years of
13 service, shall not be subject to the reduction in retirement
14 annuity because of retirement below age 60.

15 However, in the case of an employee who retired on or after
16 January 1, 1985 but before January 1, 1988, at age 55 or older
17 and with at least 35 years of service, and who was subject
18 under this subsection (a) to the reduction in retirement
19 annuity because of retirement below age 60, that reduction
20 shall cease to be effective January 1, 1991, and the retirement
21 annuity shall be recalculated accordingly.

22 Any employee who withdraws on or after July 1, 1990, with
23 20 or more years of service, may elect to receive, in lieu of
24 any other employee annuity provided in this Section, an annuity
25 for life equal to 2.20% for each year of service if withdrawal
26 is before January 1, 2002, ~~60 days after the effective date of~~
27 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
28 each year of service if withdrawal is on or after January 1,
29 2002, ~~60 days after the effective date of this amendatory Act~~
30 ~~of the 92nd General Assembly or later,~~ of the highest average
31 annual salary for any 4 consecutive years within the last 10
32 years of service immediately preceding the date of withdrawal,
33 to begin not earlier than upon attained age of 55 years, if
34 under such age at withdrawal, reduced 0.25% for each full month
35 or fractional part thereof that his attained age when annuity
36 is to begin is less than 60; except that an employee retiring

1 at age 55 or over but less than age 60, having at least 30 years
2 of service, shall not be subject to the reduction in retirement
3 annuity because of retirement below age 60.

4 Any employee who withdraws on or after the effective date
5 of this amendatory Act of 1997 with 20 or more years of service
6 may elect to receive, in lieu of any other employee annuity
7 provided in this Section, an annuity for life equal to 2.20%
8 for each year of service if withdrawal is before January 1,
9 2002, ~~60 days after the effective date of this amendatory Act~~
10 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service
11 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
12 ~~effective date of this amendatory Act of the 92nd General~~
13 ~~Assembly or later,~~ of the highest average annual salary for any
14 4 consecutive years within the last 10 years of service
15 immediately preceding the date of withdrawal, to begin not
16 earlier than upon attainment of age 55 (age 50 if the employee
17 has at least 30 years of service), reduced 0.25% for each full
18 month or remaining fractional part thereof that the employee's
19 attained age when annuity is to begin is less than 60; except
20 that an employee retiring at age 50 or over with at least 30
21 years of service or at age 55 or over with at least 25 years of
22 service shall not be subject to the reduction in retirement
23 annuity because of retirement below age 60.

24 The maximum annuity payable under this paragraph (a) of
25 this Section shall not exceed 70% of highest average annual
26 salary in the case of an employee who withdraws prior to July
27 1, 1971, 75% if withdrawal takes place on or after July 1, 1971
28 and prior to January 1, 2002, ~~60 days after the effective date~~
29 ~~of this amendatory Act of the 92nd General Assembly,~~ or 80% if
30 withdrawal is on or after January 1, 2002 ~~60 days after the~~
31 ~~effective date of this amendatory Act of the 92nd General~~
32 ~~Assembly or later.~~ For the purpose of the minimum annuity
33 provided in said paragraphs \$1,500 shall be considered the
34 minimum annual salary for any year; and the maximum annual
35 salary to be considered for the computation of such annuity
36 shall be \$4,800 for any year prior to 1953, \$6,000 for the

1 years 1953 to 1956, inclusive, and the actual annual salary, as
2 salary is defined in this Article, for any year thereafter.

3 (b) For an employee receiving disability benefit, his
4 salary for annuity purposes under this Section shall, for all
5 periods of disability benefit subsequent to the year 1956, be
6 the amount on which his disability benefit was based.

7 (c) An employee with 20 or more years of service, whose
8 entire disability benefit credit period expires prior to
9 attainment of age 55 while still disabled for service, shall be
10 entitled upon withdrawal to the larger of (1) the minimum
11 annuity provided above assuming that he is then age 55, and
12 reducing such annuity to its actuarial equivalent at his
13 attained age on such date, or (2) the annuity provided from his
14 age and service and prior service annuity credits.

15 (d) The minimum annuity provisions as aforesaid shall not
16 apply to any former employee receiving an annuity from the
17 fund, and who re-enters service as an employee, unless he
18 renders at least 3 years of additional service after the date
19 of re-entry.

20 (e) An employee in service on July 1, 1947, or who became a
21 contributor after July 1, 1947 and prior to July 1, 1950, or
22 who shall become a contributor to the fund after July 1, 1950
23 prior to attainment of age 70, who withdraws after age 65 with
24 less than 20 years of service, for whom the annuity has been
25 fixed under the foregoing Sections of this Article shall, in
26 lieu of the annuity so fixed, receive an annuity as follows:

27 Such amount as he could have received had the accumulated
28 amounts for annuity been improved with interest at the
29 effective rate to the date of his withdrawal, or to attainment
30 of age 70, whichever is earlier, and had the city contributed
31 to such earlier date for age and service annuity the amount
32 that would have been contributed had he been under age 65,
33 after the date his annuity was fixed in accordance with this
34 Article, and assuming his annuity were computed from such
35 accumulations as of his age on such earlier date. The annuity
36 so computed shall not exceed the annuity which would be payable

1 under the other provisions of this Section if the employee was
2 credited with 20 years of service and would qualify for annuity
3 thereunder.

4 (f) In lieu of the annuity provided in this or in any other
5 Section of this Article, an employee having attained age 65
6 with at least 15 years of service who withdraws from service on
7 or after July 1, 1971 and whose annuity computed under other
8 provisions of this Article is less than the amount provided
9 under this paragraph shall be entitled to receive a minimum
10 annual annuity for life equal to 1% of the highest average
11 annual salary for any 4 consecutive years within the last 10
12 years of service immediately preceding retirement for each year
13 of his service plus the sum of \$25 for each year of service.
14 Such annual annuity shall not exceed the maximum percentages
15 stated under paragraph (a) of this Section of such highest
16 average annual salary.

17 (f-1) Instead of any other retirement annuity provided in
18 this Article, an employee who has at least 10 years of service
19 and withdraws from service on or after January 1, 1999 may
20 elect to receive a retirement annuity for life, beginning no
21 earlier than upon attainment of age 60, equal to 2.2% if
22 withdrawal is before January 1, 2002, ~~60 days after the~~
23 ~~effective date of this amendatory Act of the 92nd General~~
24 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on
25 or after January 1, 2002, ~~60 days after the effective date of~~
26 ~~this amendatory Act of the 92nd General Assembly or later,~~ of
27 final average salary for each year of service, subject to a
28 maximum of 75% of final average salary if withdrawal is before
29 January 1, 2002, ~~60 days after the effective date of this~~
30 ~~amendatory Act of the 92nd General Assembly,~~ or 80% if
31 withdrawal is on or after January 1, 2002 ~~60 days after the~~
32 ~~effective date of this amendatory Act of the 92nd General~~
33 ~~Assembly or later.~~ For the purpose of calculating this annuity,
34 "final average salary" means the highest average annual salary
35 for any 4 consecutive years in the last 10 years of service.

36 (g) Any annuity payable under the preceding subsections of

1 this Section 11-134 shall be paid in equal monthly
2 installments.

3 (h) The amendatory provisions of part (a) and (f) of this
4 Section shall be effective July 1, 1971 and apply in the case
5 of every qualifying employee withdrawing on or after July 1,
6 1971.

7 (h-1) The changes made to this Section by Public Act 92-609
8 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
9 the retirement formula to 2.4% per year of service and
10 increasing the maximum to 80%) apply to persons who withdraw
11 from service on or after January 1, 2002, regardless of whether
12 that withdrawal takes place before the effective date of that
13 ~~this amendatory~~ Act. In the case of a person who withdraws from
14 service on or after January 1, 2002 but begins to receive a
15 retirement annuity before July 1, 2002 ~~the effective date of~~
16 ~~this amendatory Act~~, the annuity shall be recalculated, with
17 the increase resulting from Public ~~this amendatory~~ Act 92-609
18 accruing from the date the retirement annuity began. The
19 changes made by Public Act 92-609 control over the changes made
20 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

21 (i) The amendatory provisions of this amendatory Act of
22 1985 relating to the discount of annuity because of retirement
23 prior to attainment of age 60 and increasing the retirement
24 formula for those born before January 1, 1936, shall apply only
25 to qualifying employees withdrawing on or after August 16,
26 1985.

27 (j) Beginning on January 1, 1999, the minimum amount of
28 employee's annuity shall be \$850 per month for life for the
29 following classes of employees, without regard to the fact that
30 withdrawal occurred prior to the effective date of this
31 amendatory Act of 1998:

32 (1) any employee annuitant alive and receiving a life
33 annuity on the effective date of this amendatory Act of
34 1998, except a reciprocal annuity;

35 (2) any employee annuitant alive and receiving a term
36 annuity on the effective date of this amendatory Act of

1 1998, except a reciprocal annuity;

2 (3) any employee annuitant alive and receiving a
3 reciprocal annuity on the effective date of this amendatory
4 Act of 1998, whose service in this fund is at least 5
5 years;

6 (4) any employee annuitant withdrawing after age 60 on
7 or after the effective date of this amendatory Act of 1998,
8 with at least 10 years of service in this fund.

9 The increases granted under items (1), (2) and (3) of this
10 subsection (j) shall not be limited by any other Section of
11 this Act.

12 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
13 revised 9-11-02.)

14 (40 ILCS 5/Art. 13 heading)

15 ARTICLE 13. METROPOLITAN WATER RECLAMATION
16 DISTRICT RETIREMENT FUND ~~SANITARY DISTRICT~~
17 ~~EMPLOYEE'S AND TRUSTEES' ANNUITY AND BENEFIT FUND~~

18 (40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

19 Sec. 14-103.04. Department. "Department": Any department,
20 institution, board, commission, officer, court, or any agency
21 of the State having power to certify payrolls to the State
22 Comptroller authorizing payments of salary or wages against
23 State appropriations, or against trust funds held by the State
24 Treasurer, except those departments included under the term
25 "employer" in the State Universities Retirement System.
26 "Department" includes the Illinois Finance Authority.
27 "Department" also includes the Illinois Comprehensive Health
28 Insurance Board ~~and the Illinois Finance Authority.~~

29 (Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04;
30 revised 9-23-03.)

31 (40 ILCS 5/15-125) (from Ch. 108 1/2, par. 15-125)

32 Sec. 15-125. "Prescribed Rate of Interest; Effective Rate
33 of Interest".±

1 (1) "Prescribed rate of interest": The rate of interest to
2 be used in actuarial valuations and in development of actuarial
3 tables as determined by the board on the basis of the probable
4 average effective rate of interest on a long term basis.

5 (2) "Effective rate of interest": The interest rate for all
6 or any part of a fiscal year that is determined by the board
7 based on factors including the system's past and expected
8 investment experience; historical and expected fluctuations in
9 the market value of investments; the desirability of minimizing
10 volatility in the effective rate of interest from year to year;
11 and the provision of reserves for anticipated losses upon
12 sales, redemptions, or other disposition of investments and for
13 variations in interest experience; except that for the purpose
14 of determining the accumulated normal contributions used in
15 calculating retirement annuities under Rule 2 of Section
16 15-136, the effective rate of interest shall be determined by
17 the State Comptroller rather than the board. The State
18 Comptroller shall determine the effective rate of interest to
19 be used for this purpose using the factors listed above, and
20 shall certify to the board and the Commission on Government
21 Forecasting and Accountability the rate to be used for this
22 purpose for fiscal year 2006 as soon as possible after the
23 effective date of this amendatory Act of the 94th General
24 Assembly, and for each fiscal year thereafter no later than the
25 September 1 immediately preceding the start of that fiscal
26 year.

27 (3) The change made to this Section by Public Acts 90-65
28 and 90-511 is a clarification of existing law.

29 (Source: P.A. 94-4, eff. 6-1-05; revised 10-11-05.)

30 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
31 Sec. 16-150. Re-entry.

32 (a) This Section does not apply to an annuitant who returns
33 to teaching under the program established in Section 16-150.1,
34 for the duration of his or her participation in that program.

35 (b) If an annuitant under this System is again employed as

1 a teacher for an aggregate period exceeding that permitted by
2 Section 16-118, his or her retirement annuity shall be
3 terminated and the annuitant shall thereupon be regarded as an
4 active member.

5 Such annuitant is not entitled to a recomputation of his or
6 her retirement annuity unless at least one full year of
7 creditable service is rendered after the latest re-entry into
8 service and the annuitant must have rendered at least 3 years
9 of creditable service after last re-entry into service to
10 qualify for a recomputation of the retirement annuity based on
11 amendments enacted while in receipt of a retirement annuity,
12 except when retirement was due to disability.

13 However, regardless of age, an annuitant in receipt of a
14 retirement annuity may be given temporary employment by a
15 school board not exceeding that permitted under Section 16-118
16 and continue to receive the retirement annuity.

17 (c) Unless retirement was necessitated by disability, a
18 retirement shall be considered cancelled and the retirement
19 allowance must be repaid in full if the annuitant is employed
20 as a teacher within the school year during which service was
21 terminated.

22 (d) An annuitant's retirement which does not include a
23 period of at least one full and complete school year shall be
24 considered cancelled and the retirement annuity must be repaid
25 in full unless such retirement was necessitated by disability.

26 (Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03;
27 revised 9-11-03.)

28 (40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

29 Sec. 16-182. Members' Contribution Reserve. ~~(a)~~ On July 1,
30 2003, the Members' Contribution Reserve is abolished and the
31 remaining balance shall be transferred from that Reserve to the
32 Benefit Trust Reserve.

33 (Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

34 Section 280. The Bi-State Development Agency Act is amended

1 by changing Section 3 as follows:

2 (45 ILCS 105/3) (from Ch. 127, par. 63s-3)

3 Sec. 3. Vacancies occurring in the office of any
4 commissioner shall be filled by appointment by the Chairman of
5 the County Board that made the original appointment of that
6 commissioner, with the advice and consent of the respective
7 county board, for the unexpired term. Any vacancies occurring
8 during the transition for the implementation of this amendatory
9 Act of the 93rd General Assembly that were appointed by the
10 Governor, and not by the respective County Board Chairmen,
11 shall be filled by the appointment by the County Board Chairman
12 of Madison County if occurring in the years 2004, 2006, or 2008
13 or by the County Board Chairman of St. Clair County if
14 occurring in the years 2005 or 2007, each with the advice and
15 consent of the respective county board. ▯

16 (Source: P.A. 93-432, eff. 6-1-04; revised 10-29-04.)

17 Section 285. The Interstate Insurance Receivership Compact
18 Act is amended by changing Section 5 as follows:

19 (45 ILCS 160/5)

20 Sec. 5. Ratification of Compact. The State of Illinois
21 ratifies and approves the Interstate Insurance Receivership
22 Compact and enters into that Compact with all other
23 jurisdictions legally joining in it in substantially the
24 following form:

25 ARTICLE I. PURPOSES

26 The purposes of this Compact are, through means of joint
27 and cooperative action among the compacting states:

28 (1) to promote, develop and facilitate orderly, efficient,
29 cost-effective, and uniform insurer receivership laws and
30 operations;

31 (2) to coordinate interaction between insurer receivership
32 and Guaranty Association operations;

1 conservation, or ancillary receivership by, any Commissioner.

2 (10) "Member" means the Commissioner of a compacting state
3 or his or her designee, who shall be a person officially
4 connected with the Commissioner and who is wholly or
5 principally employed by the Commissioner.

6 (11) "Non-compacting state" means a state which has not
7 enacted enabling legislation for this Compact.

8 (12) "Operating procedures" means procedures promulgated
9 by the Commission implementing a rule, an existing law in a
10 compacting state, or a provision of this Compact.

11 (13) "Publication" means the act of publishing in the
12 official state publication in a compacting state or in such
13 other publication as may be established by the Commission.

14 (14) "Receiver" means receiver, liquidator, rehabilitator,
15 conservator, or ancillary receiver as the context requires.

16 (15) "Receivership" means any liquidation, rehabilitation,
17 conservation, or ancillary receivership proceeding as the
18 context requires.

19 (16) "Rules" means acts of the Commission, duly promulgated
20 pursuant to Article VII of this Compact, substantially
21 affecting interested parties in addition to the Commission,
22 which shall have the force and effect of law in the compacting
23 states.

24 (17) "State" means any state, district or territory of the
25 United States of America.

26 ARTICLE III. ESTABLISHMENT OF THE COMMISSION AND VENUE

27 (1) The compacting states hereby create and establish an
28 entity known as the Interstate Insurance Receivership
29 Commission.

30 (2) The Commission is a body corporate of each compacting
31 state.

32 (3) The Commission is a not-for-profit entity, separate and
33 distinct from the compacting states.

34 (4) The Commission is solely responsible for its
35 liabilities except as otherwise provided in this Compact.

1 (5) Except as otherwise specifically provided in state or
2 federal law in the jurisdiction where the Commission's
3 principal office is located or where the Commission is acting
4 as Receiver, venue is proper and judicial proceedings by or
5 against the Commission shall be brought in a court of competent
6 jurisdiction where the Commission's principal office is
7 located.

8 ARTICLE IV. POWERS OF THE COMMISSION

9 The Commission shall have all of the following powers:

10 (1) To promulgate rules which shall have the force and
11 effect of statutory law and shall be binding in the compacting
12 states to the extent and in the manner provided in this
13 Compact.

14 (2) To promulgate operating procedures which shall be
15 binding in the compacting states to the extent and in the
16 manner provided in this Compact.

17 (3) To oversee, supervise, and coordinate the activities of
18 receivers in compacting states.

19 (4) To act as Receiver of insurers organized under the laws
20 of, engaged in, or doing the business of insurance in a
21 compacting state upon the request of the Commissioner of such
22 state or when grounds for receivership by the Commission exist
23 under Article IX of this Compact.

24 (5) To act as Deputy Receiver of insurers organized under
25 the laws of, engaged in, or doing the business of insurance in
26 a non-compacting state in accordance with Article IX of this
27 Compact.

28 (6) To act as ancillary Receiver in a compacting state of
29 an insurer domiciled in a non-compacting state.

30 (7) To monitor the activities and functions of Guaranty
31 Associations in the compacting states.

32 (8) To delegate its operating authority or functions;
33 provided, that its rulemaking authority under Article VII of
34 this Compact shall not be delegated.

35 (9) To bring or prosecute legal proceedings or actions in

1 its name as the Commission, or in the name of the Commission
2 acting as Receiver.

3 (10) To bring or prosecute legal proceedings or actions as
4 Receiver on behalf of an estate or its policyholders and
5 creditors; provided, that any Guaranty Association's standing
6 to sue or be sued under applicable law shall not be affected.

7 (11) To issue subpoenas requiring the attendance and
8 testimony of witnesses and the production of evidence.

9 (12) To establish and maintain offices.

10 (13) To purchase and maintain insurance and bonds.

11 (14) To borrow, accept, or contract for services of
12 personnel including, but not limited to, members and their
13 staff.

14 (15) To elect or appoint such officers, attorneys,
15 employees, or agents, and to fix their compensation, define
16 their duties, and determine their qualifications; and to
17 establish the Commission's personnel policies and programs
18 relating to, among other things, conflicts of interest, rates
19 of compensation, and qualifications of personnel.

20 (16) To accept any and all donations and grants of money,
21 equipment, supplies, materials, and services, and to receive,
22 utilize, and dispose of the same.

23 (17) To lease, purchase, accept gifts or donations of, or
24 otherwise to own, hold, improve or use, any property, real,
25 personal, or mixed.

26 (18) To sell, convey, mortgage, pledge, lease, exchange,
27 abandon, or otherwise dispose of any property, real, personal,
28 or mixed.

29 (19) To enforce compliance with Commission rules,
30 operating procedures, and by-laws.

31 (20) To provide for dispute resolution among compacting
32 states and Receivers.

33 (21) To represent and advise compacting states on issues
34 relating to insurers domiciled or doing business in
35 non-compacting jurisdictions, consistent with the purposes of
36 this compact.

1 (22) To provide advice and training to receivership
2 personnel of compacting states, and to be a resource for
3 compacting states by maintaining a reference library of
4 relevant materials.

5 (23) To establish a budget and make expenditures.

6 (24) To borrow money.

7 (25) To appoint committees including, but not limited to,
8 an industry advisory committee and an executive committee of
9 members.

10 (26) To provide and receive information relating to
11 receiverships and Guaranty Associations and to cooperate with
12 law enforcement agencies.

13 (27) To adopt and use a corporate seal.

14 (28) To perform such other functions as may be necessary or
15 appropriate to achieve the purposes of this Compact as may be
16 consistent with the state regulation of the business of
17 insurance pursuant to the McCarran-Ferguson ~~McCarren-Ferguson~~
18 Act.

19 ARTICLE V. ORGANIZATION OF THE COMMISSION

20 Section A. Membership, voting, and by-laws.

21 (1) A compacting state shall have and be limited to one
22 member. A member shall be qualified to serve in such capacity
23 under or pursuant to the applicable law of the compacting
24 state. A compacting state retains the discretionary right to
25 determine the due election or appointment and qualification of
26 its own Commissioner, and to fill all vacancies of its member.

27 (2) A member shall be entitled to one vote.

28 (3) The Commission shall, by a majority of the members,
29 prescribe by-laws to govern its conduct as may be necessary or
30 appropriate to carry out the purposes of the Compact,
31 including, but not limited to:

32 (a) establishing the fiscal year of the Commission;

33 (b) providing reasonable standards and procedures:

34 (i) for the establishment of committees, and (ii) governing
35 any general or specific delegation of any authority or function

1 of the Commission;

2 (c) providing reasonable procedures for calling and
3 conducting meetings of the Commission and for ensuring
4 reasonable notice of each such meeting;

5 (d) establishing the titles and responsibilities of
6 the officers of the Commission;

7 (e) providing reasonable standards and procedures for
8 the establishment of the personnel policies and programs of
9 the Commission. Notwithstanding any civil service or other
10 similar laws of any compacting state, the by-laws shall
11 exclusively govern the personnel policies and programs of
12 the Commission; and

13 (f) providing a mechanism for winding up the operations
14 of the Commission and the equitable return of any surplus
15 funds that may exist after the dissolution of the Compact
16 after the payment or reserving of all of its debts and
17 obligations, or both.

18 Section B. Officers and personnel.

19 (1) The Commission shall, by a majority of the members,
20 elect annually from among its members a chairperson and a vice
21 chairperson, each of whom shall have such authorities and
22 duties as may be specified in the by-laws. The chairperson or,
23 in his or her absence or disability, a member designated in
24 accordance with the by-laws, shall preside at all meetings of
25 the Commission. The officers so elected shall serve without
26 compensation or remuneration from the Commission; provided,
27 that subject to the availability of budgeted funds, the
28 officers shall be reimbursed for any actual and necessary costs
29 and expenses incurred by them in the performance of their
30 duties and responsibilities as officers of the Commission.

31 (2) The Commission may, by a majority of the members,
32 appoint or retain an executive director for such period, upon
33 such terms and conditions and for such compensation as the
34 Commission may deem appropriate. The executive director shall
35 serve as secretary to the Commission, but shall not be a member

1 of the Commission. The executive director shall hire and
2 supervise such other staff as may be authorized by the
3 Commission.

4 Section C. Corporate records of the Commission. The
5 Commission shall maintain its corporate books and records in
6 accordance with the by-laws.

7 Section D. Qualified immunity, defense, and
8 indemnification.

9 (1) The members, officers, executive director, and
10 employees of the Commission shall be immune from suit and
11 liability, either personally or in their official capacity, for
12 any claim for damage to or loss of property or personal injury
13 or other civil liability caused or arising out of or relating
14 to any actual or alleged act, error, or omission that occurred,
15 or that such person had a reasonable basis for believing
16 occurred within the scope of Commission employment, duties, or
17 responsibilities; provided, that nothing in this paragraph
18 shall be construed to protect any such person from suit or
19 liability, or both, for any damage, loss, injury, or liability
20 caused by the intentional or willful and wanton misconduct of
21 any such person, or to protect the Commission acting as
22 Receiver under Article IX of this Compact.

23 (2) The Commission shall defend any Commissioner of a
24 compacting state, his or her representatives or employees, or
25 the Commission's representatives or employees in any civil
26 action seeking to impose liability against such person arising
27 out of or relating to any actual or alleged act, error, or
28 omission that occurred within the scope of Commission
29 employment, duties, or responsibilities or that such person had
30 a reasonable basis for believing occurred within the scope of
31 Commission employment, duties, or responsibilities; provided,
32 that the actual or alleged act, error, or omission did not
33 result from gross negligence or intentional wrongdoing on the
34 part of such person.

1 (3) The Commission shall indemnify and hold the
2 Commissioner of a compacting state, his or her representatives
3 or employees, or the Commission's representatives or employees
4 harmless in the amount of any settlement or judgment obtained
5 against such person arising out of or relating to any actual or
6 alleged act, error, or omission that occurred within the scope
7 of Commission employment, duties, or responsibilities or that
8 such person had a reasonable basis for believing occurred
9 within the scope of Commission employment, duties, or
10 responsibilities; provided, that the actual or alleged act,
11 error, or omission did not result from gross negligence or
12 intentional wrongdoing on the part of such person.

13 (4) The costs and expenses of defense and indemnification
14 of the Commission acting as Receiver of an estate shall be paid
15 as administrative expenses from the assets of that estate
16 unless such costs and expenses are covered by insurance
17 maintained by the Commission.

18 ARTICLE VI. MEETINGS AND ACTS OF THE COMMISSION

19 (1) The Commission shall meet and take such actions as are
20 consistent with the provisions of this Compact.

21 (2) Except as otherwise provided in this Compact and unless
22 a greater percentage is required by the by-laws, in order to
23 constitute an act of the Commission, such act shall have been
24 taken at a meeting of the Commission and shall have received an
25 affirmative vote of a majority of the members.

26 (3) Each member of the Commission shall have the right and
27 power to cast a vote to which that compacting state is entitled
28 and to participate in the business and affairs of the
29 Commission. A member shall vote in person and shall not
30 delegate his or her vote to another member. The by-laws may
31 provide for members' participation in meetings by telephone or
32 other means of telecommunication.

33 (4) The Commission shall meet at least once during each
34 calendar year. The chairperson of the Commission may call
35 additional meetings at any time and, upon the request of a

1 majority of the members, shall call additional meetings.

2 (5) The Commission's rules shall establish conditions and
3 procedures under which the Commission shall make its
4 information and official records available to the public for
5 inspection or copying. The Commission may exempt from
6 disclosure any information or official records to the extent
7 disclosure would adversely affect personal privacy rights or
8 proprietary interests. In promulgating such rules, the
9 Commission may consider any special circumstances pertaining
10 to insurer insolvencies, but shall be guided by the principles
11 embodied in state and federal freedom of information laws. The
12 Commission may promulgate additional rules under which it may
13 make available to law enforcement agencies records and
14 information otherwise exempt from disclosure and may enter into
15 agreements with law enforcement agencies to receive or exchange
16 information or records subject to nondisclosure and
17 confidentiality provisions.

18 (6) Public notice shall be given of all meetings, and all
19 meetings shall be open to the public, except as set forth in
20 the rules or as otherwise provided in this Compact. The
21 Commission shall promulgate rules consistent with the
22 principles contained in the federal Government in Sunshine Act,
23 5 U.S.C. Section 552b, as may be amended. The Commission and
24 any of its committees may close a meeting to the public where
25 it determines by two-thirds vote that an open meeting would be
26 likely to:

27 (a) relate solely to the Commission's internal
28 personnel practices and procedures;

29 (b) disclose matters specifically exempted from
30 disclosure by statute;

31 (c) disclose trade secrets or commercial or financial
32 information which is privileged or confidential;

33 (d) involve accusing any person of a crime or formally
34 censuring any person;

35 (e) disclose information of a personal nature where
36 disclosure would constitute a clearly unwarranted invasion

1 of personal privacy;

2 (f) disclose investigatory records compiled for law
3 enforcement purposes;

4 (g) disclose information contained in or related to
5 examination, operating, or condition reports prepared by,
6 on behalf of, or for the use of the Commission with respect
7 to a regulated entity for the purpose of regulation or
8 supervision of such entity;

9 (h) disclose information, the premature disclosure of
10 which would significantly endanger the stability of a
11 regulated entity;

12 (i) specifically relate to the Commission's issuance
13 of a subpoena or its participation in a civil action or
14 proceeding.

15 (7) For every meeting closed pursuant to paragraph (6), the
16 Commission's chief legal officer shall publicly certify that,
17 in his or her opinion, the meeting may be closed to the public
18 and shall reference each relevant exemptive provision. The
19 Commission shall keep minutes which shall fully and clearly
20 describe all matters discussed in any meeting and shall provide
21 a full and accurate summary of any actions taken and the
22 reasons therefor, including a description of each of the views
23 expressed on any item and the record of any roll call vote
24 (reflected in the vote of each member on the question). All
25 documents considered in connection with any action shall be
26 identified in such minutes.

27 ARTICLE VII. RULEMAKING FUNCTIONS OF THE COMMISSION

28 (1) The Commission shall promulgate rules and operating
29 procedures in order to effectively and efficiently achieve the
30 purposes of this Compact; provided, that the Commission shall
31 not promulgate any rules: (i) directly relating to Guaranty
32 Associations including, but not limited to, rules governing
33 coverage, funding, or assessment mechanisms, or (ii) (except
34 pursuant to rules promulgated under Article VII(3) of this
35 Compact) altering the statutory priorities for distributing

1 assets out of an estate.

2 (2) Rulemaking shall occur pursuant to the criteria set
3 forth in this Article and the rules and operating procedures
4 promulgated pursuant thereto. Such rulemaking shall
5 substantially conform to the principles of the federal
6 Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq.
7 and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2,
8 Section 1 et seq., as may be amended.

9 (3) Other than the promulgation of such rules as are
10 necessary for the orderly operation of the Commission, the
11 first rule to be considered by the Commission shall be uniform
12 provisions governing insurer receiverships including, but not
13 limited to, provisions requiring compacting states to
14 implement, execute, and administer in a fair, just, effective,
15 and efficient manner rules and operating procedures relating to
16 receiverships. The Commission shall within 3 years of the
17 adoption of this Compact by 2 or more states, promulgate such
18 uniform provisions through the rulemaking process. Such
19 uniform provisions shall become law in all of the compacting
20 states upon legislative enactment in a majority of the
21 compacting states.

22 (4) All rules and amendments shall become binding as of the
23 date specified in each rule or amendment; provided, that if a
24 compacting state expressly rejects such rule or amendment
25 through legislative enactment as of the expiration of the
26 second full calendar year after such rule is promulgated, such
27 rule or amendment shall have no further force or effect in the
28 rejecting compacting state. If a majority of compacting states
29 reject a rule, then such rule shall have no further force or
30 effect in any compacting state.

31 (5) When promulgating a rule or operating procedure, the
32 Commission shall:

33 (a) effect publication of the proposed rulemaking,
34 stating with particularity the text of the rule or
35 operating procedure which is proposed and the reason for
36 the proposed rule or operating procedure;

1 (b) allow persons to submit written data, facts,
2 opinions and arguments, which information the Commission
3 shall make publicly available;

4 (c) provide an opportunity for an informal hearing; and

5 (d) promulgate a final rule or operating procedure and
6 its effective date, if appropriate, based on the rulemaking
7 record.

8 (6) Not later than 60 days after a rule or operating
9 procedure is promulgated, any interested person may file a
10 petition in a court of competent jurisdiction where the
11 Commission's principal office is located for judicial review of
12 such rule or operating procedure. If the court finds that the
13 Commission's action is not supported by substantial evidence in
14 the rulemaking record, the court shall hold the rule unlawful
15 and set it aside.

16 ARTICLE VIII. OVERSIGHT AND

17 DISPUTE RESOLUTION BY THE COMMISSION

18 Section A. Oversight.

19 (1) The Commission shall oversee the administration and
20 operations of receiverships in compacting states and shall
21 monitor receiverships being administered in non-compacting
22 states which may significantly affect compacting states.

23 (2) To aid its monitoring, oversight, and coordination
24 responsibilities, the Commission shall establish operating
25 procedures requiring each member to submit written reports to
26 the Commission as follows:

27 (a) An initial report to the Commission upon a finding
28 or other official action by the compacting state that
29 grounds exist for receivership of an insurer doing business
30 in more than one state. Thereafter, reports shall be
31 submitted periodically and as otherwise required pursuant
32 to the Commission's operating procedures. The Commission
33 shall be entitled to receive notice of, and shall have
34 standing to appear in, compacting states' receiverships.

1 (b) An initial report of the status of an insurer
2 within a reasonable time after the initiation of a
3 receivership.

4 (3) The Commission shall promulgate operating procedures
5 requiring Receivers to submit to the Commission periodic
6 written reports and such additional information and
7 documentation as the Commission may reasonably request. Each
8 compacting state's Receivers shall establish the capability to
9 obtain and provide all such records, data, and information
10 required by the Commission in accordance with the Commission's
11 operating procedures.

12 (4) Except as to privileged records, data, and information,
13 the laws of any compacting state pertaining to confidentiality
14 or nondisclosure shall not relieve any compacting state
15 Commissioner of the responsibility to disclose any relevant
16 records, data, or information to the Commission; provided, that
17 disclosure to the Commission shall not be deemed to waive or
18 otherwise affect any confidentiality requirement; and further
19 provided, that the Commission shall be subject to the
20 compacting state's laws pertaining to confidentiality and
21 nondisclosure with respect to all such records, data, and
22 information in its possession.

23 (5) The courts and executive agencies in each compacting
24 state shall enforce this Compact and shall take all actions
25 necessary and appropriate to effectuate the Compact's purposes
26 and intent. In any receivership or other judicial or
27 administrative proceeding in a compacting state pertaining to
28 the subject matter of this Compact which may affect the powers,
29 responsibilities, or actions of the Commission, the Commission
30 shall be entitled to receive all service of process in any such
31 proceeding and shall have standing to intervene in the
32 receivership or proceeding for all purposes.

33 (6) The Commission shall analyze and correlate records,
34 data, information, and reports received from Receivers and
35 Guaranty Associations and shall make recommendations for
36 improving their performance to the compacting states. The

1 Commission shall include summary information and data
2 regarding its oversight functions in its annual report.

3 Section B. Dispute resolution.

4 (1) The Commission shall attempt, upon the request of a
5 member, to resolve any disputes or other issues which are
6 subject to this Compact and which may arise among compacting
7 states and non-compacting states.

8 (2) The compacting states shall report to the Commission on
9 issues or activities of concern to them and cooperate with and
10 support the Commission in the discharge of its duties and
11 responsibilities.

12 (3) The Commission shall promulgate an operating procedure
13 providing for binding dispute resolution for disputes among
14 Receivers.

15 (4) The Commission shall facilitate voluntary dispute
16 resolution for disputes among Guaranty Associations and
17 Receivers.

18 ARTICLE IX. RECEIVERSHIP FUNCTIONS OF THE COMMISSION

19 (1) The Commission has authority to act as Receiver of any
20 insurer domiciled, engaged in, or doing business in a
21 compacting state upon the request of the Commissioner of such
22 compacting state or as otherwise provided in this Compact.

23 (a) The Commission as Receiver shall have all powers
24 and duties pursuant to the receivership laws of the
25 domiciliary state.

26 (b) The Commission shall maintain accounts of receipts
27 and disbursements of the estates for which it is acting as
28 Receiver, consistent with the accounting practices and
29 procedures set forth in the by-laws.

30 (c) The Commission shall cause an annual audit of each
31 estate for which it is acting as Receiver, to be conducted
32 by an independent certified public accountant. The costs
33 and expenses of such audit shall be paid as administrative
34 expenses from the assets of the estate. The Commission

1 shall not cause an audit to be conducted of any estate that
2 lacks sufficient assets to conduct such audit.

3 (d) The Commission as Receiver is authorized to
4 delegate its receivership duties and functions and to
5 effectuate such delegation through contracts with others.

6 (2) The Commission shall act as Receiver of any insurer
7 domiciled or doing business in a compacting state in the event
8 that the member acting as Receiver in that compacting state
9 fails to comply with duly promulgated Commission rules or
10 operating procedures. The Commission shall notify such member
11 in writing of noncompliance with Commission rules or operating
12 procedures. If the member acting as Receiver fails to remedy
13 such noncompliance within 10 days after receipt of such
14 notification, the Commission may petition the supervising
15 court before which such receivership is pending for an order
16 substituting and appointing the Commission as Receiver of the
17 estate.

18 (3) The Commission shall not act as Receiver of an estate
19 which appears to lack sufficient assets to fund such
20 receivership unless the compacting state makes provisions for
21 the payment of the estate's administrative expenses
22 satisfactory to the Commission.

23 (4) The Commission may act as Deputy Receiver for any
24 insurer domiciled or doing business in a non-compacting state
25 in accordance with such state's laws upon request of that
26 non-compacting state's Commissioner and approval of the
27 Commission.

28 (5) With respect to receiverships pending in a compacting
29 state on the effective date of the enactment of this Compact by
30 the compacting state:

31 (a) the Commission may act as Receiver of an insurer
32 upon the request of that compacting state's member and
33 approval of the Commission; and

34 (b) the Commission shall oversee, monitor, and
35 coordinate the activities of all receiverships pending in
36 that compacting state regardless whether the Commission is

1 acting as Receiver of estates in such state.

2 ARTICLE X. FINANCE

3 (1) The Commission shall pay or provide for the payment of
4 the reasonable expenses of its establishment and organization.

5 (2) Except as otherwise provided in this Compact or by act
6 of the Commission, the costs and expenses of each compacting
7 state shall be the sole and exclusive responsibility of the
8 respective compacting state. The Commission may pay or provide
9 for actual and necessary costs and expenses for attendance of
10 its members at official meetings of the Commission or its
11 designated committees.

12 (3) The Commission shall levy on and collect an annual
13 assessment from each compacting state and each insurer
14 authorized to do business in a compacting state, and writing
15 direct insurance, to cover the cost of the internal operations
16 and activities of the Commission and its staff in a total
17 amount sufficient to cover the Commission's annual budget.

18 (a) The aggregate annual assessment amount shall be
19 allocated 75% to insurers, hereinafter referred to as the
20 "insurers' portion", and 25% to compacting states,
21 hereinafter referred to as the "compacting states'
22 portion". The insurer portion shall be allocated to each
23 insurer by the percentage derived from a fraction, the
24 numerator of which shall be the gross direct written
25 premium received on that insurer's business in all
26 compacting states and the denominator of which shall be the
27 gross direct written premium received by all insurers on
28 business in all compacting states. The compacting states'
29 portion shall be allocated to each compacting state by the
30 percentage derived from a fraction, the numerator of which
31 shall be the gross direct written premium received by all
32 insurers on business in that compacting state and the
33 denominator shall be the gross direct written premium
34 received on all insurers on business in all compacting
35 states. A compacting state's portion shall be funded as

1 designated by that state's legislature. In no event shall
2 an insurer's assessment be less than \$50 or more than
3 \$25,000; provided, that affiliated insurers' combined
4 assessments shall not exceed \$50,000. Upon the request of
5 an insurer, the Commission may exempt or defer the
6 assessment of any insurer if such assessment would cause
7 the insurer's financial impairment.

8 (b) These assessments shall not be used to pay any
9 costs or expenses incurred by the Commission and its staff
10 acting as Receiver of estates. Such costs and expenses
11 shall be paid as administrative expenses from the assets of
12 the estates as provided by law, except as otherwise
13 provided in this Compact.

14 (c) An insurer authorized to do business in a
15 compacting state shall timely pay assessments to the
16 Commission. Failure to pay such assessments shall not be
17 grounds for the revocation, suspension, or denial of an
18 insurer's authority to do business, but shall subject the
19 insurer to suit by the Commission for recovery of any
20 assessment due, attorneys' fees, and costs, together with
21 interest from the date the assessment is due at a rate of
22 10% per annum, and to civil forfeiture in an amount to be
23 determined by the Commissioner of that compacting state in
24 which the insurer received the greatest premium in the year
25 next preceding the first year for which the insurer shall
26 be delinquent in payment of assessments.

27 (4) The Commission shall be reimbursed in the following
28 manner for the costs and expenses incurred by the Commission
29 and its staff acting as Receiver of estates to the extent that
30 an insurer's assets may be insufficient for the effective
31 administration of its estate:

32 (a) if the insurer is domiciled in a compacting state,
33 the estate shall be closed unless that compacting state
34 makes provisions for reimbursing the Commission; and

35 (b) if the insurer is unauthorized to do business in a
36 compacting state or if the insurer is domiciled in a

1 non-compacting state and subject to ancillary
2 receivership, then the Commission and such state shall make
3 provisions for reimbursing the Commission prior to the
4 Commission becoming Receiver of such insurer.

5 (5) To fund the cost of the initial operations of the
6 Commission until its first annual budget is adopted and related
7 assessments have been made, contributions from compacting
8 states and others may be accepted and a one time assessment on
9 insurers doing a direct insurance business in the compacting
10 states may be made not to exceed \$450 per insurer.

11 (6) The Commission's adopted budget for a fiscal year shall
12 not be approved until it has been subject to notice and comment
13 as set forth in Article VII of this Compact. The budget shall
14 determine the amount of the annual assessment. The Commission
15 may accumulate a net worth not to exceed 30% of its then annual
16 cost of operation to provide for contingencies and events not
17 contemplated. These accumulated funds shall be held separately
18 and shall not be used for any other purpose. The Commission's
19 budget may include a provision for a contribution to the
20 Commission's net worth.

21 (7) The Commission shall be exempt from all taxation in and
22 by the compacting states.

23 (8) The Commission shall not pledge the credit of any
24 compacting state, except by and with the appropriate legal
25 authority of that compacting state.

26 (9) The Commission shall keep complete and accurate
27 accounts of all its internal receipts (including grants and
28 donations) and disbursements of all funds, other than
29 receivership assets, under its control. The internal financial
30 accounts of the Commission shall be subject to the accounting
31 procedures established under its by-laws. The financial
32 accounts and reports including the system of internal controls
33 and procedures of the Commission shall be audited annually by
34 an independent certified public accountant. Upon the
35 determination of the Commission, but no less frequently than
36 every 3 years, the review of such independent auditor shall

1 include a management and performance audit of the Commission.
2 The report of such independent audit shall be made available to
3 the public and shall be included in and become part of the
4 annual report of the Commission to the Governors and
5 legislatures of the compacting states. The Commission's
6 internal accounts, any workpapers related to any internal
7 audit, and any workpapers related to the independent audit,
8 shall be confidential; provided, that such materials shall be
9 made available: (i) in compliance with the order of any court
10 of competent jurisdiction; (ii) pursuant to such reasonable
11 rules as the Commission shall promulgate; and (iii) to any
12 Commissioner, Governor of a compacting state, or their duly
13 authorized representatives.

14 (10) No compacting state shall have any claim to or
15 ownership of any property held by or vested in the Commission
16 or the Commission acting as Receiver or to any other Commission
17 funds held pursuant to the provisions of this Compact.

18 ARTICLE XI. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

19 (1) Any state is eligible to become a compacting state.

20 (2) The Compact shall become effective and binding upon
21 legislative enactment of the Compact into law by 2 compacting
22 states. Thereafter, it shall become effective and binding as to
23 any other compacting state upon enactment of the Compact into
24 law by that state.

25 (3) Amendments to the Compact may be proposed by the
26 Commission for enactment by the compacting states. No amendment
27 shall become effective and binding upon the Commission and the
28 compacting states unless and until it is enacted into law by
29 unanimous consent of the compacting states.

30 ARTICLE XII. WITHDRAWAL, DEFAULT, AND TERMINATION

31 Section A. Withdrawal.

32 (1) Once effective, the Compact shall continue in force and
33 remain binding upon each and every compacting state; provided,

1 that a compacting state may withdraw from the Compact
2 ("withdrawing state") by enacting a statute specifically
3 repealing the statute which enacted the Compact into law.

4 (2) The effective date of withdrawal is the effective date
5 of the repeal; provided, that the repeal shall not apply to any
6 receiverships, for which the Commission is acting as Receiver,
7 pending on the date of the repeal except by mutual agreement of
8 the Commission and the withdrawing state.

9 (3) The withdrawing state shall immediately notify the
10 Chairperson of the Commission in writing upon the introduction
11 of legislation repealing this Compact in the withdrawing state.

12 (4) The Commission shall notify the other compacting states
13 of the withdrawing state's intent to withdraw within 60 days of
14 its receipt thereof.

15 (5) The withdrawing state is responsible for all
16 assessments, obligations, and liabilities incurred through the
17 effective date of withdrawal, including any obligations, the
18 performance of which extend beyond the effective date of
19 withdrawal, except to the extent those obligations may have
20 been released or relinquished by mutual agreement of the
21 Commission and the withdrawing state. Notwithstanding the
22 foregoing, the withdrawing state is responsible for the costs
23 and expenses of its estates subject to this Compact pending on
24 the date of repeal; the Commission and the other estates
25 subject to this Compact shall not bear any costs and expenses
26 related to the withdrawing state's estates unless otherwise
27 mutually agreed upon between the Commission and the withdrawing
28 state.

29 (6) Reinstatement following withdrawal of any compacting
30 state shall occur upon the withdrawing state reenacting the
31 Compact or upon such later date as determined by the
32 Commission.

33 Section B. Default.

34 (1) If the Commission determines that any compacting state
35 has at any time defaulted ("defaulting state") in the

1 performance of any of its obligations or responsibilities under
2 this Compact, the by-laws, or duly promulgated rules, all
3 rights, privileges, and benefits conferred by this Compact and
4 any agreements entered into pursuant to this Compact shall be
5 suspended from the effective date of default as fixed by the
6 Commission. The grounds for default include, but are not
7 limited to, failure of a compacting state to perform such
8 obligations or responsibilities and any other grounds
9 designated in Commission rules. The Commission shall
10 immediately notify the defaulting state in writing of the
11 defaulting state's suspension pending a cure of the default.
12 The Commission shall stipulate the conditions and the time
13 period within which the defaulting state must cure its default.
14 If the defaulting state fails to cure the default within the
15 time period specified by the Commission, the defaulting state
16 shall be terminated from the Compact upon an affirmative vote
17 of a majority of the compacting states and all rights,
18 privileges, and benefits conferred by this Compact shall be
19 terminated from the effective date of termination.

20 (2) Within 60 days of the effective date of termination of
21 a defaulting state, the Commission shall notify the Governor
22 and the Majority and Minority Leaders of the defaulting state's
23 legislature of such termination.

24 (3) The termination of a defaulting state shall apply to
25 all receiverships, for which the Commission is acting as
26 Receiver, pending on the effective date of termination except
27 by mutual agreement of the Commission and the defaulting state.

28 (4) The defaulting state is responsible for all
29 assessments, obligations, and liabilities incurred through the
30 effective date of termination and is responsible for the costs
31 and expenses relating to its estates subject to this Compact
32 pending on the date of the termination. The Commission and the
33 other estates subject to this Compact shall not bear any costs
34 or expenses relating the defaulting state's estates unless
35 otherwise mutually agreed upon between the Commission and the
36 defaulting state.

1 (5) Reinstatement following termination of any compacting
2 state requires both a reenactment of the Compact by the
3 defaulting state and the approval of the Commission pursuant to
4 the rules.

5 Section C. Dissolution of Compact.

6 (1) The Compact dissolves effective upon the date of the
7 withdrawal or the termination by default of the compacting
8 state which reduces membership in the Compact to one compacting
9 state.

10 (2) Upon the dissolution of this Compact, the Compact
11 becomes null and void and shall be of no further force or
12 effect, and the business and affairs of the Commission shall be
13 wound up and any surplus funds shall be distributed in
14 accordance with the by-laws.

15 ARTICLE XIII. SEVERABILITY AND CONSTRUCTION

16 (1) The provisions of this Compact shall be severable, and
17 if any phrase, clause, sentence, or provision is deemed
18 unenforceable, the remaining provisions of the Compact shall be
19 enforceable.

20 (2) The provisions of this Compact shall be liberally
21 construed to effectuate its purposes.

22 ARTICLE XIV. BINDING EFFECT OF COMPACT AND OTHER LAWS

23 Section A. Other laws.

24 (1) Nothing herein prevents the enforcement of any other
25 law of a compacting state that is not inconsistent with this
26 Compact.

27 (2) All compacting states' laws conflicting with this
28 Compact are superseded to the extent of the conflict.

29 Section B. Binding effect of this Compact.

30 (1) All lawful actions of the Commission, including all
31 rules and operating procedures promulgated by the Commission,

1 are binding upon the compacting states.

2 (2) All agreements between the Commission and the
3 compacting states are binding in accordance with their terms.

4 (3) Upon the request of a party to a conflict over meaning
5 or interpretation of Commission actions, and upon a majority
6 vote of the compacting states, the Commission may issue
7 advisory opinions regarding such meaning or interpretation.

8 (4) In the event any provision of this Compact exceeds the
9 constitutional limits imposed on the legislature of any
10 compacting state, the obligations, duties, powers, or
11 jurisdiction sought to be conferred by such provision upon the
12 Commission shall be ineffective and such obligations, duties,
13 powers or jurisdiction shall remain in the compacting state and
14 shall be exercised by the agency thereof to which such
15 obligations, duties, powers, or jurisdiction are delegated by
16 law in effect at the time this Compact becomes effective.

17 (Source: P.A. 89-247, eff. 1-1-96; revised 10-13-05.)

18 Section 290. The Interstate Compact for Adult Offender
19 Supervision is amended by setting forth and renumbering
20 multiple versions of Section 110 as follows:

21 (45 ILCS 170/110)

22 Sec. 110. (Amendatory provisions; text omitted.)

23 (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

24 (45 ILCS 170/115)

25 Sec. 115. ~~110.~~ The Unified Code of Corrections is amended
26 by repealing Section 3-3-11.

27 (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

28 Section 295. The Special Assessment Supplemental Bond and
29 Procedures Act is amended by changing Section 55 as follows:

30 (50 ILCS 460/55)

31 Sec. 55. County clerk may collect. Pursuant to the Illinois

1 constitutional and statutory provisions relating to
2 intergovernmental cooperation, the county clerk of any county
3 in which property subject to a special assessment is located
4 may, but shall not be required to, agree to mail bills for a
5 special assessment with the regular tax bills of the county, or
6 otherwise as may be provided by a special assessment law. If
7 the clerk agrees to mail such bills with the regular tax bills,
8 then the annual amount due as of January 2 shall become due
9 instead in even installments with each tax bill made during the
10 year in which such January 2 date occurs, thus deferring to
11 later date in the year the obligation to pay the assessments.

12 If ~~In the event that~~ the county clerk does not agree to
13 mail the ~~such~~ bills, or if ~~in the event that~~ the municipality
14 declines to request the county clerk to mail the ~~said~~ bills,
15 the municipality still may bill the annual amount due, as of
16 January 2 ~~2nd~~, in 2 even installments to become due on or about
17 the due dates ~~date~~ for the real estate tax bills issued by the
18 county clerk during the year in which the January 2 ~~2nd~~ date
19 occurs, thus ~~thereby deferring to later dates in said year~~ the
20 obligation to pay the assessment installment to later dates in
21 that year.

22 If ~~In the event that~~ the county clerk agrees to mail the
23 ~~such~~ bills on behalf of a municipality, the county may charge a
24 fee for such services to be paid from the special assessment.
25 The ~~Such~~ fee shall be considered as a cost of making, levying,
26 and collecting the assessment provided for in Section 9-2-139
27 of the Illinois Municipal Code.

28 (Source: P.A. 93-196, eff. 7-14-03; 93-222, eff. 1-1-04;
29 revised 9-11-03.)

30 Section 300. The Emergency Telephone System Act is amended
31 by changing Section 15.3 as follows:

32 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

33 Sec. 15.3. Surcharge.

34 (a) The corporate authorities of any municipality or any

1 county may, subject to the limitations of subsections (c), (d),
2 and (h), and in addition to any tax levied pursuant to the
3 Simplified Municipal Telecommunications Tax Act, impose a
4 monthly surcharge on billed subscribers of network connection
5 provided by telecommunication carriers engaged in the business
6 of transmitting messages by means of electricity originating
7 within the corporate limits of the municipality or county
8 imposing the surcharge at a rate per network connection
9 determined in accordance with subsection (c). Provided,
10 however, that where multiple voice grade communications
11 channels are connected between the subscriber's premises and a
12 public switched network through private branch exchange (PBX)
13 or centrex type service, a municipality imposing a surcharge at
14 a rate per network connection, as determined in accordance with
15 this Act, shall impose 5 such surcharges per network
16 connection, as determined in accordance with subsections (a)
17 and (d) of Section 2.12 of this Act. For mobile
18 telecommunications services, if a surcharge is imposed it shall
19 be imposed based upon the municipality or county that
20 encompasses the customer's place of primary use as defined in
21 the Mobile Telecommunications Sourcing Conformity Act. A
22 municipality may enter into an intergovernmental agreement
23 with any county in which it is partially located, when the
24 county has adopted an ordinance to impose a surcharge as
25 provided in subsection (c), to include that portion of the
26 municipality lying outside the county in that county's
27 surcharge referendum. If the county's surcharge referendum is
28 approved, the portion of the municipality identified in the
29 intergovernmental agreement shall automatically be
30 disconnected from the county in which it lies and connected to
31 the county which approved the referendum for purposes of a
32 surcharge on telecommunications carriers.

33 (b) For purposes of computing the surcharge imposed by
34 subsection (a), the network connections to which the surcharge
35 shall apply shall be those in-service network connections,
36 other than those network connections assigned to the

1 municipality or county, where the service address for each such
 2 network connection or connections is located within the
 3 corporate limits of the municipality or county levying the
 4 surcharge. Except for mobile telecommunication services, the
 5 "service address" shall mean the location of the primary use of
 6 the network connection or connections. For mobile
 7 telecommunication services, "service address" means the
 8 customer's place of primary use as defined in the Mobile
 9 Telecommunications Sourcing Conformity Act. With respect to
 10 network connections provided for use with pay telephone
 11 services for which there is no billed subscriber, the
 12 telecommunications carrier providing the network connection
 13 shall be deemed to be its own billed subscriber for purposes of
 14 applying the surcharge.

15 (c) Upon the passage of an ordinance to impose a surcharge
 16 under this Section the clerk of the municipality or county
 17 shall certify the question of whether the surcharge may be
 18 imposed to the proper election authority who shall submit the
 19 public question to the electors of the municipality or county
 20 in accordance with the general election law; provided that such
 21 question shall not be submitted at a consolidated primary
 22 election. The public question shall be in substantially the
 23 following form:

24 -----
 25 Shall the county (or city, village
 26 or incorporated town) of impose YES
 27 a surcharge of up to ...¢ per month per
 28 network connection, which surcharge will
 29 be added to the monthly bill you receive -----
 30 for telephone or telecommunications
 31 charges, for the purpose of installing
 32 (or improving) a 9-1-1 Emergency NO
 33 Telephone System?

34 -----
 35 If a majority of the votes cast upon the public question
 36 are in favor thereof, the surcharge shall be imposed.

1 However, if a Joint Emergency Telephone System Board is to
2 be created pursuant to an intergovernmental agreement under
3 Section 15.4, the ordinance to impose the surcharge shall be
4 subject to the approval of a majority of the total number of
5 votes cast upon the public question by the electors of all of
6 the municipalities or counties, or combination thereof, that
7 are parties to the intergovernmental agreement.

8 The referendum requirement of this subsection (c) shall not
9 apply to any municipality with a population over 500,000 or to
10 any county in which a proposition as to whether a sophisticated
11 9-1-1 Emergency Telephone System should be installed in the
12 county, at a cost not to exceed a specified monthly amount per
13 network connection, has previously been approved by a majority
14 of the electors of the county voting on the proposition at an
15 election conducted before the effective date of this amendatory
16 Act of 1987.

17 (d) A county may not impose a surcharge, unless requested
18 by a municipality, in any incorporated area which has
19 previously approved a surcharge as provided in subsection (c)
20 or in any incorporated area where the corporate authorities of
21 the municipality have previously entered into a binding
22 contract or letter of intent with a telecommunications carrier
23 to provide sophisticated 9-1-1 service through municipal
24 funds.

25 (e) A municipality or county may at any time by ordinance
26 change the rate of the surcharge imposed under this Section if
27 the new rate does not exceed the rate specified in the
28 referendum held pursuant to subsection (c).

29 (f) The surcharge authorized by this Section shall be
30 collected from the subscriber by the telecommunications
31 carrier providing the subscriber the network connection as a
32 separately stated item on the subscriber's bill.

33 (g) The amount of surcharge collected by the
34 telecommunications carrier shall be paid to the particular
35 municipality or county or Joint Emergency Telephone System
36 Board not later than 30 days after the surcharge is collected,

1 net of any network or other 9-1-1 or sophisticated 9-1-1 system
2 charges then due the particular telecommunications carrier, as
3 shown on an itemized bill. The telecommunications carrier
4 collecting the surcharge shall also be entitled to deduct 3% of
5 the gross amount of surcharge collected to reimburse the
6 telecommunications carrier for the expense of accounting and
7 collecting the surcharge.

8 (h) Except as expressly provided in subsection (a) of this
9 Section, a municipality with a population over 500,000 may not
10 impose a monthly surcharge in excess of \$1.25 per network
11 connection.

12 (i) Any municipality or county or joint emergency telephone
13 system board that has imposed a surcharge pursuant to this
14 Section prior to the effective date of this amendatory Act of
15 1990 shall hereafter impose the surcharge in accordance with
16 subsection (b) of this Section.

17 (j) The corporate authorities of any municipality or county
18 may issue, in accordance with Illinois law, bonds, notes or
19 other obligations secured in whole or in part by the proceeds
20 of the surcharge described in this Section. Notwithstanding any
21 change in law subsequent to the issuance of any bonds, notes or
22 other obligations secured by the surcharge, every municipality
23 or county issuing such bonds, notes or other obligations shall
24 be authorized to impose the surcharge as though the laws
25 relating to the imposition of the surcharge in effect at the
26 time of issuance of the bonds, notes or other obligations were
27 in full force and effect until the bonds, notes or other
28 obligations are paid in full. The State of Illinois pledges and
29 agrees that it will not limit or alter the rights and powers
30 vested in municipalities and counties by this Section to impose
31 the surcharge so as to impair the terms of or affect the
32 security for bonds, notes or other obligations secured in whole
33 or in part with the proceeds of the surcharge described in this
34 Section.

35 (k) Any surcharge collected by or imposed on a
36 telecommunications carrier pursuant to this Section shall be

1 held to be a special fund in trust for the municipality, county
2 or Joint Emergency Telephone Board imposing the surcharge.
3 Except for the 3% deduction provided in subsection (g) above,
4 the special fund shall not be subject to the claims of
5 creditors of the telecommunication carrier.

6 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
7 eff. 1-1-03; revised 10-2-02.)

8 Section 305. The Counties Code is amended by changing
9 Sections 5-1022 and 5-1101 as follows:

10 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

11 Sec. 5-1022. Competitive bids.

12 (a) Any purchase by a county with fewer than 2,000,000
13 inhabitants of services, materials, equipment or supplies in
14 excess of \$20,000, other than professional services, shall be
15 contracted for in one of the following ways:

16 (1) by a contract let to the lowest responsible bidder
17 after advertising for bids in a newspaper published within
18 the county or, if no newspaper is published within the
19 county, then a newspaper having general circulation within
20 the county; or

21 (2) by a contract let without advertising for bids in
22 the case of an emergency if authorized by the county board.

23 (b) In determining the lowest responsible bidder, the
24 county board shall take into consideration the qualities of the
25 articles supplied; their conformity with the specifications;
26 their suitability to the requirements of the county,
27 availability of support services; uniqueness of the service,
28 materials, equipment, or supplies as it applies to networked,
29 integrated computer systems; compatibility to existing
30 equipment; and the delivery terms. The county board also may
31 take into consideration whether a bidder is a private
32 enterprise or a State-controlled enterprise and,
33 notwithstanding any other provision of this Section or a lower
34 bid by a State-controlled enterprise, may let a contract to the

1 lowest responsible bidder that is a private enterprise.

2 (c) This Section does not apply to contracts by a county
3 with the federal government or to purchases of used equipment,
4 purchases at auction or similar transactions which by their
5 very nature are not suitable to competitive bids, pursuant to
6 an ordinance adopted by the county board.

7 (d) Notwithstanding the provisions of this Section, a
8 county may let without advertising for bids in the case of
9 purchases and contracts, when individual orders do not exceed
10 \$25,000, for the use, purchase, delivery, movement, or
11 installation of data processing equipment, software, or
12 services and telecommunications and inter-connect equipment,
13 software, and services.

14 (e) A county may require, as a condition of any contract
15 for goods and services, that persons awarded a contract with
16 the county and all affiliates of the person collect and remit
17 Illinois Use Tax on all sales of tangible personal property
18 into the State of Illinois in accordance with the provisions of
19 the Illinois Use Tax Act regardless of whether the person or
20 affiliate is a "retailer maintaining a place of business within
21 this State" as defined in Section 2 of the Use Tax Act. For
22 purposes of this subsection (e), the term "affiliate" means any
23 entity that (1) directly, indirectly, or constructively
24 controls another entity, (2) is directly, indirectly, or
25 constructively controlled by another entity, or (3) is subject
26 to the control of a common entity. For purposes of this
27 subsection (e), an entity controls another entity if it owns,
28 directly or individually, more than 10% of the voting
29 securities of that entity. As used in this subsection (e), the
30 term "voting security" means a security that (1) confers upon
31 the holder the right to vote for the election of members of the
32 board of directors or similar governing body of the business or
33 (2) is convertible into, or entitles the holder to receive upon
34 its exercise, a security that confers such a right to vote. A
35 general partnership interest is a voting security.

36 (f) Bids submitted to, and contracts executed by, the

1 county may require a certification by the bidder or contractor
2 that the bidder or contractor is not barred from bidding for or
3 entering into a contract under this Section and that the bidder
4 or contractor acknowledges that the county may declare the
5 contract void if the certification completed pursuant to this
6 subsection (f) is false.

7 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised
8 8-12-03.)

9 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

10 Sec. 5-1101. Additional fees to finance court system. A
11 county board may enact by ordinance or resolution the following
12 fees:

13 (a) A \$5 fee to be paid by the defendant on a judgment of
14 guilty or a grant of supervision for violation of the Illinois
15 Vehicle Code other than Section 11-501 or violations of similar
16 provisions contained in county or municipal ordinances
17 committed in the county, and up to a \$30 fee to be paid by the
18 defendant on a judgment of guilty or a grant of supervision for
19 violation of Section 11-501 of the Illinois Vehicle Code or a
20 violation of a similar provision contained in county or
21 municipal ordinances committed in the county.

22 (b) In the case of a county having a population of
23 1,000,000 or less, a \$5 fee to be collected in all civil cases
24 by the clerk of the circuit court.

25 (c) A fee to be paid by the defendant on a judgment of
26 guilty or a grant of supervision under Section 5-9-1 of the
27 Unified Code of Corrections, as follows:

- 28 (1) for a felony, \$50;
29 (2) for a class A misdemeanor, \$25;
30 (3) for a class B or class C misdemeanor, \$15;
31 (4) for a petty offense, \$10;
32 (5) for a business offense, \$10.

33 (d) A \$100 fee for the second and subsequent violations of
34 Section 11-501 of the Illinois Vehicle Code or violations of
35 similar provisions contained in county or municipal ordinances

1 committed in the county. The proceeds of this fee shall be
2 placed in the county general fund and used to finance education
3 programs related to driving under the influence of alcohol or
4 drugs.

5 (d-5) A \$10 fee to be paid by the defendant on a judgment
6 of guilty or a grant of supervision under Section 5-9-1 of the
7 Unified Code of Corrections to be placed in the county general
8 fund and used to finance the county mental health court.

9 (e) In each county in which a teen court, peer court, peer
10 jury, youth court, or other youth diversion program has been
11 created, a county may adopt a mandatory fee of up to \$5 to be
12 assessed as provided in this subsection. Assessments collected
13 by the clerk of the circuit court pursuant to this subsection
14 must be deposited into an account specifically for the
15 operation and administration of a teen court, peer court, peer
16 jury, youth court, or other youth diversion program. The clerk
17 of the circuit court shall collect the fees established in this
18 subsection and must remit the fees to the teen court, peer
19 court, peer jury, youth court, or other youth diversion program
20 monthly, less 5%, which is to be retained as fee income to the
21 office of the clerk of the circuit court. The fees are to be
22 paid as follows:

23 (1) a fee of up to \$5 paid by the defendant on a
24 judgment of guilty or grant of supervision for violation of
25 the Illinois Vehicle Code or violations of similar
26 provisions contained in county or municipal ordinances
27 committed in the county;

28 (2) a fee of up to \$5 paid by the defendant on a
29 judgment of guilty or grant of supervision under Section
30 5-9-1 of the Unified Code of Corrections for a felony; for
31 a Class A, Class B, or Class C misdemeanor; for a petty
32 offense; and for a business offense.

33 (f) The proceeds of all fees enacted under this Section
34 must, except as provided in subsections (d) ~~and~~ (d-5) ~~and~~
35 (e), be placed in the county general fund and used to finance
36 the court system in the county, unless the fee is subject to

1 disbursement by the circuit clerk as provided under Section
2 27.5 of the Clerks of Courts Act.

3 (Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; revised
4 10-14-04.)

5 Section 310. The Township Code is amended by setting forth
6 and renumbering multiple versions of Sections 30-166 and 85-50
7 and by changing Section 235-20 as follows:

8 (60 ILCS 1/30-166)

9 Sec. 30-166. Civil penalties for false fire alarms. The
10 township board of any township providing fire protection
11 services may impose reasonable civil penalties on individuals
12 who repeatedly cause false fire alarms.

13 (Source: P.A. 93-302, eff. 1-1-04.)

14 (60 ILCS 1/30-167)

15 Sec. 30-167 ~~30-166~~. Charge against non-residents.

16 (a) The township board of each township may fix, charge,
17 and collect fees not exceeding the reasonable cost of the
18 service for all services rendered by the township against
19 persons, businesses, and other entities who are not residents
20 of the township.

21 (b) The charge may not be assessed against residents of the
22 township or persons who request fire protection coverage for an
23 unprotected area and who pay to the township an amount equal to
24 the township's fire protection tax under Article 200 of this
25 Code.

26 (c) The charge for such services shall be computed at a
27 rate not to exceed \$125 per hour per vehicle and not to exceed
28 \$35 per hour per firefighter responding to a call for
29 assistance. An additional charge may be levied to reimburse the
30 township for extraordinary expenses of materials used in
31 rendering such services. No charge shall be made for services
32 for which the total charge would be less than \$50.

33 (d) All revenue from the charges assessed pursuant to this

1 Section shall be deposited into the general fund of the
2 township.

3 (Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)

4 (60 ILCS 1/85-50)

5 Sec. 85-50. Demolition, repair, or enclosure of buildings.

6 (a) The township board of any township may formally request
7 the county board to commence specified proceedings with respect
8 to property located within the township but outside the
9 territory of any municipality as provided in Section 5-1121 of
10 the Counties Code. If the county board declines the request as
11 provided in Section 5-1121 of the Counties Code, the township
12 may exercise its powers under this Section.

13 (b) The township board of each township may demolish,
14 repair, or enclose or cause the demolition, repair, or
15 enclosure of dangerous and unsafe buildings or uncompleted and
16 abandoned buildings within the territory of the township and
17 may remove or cause the removal of garbage, debris, and other
18 hazardous, noxious, or unhealthy substances or materials from
19 those buildings.

20 The township board shall apply to the circuit court of the
21 county in which the building is located (i) for an order
22 authorizing action to be taken with respect to a building if
23 the owner or owners of the building, including the lien holders
24 of record, after at least 15 days' written notice by mail to do
25 so, have failed to commence proceedings to put the building in
26 a safe condition or to demolish it or (ii) for an order
27 requiring the owner or owners of record to demolish, repair, or
28 enclose the building or to remove garbage, debris, and other
29 hazardous, noxious, or unhealthy substances or materials from
30 the building. It is not a defense to the cause of action that
31 the building is boarded up or otherwise enclosed, although the
32 court may order the defendant to have the building boarded up
33 or otherwise enclosed. Where, upon diligent search, the
34 identity or whereabouts of the owner or owners of the building,
35 including the lien holders of record, is not ascertainable,

1 notice mailed to the person or persons in whose name the real
2 estate was last assessed and the posting of the notice upon the
3 premises sought to be demolished or repaired is sufficient
4 notice under this Section.

5 The hearing upon the application to the circuit court shall
6 be expedited by the court and shall be given precedence over
7 all other suits.

8 The cost of the demolition, repair, enclosure, or removal
9 incurred by the township, by an intervenor, or by a lien holder
10 of record, including court costs, attorney's fees, and other
11 costs related to the enforcement of this Section, is
12 recoverable from the owner or owners of the real estate or the
13 previous owner or both if the property was transferred during
14 the 15-day notice period and is a lien on the real estate if,
15 within 180 days after the repair, demolition, enclosure, or
16 removal, the township, the lien holder of record, or the
17 intervenor who incurred the cost and expense shall file a
18 notice of lien for the cost and expense incurred in the office
19 of the recorder in the county in which the real estate is
20 located or in the office of the registrar of titles of the
21 county if the real estate affected is registered under the
22 Registered Titles (Torrens) Act. The lien becomes effective at
23 the time of filing.

24 The notice must consist of a sworn statement setting out
25 (1) a description of the real estate sufficient for its
26 identification, (2) the amount of money representing the cost
27 and expense incurred, and (3) the date or dates when the cost
28 and expense was incurred by the township, the lien holder of
29 record, or the intervenor. Upon payment of the cost and expense
30 by the owner of or persons interested in the property after the
31 notice of lien has been filed, the lien shall be released by
32 the township, the person in whose name the lien has been filed,
33 or the assignee of the lien, and the release may be filed of
34 record as in the case of filing notice of lien. Unless the lien
35 is enforced under subsection (c), the lien may be enforced by
36 foreclosure proceedings as in the case of mortgage foreclosures

1 under Article XV of the Code of Civil Procedure or mechanics'
2 lien foreclosures. An action to foreclose this lien may be
3 commenced at any time after the date of filing of the notice of
4 lien. The costs of foreclosure incurred by the township,
5 including court costs, reasonable attorney's fees, advances to
6 preserve the property, and other costs related to the
7 enforcement of this subsection, plus statutory interest, are a
8 lien on the real estate and are recoverable by the township
9 from the owner or owners of the real estate.

10 All liens arising under this subsection (b) shall be
11 assignable. The assignee of the lien shall have the same power
12 to enforce the lien as the assigning party, except that the
13 lien may not be enforced under subsection (c).

14 (c) In any case where a township has obtained a lien under
15 subsection (b), the township may enforce the lien under this
16 subsection (c) in the same proceeding in which the lien is
17 authorized.

18 A township desiring to enforce a lien under this subsection
19 (c) shall petition the court to retain jurisdiction for
20 foreclosure proceedings under this subsection. Notice of the
21 petition shall be served, by certified or registered mail, on
22 all persons who were served notice under subsection (b). The
23 court shall conduct a hearing on the petition not less than 15
24 days after the notice is served. If the court determines that
25 the requirements of this subsection (c) have been satisfied, it
26 shall grant the petition and retain jurisdiction over the
27 matter until the foreclosure proceeding is completed. The costs
28 of foreclosure incurred by the township, including court costs,
29 reasonable attorneys' fees, advances to preserve the property,
30 and other costs related to the enforcement of this subsection,
31 plus statutory interest, are a lien on the real estate and are
32 recoverable by the township from the owner or owners of the
33 real estate. If the court denies the petition, the township may
34 enforce the lien in a separate action as provided in subsection
35 (b).

36 All persons designated in Section 15-1501 of the Code of

1 Civil Procedure as necessary parties in a mortgage foreclosure
2 action shall be joined as parties before issuance of an order
3 of foreclosure. Persons designated in Section 15-1501 of the
4 Code of Civil Procedure as permissible parties may also be
5 joined as parties in the action.

6 The provisions of Article XV of the Code of Civil Procedure
7 applicable to mortgage foreclosures shall apply to the
8 foreclosure of a lien under this subsection (c), except to the
9 extent that those provisions are inconsistent with this
10 subsection. For purposes of foreclosures of liens under this
11 subsection, however, the redemption period described in
12 subsection (c) of Section 15-1603 of the Code of Civil
13 Procedure shall end 60 days after the date of entry of the
14 order of foreclosure.

15 (d) In addition to any other remedy provided by law, the
16 township board of any township may petition the circuit court
17 to have property declared abandoned under this subsection (d)
18 if:

19 (1) the property has been tax delinquent for 2 or more
20 years or bills for water service for the property have been
21 outstanding for 2 or more years;

22 (2) the property is unoccupied by persons legally in
23 possession; and

24 (3) the property contains a dangerous or unsafe
25 building.

26 All persons having an interest of record in the property,
27 including tax purchasers and beneficial owners of any Illinois
28 land trust having title to the property, shall be named as
29 defendants in the petition and shall be served with process. In
30 addition, service shall be had under Section 2-206 of the Code
31 of Civil Procedure as in other cases affecting property.

32 The township, however, may proceed under this subsection in
33 a proceeding brought under subsection (b). Notice of the
34 petition shall be served by certified or registered mail on all
35 persons who were served notice under subsection (b).

36 If the township proves that the conditions described in

1 this subsection exist and the owner of record of the property
2 does not enter an appearance in the action, or, if title to the
3 property is held by an Illinois land trust, if neither the
4 owner of record nor the owner of the beneficial interest of the
5 trust enters an appearance, the court shall declare the
6 property abandoned.

7 If that determination is made, notice shall be sent by
8 certified or registered mail to all persons having an interest
9 of record in the property, including tax purchasers and
10 beneficial owners of any Illinois land trust having title to
11 the property, stating that title to the property will be
12 transferred to the township unless, within 30 days of the
13 notice, the owner of record enters an appearance in the action,
14 or unless any other person having an interest in the property
15 files with the court a request to demolish the dangerous or
16 unsafe building or to put the building in safe condition.

17 If the owner of record enters an appearance in the action
18 within the 30-day period, the court shall vacate its order
19 declaring the property abandoned. In that case, the township
20 may amend its complaint in order to initiate proceedings under
21 subsection (b).

22 If a request to demolish or repair the building is filed
23 within the 30-day period, the court shall grant permission to
24 the requesting party to demolish the building within 30 days or
25 to restore the building to safe condition within 60 days after
26 the request is granted. An extension of that period for up to
27 60 additional days may be given for good cause. If more than
28 one person with an interest in the property files a timely
29 request, preference shall be given to the person with the lien
30 or other interest of the highest priority.

31 If the requesting party proves to the court that the
32 building has been demolished or put in a safe condition within
33 the period of time granted by the court, the court shall issue
34 a quitclaim judicial deed for the property to the requesting
35 party, conveying only the interest of the owner of record, upon
36 proof of payment to the township of all costs incurred by the

1 township in connection with the action, including but not
2 limited to court costs, attorney's fees, administrative costs,
3 the costs, if any, associated with building enclosure or
4 removal, and receiver's certificates. The interest in the
5 property so conveyed shall be subject to all liens and
6 encumbrances on the property. In addition, if the interest is
7 conveyed to a person holding a certificate of purchase for the
8 property under the Property Tax Code, the conveyance shall be
9 subject to the rights of redemption of all persons entitled to
10 redeem under that Act, including the original owner of record.

11 If no person with an interest in the property files a
12 timely request or if the requesting party fails to demolish the
13 building or put the building in safe condition within the time
14 specified by the court, the township may petition the court to
15 issue a judicial deed for the property to the county. A
16 conveyance by judicial deed shall operate to extinguish all
17 existing ownership interests in, liens on, and other interest
18 in the property, including tax liens.

19 (e) This Section applies only to requests made by townships
20 under subsection (a) before January 1, 2006 and proceedings to
21 implement or enforce this Section with respect to matters
22 related to or arising from those requests.

23 (Source: P.A. 92-347, eff. 8-15-01.)

24 (60 ILCS 1/85-55)

25 Sec. 85-55 ~~85-50~~. Horse-drawn vehicles. The township board
26 may, by ordinance, license and regulate horse-drawn vehicles
27 operating within the township. The ordinance may also (i)
28 prescribe regulations for the safe operation of horse-drawn
29 vehicles and (ii) require the examination of persons operating
30 a horse-drawn vehicle. Any annual fee charged for a license to
31 operate a horse-drawn vehicle may not exceed \$50. Any fees
32 charged for a license to operate a horse-drawn vehicle within
33 the township must be used for the improvement of township
34 roads.

35 For the purposes of this Section, "horse-drawn vehicle"

1 means any vehicle powered by any animal of the equine family.
2 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

3 (60 ILCS 1/235-20)

4 Sec. 235-20. General assistance tax.

5 (a) The township board may raise money by taxation deemed
6 necessary to be expended to provide general assistance in the
7 township to persons needing that assistance as provided in the
8 Illinois Public Aid Code, including persons eligible for
9 assistance under the Military Veterans Assistance Act, where
10 that duty is provided by law. The tax for each fiscal year
11 shall not be more than 0.10% of value, or more than an amount
12 approved at a referendum held under this Section, as equalized
13 or assessed by the Department of Revenue, and shall in no case
14 exceed the amount needed in the township for general
15 assistance. The board may decrease the maximum tax rate by
16 ordinance.

17 (b) Except as otherwise provided in this subsection, if the
18 board desires to increase the maximum tax rate, it shall order
19 a referendum on that proposition to be held at an election in
20 accordance with the general election law. The board shall
21 certify the proposition to the proper election officials, who
22 shall submit the proposition to the voters at an election in
23 accordance with the general election law. If a majority of the
24 votes cast on the proposition is in favor of the proposition,
25 the board may annually levy the tax at a rate not exceeding the
26 higher rate approved by the voters at the election. If,
27 however, the board has decreased the maximum tax rate under
28 subsection (a), then it may, at any time after the decrease,
29 increase the maximum tax rate, by ordinance, to a rate less
30 than or equal to the maximum tax rate immediately prior to the
31 board's ordinance to decrease the rate.

32 (c) If a city, village, or incorporated town having a
33 population of more than 500,000 is located within or partially
34 within a township, then the entire amount of the tax levied by
35 the township for the purpose of providing general assistance

1 under this Section on property lying within that city, village,
2 or incorporated town, less the amount allowed for collecting
3 the tax, shall be paid over by the treasurer of the township to
4 the treasurer of the city, village, or incorporated town to be
5 appropriated and used by the city, village, or incorporated
6 town for the relief and support of persons needing general
7 assistance residing in that portion of the city, village, or
8 incorporated town located within the township in accordance
9 with the Illinois Public Aid Code.

10 (d) Any taxes levied for general assistance before or after
11 this Section takes effect may also be used for the payment of
12 warrants issued against and in anticipation of those taxes and
13 accrued interest on those warrants and may also be used to pay
14 the cost of administering that assistance.

15 (e) In any township with a population of less than 500,000
16 that receives no State funding for the general assistance
17 program and that has not issued anticipation warrants or
18 otherwise borrowed monies for the administration of the general
19 assistance program during the township's previous 3 fiscal
20 years of operation, a one time transfer of monies from the
21 township's general assistance fund may be made to the general
22 township fund pursuant to action by the township board. This
23 transfer may occur only to the extent that the amount of monies
24 remaining in the general assistance fund after the transfer is
25 equal to the greater of (i) the amount of the township's
26 expenditures in the previous fiscal year for general assistance
27 or (ii) an amount equal to either 0.10% of the last known total
28 equalized value of all taxable property in the township, or
29 100% of the highest amount levied for general assistance
30 purposes in any of the three previous fiscal years. The
31 transfer shall be completed no later than one year after the
32 effective date of this amendatory Act of the 92nd General
33 Assembly. No township that has certified a new levy or an
34 increase in the levy under this Section during calendar year
35 2002 may transfer monies under this subsection. No action on
36 the transfer of monies under this subsection shall be taken by

1 the township board except at a township board meeting. No
2 monies transferred under this subsection shall be considered in
3 determining whether the township qualifies for State funds to
4 supplement local funds for public aid purposes under Section
5 12-21.13 of the Illinois Public Aid Code.

6 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;
7 revised 9-9-02.)

8 Section 315. The Illinois Municipal Code is amended by
9 changing Sections 3.1-30-20, 8-11-1.2, 11-31-1, 11-74.4-3,
10 11-74.4-7, and 11-124-1 and by renumbering Section 19-2.5 as
11 follows:

12 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

13 Sec. 3.1-30-20. Auxiliary policemen.

14 (a) Auxiliary policemen shall not be members of the regular
15 police department of the municipality. Auxiliary policemen
16 shall not supplement members of the regular police department
17 of any municipality in the performance of their assigned and
18 normal duties, except as otherwise provided in this Code.
19 Auxiliary policemen shall only be assigned to perform the
20 following duties in a municipality: (i) to aid or direct
21 traffic within the municipality, (ii) to aid in control of
22 natural or man made disasters, and (iii) to aid in case of
23 civil disorder as directed by the chief of police. When it is
24 impractical for members of the regular police department to
25 perform those normal and regular police duties, however, the
26 chief of police of the regular police department may assign
27 auxiliary policemen to perform those normal and regular police
28 duties. Identification symbols worn by auxiliary policemen
29 shall be different and distinct from those used by members of
30 the regular police department. Auxiliary policemen shall at all
31 times during the performance of their duties be subject to the
32 direction and control of the chief of police of the
33 municipality. Auxiliary policemen shall not carry firearms,
34 except with the permission of the chief of police and while in

1 uniform and in the performance of their duties. Auxiliary
2 policemen, when on duty, shall also be conservators of the
3 peace and shall have the powers specified in Section 3.1-15-25.

4 (b) Auxiliary policemen, before entering upon any of their
5 duties, shall receive a course of training in the use of
6 weapons and other police procedures appropriate for the
7 exercise of the powers conferred upon them under this Code. The
8 training and course of study shall be determined and provided
9 by the corporate authorities of each municipality employing
10 auxiliary policemen. The municipal authorities may require
11 that all auxiliary policemen be residents of the municipality
12 served by them. Before the appointment of an auxiliary
13 policeman, the person's fingerprints shall be taken, and no
14 person shall be appointed as an auxiliary policeman if that
15 person has been convicted of a felony or other crime involving
16 moral turpitude.

17 (c) The Line of Duty ~~Law Enforcement Officers, Civil~~
18 ~~Defense Workers, Civil Air Patrol Members, Paramedics and~~
19 ~~Firemen~~ Compensation Act shall be applicable to auxiliary
20 policemen upon their death in the line of duty described in
21 this Code.

22 (Source: P.A. 87-1119; revised 11-15-04.)

23 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

24 Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3,
25 8-11-1.4 and 8-11-1.5 of this Act:

26 (a) "Public infrastructure" means municipal roads and
27 streets, access roads, bridges, and sidewalks; waste disposal
28 systems; and water and sewer line extensions, water
29 distribution and purification facilities, storm water drainage
30 and retention facilities, and sewage treatment facilities. For
31 purposes of referenda authorizing the imposition of taxes by
32 the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and
33 8-11-1.5 of this Act that are approved in November, 2002,
34 "public infrastructure" shall also include public schools.

35 (b) "Property tax relief" means the action of a

1 municipality to reduce the levy for real estate taxes or avoid
2 an increase in the levy for real estate taxes that would
3 otherwise have been required. Property tax relief or the
4 avoidance of property tax must uniformly apply to all classes
5 of property.

6 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815,
7 eff. 8-21-02; revised 9-10-02.)

8 (65 ILCS 5/11-19.2-5) (was 65 ILCS 5/19.2-5)

9 Sec. 11-19.2-5 ~~19.2-5~~. Subpoenas - Defaults. At any time
10 prior to the hearing date the hearing officer assigned to hear
11 the case may, at the request of the sanitation inspector or the
12 attorney for the municipality, or the respondent or his
13 attorney, issue subpoenas directing witnesses to appear and
14 give testimony at the hearing. If on the date set for hearing
15 the respondent or his attorney fails to appear, the hearing
16 officer may find the respondent in default and shall proceed
17 with the hearing and accept evidence relating to the existence
18 of a code violation.

19 (Source: P.A. 86-1364; revised 10-19-05.)

20 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

21 Sec. 11-31-1. Demolition, repair, enclosure, or
22 remediation.

23 (a) The corporate authorities of each municipality may
24 demolish, repair, or enclose or cause the demolition, repair,
25 or enclosure of dangerous and unsafe buildings or uncompleted
26 and abandoned buildings within the territory of the
27 municipality and may remove or cause the removal of garbage,
28 debris, and other hazardous, noxious, or unhealthy substances
29 or materials from those buildings. In any county having adopted
30 by referendum or otherwise a county health department as
31 provided by Division 5-25 of the Counties Code or its
32 predecessor, the county board of that county may exercise those
33 powers with regard to dangerous and unsafe buildings or
34 uncompleted and abandoned buildings within the territory of any

1 city, village, or incorporated town having less than 50,000
2 population.

3 The corporate authorities shall apply to the circuit court
4 of the county in which the building is located (i) for an order
5 authorizing action to be taken with respect to a building if
6 the owner or owners of the building, including the lien holders
7 of record, after at least 15 days' written notice by mail so to
8 do, have failed to put the building in a safe condition or to
9 demolish it or (ii) for an order requiring the owner or owners
10 of record to demolish, repair, or enclose the building or to
11 remove garbage, debris, and other hazardous, noxious, or
12 unhealthy substances or materials from the building. It is not
13 a defense to the cause of action that the building is boarded
14 up or otherwise enclosed, although the court may order the
15 defendant to have the building boarded up or otherwise
16 enclosed. Where, upon diligent search, the identity or
17 whereabouts of the owner or owners of the building, including
18 the lien holders of record, is not ascertainable, notice mailed
19 to the person or persons in whose name the real estate was last
20 assessed is sufficient notice under this Section.

21 The hearing upon the application to the circuit court shall
22 be expedited by the court and shall be given precedence over
23 all other suits. Any person entitled to bring an action under
24 subsection (b) shall have the right to intervene in an action
25 brought under this Section.

26 The cost of the demolition, repair, enclosure, or removal
27 incurred by the municipality, by an intervenor, or by a lien
28 holder of record, including court costs, attorney's fees, and
29 other costs related to the enforcement of this Section, is
30 recoverable from the owner or owners of the real estate or the
31 previous owner or both if the property was transferred during
32 the 15 day notice period and is a lien on the real estate; the
33 lien is superior to all prior existing liens and encumbrances,
34 except taxes, if, within 180 days after the repair, demolition,
35 enclosure, or removal, the municipality, the lien holder of
36 record, or the intervenor who incurred the cost and expense

1 shall file a notice of lien for the cost and expense incurred
2 in the office of the recorder in the county in which the real
3 estate is located or in the office of the registrar of titles
4 of the county if the real estate affected is registered under
5 the Registered Titles (Torrens) Act.

6 The notice must consist of a sworn statement setting out
7 (1) a description of the real estate sufficient for its
8 identification, (2) the amount of money representing the cost
9 and expense incurred, and (3) the date or dates when the cost
10 and expense was incurred by the municipality, the lien holder
11 of record, or the intervenor. Upon payment of the cost and
12 expense by the owner of or persons interested in the property
13 after the notice of lien has been filed, the lien shall be
14 released by the municipality, the person in whose name the lien
15 has been filed, or the assignee of the lien, and the release
16 may be filed of record as in the case of filing notice of lien.
17 Unless the lien is enforced under subsection (c), the lien may
18 be enforced by foreclosure proceedings as in the case of
19 mortgage foreclosures under Article XV of the Code of Civil
20 Procedure or mechanics' lien foreclosures. An action to
21 foreclose this lien may be commenced at any time after the date
22 of filing of the notice of lien. The costs of foreclosure
23 incurred by the municipality, including court costs,
24 reasonable attorney's fees, advances to preserve the property,
25 and other costs related to the enforcement of this subsection,
26 plus statutory interest, are a lien on the real estate and are
27 recoverable by the municipality from the owner or owners of the
28 real estate.

29 All liens arising under this subsection (a) shall be
30 assignable. The assignee of the lien shall have the same power
31 to enforce the lien as the assigning party, except that the
32 lien may not be enforced under subsection (c).

33 If the appropriate official of any municipality determines
34 that any dangerous and unsafe building or uncompleted and
35 abandoned building within its territory fulfills the
36 requirements for an action by the municipality under the

1 Abandoned Housing Rehabilitation Act, the municipality may
2 petition under that Act in a proceeding brought under this
3 subsection.

4 (b) Any owner or tenant of real property within 1200 feet
5 in any direction of any dangerous or unsafe building located
6 within the territory of a municipality with a population of
7 500,000 or more may file with the appropriate municipal
8 authority a request that the municipality apply to the circuit
9 court of the county in which the building is located for an
10 order permitting the demolition, removal of garbage, debris,
11 and other noxious or unhealthy substances and materials from,
12 or repair or enclosure of the building in the manner prescribed
13 in subsection (a) of this Section. If the municipality fails to
14 institute an action in circuit court within 90 days after the
15 filing of the request, the owner or tenant of real property
16 within 1200 feet in any direction of the building may institute
17 an action in circuit court seeking an order compelling the
18 owner or owners of record to demolish, remove garbage, debris,
19 and other noxious or unhealthy substances and materials from,
20 repair or enclose or to cause to be demolished, have garbage,
21 debris, and other noxious or unhealthy substances and materials
22 removed from, repaired, or enclosed the building in question. A
23 private owner or tenant who institutes an action under the
24 preceding sentence shall not be required to pay any fee to the
25 clerk of the circuit court. The cost of repair, removal,
26 demolition, or enclosure shall be borne by the owner or owners
27 of record of the building. In the event the owner or owners of
28 record fail to demolish, remove garbage, debris, and other
29 noxious or unhealthy substances and materials from, repair, or
30 enclose the building within 90 days of the date the court
31 entered its order, the owner or tenant who instituted the
32 action may request that the court join the municipality as a
33 party to the action. The court may order the municipality to
34 demolish, remove materials from, repair, or enclose the
35 building, or cause that action to be taken upon the request of
36 any owner or tenant who instituted the action or upon the

1 municipality's request. The municipality may file, and the
2 court may approve, a plan for rehabilitating the building in
3 question. A court order authorizing the municipality to
4 demolish, remove materials from, repair, or enclose a building,
5 or cause that action to be taken, shall not preclude the court
6 from adjudging the owner or owners of record of the building in
7 contempt of court due to the failure to comply with the order
8 to demolish, remove garbage, debris, and other noxious or
9 unhealthy substances and materials from, repair, or enclose the
10 building.

11 If a municipality or a person or persons other than the
12 owner or owners of record pay the cost of demolition, removal
13 of garbage, debris, and other noxious or unhealthy substances
14 and materials, repair, or enclosure pursuant to a court order,
15 the cost, including court costs, attorney's fees, and other
16 costs related to the enforcement of this subsection, is
17 recoverable from the owner or owners of the real estate and is
18 a lien on the real estate; the lien is superior to all prior
19 existing liens and encumbrances, except taxes, if, within 180
20 days after the repair, removal, demolition, or enclosure, the
21 municipality or the person or persons who paid the costs of
22 demolition, removal, repair, or enclosure shall file a notice
23 of lien of the cost and expense incurred in the office of the
24 recorder in the county in which the real estate is located or
25 in the office of the registrar of the county if the real estate
26 affected is registered under the Registered Titles (Torrens)
27 Act. The notice shall be in a form as is provided in subsection
28 (a). An owner or tenant who institutes an action in circuit
29 court seeking an order to compel the owner or owners of record
30 to demolish, remove materials from, repair, or enclose any
31 dangerous or unsafe building, or to cause that action to be
32 taken under this subsection may recover court costs and
33 reasonable attorney's fees for instituting the action from the
34 owner or owners of record of the building. Upon payment of the
35 costs and expenses by the owner of or a person interested in
36 the property after the notice of lien has been filed, the lien

1 shall be released by the municipality or the person in whose
2 name the lien has been filed or his or her assignee, and the
3 release may be filed of record as in the case of filing a
4 notice of lien. Unless the lien is enforced under subsection
5 (c), the lien may be enforced by foreclosure proceedings as in
6 the case of mortgage foreclosures under Article XV of the Code
7 of Civil Procedure or mechanics' lien foreclosures. An action
8 to foreclose this lien may be commenced at any time after the
9 date of filing of the notice of lien. The costs of foreclosure
10 incurred by the municipality, including court costs,
11 reasonable attorneys' fees, advances to preserve the property,
12 and other costs related to the enforcement of this subsection,
13 plus statutory interest, are a lien on the real estate and are
14 recoverable by the municipality from the owner or owners of the
15 real estate.

16 All liens arising under the terms of this subsection (b)
17 shall be assignable. The assignee of the lien shall have the
18 same power to enforce the lien as the assigning party, except
19 that the lien may not be enforced under subsection (c).

20 (c) In any case where a municipality has obtained a lien
21 under subsection (a), (b), or (f), the municipality may enforce
22 the lien under this subsection (c) in the same proceeding in
23 which the lien is authorized.

24 A municipality desiring to enforce a lien under this
25 subsection (c) shall petition the court to retain jurisdiction
26 for foreclosure proceedings under this subsection. Notice of
27 the petition shall be served, by certified or registered mail,
28 on all persons who were served notice under subsection (a),
29 (b), or (f). The court shall conduct a hearing on the petition
30 not less than 15 days after the notice is served. If the court
31 determines that the requirements of this subsection (c) have
32 been satisfied, it shall grant the petition and retain
33 jurisdiction over the matter until the foreclosure proceeding
34 is completed. The costs of foreclosure incurred by the
35 municipality, including court costs, reasonable attorneys'
36 fees, advances to preserve the property, and other costs

1 related to the enforcement of this subsection, plus statutory
2 interest, are a lien on the real estate and are recoverable by
3 the municipality from the owner or owners of the real estate.
4 If the court denies the petition, the municipality may enforce
5 the lien in a separate action as provided in subsection (a),
6 (b), or (f).

7 All persons designated in Section 15-1501 of the Code of
8 Civil Procedure as necessary parties in a mortgage foreclosure
9 action shall be joined as parties before issuance of an order
10 of foreclosure. Persons designated in Section 15-1501 of the
11 Code of Civil Procedure as permissible parties may also be
12 joined as parties in the action.

13 The provisions of Article XV of the Code of Civil Procedure
14 applicable to mortgage foreclosures shall apply to the
15 foreclosure of a lien under this subsection (c), except to the
16 extent that those provisions are inconsistent with this
17 subsection. For purposes of foreclosures of liens under this
18 subsection, however, the redemption period described in
19 subsection (b) of Section 15-1603 of the Code of Civil
20 Procedure shall end 60 days after the date of entry of the
21 order of foreclosure.

22 (d) In addition to any other remedy provided by law, the
23 corporate authorities of any municipality may petition the
24 circuit court to have property declared abandoned under this
25 subsection (d) if:

26 (1) the property has been tax delinquent for 2 or more
27 years or bills for water service for the property have been
28 outstanding for 2 or more years;

29 (2) the property is unoccupied by persons legally in
30 possession; and

31 (3) the property contains a dangerous or unsafe
32 building.

33 All persons having an interest of record in the property,
34 including tax purchasers and beneficial owners of any Illinois
35 land trust having title to the property, shall be named as
36 defendants in the petition and shall be served with process. In

1 addition, service shall be had under Section 2-206 of the Code
2 of Civil Procedure as in other cases affecting property.

3 The municipality, however, may proceed under this
4 subsection in a proceeding brought under subsection (a) or (b).
5 Notice of the petition shall be served by certified or
6 registered mail on all persons who were served notice under
7 subsection (a) or (b).

8 If the municipality proves that the conditions described in
9 this subsection exist and the owner of record of the property
10 does not enter an appearance in the action, or, if title to the
11 property is held by an Illinois land trust, if neither the
12 owner of record nor the owner of the beneficial interest of the
13 trust enters an appearance, the court shall declare the
14 property abandoned.

15 If that determination is made, notice shall be sent by
16 certified or registered mail to all persons having an interest
17 of record in the property, including tax purchasers and
18 beneficial owners of any Illinois land trust having title to
19 the property, stating that title to the property will be
20 transferred to the municipality unless, within 30 days of the
21 notice, the owner of record enters an appearance in the action,
22 or unless any other person having an interest in the property
23 files with the court a request to demolish the dangerous or
24 unsafe building or to put the building in safe condition.

25 If the owner of record enters an appearance in the action
26 within the 30 day period, the court shall vacate its order
27 declaring the property abandoned. In that case, the
28 municipality may amend its complaint in order to initiate
29 proceedings under subsection (a).

30 If a request to demolish or repair the building is filed
31 within the 30 day period, the court shall grant permission to
32 the requesting party to demolish the building within 30 days or
33 to restore the building to safe condition within 60 days after
34 the request is granted. An extension of that period for up to
35 60 additional days may be given for good cause. If more than
36 one person with an interest in the property files a timely

1 request, preference shall be given to the person with the lien
2 or other interest of the highest priority.

3 If the requesting party proves to the court that the
4 building has been demolished or put in a safe condition within
5 the period of time granted by the court, the court shall issue
6 a quitclaim judicial deed for the property to the requesting
7 party, conveying only the interest of the owner of record, upon
8 proof of payment to the municipality of all costs incurred by
9 the municipality in connection with the action, including but
10 not limited to court costs, attorney's fees, administrative
11 costs, the costs, if any, associated with building enclosure or
12 removal, and receiver's certificates. The interest in the
13 property so conveyed shall be subject to all liens and
14 encumbrances on the property. In addition, if the interest is
15 conveyed to a person holding a certificate of purchase for the
16 property under the Property Tax Code, the conveyance shall be
17 subject to the rights of redemption of all persons entitled to
18 redeem under that Act, including the original owner of record.

19 If no person with an interest in the property files a
20 timely request or if the requesting party fails to demolish the
21 building or put the building in safe condition within the time
22 specified by the court, the municipality may petition the court
23 to issue a judicial deed for the property to the municipality.
24 A conveyance by judicial deed shall operate to extinguish all
25 existing ownership interests in, liens on, and other interest
26 in the property, including tax liens, and shall extinguish the
27 rights and interests of any and all holders of a bona fide
28 certificate of purchase of the property for delinquent taxes.
29 Any such bona fide certificate of purchase holder shall be
30 entitled to a sale in error as prescribed under Section 21-310
31 of the Property Tax Code.

32 (e) Each municipality may use the provisions of this
33 subsection to expedite the removal of certain buildings that
34 are a continuing hazard to the community in which they are
35 located.

36 If a residential or commercial building is 3 stories or

1 less in height as defined by the municipality's building code,
2 and the corporate official designated to be in charge of
3 enforcing the municipality's building code determines that the
4 building is open and vacant and an immediate and continuing
5 hazard to the community in which the building is located, then
6 the official shall be authorized to post a notice not less than
7 2 feet by 2 feet in size on the front of the building. The
8 notice shall be dated as of the date of the posting and shall
9 state that unless the building is demolished, repaired, or
10 enclosed, and unless any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials are removed so
12 that an immediate and continuing hazard to the community no
13 longer exists, then the building may be demolished, repaired,
14 or enclosed, or any garbage, debris, and other hazardous,
15 noxious, or unhealthy substances or materials may be removed,
16 by the municipality.

17 Not later than 30 days following the posting of the notice,
18 the municipality shall do all of the following:

19 (1) Cause to be sent, by certified mail, return receipt
20 requested, a Notice to Remediate to all owners of record of
21 the property, the beneficial owners of any Illinois land
22 trust having title to the property, and all lienholders of
23 record in the property, stating the intent of the
24 municipality to demolish, repair, or enclose the building
25 or remove any garbage, debris, or other hazardous, noxious,
26 or unhealthy substances or materials if that action is not
27 taken by the owner or owners.

28 (2) Cause to be published, in a newspaper published or
29 circulated in the municipality where the building is
30 located, a notice setting forth (i) the permanent tax index
31 number and the address of the building, (ii) a statement
32 that the property is open and vacant and constitutes an
33 immediate and continuing hazard to the community, and (iii)
34 a statement that the municipality intends to demolish,
35 repair, or enclose the building or remove any garbage,
36 debris, or other hazardous, noxious, or unhealthy

1 substances or materials if the owner or owners or
2 lienholders of record fail to do so. This notice shall be
3 published for 3 consecutive days.

4 (3) Cause to be recorded the Notice to Remediate mailed
5 under paragraph (1) in the office of the recorder in the
6 county in which the real estate is located or in the office
7 of the registrar of titles of the county if the real estate
8 is registered under the Registered Title (Torrens) Act.

9 Any person or persons with a current legal or equitable
10 interest in the property objecting to the proposed actions of
11 the corporate authorities may file his or her objection in an
12 appropriate form in a court of competent jurisdiction.

13 If the building is not demolished, repaired, or enclosed,
14 or the garbage, debris, or other hazardous, noxious, or
15 unhealthy substances or materials are not removed, within 30
16 days of mailing the notice to the owners of record, the
17 beneficial owners of any Illinois land trust having title to
18 the property, and all lienholders of record in the property, or
19 within 30 days of the last day of publication of the notice,
20 whichever is later, the corporate authorities shall have the
21 power to demolish, repair, or enclose the building or to remove
22 any garbage, debris, or other hazardous, noxious, or unhealthy
23 substances or materials.

24 The municipality may proceed to demolish, repair, or
25 enclose a building or remove any garbage, debris, or other
26 hazardous, noxious, or unhealthy substances or materials under
27 this subsection within a 120-day period following the date of
28 the mailing of the notice if the appropriate official
29 determines that the demolition, repair, enclosure, or removal
30 of any garbage, debris, or other hazardous, noxious, or
31 unhealthy substances or materials is necessary to remedy the
32 immediate and continuing hazard. If, however, before the
33 municipality proceeds with any of the actions authorized by
34 this subsection, any person with a legal or equitable interest
35 in the property has sought a hearing under this subsection
36 before a court and has served a copy of the complaint on the

1 chief executive officer of the municipality, then the
2 municipality shall not proceed with the demolition, repair,
3 enclosure, or removal of garbage, debris, or other substances
4 until the court determines that that action is necessary to
5 remedy the hazard and issues an order authorizing the
6 municipality to do so. If the court dismisses the action for
7 want of prosecution, the municipality must send the objector a
8 copy of the dismissal order and a letter stating that the
9 demolition, repair, enclosure, or removal of garbage, debris,
10 or other substances will proceed unless, within 30 days after
11 the copy of the order and the letter are mailed, the objector
12 moves to vacate the dismissal and serves a copy of the motion
13 on the chief executive officer of the municipality.
14 Notwithstanding any other law to the contrary, if the objector
15 does not file a motion and give the required notice, if the
16 motion is denied by the court, or if the action is again
17 dismissed for want of prosecution, then the dismissal is with
18 prejudice and the demolition, repair, enclosure, or removal may
19 proceed forthwith.

20 Following the demolition, repair, or enclosure of a
21 building, or the removal of garbage, debris, or other
22 hazardous, noxious, or unhealthy substances or materials under
23 this subsection, the municipality may file a notice of lien
24 against the real estate for the cost of the demolition, repair,
25 enclosure, or removal within 180 days after the repair,
26 demolition, enclosure, or removal occurred, for the cost and
27 expense incurred, in the office of the recorder in the county
28 in which the real estate is located or in the office of the
29 registrar of titles of the county if the real estate affected
30 is registered under the Registered Titles (Torrens) Act; this
31 lien has priority over the interests of those parties named in
32 the Notice to Remediate mailed under paragraph (1), but not
33 over the interests of third party purchasers or encumbrancers
34 for value who obtained their interests in the property before
35 obtaining actual or constructive notice of the lien. The notice
36 of lien shall consist of a sworn statement setting forth (i) a

1 description of the real estate, such as the address or other
2 description of the property, sufficient for its
3 identification; (ii) the expenses incurred by the municipality
4 in undertaking the remedial actions authorized under this
5 subsection; (iii) the date or dates the expenses were incurred
6 by the municipality; (iv) a statement by the corporate official
7 responsible for enforcing the building code that the building
8 was open and vacant and constituted an immediate and continuing
9 hazard to the community; (v) a statement by the corporate
10 official that the required sign was posted on the building,
11 that notice was sent by certified mail to the owners of record,
12 and that notice was published in accordance with this
13 subsection; and (vi) a statement as to when and where the
14 notice was published. The lien authorized by this subsection
15 may thereafter be released or enforced by the municipality as
16 provided in subsection (a).

17 (f) The corporate authorities of each municipality may
18 remove or cause the removal of, or otherwise environmentally
19 remediate hazardous substances and petroleum products on, in,
20 or under any abandoned and unsafe property within the territory
21 of a municipality. In addition, where preliminary evidence
22 indicates the presence or likely presence of a hazardous
23 substance or a petroleum product or a release or a substantial
24 threat of a release of a hazardous substance or a petroleum
25 product on, in, or under the property, the corporate
26 authorities of the municipality may inspect the property and
27 test for the presence or release of hazardous substances and
28 petroleum products. In any county having adopted by referendum
29 or otherwise a county health department as provided by Division
30 5-25 of the Counties Code or its predecessor, the county board
31 of that county may exercise the above-described powers with
32 regard to property within the territory of any city, village,
33 or incorporated town having less than 50,000 population.

34 For purposes of this subsection (f):

35 (1) "property" or "real estate" means all real
36 property, whether or not improved by a structure;

- 1 (2) "abandoned" means;
- 2 (A) the property has been tax delinquent for 2 or
- 3 more years;
- 4 (B) the property is unoccupied by persons legally
- 5 in possession; and
- 6 (3) "unsafe" means property that presents an actual or
- 7 imminent threat to public health and safety caused by the
- 8 release of hazardous substances; and
- 9 (4) "hazardous substances" means the same as in Section
- 10 3.215 of the Environmental Protection Act.

11 The corporate authorities shall apply to the circuit court

12 of the county in which the property is located (i) for an order

13 allowing the municipality to enter the property and inspect and

14 test substances on, in, or under the property; or (ii) for an

15 order authorizing the corporate authorities to take action with

16 respect to remediation of the property if conditions on the

17 property, based on the inspection and testing authorized in

18 paragraph (i), indicate the presence of hazardous substances or

19 petroleum products. Remediation shall be deemed complete for

20 purposes of paragraph (ii) above when the property satisfies

21 Tier I, II, or III remediation objectives for the property's

22 most recent usage, as established by the Environmental

23 Protection Act, and the rules and regulations promulgated

24 thereunder. Where, upon diligent search, the identity or

25 whereabouts of the owner or owners of the property, including

26 the lien holders of record, is not ascertainable, notice mailed

27 to the person or persons in whose name the real estate was last

28 assessed is sufficient notice under this Section.

29 The court shall grant an order authorizing testing under

30 paragraph (i) above upon a showing of preliminary evidence

31 indicating the presence or likely presence of a hazardous

32 substance or a petroleum product or a release of or a

33 substantial threat of a release of a hazardous substance or a

34 petroleum product on, in, or under abandoned property. The

35 preliminary evidence may include, but is not limited to,

36 evidence of prior use, visual site inspection, or records of

1 prior environmental investigations. The testing authorized by
2 paragraph (i) above shall include any type of investigation
3 which is necessary for an environmental professional to
4 determine the environmental condition of the property,
5 including but not limited to performance of soil borings and
6 groundwater monitoring. The court shall grant a remediation
7 order under paragraph (ii) above where testing of the property
8 indicates that it fails to meet the applicable remediation
9 objectives. The hearing upon the application to the circuit
10 court shall be expedited by the court and shall be given
11 precedence over all other suits.

12 The cost of the inspection, testing, or remediation
13 incurred by the municipality or by a lien holder of record,
14 including court costs, attorney's fees, and other costs related
15 to the enforcement of this Section, is a lien on the real
16 estate; except that in any instances where a municipality
17 incurs costs of inspection and testing but finds no hazardous
18 substances or petroleum products on the property that present
19 an actual or imminent threat to public health and safety, such
20 costs are not recoverable from the owners nor are such costs a
21 lien on the real estate. The lien is superior to all prior
22 existing liens and encumbrances, except taxes and any lien
23 obtained under subsection (a) or (e), if, within 180 days after
24 the completion of the inspection, testing, or remediation, the
25 municipality or the lien holder of record who incurred the cost
26 and expense shall file a notice of lien for the cost and
27 expense incurred in the office of the recorder in the county in
28 which the real estate is located or in the office of the
29 registrar of titles of the county if the real estate affected
30 is registered under the Registered Titles (Torrens) Act.

31 The notice must consist of a sworn statement setting out
32 (i) a description of the real estate sufficient for its
33 identification, (ii) the amount of money representing the cost
34 and expense incurred, and (iii) the date or dates when the cost
35 and expense was incurred by the municipality or the lien holder
36 of record. Upon payment of the lien amount by the owner of or

1 persons interested in the property after the notice of lien has
2 been filed, a release of lien shall be issued by the
3 municipality, the person in whose name the lien has been filed,
4 or the assignee of the lien, and the release may be filed of
5 record as in the case of filing notice of lien.

6 The lien may be enforced under subsection (c) or by
7 foreclosure proceedings as in the case of mortgage foreclosures
8 under Article XV of the Code of Civil Procedure or mechanics'
9 lien foreclosures; provided that where the lien is enforced by
10 foreclosure under subsection (c) or under either statute, the
11 municipality may not proceed against the other assets of the
12 owner or owners of the real estate for any costs that otherwise
13 would be recoverable under this Section but that remain
14 unsatisfied after foreclosure except where such additional
15 recovery is authorized by separate environmental laws. An
16 action to foreclose this lien may be commenced at any time
17 after the date of filing of the notice of lien. The costs of
18 foreclosure incurred by the municipality, including court
19 costs, reasonable attorney's fees, advances to preserve the
20 property, and other costs related to the enforcement of this
21 subsection, plus statutory interest, are a lien on the real
22 estate.

23 All liens arising under this subsection (f) shall be
24 assignable. The assignee of the lien shall have the same power
25 to enforce the lien as the assigning party, except that the
26 lien may not be enforced under subsection (c).

27 (g) In any case where a municipality has obtained a lien
28 under subsection (a), the municipality may also bring an action
29 for a money judgment against the owner or owners of the real
30 estate in the amount of the lien in the same manner as provided
31 for bringing causes of action in Article II of the Code of
32 Civil Procedure and, upon obtaining a judgment, file a judgment
33 lien against all of the real estate of the owner or owners and
34 enforce that lien as provided for in Article XII of the Code of
35 Civil Procedure.

36 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;

1 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00;
2 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03;
3 revised 2-18-03.)

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
26 improved part of the redevelopment project area:

27 (A) Dilapidation. An advanced state of disrepair
28 or neglect of necessary repairs to the primary
29 structural components of buildings or improvements in
30 such a combination that a documented building
31 condition analysis determines that major repair is
32 required or the defects are so serious and so extensive
33 that the buildings must be removed.

34 (B) Obsolescence. The condition or process of
35 falling into disuse. Structures have become ill-suited

1 for the original use.

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

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

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

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

27 (G) Lack of ventilation, light, or sanitary
28 facilities. The absence of adequate ventilation for
29 light or air circulation in spaces or rooms without
30 windows, or that require the removal of dust, odor,
31 gas, smoke, or other noxious airborne materials.
32 Inadequate natural light and ventilation means the
33 absence of skylights or windows for interior spaces or
34 rooms and improper window sizes and amounts by room
35 area to window area ratios. Inadequate sanitary
36 facilities refers to the absence or inadequacy of

1 garbage storage and enclosure, bathroom facilities,
2 hot water and kitchens, and structural inadequacies
3 preventing ingress and egress to and from all rooms and
4 units within a building.

5 (H) Inadequate utilities. Underground and overhead
6 utilities such as storm sewers and storm drainage,
7 sanitary sewers, water lines, and gas, telephone, and
8 electrical services that are shown to be inadequate.
9 Inadequate utilities are those that are: (i) of
10 insufficient capacity to serve the uses in the
11 redevelopment project area, (ii) deteriorated,
12 antiquated, obsolete, or in disrepair, or (iii)
13 lacking within the redevelopment project area.

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

33 (J) Deleterious land use or layout. The existence
34 of incompatible land-use relationships, buildings
35 occupied by inappropriate mixed-uses, or uses
36 considered to be noxious, offensive, or unsuitable for

1 the surrounding area.

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

14 (L) Lack of community planning. The proposed
15 redevelopment project area was developed prior to or
16 without the benefit or guidance of a community plan.
17 This means that the development occurred prior to the
18 adoption by the municipality of a comprehensive or
19 other community plan or that the plan was not followed
20 at the time of the area's development. This factor must
21 be documented by evidence of adverse or incompatible
22 land-use relationships, inadequate street layout,
23 improper subdivision, parcels of inadequate shape and
24 size to meet contemporary development standards, or
25 other evidence demonstrating an absence of effective
26 community planning.

27 (M) The total equalized assessed value of the
28 proposed redevelopment project area has declined for 3
29 of the last 5 calendar years prior to the year in which
30 the redevelopment project area is designated or is
31 increasing at an annual rate that is less than the
32 balance of the municipality for 3 of the last 5
33 calendar years for which information is available or is
34 increasing at an annual rate that is less than the
35 Consumer Price Index for All Urban Consumers published
36 by the United States Department of Labor or successor

1 agency for 3 of the last 5 calendar years prior to the
2 year in which the redevelopment project area is
3 designated.

4 (2) If vacant, the sound growth of the redevelopment
5 project area is impaired by a combination of 2 or more of
6 the following factors, each of which is (i) present, with
7 that presence documented, to a meaningful extent so that a
8 municipality may reasonably find that the factor is clearly
9 present within the intent of the Act and (ii) reasonably
10 distributed throughout the vacant part of the
11 redevelopment project area to which it pertains:

12 (A) Obsolete platting of vacant land that results
13 in parcels of limited or narrow size or configurations
14 of parcels of irregular size or shape that would be
15 difficult to develop on a planned basis and in a manner
16 compatible with contemporary standards and
17 requirements, or platting that failed to create
18 rights-of-ways for streets or alleys or that created
19 inadequate right-of-way widths for streets, alleys, or
20 other public rights-of-way or that omitted easements
21 for public utilities.

22 (B) Diversity of ownership of parcels of vacant
23 land sufficient in number to retard or impede the
24 ability to assemble the land for development.

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

28 (D) Deterioration of structures or site
29 improvements in neighboring areas adjacent to the
30 vacant land.

31 (E) The area has incurred Illinois Environmental
32 Protection Agency or United States Environmental
33 Protection Agency remediation costs for, or a study
34 conducted by an independent consultant recognized as
35 having expertise in environmental remediation has
36 determined a need for, the clean-up of hazardous waste,

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

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

27 (A) The area consists of one or more unused
28 quarries, mines, or strip mine ponds.

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

31 (C) The area, prior to its designation, is subject
32 to (i) chronic flooding that adversely impacts on real
33 property in the area as certified by a registered
34 professional engineer or appropriate regulatory agency
35 or (ii) surface water that discharges from all or a
36 part of the area and contributes to flooding within the

1 same watershed, but only if the redevelopment project
2 provides for facilities or improvements to contribute
3 to the alleviation of all or part of the flooding.

4 (D) The area consists of an unused or illegal
5 disposal site containing earth, stone, building
6 debris, or similar materials that were removed from
7 construction, demolition, excavation, or dredge sites.

8 (E) Prior to November 1, 1999, the area is not less
9 than 50 nor more than 100 acres and 75% of which is
10 vacant (notwithstanding that the area has been used for
11 commercial agricultural purposes within 5 years prior
12 to the designation of the redevelopment project area),
13 and the area meets at least one of the factors itemized
14 in paragraph (1) of this subsection, the area has been
15 designated as a town or village center by ordinance or
16 comprehensive plan adopted prior to January 1, 1982,
17 and the area has not been developed for that designated
18 purpose.

19 (F) The area qualified as a blighted improved area
20 immediately prior to becoming vacant, unless there has
21 been substantial private investment in the immediately
22 surrounding area.

23 (b) For any redevelopment project area that has been
24 designated pursuant to this Section by an ordinance adopted
25 prior to November 1, 1999 (the effective date of Public Act
26 91-478), "conservation area" shall have the meaning set forth
27 in this Section prior to that date.

28 On and after November 1, 1999, "conservation area" means
29 any improved area within the boundaries of a redevelopment
30 project area located within the territorial limits of the
31 municipality in which 50% or more of the structures in the area
32 have an age of 35 years or more. Such an area is not yet a
33 blighted area but because of a combination of 3 or more of the
34 following factors is detrimental to the public safety, health,
35 morals or welfare and such an area may become a blighted area:

36 (1) Dilapidation. An advanced state of disrepair or

1 neglect of necessary repairs to the primary structural
2 components of buildings or improvements in such a
3 combination that a documented building condition analysis
4 determines that major repair is required or the defects are
5 so serious and so extensive that the buildings must be
6 removed.

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

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

20 (4) Presence of structures below minimum code
21 standards. All structures that do not meet the standards of
22 zoning, subdivision, building, fire, and other
23 governmental codes applicable to property, but not
24 including housing and property maintenance codes.

25 (5) Illegal use of individual structures. The use of
26 structures in violation of applicable federal, State, or
27 local laws, exclusive of those applicable to the presence
28 of structures below minimum code standards.

29 (6) Excessive vacancies. The presence of buildings
30 that are unoccupied or under-utilized and that represent an
31 adverse influence on the area because of the frequency,
32 extent, or duration of the vacancies.

33 (7) Lack of ventilation, light, or sanitary
34 facilities. The absence of adequate ventilation for light
35 or air circulation in spaces or rooms without windows, or
36 that require the removal of dust, odor, gas, smoke, or

1 other noxious airborne materials. Inadequate natural light
2 and ventilation means the absence or inadequacy of
3 skylights or windows for interior spaces or rooms and
4 improper window sizes and amounts by room area to window
5 area ratios. Inadequate sanitary facilities refers to the
6 absence or inadequacy of garbage storage and enclosure,
7 bathroom facilities, hot water and kitchens, and
8 structural inadequacies preventing ingress and egress to
9 and from all rooms and units within a building.

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

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

36 (10) Deleterious land use or layout. The existence of

1 incompatible land-use relationships, buildings occupied by
2 inappropriate mixed-uses, or uses considered to be
3 noxious, offensive, or unsuitable for the surrounding
4 area.

5 (11) Lack of community planning. The proposed
6 redevelopment project area was developed prior to or
7 without the benefit or guidance of a community plan. This
8 means that the development occurred prior to the adoption
9 by the municipality of a comprehensive or other community
10 plan or that the plan was not followed at the time of the
11 area's development. This factor must be documented by
12 evidence of adverse or incompatible land-use
13 relationships, inadequate street layout, improper
14 subdivision, parcels of inadequate shape and size to meet
15 contemporary development standards, or other evidence
16 demonstrating an absence of effective community planning.

17 (12) The area has incurred Illinois Environmental
18 Protection Agency or United States Environmental
19 Protection Agency remediation costs for, or a study
20 conducted by an independent consultant recognized as
21 having expertise in environmental remediation has
22 determined a need for, the clean-up of hazardous waste,
23 hazardous substances, or underground storage tanks
24 required by State or federal law, provided that the
25 remediation costs constitute a material impediment to the
26 development or redevelopment of the redevelopment project
27 area.

28 (13) The total equalized assessed value of the proposed
29 redevelopment project area has declined for 3 of the last 5
30 calendar years for which information is available or is
31 increasing at an annual rate that is less than the balance
32 of the municipality for 3 of the last 5 calendar years for
33 which information is available or is increasing at an
34 annual rate that is less than the Consumer Price Index for
35 All Urban Consumers published by the United States
36 Department of Labor or successor agency for 3 of the last 5

1 calendar years for which information is 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 labor
14 surplus municipality or within 1 1/2 miles of the territorial
15 limits of a municipality that is a labor surplus municipality
16 if the area is annexed to the municipality; which area is zoned
17 as industrial no later than at the time the municipality by
18 ordinance designates the redevelopment project area, and which
19 area includes both vacant land suitable for use as an
20 industrial park and a blighted area or conservation area
21 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
27 published in the United States Department of Labor Bureau of
28 Labor Statistics publication entitled "The Employment
29 Situation" or its successor publication. For the purpose of
30 this subsection, if unemployment rate statistics for the
31 municipality are not available, the unemployment rate in the
32 municipality shall be deemed to be the same as the unemployment
33 rate in the principal county in which the municipality is
34 located.

35 (f) "Municipality" shall mean a city, village,
36 incorporated town, or a township that is located in the

1 unincorporated portion of a county with 3 million or more
2 inhabitants, if the county adopted an ordinance that approved
3 the township's redevelopment plan.

4 (g) "Initial Sales Tax Amounts" means the amount of taxes
5 paid under the Retailers' Occupation Tax Act, Use Tax Act,
6 Service Use Tax Act, the Service Occupation Tax Act, the
7 Municipal Retailers' Occupation Tax Act, and the Municipal
8 Service Occupation Tax Act by retailers and servicemen on
9 transactions at places located in a State Sales Tax Boundary
10 during the calendar year 1985.

11 (g-1) "Revised Initial Sales Tax Amounts" means the amount
12 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
13 Act, Service Use Tax Act, the Service Occupation Tax Act, the
14 Municipal Retailers' Occupation Tax Act, and the Municipal
15 Service Occupation Tax Act by retailers and servicemen on
16 transactions at places located within the State Sales Tax
17 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

18 (h) "Municipal Sales Tax Increment" means an amount equal
19 to the increase in the aggregate amount of taxes paid to a
20 municipality from the Local Government Tax Fund arising from
21 sales by retailers and servicemen within the redevelopment
22 project area or State Sales Tax Boundary, as the case may be,
23 for as long as the redevelopment project area or State Sales
24 Tax Boundary, as the case may be, exist over and above the
25 aggregate amount of taxes as certified by the Illinois
26 Department of Revenue and paid under the Municipal Retailers'
27 Occupation Tax Act and the Municipal Service Occupation Tax Act
28 by retailers and servicemen, on transactions at places of
29 business located in the redevelopment project area or State
30 Sales Tax Boundary, as the case may be, during the base year
31 which shall be the calendar year immediately prior to the year
32 in which the municipality adopted tax increment allocation
33 financing. For purposes of computing the aggregate amount of
34 such taxes for base years occurring prior to 1985, the
35 Department of Revenue shall determine the Initial Sales Tax
36 Amounts for such taxes and deduct therefrom an amount equal to

1 4% of the aggregate amount of taxes per year for each year the
2 base year is prior to 1985, but not to exceed a total deduction
3 of 12%. The amount so determined shall be known as the
4 "Adjusted Initial Sales Tax Amounts". For purposes of
5 determining the Municipal Sales Tax Increment, the Department
6 of Revenue shall for each period subtract from the amount paid
7 to the municipality from the Local Government Tax Fund arising
8 from sales by retailers and servicemen on transactions located
9 in the redevelopment project area or the State Sales Tax
10 Boundary, as the case may be, the certified Initial Sales Tax
11 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
12 Initial Sales Tax Amounts for the Municipal Retailers'
13 Occupation Tax Act and the Municipal Service Occupation Tax
14 Act. For the State Fiscal Year 1989, this calculation shall be
15 made by utilizing the calendar year 1987 to determine the tax
16 amounts received. For the State Fiscal Year 1990, this
17 calculation shall be made by utilizing the period from January
18 1, 1988, until September 30, 1988, to determine the tax amounts
19 received from retailers and servicemen pursuant to the
20 Municipal Retailers' Occupation Tax and the Municipal Service
21 Occupation Tax Act, which shall have deducted therefrom
22 nine-twelfths of the certified Initial Sales Tax Amounts, the
23 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
24 Tax Amounts as appropriate. For the State Fiscal Year 1991,
25 this calculation shall be made by utilizing the period from
26 October 1, 1988, to June 30, 1989, to determine the tax amounts
27 received from retailers and servicemen pursuant to the
28 Municipal Retailers' Occupation Tax and the Municipal Service
29 Occupation Tax Act which shall have deducted therefrom
30 nine-twelfths of the certified Initial Sales Tax Amounts,
31 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
32 Tax Amounts as appropriate. For every State Fiscal Year
33 thereafter, the applicable period shall be the 12 months
34 beginning July 1 and ending June 30 to determine the tax
35 amounts received which shall have deducted therefrom the
36 certified Initial Sales Tax Amounts, the Adjusted Initial Sales

1 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
2 case may be.

3 (i) "Net State Sales Tax Increment" means the sum of the
4 following: (a) 80% of the first \$100,000 of State Sales Tax
5 Increment annually generated within a State Sales Tax Boundary;
6 (b) 60% of the amount in excess of \$100,000 but not exceeding
7 \$500,000 of State Sales Tax Increment annually generated within
8 a State Sales Tax Boundary; and (c) 40% of all amounts in
9 excess of \$500,000 of State Sales Tax Increment annually
10 generated within a State Sales Tax Boundary. If, however, a
11 municipality established a tax increment financing district in
12 a county with a population in excess of 3,000,000 before
13 January 1, 1986, and the municipality entered into a contract
14 or issued bonds after January 1, 1986, but before December 31,
15 1986, to finance redevelopment project costs within a State
16 Sales Tax Boundary, then the Net State Sales Tax Increment
17 means, for the fiscal years beginning July 1, 1990, and July 1,
18 1991, 100% of the State Sales Tax Increment annually generated
19 within a State Sales Tax Boundary; and notwithstanding any
20 other provision of this Act, for those fiscal years the
21 Department of Revenue shall distribute to those municipalities
22 100% of their Net State Sales Tax Increment before any
23 distribution to any other municipality and regardless of
24 whether or not those other municipalities will receive 100% of
25 their Net State Sales Tax Increment. For Fiscal Year 1999, and
26 every year thereafter until the year 2007, for any municipality
27 that has not entered into a contract or has not issued bonds
28 prior to June 1, 1988 to finance redevelopment project costs
29 within a State Sales Tax Boundary, the Net State Sales Tax
30 Increment shall be calculated as follows: By multiplying the
31 Net State Sales Tax Increment by 90% in the State Fiscal Year
32 1999; 80% in the State Fiscal Year 2000; 70% in the State
33 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
34 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
35 in the State Fiscal Year 2005; 20% in the State Fiscal Year
36 2006; and 10% in the State Fiscal Year 2007. No payment shall

1 be made for State Fiscal Year 2008 and thereafter.

2 Municipalities that issued bonds in connection with a
3 redevelopment project in a redevelopment project area within
4 the State Sales Tax Boundary prior to July 29, 1991, or that
5 entered into contracts in connection with a redevelopment
6 project in a redevelopment project area before June 1, 1988,
7 shall continue to receive their proportional share of the
8 Illinois Tax Increment Fund distribution until the date on
9 which the redevelopment project is completed or terminated. If,
10 however, a municipality that issued bonds in connection with a
11 redevelopment project in a redevelopment project area within
12 the State Sales Tax Boundary prior to July 29, 1991 retires the
13 bonds prior to June 30, 2007 or a municipality that entered
14 into contracts in connection with a redevelopment project in a
15 redevelopment project area before June 1, 1988 completes the
16 contracts prior to June 30, 2007, then so long as the
17 redevelopment project is not completed or is not terminated,
18 the Net State Sales Tax Increment shall be calculated,
19 beginning on the date on which the bonds are retired or the
20 contracts are completed, as follows: By multiplying the Net
21 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
22 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
23 2004; 30% in the State Fiscal Year 2005; 20% in the State
24 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
25 payment shall be made for State Fiscal Year 2008 and
26 thereafter. Refunding of any bonds issued prior to July 29,
27 1991, shall not alter the Net State Sales Tax Increment.

28 (j) "State Utility Tax Increment Amount" means an amount
29 equal to the aggregate increase in State electric and gas tax
30 charges imposed on owners and tenants, other than residential
31 customers, of properties located within the redevelopment
32 project area under Section 9-222 of the Public Utilities Act,
33 over and above the aggregate of such charges as certified by
34 the Department of Revenue and paid by owners and tenants, other
35 than residential customers, of properties within the
36 redevelopment project area during the base year, which shall be

1 the calendar year immediately prior to the year of the adoption
2 of the ordinance authorizing tax increment allocation
3 financing.

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

25 Municipalities that issue bonds in connection with the
26 redevelopment project during the period from June 1, 1988 until
27 3 years after the effective date of this Amendatory Act of 1988
28 shall receive the Net State Utility Tax Increment, subject to
29 appropriation, for 15 State Fiscal Years after the issuance of
30 such bonds. For the 16th through the 20th State Fiscal Years
31 after issuance of the bonds, the Net State Utility Tax
32 Increment shall be calculated as follows: By multiplying the
33 Net State Utility Tax Increment by 90% in year 16; 80% in year
34 17; 70% in year 18; 60% in year 19; and 50% in year 20.
35 Refunding of any bonds issued prior to June 1, 1988, shall not
36 alter the revised Net State Utility Tax Increment payments set

1 forth above.

2 (1) "Obligations" mean bonds, loans, debentures, notes,
3 special certificates or other evidence of indebtedness issued
4 by the municipality to carry out a redevelopment project or to
5 refund outstanding obligations.

6 (m) "Payment in lieu of taxes" means those estimated tax
7 revenues from real property in a redevelopment project area
8 derived from real property that has been acquired by a
9 municipality which according to the redevelopment project or
10 plan is to be used for a private use which taxing districts
11 would have received had a municipality not acquired the real
12 property and adopted tax increment allocation financing and
13 which would result from levies made after the time of the
14 adoption of tax increment allocation financing to the time the
15 current equalized value of real property in the redevelopment
16 project area exceeds the total initial equalized value of real
17 property in said area.

18 (n) "Redevelopment plan" means the comprehensive program
19 of the municipality for development or redevelopment intended
20 by the payment of redevelopment project costs to reduce or
21 eliminate those conditions the existence of which qualified the
22 redevelopment project area as a "blighted area" or
23 "conservation area" or combination thereof or "industrial park
24 conservation area," and thereby to enhance the tax bases of the
25 taxing districts which extend into the redevelopment project
26 area. On and after November 1, 1999 (the effective date of
27 Public Act 91-478), no redevelopment plan may be approved or
28 amended that includes the development of vacant land (i) with a
29 golf course and related clubhouse and other facilities or (ii)
30 designated by federal, State, county, or municipal government
31 as public land for outdoor recreational activities or for
32 nature preserves and used for that purpose within 5 years prior
33 to the adoption of the redevelopment plan. For the purpose of
34 this subsection, "recreational activities" is limited to mean
35 camping and hunting. Each redevelopment plan shall set forth in
36 writing the program to be undertaken to accomplish the

1 objectives and 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 (C) an assessment of any financial impact of the
8 redevelopment project area on or any increased demand for
9 services from any taxing district affected by the plan and
10 any program to address such financial impact or increased
11 demand;

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

13 (E) the nature and term of the obligations to be
14 issued;

15 (F) the most recent equalized assessed valuation of the
16 redevelopment project area;

17 (G) an estimate as to the equalized assessed valuation
18 after redevelopment and the general land uses to apply in
19 the redevelopment project area;

20 (H) a commitment to fair employment practices and an
21 affirmative action plan;

22 (I) if it concerns an industrial park conservation
23 area, the plan shall also include a general description of
24 any proposed developer, user and tenant of any property, a
25 description of the type, structure and general character of
26 the facilities to be developed, a description of the type,
27 class and number of new employees to be employed in the
28 operation of the facilities to be developed; and

29 (J) if property is to be annexed to the municipality,
30 the plan shall include the terms of the annexation
31 agreement.

32 The provisions of items (B) and (C) of this subsection (n)
33 shall not apply to a municipality that before March 14, 1994
34 (the effective date of Public Act 88-537) had fixed, either by
35 its corporate authorities or by a commission designated under
36 subsection (k) of Section 11-74.4-4, a time and place for a

1 public hearing as required by subsection (a) of Section
2 11-74.4-5. No redevelopment plan shall be adopted unless a
3 municipality complies with all of the following requirements:

4 (1) The municipality finds that the redevelopment
5 project area on the whole has not been subject to growth
6 and development through investment by private enterprise
7 and would not reasonably be anticipated to be developed
8 without the adoption of the redevelopment plan.

9 (2) The municipality finds that the redevelopment plan
10 and project conform to the comprehensive plan for the
11 development of the municipality as a whole, or, for
12 municipalities with a population of 100,000 or more,
13 regardless of when the redevelopment plan and project was
14 adopted, the redevelopment plan and project either: (i)
15 conforms to the strategic economic development or
16 redevelopment plan issued by the designated planning
17 authority of the municipality, or (ii) includes land uses
18 that have been approved by the planning commission of the
19 municipality.

20 (3) The redevelopment plan establishes the estimated
21 dates of completion of the redevelopment project and
22 retirement of obligations issued to finance redevelopment
23 project costs. Those dates: shall not be later than
24 December 31 of the year in which the payment to the
25 municipal treasurer as provided in subsection (b) of
26 Section 11-74.4-8 of this Act is to be made with respect to
27 ad valorem taxes levied in the twenty-third calendar year
28 after the year in which the ordinance approving the
29 redevelopment project area is adopted if the ordinance was
30 adopted on or after January 15, 1981; shall not be later
31 than December 31 of the year in which the payment to the
32 municipal treasurer as provided in subsection (b) of
33 Section 11-74.4-8 of this Act is to be made with respect to
34 ad valorem taxes levied in the thirty-third calendar year
35 after the year in which the ordinance approving the
36 redevelopment project area if the ordinance was adopted on

1 May 20, 1985 by the Village of Wheeling; and shall not be
2 later than December 31 of the year in which the payment to
3 the municipal treasurer as provided in subsection (b) of
4 Section 11-74.4-8 of this Act is to be made with respect to
5 ad valorem taxes levied in the thirty-fifth calendar year
6 after the year in which the ordinance approving the
7 redevelopment project area is adopted:

8 (A) if the ordinance was adopted before January 15,
9 1981, or

10 (B) if the ordinance was adopted in December 1983,
11 April 1984, July 1985, or December 1989, or

12 (C) if the ordinance was adopted in December 1987
13 and the redevelopment project is located within one
14 mile of Midway Airport, or

15 (D) if the ordinance was adopted before January 1,
16 1987 by a municipality in Mason County, or

17 (E) if the municipality is subject to the Local
18 Government Financial Planning and Supervision Act or
19 the Financially Distressed City Law, or

20 (F) if the ordinance was adopted in December 1984
21 by the Village of Rosemont, or

22 (G) if the ordinance was adopted on December 31,
23 1986 by a municipality located in Clinton County for
24 which at least \$250,000 of tax increment bonds were
25 authorized on June 17, 1997, or if the ordinance was
26 adopted on December 31, 1986 by a municipality with a
27 population in 1990 of less than 3,600 that is located
28 in a county with a population in 1990 of less than
29 34,000 and for which at least \$250,000 of tax increment
30 bonds were authorized on June 17, 1997, or

31 (H) if the ordinance was adopted on October 5, 1982
32 by the City of Kankakee, or if the ordinance was
33 adopted on December 29, 1986 by East St. Louis, or

34 (I) if the ordinance was adopted on November 12,
35 1991 by the Village of Sauget, or

36 (J) if the ordinance was adopted on February 11,

1 1985 by the City of Rock Island, or
2 (K) if the ordinance was adopted before December
3 18, 1986 by the City of Moline, or
4 (L) if the ordinance was adopted in September 1988
5 by Sauk Village, or
6 (M) if the ordinance was adopted in October 1993 by
7 Sauk Village, or
8 (N) if the ordinance was adopted on December 29,
9 1986 by the City of Galva, or
10 (O) if the ordinance was adopted in March 1991 by
11 the City of Centreville, or
12 (P) if the ordinance was adopted on January 23,
13 1991 by the City of East St. Louis, or
14 (Q) if the ordinance was adopted on December 22,
15 1986 by the City of Aledo, or
16 (R) if the ordinance was adopted on February 5,
17 1990 by the City of Clinton, or
18 (S) if the ordinance was adopted on September 6,
19 1994 by the City of Freeport, or
20 (T) if the ordinance was adopted on December 22,
21 1986 by the City of Tuscola, or
22 (U) if the ordinance was adopted on December 23,
23 1986 by the City of Sparta, or
24 (V) if the ordinance was adopted on December 23,
25 1986 by the City of Beardstown, or
26 (W) if the ordinance was adopted on April 27, 1981,
27 October 21, 1985, or December 30, 1986 by the City of
28 Belleville, or
29 (X) if the ordinance was adopted on December 29,
30 1986 by the City of Collinsville, or
31 (Y) if the ordinance was adopted on September 14,
32 1994 by the City of Alton, or
33 (Z) if the ordinance was adopted on November 11,
34 1996 by the City of Lexington, or
35 (AA) if the ordinance was adopted on November 5,
36 1984 by the City of LeRoy, or

1 (BB) if the ordinance was adopted on April 3, 1991
2 or June 3, 1992 by the City of Markham, or

3 (CC) if the ordinance was adopted on November 11,
4 1986 by the City of Pekin, or

5 (DD) if the ordinance was adopted on December 15,
6 1981 by the City of Champaign, or

7 (EE) if the ordinance was adopted on December 15,
8 1986 by the City of Urbana, or

9 (FF) if the ordinance was adopted on December 15,
10 1986 by the Village of Heyworth, or

11 (GG) if the ordinance was adopted on February 24,
12 1992 by the Village of Heyworth, or

13 (HH) if the ordinance was adopted on March 16, 1995
14 by the Village of Heyworth, or

15 (II) if the ordinance was adopted on December 23,
16 1986 by the Town of Cicero, or

17 (JJ) if the ordinance was adopted on December 30,
18 1986 by the City of Effingham, or

19 (KK) if the ordinance was adopted on May 9, 1991 by
20 the Village of Tilton, or

21 (LL) if the ordinance was adopted on October 20,
22 1986 by the City of Elmhurst, or

23 (MM) if the ordinance was adopted on January 19,
24 1988 by the City of Waukegan, or

25 (NN) if the ordinance was adopted on September 21,
26 1998 by the City of Waukegan, or

27 (OO) if the ordinance was adopted on December 31,
28 1986 by the City of Sullivan, or

29 (PP) if the ordinance was adopted on December 23,
30 1991 by the City of Sullivan, or-

31 (QQ) ~~(OO)~~ if the ordinance was adopted on December
32 31, 1986 by the City of Oglesby.

33 However, for redevelopment project areas for which
34 bonds were issued before July 29, 1991, or for which
35 contracts were entered into before June 1, 1988, in
36 connection with a redevelopment project in the area within

1 the State Sales Tax Boundary, the estimated dates of
2 completion of the redevelopment project and retirement of
3 obligations to finance redevelopment project costs may be
4 extended by municipal ordinance to December 31, 2013. The
5 termination procedures of subsection (b) of Section
6 11-74.4-8 are not required for these redevelopment project
7 areas in 2009 but are required in 2013. The extension
8 allowed by this amendatory Act of 1993 shall not apply to
9 real property tax increment allocation financing under
10 Section 11-74.4-8.

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

19 Those dates, for purposes of real property tax
20 increment allocation financing pursuant to Section
21 11-74.4-8 only, shall be not more than 35 years for
22 redevelopment project areas that were adopted on or after
23 December 16, 1986 and for which at least \$8 million worth
24 of municipal bonds were authorized on or after December 19,
25 1989 but before January 1, 1990; provided that the
26 municipality elects to extend the life of the redevelopment
27 project area to 35 years by the adoption of an ordinance
28 after at least 14 but not more than 30 days' written notice
29 to the taxing bodies, that would otherwise constitute the
30 joint review board for the redevelopment project area,
31 before the adoption of the ordinance.

32 Those dates, for purposes of real property tax
33 increment allocation financing pursuant to Section
34 11-74.4-8 only, shall be not more than 35 years for
35 redevelopment project areas that were established on or
36 after December 1, 1981 but before January 1, 1982 and for

1 which at least \$1,500,000 worth of tax increment revenue
2 bonds were authorized on or after September 30, 1990 but
3 before July 1, 1991; provided that the municipality elects
4 to extend the life of the redevelopment project area to 35
5 years by the adoption of an ordinance after at least 14 but
6 not more than 30 days' written notice to the taxing bodies,
7 that would otherwise constitute the joint review board for
8 the redevelopment project area, before the adoption of the
9 ordinance.

10 (3.5) The municipality finds, in the case of an
11 industrial park conservation area, also that the
12 municipality is a labor surplus municipality and that the
13 implementation of the redevelopment plan will reduce
14 unemployment, create new jobs and by the provision of new
15 facilities enhance the tax base of the taxing districts
16 that extend into the redevelopment project area.

17 (4) If any incremental revenues are being utilized
18 under Section 8(a)(1) or 8(a)(2) of this Act in
19 redevelopment project areas approved by ordinance after
20 January 1, 1986, the municipality finds: (a) that the
21 redevelopment project area would not reasonably be
22 developed without the use of such incremental revenues, and
23 (b) that such incremental revenues will be exclusively
24 utilized for the development of the redevelopment project
25 area.

26 (5) If the redevelopment plan will not result in
27 displacement of residents from 10 or more inhabited
28 residential units, and the municipality certifies in the
29 plan that such displacement will not result from the plan,
30 a housing impact study need not be performed. If, however,
31 the redevelopment plan would result in the displacement of
32 residents from 10 or more inhabited residential units, or
33 if the redevelopment project area contains 75 or more
34 inhabited residential units and no certification is made,
35 then the municipality shall prepare, as part of the
36 separate feasibility report required by subsection (a) of

1 Section 11-74.4-5, a housing impact study.

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

15 Part II of the housing impact study shall identify the
16 inhabited residential units in the proposed redevelopment
17 project area that are to be or may be removed. If inhabited
18 residential units are to be removed, then the housing
19 impact study shall identify (i) the number and location of
20 those units that will or may be removed, (ii) the
21 municipality's plans for relocation assistance for those
22 residents in the proposed redevelopment project area whose
23 residences are to be removed, (iii) the availability of
24 replacement housing for those residents whose residences
25 are to be removed, and shall identify the type, location,
26 and cost of the housing, and (iv) the type and extent of
27 relocation assistance to be provided.

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

31 (7) On and after November 1, 1999, no redevelopment
32 plan shall be adopted, nor an existing plan amended, nor
33 shall residential housing that is occupied by households of
34 low-income and very low-income persons in currently
35 existing redevelopment project areas be removed after
36 November 1, 1999 unless the redevelopment plan provides,

1 with respect to inhabited housing units that are to be
2 removed for households of low-income and very low-income
3 persons, affordable housing and relocation assistance not
4 less than that which would be provided under the federal
5 Uniform Relocation Assistance and Real Property
6 Acquisition Policies Act of 1970 and the regulations under
7 that Act, including the eligibility criteria. Affordable
8 housing may be either existing or newly constructed
9 housing. For purposes of this paragraph (7), "low-income
10 households", "very low-income households", and "affordable
11 housing" have the meanings set forth in the Illinois
12 Affordable Housing Act. The municipality shall make a good
13 faith effort to ensure that this affordable housing is
14 located in or near the redevelopment project area within
15 the municipality.

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

23 (9) For redevelopment project areas designated prior
24 to November 1, 1999, the redevelopment plan may be amended
25 without further joint review board meeting or hearing,
26 provided that the municipality shall give notice of any
27 such changes by mail to each affected taxing district and
28 registrant on the interested party registry, to authorize
29 the municipality to expend tax increment revenues for
30 redevelopment project costs defined by paragraphs (5) and
31 (7.5), subparagraphs (E) and (F) of paragraph (11), and
32 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
33 long as the changes do not increase the total estimated
34 redevelopment project costs set out in the redevelopment
35 plan by more than 5% after adjustment for inflation from
36 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 may
5 be approved or amended that includes the development of vacant
6 land (i) with a golf course and related clubhouse and other
7 facilities or (ii) designated by federal, State, county, or
8 municipal government as public land for outdoor recreational
9 activities or for nature preserves and used for that purpose
10 within 5 years prior to the adoption of the redevelopment plan.
11 For the purpose of this subsection, "recreational activities"
12 is limited to mean camping and hunting.

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

20 (q) "Redevelopment project costs" mean and include the sum
21 total of all reasonable or necessary costs incurred or
22 estimated to be incurred, and any such costs incidental to a
23 redevelopment plan and a redevelopment project. Such costs
24 include, without limitation, the following:

25 (1) Costs of studies, surveys, development of plans,
26 and specifications, implementation and administration of
27 the redevelopment plan including but not limited to staff
28 and professional service costs for architectural,
29 engineering, legal, financial, planning or other services,
30 provided however that no charges for professional services
31 may be based on a percentage of the tax increment
32 collected; except that on and after November 1, 1999 (the
33 effective date of Public Act 91-478), no contracts for
34 professional services, excluding architectural and
35 engineering services, may be entered into if the terms of
36 the contract extend beyond a period of 3 years. In

1 addition, "redevelopment project costs" shall not include
2 lobbying expenses. After consultation with the
3 municipality, each tax increment consultant or advisor to a
4 municipality that plans to designate or has designated a
5 redevelopment project area shall inform the municipality
6 in writing of any contracts that the consultant or advisor
7 has entered into with entities or individuals that have
8 received, or are receiving, payments financed by tax
9 increment revenues produced by the redevelopment project
10 area with respect to which the consultant or advisor has
11 performed, or will be performing, service for the
12 municipality. This requirement shall be satisfied by the
13 consultant or advisor before the commencement of services
14 for the municipality and thereafter whenever any other
15 contracts with those individuals or entities are executed
16 by the consultant or advisor;

17 (1.5) After July 1, 1999, annual administrative costs
18 shall not include general overhead or administrative costs
19 of the municipality that would still have been incurred by
20 the municipality if the municipality had not designated a
21 redevelopment project area or approved a redevelopment
22 plan;

23 (1.6) The cost of marketing sites within the
24 redevelopment project area to prospective businesses,
25 developers, and investors;

26 (2) Property assembly costs, including but not limited
27 to acquisition of land and other property, real or
28 personal, or rights or interests therein, demolition of
29 buildings, site preparation, site improvements that serve
30 as an engineered barrier addressing ground level or below
31 ground environmental contamination, including, but not
32 limited to parking lots and other concrete or asphalt
33 barriers, and the clearing and grading of land;

34 (3) Costs of rehabilitation, reconstruction or repair
35 or remodeling of existing public or private buildings,
36 fixtures, and leasehold improvements; and the cost of

1 replacing an existing public building if pursuant to the
2 implementation of a redevelopment project the existing
3 public building is to be demolished to use the site for
4 private investment or devoted to a different use requiring
5 private investment;

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

25 (5) Costs of job training and retraining projects,
26 including the cost of "welfare to work" programs
27 implemented by businesses located within the redevelopment
28 project area;

29 (6) Financing costs, including but not limited to all
30 necessary and incidental expenses related to the issuance
31 of obligations and which may include payment of interest on
32 any obligations issued hereunder including interest
33 accruing during the estimated period of construction of any
34 redevelopment project for which such obligations are
35 issued and for not exceeding 36 months thereafter and
36 including reasonable reserves related thereto;

1 (7) To the extent the municipality by written agreement
2 accepts and approves the same, all or a portion of a taxing
3 district's capital costs resulting from the redevelopment
4 project necessarily incurred or to be incurred within a
5 taxing district in furtherance of the objectives of the
6 redevelopment plan and project.

7 (7.5) For redevelopment project areas designated (or
8 redevelopment project areas amended to add or increase the
9 number of tax-increment-financing assisted housing units)
10 on or after November 1, 1999, an elementary, secondary, or
11 unit school district's increased costs attributable to
12 assisted housing units located within the redevelopment
13 project area for which the developer or redeveloper
14 receives financial assistance through an agreement with
15 the municipality or because the municipality incurs the
16 cost of necessary infrastructure improvements within the
17 boundaries of the assisted housing sites necessary for the
18 completion of that housing as authorized by this Act, and
19 which costs shall be paid by the municipality from the
20 Special Tax Allocation Fund when the tax increment revenue
21 is received as a result of the assisted housing units and
22 shall be calculated annually as follows:

23 (A) for foundation districts, excluding any school
24 district in a municipality with a population in excess
25 of 1,000,000, by multiplying the district's increase
26 in attendance resulting from the net increase in new
27 students enrolled in that school district who reside in
28 housing units within the redevelopment project area
29 that have received financial assistance through an
30 agreement with the municipality or because the
31 municipality incurs the cost of necessary
32 infrastructure improvements within the boundaries of
33 the housing sites necessary for the completion of that
34 housing as authorized by this Act since the designation
35 of the redevelopment project area by the most recently
36 available per capita tuition cost as defined in Section

1 10-20.12a of the School Code less any increase in
2 general State aid as defined in Section 18-8.05 of the
3 School Code attributable to these added new students
4 subject to the following annual limitations:

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

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

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

23 (B) For alternate method districts, flat grant
24 districts, and foundation districts with a district
25 average 1995-96 Per Capita Tuition Charge equal to or
26 more than \$5,900, excluding any school district with a
27 population in excess of 1,000,000, by multiplying the
28 district's increase in attendance resulting from the
29 net increase in new students enrolled in that school
30 district who reside in housing units within the
31 redevelopment project area that have received
32 financial assistance through an agreement with the
33 municipality or because the municipality incurs the
34 cost of necessary infrastructure improvements within
35 the boundaries of the housing sites necessary for the
36 completion of that housing as authorized by this Act

1 since the designation of the redevelopment project
2 area by the most recently available per capita tuition
3 cost as defined in Section 10-20.12a of the School Code
4 less any increase in general state aid as defined in
5 Section 18-8.05 of the School Code attributable to
6 these added new students subject to the following
7 annual limitations:

8 (i) for unit school districts, no more than 40%
9 of the total amount of property tax increment
10 revenue produced by those housing units that have
11 received tax increment finance assistance under
12 this Act;

13 (ii) for elementary school districts, no more
14 than 27% of the total amount of property tax
15 increment revenue produced by those housing units
16 that have received tax increment finance
17 assistance under this Act; and

18 (iii) for secondary school districts, no more
19 than 13% of the total amount of property tax
20 increment revenue produced by those housing units
21 that have received tax increment finance
22 assistance under this Act.

23 (C) For any school district in a municipality with
24 a population in excess of 1,000,000, the following
25 restrictions shall apply to the reimbursement of
26 increased costs under this paragraph (7.5):

27 (i) no increased costs shall be reimbursed
28 unless the school district certifies that each of
29 the schools affected by the assisted housing
30 project is at or over its student capacity;

31 (ii) the amount reimbursable shall be reduced
32 by the value of any land donated to the school
33 district by the municipality or developer, and by
34 the value of any physical improvements made to the
35 schools by the municipality or developer; and

36 (iii) the amount reimbursed may not affect

1 amounts otherwise obligated by the terms of any
2 bonds, notes, or other funding instruments, or the
3 terms of any redevelopment agreement.

4 Any school district seeking payment under this
5 paragraph (7.5) shall, after July 1 and before
6 September 30 of each year, provide the municipality
7 with reasonable evidence to support its claim for
8 reimbursement before the municipality shall be
9 required to approve or make the payment to the school
10 district. If the school district fails to provide the
11 information during this period in any year, it shall
12 forfeit any claim to reimbursement for that year.
13 School districts may adopt a resolution waiving the
14 right to all or a portion of the reimbursement
15 otherwise required by this paragraph (7.5). By
16 acceptance of this reimbursement the school district
17 waives the right to directly or indirectly set aside,
18 modify, or contest in any manner the establishment of
19 the redevelopment project area or projects;

20 (7.7) For redevelopment project areas designated (or
21 redevelopment project areas amended to add or increase the
22 number of tax-increment-financing assisted housing units)
23 on or after January 1, 2005 (the effective date of Public
24 Act 93-961), a public library district's increased costs
25 attributable to assisted housing units located within the
26 redevelopment project area for which the developer or
27 redeveloper receives financial assistance through an
28 agreement with the municipality or because the
29 municipality incurs the cost of necessary infrastructure
30 improvements within the boundaries of the assisted housing
31 sites necessary for the completion of that housing as
32 authorized by this Act shall be paid to the library
33 district by the municipality from the Special Tax
34 Allocation Fund when the tax increment revenue is received
35 as a result of the assisted housing units. This paragraph
36 (7.7) applies only if (i) the library district is located

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

7 The amount paid to a library district under this
8 paragraph (7.7) shall be calculated by multiplying (i) the
9 net increase in the number of persons eligible to obtain a
10 library card in that district who reside in housing units
11 within the redevelopment project area that have received
12 financial assistance through an agreement with the
13 municipality or because the municipality incurs the cost of
14 necessary infrastructure improvements within the
15 boundaries of the housing sites necessary for the
16 completion of that housing as authorized by this Act since
17 the designation of the redevelopment project area by (ii)
18 the per-patron cost of providing library services so long
19 as it does not exceed \$120. The per-patron cost shall be
20 the Total Operating Expenditures Per Capita as stated in
21 the most recent Illinois Public Library Statistics
22 produced by the Library Research Center at the University
23 of Illinois. The municipality may deduct from the amount
24 that it must pay to a library district under this paragraph
25 any amount that it has voluntarily paid to the library
26 district from the tax increment revenue. The amount paid to
27 a library district under this paragraph (7.7) shall be no
28 more than 2% of the amount produced by the assisted housing
29 units and deposited into the Special Tax Allocation Fund.

30 A library district is not eligible for any payment
31 under this paragraph (7.7) unless the library district has
32 experienced an increase in the number of patrons from the
33 municipality that created the tax-increment-financing
34 district since the designation of the redevelopment
35 project area.

36 Any library district seeking payment under this

1 paragraph (7.7) shall, after July 1 and before September 30
2 of each year, provide the municipality with convincing
3 evidence to support its claim for reimbursement before the
4 municipality shall be required to approve or make the
5 payment to the library district. If the library district
6 fails to provide the information during this period in any
7 year, it shall forfeit any claim to reimbursement for that
8 year. Library districts may adopt a resolution waiving the
9 right to all or a portion of the reimbursement otherwise
10 required by this paragraph (7.7). By acceptance of such
11 reimbursement, the library district shall forfeit any
12 right to directly or indirectly set aside, modify, or
13 contest in any manner whatsoever the establishment of the
14 redevelopment project area or projects;

15 (8) Relocation costs to the extent that a municipality
16 determines that relocation costs shall be paid or is
17 required to make payment of relocation costs by federal or
18 State law or in order to satisfy subparagraph (7) of
19 subsection (n);

20 (9) Payment in lieu of taxes;

21 (10) Costs of job training, retraining, advanced
22 vocational education or career education, including but
23 not limited to courses in occupational, semi-technical or
24 technical fields leading directly to employment, incurred
25 by one or more taxing districts, provided that such costs
26 (i) are related to the establishment and maintenance of
27 additional job training, advanced vocational education or
28 career education programs for persons employed or to be
29 employed by employers located in a redevelopment project
30 area; and (ii) when incurred by a taxing district or taxing
31 districts other than the municipality, are set forth in a
32 written agreement by or among the municipality and the
33 taxing district or taxing districts, which agreement
34 describes the program to be undertaken, including but not
35 limited to the number of employees to be trained, a
36 description of the training and services to be provided,

1 the number and type of positions available or to be
2 available, itemized costs of the program and sources of
3 funds to pay for the same, and the term of the agreement.
4 Such costs include, specifically, the payment by community
5 college districts of costs pursuant to Sections 3-37, 3-38,
6 3-40 and 3-40.1 of the Public Community College Act and by
7 school districts of costs pursuant to Sections 10-22.20a
8 and 10-23.3a of The School Code;

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

12 (A) such costs are to be paid directly from the
13 special tax allocation fund established pursuant to
14 this Act;

15 (B) such payments in any one year may not exceed
16 30% of the annual interest costs incurred by the
17 redeveloper with regard to the redevelopment project
18 during that year;

19 (C) if there are not sufficient funds available in
20 the special tax allocation fund to make the payment
21 pursuant to this paragraph (11) then the amounts so due
22 shall accrue and be payable when sufficient funds are
23 available in the special tax allocation fund;

24 (D) the total of such interest payments paid
25 pursuant to this Act may not exceed 30% of the total
26 (i) cost paid or incurred by the redeveloper for the
27 redevelopment project plus (ii) redevelopment project
28 costs excluding any property assembly costs and any
29 relocation costs incurred by a municipality pursuant
30 to this Act; and

31 (E) the cost limits set forth in subparagraphs (B)
32 and (D) of paragraph (11) shall be modified for the
33 financing of rehabilitated or new housing units for
34 low-income households and very low-income households,
35 as defined in Section 3 of the Illinois Affordable
36 Housing Act. The percentage of 75% shall be substituted

1 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

18 The eligible costs provided under this
19 subparagraph (F) of paragraph (11) shall be an eligible
20 cost for the construction, renovation, and
21 rehabilitation of all low and very low-income housing
22 units, as defined in Section 3 of the Illinois
23 Affordable Housing Act, within the redevelopment
24 project area. If the low and very low-income units are
25 part of a residential redevelopment project that
26 includes units not affordable to low and very
27 low-income households, only the low and very
28 low-income units shall be eligible for benefits under
29 subparagraph (F) of paragraph (11). The standards for
30 maintaining the occupancy by low-income households and
31 very low-income households, as defined in Section 3 of
32 the Illinois Affordable Housing Act, of those units
33 constructed with eligible costs made available under
34 the provisions of this subparagraph (F) of paragraph
35 (11) shall be established by guidelines adopted by the
36 municipality. The responsibility for annually

1 documenting the initial occupancy of the units by
2 low-income households and very low-income households,
3 as defined in Section 3 of the Illinois Affordable
4 Housing Act, shall be that of the then current owner of
5 the property. For ownership units, the guidelines will
6 provide, at a minimum, for a reasonable recapture of
7 funds, or other appropriate methods designed to
8 preserve the original affordability of the ownership
9 units. For rental units, the guidelines will provide,
10 at a minimum, for the affordability of rent to low and
11 very low-income households. As units become available,
12 they shall be rented to income-eligible tenants. The
13 municipality may modify these guidelines from time to
14 time; the guidelines, however, shall be in effect for
15 as long as tax increment revenue is being used to pay
16 for costs associated with the units or for the
17 retirement of bonds issued to finance the units or for
18 the life of the redevelopment project area, whichever
19 is later.

20 (11.5) If the redevelopment project area is located
21 within a municipality with a population of more than
22 100,000, the cost of day care services for children of
23 employees from low-income families working for businesses
24 located within the redevelopment project area and all or a
25 portion of the cost of operation of day care centers
26 established by redevelopment project area businesses to
27 serve employees from low-income families working in
28 businesses located in the redevelopment project area. For
29 the purposes of this paragraph, "low-income families"
30 means families whose annual income does not exceed 80% of
31 the municipal, county, or regional median income, adjusted
32 for family size, as the annual income and municipal,
33 county, or regional median income are determined from time
34 to time by the United States Department of Housing and
35 Urban Development.

36 (12) Unless explicitly stated herein the cost of

1 construction of new privately-owned buildings shall not be
2 an eligible redevelopment project cost.

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

23 If a special service area has been established pursuant to
24 the Special Service Area Tax Act or Special Service Area Tax
25 Law, then any tax increment revenues derived from the tax
26 imposed pursuant to the Special Service Area Tax Act or Special
27 Service Area Tax Law may be used within the redevelopment
28 project area for the purposes permitted by that Act or Law as
29 well as the purposes permitted by this Act.

30 (r) "State Sales Tax Boundary" means the redevelopment
31 project area or the amended redevelopment project area
32 boundaries which are determined pursuant to subsection (9) of
33 Section 11-74.4-8a of this Act. The Department of Revenue shall
34 certify pursuant to subsection (9) of Section 11-74.4-8a the
35 appropriate boundaries eligible for the determination of State
36 Sales Tax Increment.

1 (s) "State Sales Tax Increment" means an amount equal to
2 the increase in the aggregate amount of taxes paid by retailers
3 and servicemen, other than retailers and servicemen subject to
4 the Public Utilities Act, on transactions at places of business
5 located within a State Sales Tax Boundary pursuant to the
6 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
7 Tax Act, and the Service Occupation Tax Act, except such
8 portion of such increase that is paid into the State and Local
9 Sales Tax Reform Fund, the Local Government Distributive Fund,
10 the Local Government Tax Fund and the County and Mass Transit
11 District Fund, for as long as State participation exists, over
12 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
13 Tax Amounts or the Revised Initial Sales Tax Amounts for such
14 taxes as certified by the Department of Revenue and paid under
15 those Acts by retailers and servicemen on transactions at
16 places of business located within the State Sales Tax Boundary
17 during the base year which shall be the calendar year
18 immediately prior to the year in which the municipality adopted
19 tax increment allocation financing, less 3.0% of such amounts
20 generated under the Retailers' Occupation Tax Act, Use Tax Act
21 and Service Use Tax Act and the Service Occupation Tax Act,
22 which sum shall be appropriated to the Department of Revenue to
23 cover its costs of administering and enforcing this Section.
24 For purposes of computing the aggregate amount of such taxes
25 for base years occurring prior to 1985, the Department of
26 Revenue shall compute the Initial Sales Tax Amount for such
27 taxes and deduct therefrom an amount equal to 4% of the
28 aggregate amount of taxes per year for each year the base year
29 is prior to 1985, but not to exceed a total deduction of 12%.
30 The amount so determined shall be known as the "Adjusted
31 Initial Sales Tax Amount". For purposes of determining the
32 State Sales Tax Increment the Department of Revenue shall for
33 each period subtract from the tax amounts received from
34 retailers and servicemen on transactions located in the State
35 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
36 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax

1 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
2 the Service Use Tax Act and the Service Occupation Tax Act. For
3 the State Fiscal Year 1989 this calculation shall be made by
4 utilizing the calendar year 1987 to determine the tax amounts
5 received. For the State Fiscal Year 1990, this calculation
6 shall be made by utilizing the period from January 1, 1988,
7 until September 30, 1988, to determine the tax amounts received
8 from retailers and servicemen, which shall have deducted
9 therefrom nine-twelfths of the certified Initial Sales Tax
10 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
11 Initial Sales Tax Amounts as appropriate. For the State Fiscal
12 Year 1991, this calculation shall be made by utilizing the
13 period from October 1, 1988, until June 30, 1989, to determine
14 the tax amounts received from retailers and servicemen, which
15 shall have deducted therefrom nine-twelfths of the certified
16 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
17 Amounts or the Revised Initial Sales Tax Amounts as
18 appropriate. For every State Fiscal Year thereafter, the
19 applicable period shall be the 12 months beginning July 1 and
20 ending on June 30, to determine the tax amounts received which
21 shall have deducted therefrom the certified Initial Sales Tax
22 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
23 Initial Sales Tax Amounts. Municipalities intending to receive
24 a distribution of State Sales Tax Increment must report a list
25 of retailers to the Department of Revenue by October 31, 1988
26 and by July 31, of each year thereafter.

27 (t) "Taxing districts" means counties, townships, cities
28 and incorporated towns and villages, school, road, park,
29 sanitary, mosquito abatement, forest preserve, public health,
30 fire protection, river conservancy, tuberculosis sanitarium
31 and any other municipal corporations or districts with the
32 power to levy taxes.

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

1 (v) As used in subsection (a) of Section 11-74.4-3 of this
2 Act, "vacant land" means any parcel or combination of parcels
3 of real property without industrial, commercial, and
4 residential buildings which has not been used for commercial
5 agricultural purposes within 5 years prior to the designation
6 of the redevelopment project area, unless the parcel is
7 included in an industrial park conservation area or the parcel
8 has been subdivided; provided that if the parcel was part of a
9 larger tract that has been divided into 3 or more smaller
10 tracts that were accepted for recording during the period from
11 1950 to 1990, then the parcel shall be deemed to have been
12 subdivided, and all proceedings and actions of the municipality
13 taken in that connection with respect to any previously
14 approved or designated redevelopment project area or amended
15 redevelopment project area are hereby validated and hereby
16 declared to be legally sufficient for all purposes of this Act.
17 For purposes of this Section and only for land subject to the
18 subdivision requirements of the Plat Act, land is subdivided
19 when the original plat of the proposed Redevelopment Project
20 Area or relevant portion thereof has been properly certified,
21 acknowledged, approved, and recorded or filed in accordance
22 with the Plat Act and a preliminary plat, if any, for any
23 subsequent phases of the proposed Redevelopment Project Area or
24 relevant portion thereof has been properly approved and filed
25 in accordance with the applicable ordinance of the
26 municipality.

27 (w) "Annual Total Increment" means the sum of each
28 municipality's annual Net Sales Tax Increment and each
29 municipality's annual Net Utility Tax Increment. The ratio of
30 the Annual Total Increment of each municipality to the Annual
31 Total Increment for all municipalities, as most recently
32 calculated by the Department, shall determine the proportional
33 shares of the Illinois Tax Increment Fund to be distributed to
34 each municipality.

35 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
36 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.

1 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,
2 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;
3 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.
4 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,
5 eff. 7-21-05; 94-302, eff. 7-21-05; revised 8-10-05.)

6 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

7 Sec. 11-74.4-7. Obligations secured by the special tax
8 allocation fund set forth in Section 11-74.4-8 for the
9 redevelopment project area may be issued to provide for
10 redevelopment project costs. Such obligations, when so issued,
11 shall be retired in the manner provided in the ordinance
12 authorizing the issuance of such obligations by the receipts of
13 taxes levied as specified in Section 11-74.4-9 against the
14 taxable property included in the area, by revenues as specified
15 by Section 11-74.4-8a and other revenue designated by the
16 municipality. A municipality may in the ordinance pledge all or
17 any part of the funds in and to be deposited in the special tax
18 allocation fund created pursuant to Section 11-74.4-8 to the
19 payment of the redevelopment project costs and obligations. Any
20 pledge of funds in the special tax allocation fund shall
21 provide for distribution to the taxing districts and to the
22 Illinois Department of Revenue of moneys not required, pledged,
23 earmarked, or otherwise designated for payment and securing of
24 the obligations and anticipated redevelopment project costs
25 and such excess funds shall be calculated annually and deemed
26 to be "surplus" funds. In the event a municipality only applies
27 or pledges a portion of the funds in the special tax allocation
28 fund for the payment or securing of anticipated redevelopment
29 project costs or of obligations, any such funds remaining in
30 the special tax allocation fund after complying with the
31 requirements of the application or pledge, shall also be
32 calculated annually and deemed "surplus" funds. All surplus
33 funds in the special tax allocation fund shall be distributed
34 annually within 180 days after the close of the municipality's
35 fiscal year by being paid by the municipal treasurer to the

1 County Collector, to the Department of Revenue and to the
2 municipality in direct proportion to the tax incremental
3 revenue received as a result of an increase in the equalized
4 assessed value of property in the redevelopment project area,
5 tax incremental revenue received from the State and tax
6 incremental revenue received from the municipality, but not to
7 exceed as to each such source the total incremental revenue
8 received from that source. The County Collector shall
9 thereafter make distribution to the respective taxing
10 districts in the same manner and proportion as the most recent
11 distribution by the county collector to the affected districts
12 of real property taxes from real property in the redevelopment
13 project area.

14 Without limiting the foregoing in this Section, the
15 municipality may in addition to obligations secured by the
16 special tax allocation fund pledge for a period not greater
17 than the term of the obligations towards payment of such
18 obligations any part or any combination of the following: (a)
19 net revenues of all or part of any redevelopment project; (b)
20 taxes levied and collected on any or all property in the
21 municipality; (c) the full faith and credit of the
22 municipality; (d) a mortgage on part or all of the
23 redevelopment project; or (e) any other taxes or anticipated
24 receipts that the municipality may lawfully pledge.

25 Such obligations may be issued in one or more series
26 bearing interest at such rate or rates as the corporate
27 authorities of the municipality shall determine by ordinance.
28 Such obligations shall bear such date or dates, mature at such
29 time or times not exceeding 20 years from their respective
30 dates, be in such denomination, carry such registration
31 privileges, be executed in such manner, be payable in such
32 medium of payment at such place or places, contain such
33 covenants, terms and conditions, and be subject to redemption
34 as such ordinance shall provide. Obligations issued pursuant to
35 this Act may be sold at public or private sale at such price as
36 shall be determined by the corporate authorities of the

1 municipalities. No referendum approval of the electors shall be
2 required as a condition to the issuance of obligations pursuant
3 to this Division except as provided in this Section.

4 In the event the municipality authorizes issuance of
5 obligations pursuant to the authority of this Division secured
6 by the full faith and credit of the municipality, which
7 obligations are other than obligations which may be issued
8 under home rule powers provided by Article VII, Section 6 of
9 the Illinois Constitution, or pledges taxes pursuant to (b) or
10 (c) of the second paragraph of this section, the ordinance
11 authorizing the issuance of such obligations or pledging such
12 taxes shall be published within 10 days after such ordinance
13 has been passed in one or more newspapers, with general
14 circulation within such municipality. The publication of the
15 ordinance shall be accompanied by a notice of (1) the specific
16 number of voters required to sign a petition requesting the
17 question of the issuance of such obligations or pledging taxes
18 to be submitted to the electors; (2) the time in which such
19 petition must be filed; and (3) the date of the prospective
20 referendum. The municipal clerk shall provide a petition form
21 to any individual requesting one.

22 If no petition is filed with the municipal clerk, as
23 hereinafter provided in this Section, within 30 days after the
24 publication of the ordinance, the ordinance shall be in effect.
25 But, if within that 30 day period a petition is filed with the
26 municipal clerk, signed by electors in the municipality
27 numbering 10% or more of the number of registered voters in the
28 municipality, asking that the question of issuing obligations
29 using full faith and credit of the municipality as security for
30 the cost of paying for redevelopment project costs, or of
31 pledging taxes for the payment of such obligations, or both, be
32 submitted to the electors of the municipality, the corporate
33 authorities of the municipality shall call a special election
34 in the manner provided by law to vote upon that question, or,
35 if a general, State or municipal election is to be held within
36 a period of not less than 30 or more than 90 days from the date

1 such petition is filed, shall submit the question at the next
2 general, State or municipal election. If it appears upon the
3 canvass of the election by the corporate authorities that a
4 majority of electors voting upon the question voted in favor
5 thereof, the ordinance shall be in effect, but if a majority of
6 the electors voting upon the question are not in favor thereof,
7 the ordinance shall not take effect.

8 The ordinance authorizing the obligations may provide that
9 the obligations shall contain a recital that they are issued
10 pursuant to this Division, which recital shall be conclusive
11 evidence of their validity and of the regularity of their
12 issuance.

13 In the event the municipality authorizes issuance of
14 obligations pursuant to this Section secured by the full faith
15 and credit of the municipality, the ordinance authorizing the
16 obligations may provide for the levy and collection of a direct
17 annual tax upon all taxable property within the municipality
18 sufficient to pay the principal thereof and interest thereon as
19 it matures, which levy may be in addition to and exclusive of
20 the maximum of all other taxes authorized to be levied by the
21 municipality, which levy, however, shall be abated to the
22 extent that monies from other sources are available for payment
23 of the obligations and the municipality certifies the amount of
24 said monies available to the county clerk.

25 A certified copy of such ordinance shall be filed with the
26 county clerk of each county in which any portion of the
27 municipality is situated, and shall constitute the authority
28 for the extension and collection of the taxes to be deposited
29 in the special tax allocation fund.

30 A municipality may also issue its obligations to refund in
31 whole or in part, obligations theretofore issued by such
32 municipality under the authority of this Act, whether at or
33 prior to maturity, provided however, that the last maturity of
34 the refunding obligations shall not be expressed to mature
35 later than December 31 of the year in which the payment to the
36 municipal treasurer as provided in subsection (b) of Section

1 11-74.4-8 of this Act is to be made with respect to ad valorem
2 taxes levied in the twenty-third calendar year after the year
3 in which the ordinance approving the redevelopment project area
4 is adopted if the ordinance was adopted on or after January 15,
5 1981, not later than December 31 of the year in which the
6 payment to the municipal treasurer as provided in subsection
7 (b) of Section 11-74.4-8 of this Act is to be made with respect
8 to ad valorem taxes levied in the thirty-third calendar year
9 after the year in which the ordinance approving the
10 redevelopment project area if the ordinance was adopted on May
11 20, 1985 by the Village of Wheeling, and not later than
12 December 31 of the year in which the payment to the municipal
13 treasurer as provided in subsection (b) of Section 11-74.4-8 of
14 this Act is to be made with respect to ad valorem taxes levied
15 in the thirty-fifth calendar year after the year in which the
16 ordinance approving the redevelopment project area is adopted
17 (A) if the ordinance was adopted before January 15, 1981, or
18 (B) if the ordinance was adopted in December 1983, April 1984,
19 July 1985, or December 1989, or (C) if the ordinance was
20 adopted in December, 1987 and the redevelopment project is
21 located within one mile of Midway Airport, or (D) if the
22 ordinance was adopted before January 1, 1987 by a municipality
23 in Mason County, or (E) if the municipality is subject to the
24 Local Government Financial Planning and Supervision Act or the
25 Financially Distressed City Law, or (F) if the ordinance was
26 adopted in December 1984 by the Village of Rosemont, or (G) if
27 the ordinance was adopted on December 31, 1986 by a
28 municipality located in Clinton County for which at least
29 \$250,000 of tax increment bonds were authorized on June 17,
30 1997, or if the ordinance was adopted on December 31, 1986 by a
31 municipality with a population in 1990 of less than 3,600 that
32 is located in a county with a population in 1990 of less than
33 34,000 and for which at least \$250,000 of tax increment bonds
34 were authorized on June 17, 1997, or (H) if the ordinance was
35 adopted on October 5, 1982 by the City of Kankakee, or (I) if
36 the ordinance was adopted on December 29, 1986 by East St.

1 Louis, or if the ordinance was adopted on November 12, 1991 by
2 the Village of Sauget, or (J) if the ordinance was adopted on
3 February 11, 1985 by the City of Rock Island, or (K) if the
4 ordinance was adopted before December 18, 1986 by the City of
5 Moline, or (L) if the ordinance was adopted in September 1988
6 by Sauk Village, or (M) if the ordinance was adopted in October
7 1993 by Sauk Village, or (N) if the ordinance was adopted on
8 December 29, 1986 by the City of Galva, or (O) if the ordinance
9 was adopted in March 1991 by the City of Centreville, or (P) if
10 the ordinance was adopted on January 23, 1991 by the City of
11 East St. Louis, or (Q) if the ordinance was adopted on December
12 22, 1986 by the City of Aledo, or (R) if the ordinance was
13 adopted on February 5, 1990 by the City of Clinton, or (S) if
14 the ordinance was adopted on September 6, 1994 by the City of
15 Freeport, or (T) if the ordinance was adopted on December 22,
16 1986 by the City of Tuscola, or (U) if the ordinance was
17 adopted on December 23, 1986 by the City of Sparta, or (V) if
18 the ordinance was adopted on December 23, 1986 by the City of
19 Beardstown, or (W) if the ordinance was adopted on April 27,
20 1981, October 21, 1985, or December 30, 1986 by the City of
21 Belleville, or (X) if the ordinance was adopted on December 29,
22 1986 by the City of Collinsville, or (Y) if the ordinance was
23 adopted on September 14, 1994 by the City of Alton, or (Z) if
24 the ordinance was adopted on November 11, 1996 by the City of
25 Lexington, or (AA) if the ordinance was adopted on November 5,
26 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
27 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
28 if the ordinance was adopted on November 11, 1986 by the City
29 of Pekin, or (DD) if the ordinance was adopted on December 15,
30 1981 by the City of Champaign, or (EE) if the ordinance was
31 adopted on December 15, 1986 by the City of Urbana, or (FF) if
32 the ordinance was adopted on December 15, 1986 by the Village
33 of Heyworth, or (GG) if the ordinance was adopted on February
34 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
35 was adopted on March 16, 1995 by the Village of Heyworth, or
36 (II) if the ordinance was adopted on December 23, 1986 by the

1 Town of Cicero, or (JJ) if the ordinance was adopted on
2 December 30, 1986 by the City of Effingham, or (KK) if the
3 ordinance was adopted on May 9, 1991 by the Village of Tilton,
4 or (LL) if the ordinance was adopted on October 20, 1986 by the
5 City of Elmhurst, or (MM) if the ordinance was adopted on
6 January 19, 1988 by the City of Waukegan, or (NN) if the
7 ordinance was adopted on September 21, 1998 by the City of
8 Waukegan, or (OO) if the ordinance was adopted on December 31,
9 1986 by the City of Sullivan, or (PP) if the ordinance was
10 adopted on December 23, 1991 by the City of Sullivan, or (OO)
11 ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the
12 City of Oglesby and, for redevelopment project areas for which
13 bonds were issued before July 29, 1991, in connection with a
14 redevelopment project in the area within the State Sales Tax
15 Boundary and which were extended by municipal ordinance under
16 subsection (n) of Section 11-74.4-3, the last maturity of the
17 refunding obligations shall not be expressed to mature later
18 than the date on which the redevelopment project area is
19 terminated or December 31, 2013, whichever date occurs first.

20 In the event a municipality issues obligations under home
21 rule powers or other legislative authority the proceeds of
22 which are pledged to pay for redevelopment project costs, the
23 municipality may, if it has followed the procedures in
24 conformance with this division, retire said obligations from
25 funds in the special tax allocation fund in amounts and in such
26 manner as if such obligations had been issued pursuant to the
27 provisions of this division.

28 All obligations heretofore or hereafter issued pursuant to
29 this Act shall not be regarded as indebtedness of the
30 municipality issuing such obligations or any other taxing
31 district for the purpose of any limitation imposed by law.

32 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
33 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.
34 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,
35 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;
36 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.

1 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; revised
2 8-10-05.)

3 (65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

4 Sec. 11-124-1. Contracts for supply of water.

5 (a) The corporate authorities of each municipality may
6 contract with any person, corporation, municipal corporation,
7 political subdivision, public water district or any other
8 agency for a supply of water. Any such contract entered into by
9 a municipality shall provide that payments to be made
10 thereunder shall be solely from the revenues to be derived from
11 the operation of the waterworks system of the municipality, and
12 the contract shall be a continuing valid and binding obligation
13 of the municipality payable from the revenues derived from the
14 operation of the waterworks system of the municipality for the
15 period of years, not to exceed 40, as may be provided in such
16 contract. Any such contract shall not be a debt within the
17 meaning of any constitutional or statutory limitation. No prior
18 appropriation shall be required before entering into such a
19 contract and no appropriation shall be required to authorize
20 payments to be made under the terms of any such contract
21 notwithstanding any provision in this Code to the contrary.

22 (b) ~~(a)~~ Payments to be made under any such contract shall
23 be an operation and maintenance expense of the waterworks
24 system of the municipality. Any such contract made by a
25 municipality for a supply of water may contain provisions
26 whereby the municipality is obligated to pay for such supply of
27 water without setoff or counterclaim and irrespective of
28 whether such supply of water is ever furnished, made available
29 or delivered to the municipality or whether any project for the
30 supply of water contemplated by any such contract is completed,
31 operable or operating and notwithstanding any suspension,
32 interruption, interference, reduction or curtailment of the
33 supply of water from such project. Any such contract may
34 provide that if one or more of the other purchasers of water
35 defaults in the payment of its obligations under such contract

1 or a similar contract made with the supplier of the water, one
2 or more of the remaining purchasers party to such contract or
3 such similar contract shall be required to pay for all or a
4 portion of the obligations of the defaulting purchasers.

5 (c) ~~(b)~~ Payments to be made under any such contract with a
6 municipal joint action water agency under the
7 Intergovernmental Cooperation Act shall be an operation and
8 maintenance expense of the waterworks system of the
9 municipality. Any such contract made by a municipality for a
10 supply of water with a municipal joint action water agency
11 under the provisions of the Intergovernmental Cooperation Act
12 may contain provisions whereby the municipality is obligated to
13 pay for such supply of water without setoff or counterclaim and
14 irrespective of whether such supply of water is ever furnished,
15 made available or delivered to the municipality or whether any
16 project for the supply of water contemplated by any such
17 contract is completed, operable or operating and
18 notwithstanding any suspension, interruption, interference,
19 reduction or curtailment of the supply of water from such
20 project. Any such contract with a municipal joint action water
21 agency may provide that if one or more of the other purchasers
22 of water defaults in the payment of its obligations under such
23 contract or a similar contract made with the supplier of the
24 water, one or more of the remaining purchasers party to such
25 contract or such similar contract shall be required to pay for
26 all or a portion of the obligations of the defaulting
27 purchasers.

28 The changes in this Section made by these amendatory Acts
29 of 1984 are intended to be declarative of existing law.

30 (d) ~~(b)~~ A municipality with a water supply contract with a
31 county water commission organized pursuant to the Water
32 Commission Act of 1985 shall provide water to unincorporated
33 areas of that home county in accordance with the terms of this
34 subsection. The provision of water by the municipality shall be
35 in accordance with a mandate of the home county as provided in
36 Section 0.01 of the Water Commission Act of 1985. A home rule

1 unit may not provide water in a manner that is inconsistent
2 with the provisions of this amendatory Act of the 93rd General
3 Assembly. This subsection is a limitation under subsection (i)
4 of Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of powers and functions
6 exercised by the State.

7 (Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

8 Section 320. The Conservation District Act is amended by
9 changing Section 12 as follows:

10 (70 ILCS 410/12) (from Ch. 96 1/2, par. 7112)

11 Sec. 12. To the extent necessary to carry out the purpose
12 of this Act and in addition to any other powers, duties and
13 functions vested in a district by law, but subject to such
14 limitations and restrictions as are imposed elsewhere by this
15 Act or another law, a district is authorized and empowered:

16 (a) To adopt by-laws, adopt and use a common seal, enter
17 into contracts, acquire and hold real and personal estate and
18 take such other actions as may be necessary for the proper
19 conduct of its affairs.

20 (b) To make and publish all ordinances, rules and
21 regulations necessary for the management and protection of its
22 property and the conduct of its affairs.

23 (c) To study and ascertain the district's wildland and
24 other open space resources and outdoor recreation facilities,
25 the need for preserving such resources and providing such
26 facilities and the extent to which such needs are being
27 currently met and to prepare and adopt a co-ordinated plan of
28 areas and facilities to meet such needs.

29 (d) To acquire by gift, legacy, purchase, condemnation in
30 the manner provided for the exercise of the right of eminent
31 domain under Article VII of the Code of Civil Procedure,
32 approved August 19, 1981, as amended, lease, agreement or
33 otherwise the fee or any lesser right or interest in real
34 property and to hold the same with or without public access for

1 open space, wildland, scenic roadway, pathway, outdoor
2 recreation, or other conservation benefits. A district that is
3 entirely within a county of under 200,000 inhabitants and
4 contiguous to a county of more than 2,000,000 ~~2,000,00~~
5 inhabitants and that is authorized by referendum as provided in
6 subsection (d) of Section 15 to incur indebtedness over 0.575%
7 but not to exceed 1.725% may acquire an interest in real estate
8 by condemnation only if approved by an affirmative vote of
9 two-thirds of the total number of trustees authorized for that
10 district; such a district may exchange, sell, or otherwise
11 dispose of any portion of any interest in real estate acquired
12 by it by any means within 2 years of acquiring that interest,
13 provided that a public hearing on the exchange, sale or other
14 disposition of such real estate or interest therein is held
15 prior to such action.

16 The Department of Natural Resources, the county board, or
17 the governing body of any municipality, district or public
18 corporation may, upon request of the conservation district, set
19 apart and transfer any real or personal property owned or
20 controlled by it and not devoted or dedicated to any other
21 inconsistent public use, to the conservation district. In
22 acquiring or accepting land or rights thereto, due
23 consideration shall be given to its open space, outdoor
24 recreation or other conservation values and no real property
25 shall be acquired or accepted which in the opinion of the
26 district or the Department of Natural Resources is of low value
27 from the standpoint of its proposed use.

28 (e) To classify, designate, plan, develop, preserve,
29 administer and maintain all areas, places and facilities in
30 which it has an interest, and construct, reconstruct, alter and
31 renew buildings and other structures, and equip and maintain
32 the same.

33 (f) To accept gifts, grants, legacies, contributions and
34 appropriations of money and other personal property for
35 conservation purposes.

36 (g) To employ and fix the compensation of an executive

1 officer who shall be responsible to the board for the carrying
2 out of its policies. The executive officer shall have the
3 power, subject to the approval of the board, to employ and fix
4 the compensation of such assistants and employees as the board
5 may consider necessary for carrying out the purposes and
6 provisions of this Act.

7 (h) To charge and collect reasonable fees for the use of
8 such facilities, privileges and conveniences as may be
9 provided.

10 (i) To police its property and to exercise police powers in
11 respect thereto or in respect to the enforcement of any rule or
12 regulation provided by the ordinances of the district and to
13 employ and commission police officers and other qualified
14 persons to enforce the same.

15 (j) To undertake studies pertaining to the natural history,
16 archaeology, history or conservation of natural resources of
17 the county.

18 (k) To lease land for a period not longer than 50 years
19 from the date of the lease to a responsible person, firm, or
20 corporation for construction, reconstruction, alteration,
21 renewal, equipment, furnishing, extension, development,
22 operation and maintenance of lodges, housekeeping and sleeping
23 cabins, swimming pools, golf courses, campgrounds, sand
24 beaches, marinas, convention and entertainment centers, roads
25 and parking areas, and other related buildings and facilities.
26 In any lease of land leased pursuant to this subsection (k),
27 upon expiration of the lease title to all structures on the
28 leased land shall be vested in the district.

29 (l) To lease any building or facility constructed,
30 reconstructed, altered, renewed, equipped, furnished,
31 extended, developed, and maintained by the district to a
32 responsible person, firm, or corporation for operation or
33 development, or both, and maintenance for a period not longer
34 than 20 years from the date of the lease.

35 (Source: P.A. 89-445, eff. 2-7-96; revised 10-11-05.)

1 Section 325. The Joliet Arsenal Development Authority Act
2 is amended by changing Section 40 as follows:

3 (70 ILCS 508/40)

4 Sec. 40. Acquisition.

5 (a) The Authority may, but need not, acquire title to any
6 project with respect to which it exercises its authority.

7 (b) The Authority shall have power to acquire by purchase,
8 lease, gift, or otherwise any property or rights therein from
9 any person, the State of Illinois, any municipal corporation,
10 any local unit of government, the government of the United
11 States, any agency or instrumentality of the United States, any
12 body politic, or any county useful for its purposes, whether
13 improved for the purposes of any prospective project or
14 unimproved. The Authority may also accept any donation of funds
15 for its purposes from any of those sources.

16 (c) The Authority shall have power to develop, construct,
17 and improve, either under its own direction or through
18 collaboration with any approved applicant, or to acquire
19 through purchase or otherwise any project, using for that
20 purpose the proceeds derived from its sale of revenue bonds,
21 notes, or other evidences of indebtedness or governmental loans
22 or grants, and to hold title in the name of the Authority to
23 those projects.

24 (d) The Authority shall have the power to enter into
25 intergovernmental agreements with the State of Illinois, the
26 county of Will, the Illinois Finance Authority, the
27 Metropolitan Pier and Exposition Authority, the United States
28 government, any agency or instrumentality of the United States,
29 any unit of local government located within the territory of
30 the Authority, or any other unit of government to the extent
31 allowed by Article VII, Section 10 of the Illinois Constitution
32 and the Intergovernmental Cooperation Act.

33 (e) The Authority shall have the power to share employees
34 with other units of government, including agencies of the
35 United States, agencies of the State of Illinois, and agencies

1 or personnel of any unit of local government.

2 (f) Subject to subsection (i) of Section 35 of this Act,
3 the Authority shall have the power to exercise powers and issue
4 revenue bonds as if it were a municipality so authorized in
5 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
6 Illinois Municipal Code.

7 (g) All property owned by the Joliet Arsenal Development
8 Authority is exempt from property taxes. Any property owned by
9 the Joliet Arsenal Development Authority and leased to an
10 entity that is not exempt shall remain exempt. The leasehold
11 interest of the lessee shall be assessed under Section 9-195 of
12 the Property Tax Code.

13 (Source: P.A. 93-205, eff. 1-1-04; 93-421, eff. 8-5-03; revised
14 9-11-03.)

15 Section 330. The Southeastern Illinois Economic
16 Development Authority Act is amended by changing Section 40 as
17 follows:

18 (70 ILCS 518/40)

19 Sec. 40. Bonds and notes; exemption from taxation. The
20 creation of the Authority is in all respects for the benefit of
21 the people of Illinois and for the improvement of their health,
22 safety, welfare, comfort, and security, and its purposes are
23 public purposes. In consideration thereof, the notes and bonds
24 of the Authority issued pursuant to this Act and the income
25 from these notes and bonds may be free from all taxation by the
26 State or its political subdivisions, except ~~exempt~~ for estate,
27 transfer, and inheritance taxes. The exemption from taxation
28 provided by the preceding sentence shall apply to the income on
29 any notes or bonds of the Authority only if the Authority in
30 its sole judgment determines that the exemption enhances the
31 marketability of the bonds or notes or reduces the interest
32 rates that would otherwise be borne by the bonds or notes. For
33 purposes of Section 250 of the Illinois Income Tax Act, the
34 exemption of the Authority shall terminate after all of the

1 bonds have been paid. The amount of such income that shall be
 2 added and then subtracted on the Illinois income tax return of
 3 a taxpayer, subject to Section 203 of the Illinois Income Tax
 4 Act, from federal adjusted gross income or federal taxable
 5 income in computing Illinois base income shall be the interest
 6 net of any bond premium amortization.

7 (Source: P.A. 93-968, eff. 8-20-04; revised 10-11-05.)

8 Section 335. The Fire Protection District Act is amended by
 9 changing Sections 4a and 6 as follows:

10 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

11 Sec. 4a. Change to elected board of trustees; petition;
 12 election; ballot; nomination and election of trustees. Any fire
 13 protection district organized under this Act may determine, in
 14 either manner provided in the following items (1) and (2) of
 15 this Section, to have an elected, rather than an appointed,
 16 board of trustees.

17 (1) If the district lies wholly within a single
 18 township but does not also lie wholly within a
 19 municipality, the township board of trustees may
 20 determine, by ordinance, to have an elected board of
 21 trustees.

22 (2) Upon presentation to the board of trustees of a
 23 petition, signed by not less than 10% of the electors of
 24 the district, requesting that a proposition for the
 25 election of trustees be submitted to the electors of the
 26 district, the secretary of the board of trustees shall
 27 certify the proposition to the appropriate election
 28 authorities who shall submit the proposition at a regular
 29 election in accordance with the general election law. The
 30 general election law shall apply to and govern such
 31 election. The proposition shall be in substantially the
 32 following form:

33 -----
 34 Shall the trustees of..... YES

1 Fire Protection District be -----
 2 elected, rather than appointed? NO

3 -----

4 If a majority of the votes cast on such proposition are
 5 in the affirmative, the trustees of the district shall
 6 thereafter be elected as provided by this Section.

7 At the next regular election for trustees as provided by
 8 the general election law, a district that has approved by
 9 ordinance or referendum to have its trustees elected rather
 10 than appointed shall elect 3, 5, or 7 trustees, as previously
 11 determined by the organization of the district or as increased
 12 under Section 4.01 or 4.02. The initial elected trustees shall
 13 be elected for 2, 4, and 6 year terms. In a district with 3
 14 trustees, one trustee shall be elected for a term of 2 years,
 15 one for a term of 4 years, and one for a term of 6 years. In a
 16 district with 5 trustees, 2 shall be elected for terms of 2
 17 years, 2 for terms of 4 years, and one for a term of 6 years. In
 18 a district with 7 trustees, 3 shall be elected for terms of 2
 19 years, 2 for terms of 4 years, and 2 for terms of 6 years.
 20 Except as otherwise provided in Section 2A-54 of the Election
 21 Code, the term of each elected trustee shall commence on the
 22 third Monday of the month following the month of his election
 23 and until his successor is elected and qualified. The length of
 24 the terms of the trustees first elected shall be determined by
 25 lot at their first meeting. Except as otherwise provided in
 26 Section 2A-54 of the Election Code, thereafter, each trustee
 27 shall be elected to serve for a term of 6 years commencing on
 28 the third Monday of the month following the month of his
 29 election and until his successor is elected and qualified.

30 No party designation shall appear on the ballot for
 31 election of trustees. The provisions of the general election
 32 law shall apply to and govern the nomination and election of
 33 trustees.

34 Nominations for members of the board of trustees shall be
 35 made by a petition signed by at least 25 voters or 5% of the
 36 voters, whichever is less, residing within the district and

1 shall be filed with the secretary of the board. In addition to
2 the requirements of general election law, the form of the
3 petition shall be as follows:

4 NOMINATING PETITIONS

5 To the Secretary of the Board of Trustees of (name of fire
6 protection district):

7 We, the undersigned, being (number of signatories or 5% or
8 more) of the voters residing within the district, hereby
9 petition that (name of candidate) who resides at (address of
10 candidate) in this district shall be a candidate for the office
11 of (office) of the Board of Trustees (full-term or vacancy) to
12 be voted for at the election to be held (date of election).

13 The secretary of the board shall notify each candidate for
14 whom a petition for nomination has been filed of their
15 obligations under the Campaign Financing Act, as required by
16 the general election law. The notice shall be given on a form
17 prescribed by the State Board of Elections and in accordance
18 with the requirements of the general election law.

19 The secretary shall, within 7 days of filing or on the last
20 day for filing, whichever is earlier, acknowledge to the
21 petitioner in writing his acceptance of the petition.

22 The provisions of Section 4 relating to eligibility, powers
23 and disabilities of trustees shall apply equally to elected
24 trustees.

25 Whenever a fire protection district determines to elect
26 trustees as provided in this Section, the trustees appointed
27 pursuant to Section 4 shall continue to constitute the board of
28 trustees until the third Monday of the month following the
29 month of the first election of trustees. If the term of office
30 of any appointed trustees expires before the first election of
31 trustees, the authority which appointed that trustee under
32 Section 4 of this Act shall appoint a successor to serve until
33 a successor is elected and has qualified. The terms of all
34 appointed trustees in such district shall expire on the third
35 Monday of the month following the month of the first election
36 of trustees under this Section or when successors have been

1 elected and have qualified, whichever occurs later.

2 (Source: P.A. 93-847, eff. 7-30-04; 93-952, eff. 1-1-05;
3 revised 10-14-04.)

4 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

5 Sec. 6. Board of trustees; powers.

6 (a) The trustees shall constitute a board of trustees for
7 the district for which they are appointed, which board of
8 trustees is declared to be the corporate authority of the fire
9 protection district, and shall exercise all of the powers and
10 control all the affairs and property of such district.

11 The board of trustees at their initial meeting and at their
12 first meeting following the commencement of the term of any
13 trustee shall elect one of their number as president and one of
14 their number as secretary and shall elect a treasurer for the
15 district, who may be one of the trustees or may be any other
16 citizen of the district and who shall hold office during the
17 pleasure of the board and who shall give such bond as may be
18 required by the board.

19 (b) Except as otherwise provided in Sections 16.01 through
20 16.18, the board may appoint and enter into a multi-year
21 contract not exceeding 3 years with a fire chief and may
22 appoint any firemen that may be necessary for the district, who
23 shall hold office during the pleasure of the board and who
24 shall give any bond that the board may require. The board may
25 prescribe the duties and fix the compensation of all the
26 officers and employees of the fire protection district.

27 (c) A member of the board of trustees of a fire protection
28 district may be compensated as follows: in a district having
29 fewer than 4 full time paid firemen, a sum not to exceed \$1,000
30 per annum; in a district having more than 3 but less than 10
31 full time paid firemen, a sum not to exceed \$1,500 per annum;
32 in a district having either 10 or more full time paid firemen,
33 a sum not to exceed \$2,000 per annum. In addition, fire
34 districts that operate an ambulance service pursuant to
35 authorization by referendum, as provided in Section 22, may pay

1 trustees an additional annual compensation not to exceed 50% of
2 the amount otherwise authorized herein. The additional
3 compensation shall be an administrative expense of the
4 ambulance service and shall be paid from revenues raised by the
5 ambulance tax levy.

6 (d) The trustees also have the express power to execute a
7 note or notes and to execute a mortgage or trust deed to secure
8 the payment of such note or notes; such trust deed or mortgage
9 shall cover real estate, or some part thereof, or personal
10 property owned by the district and the lien of the mortgage
11 shall apply to the real estate or personal property so
12 mortgaged by the district, and the proceeds of the note or
13 notes may be used in the acquisition of personal property or of
14 real estate or in the erection of improvements on such real
15 estate.

16 The trustees have express power to purchase either real
17 estate or personal property to be used for the purposes of the
18 fire protection district through contracts which provide for
19 the consideration for such purchase to be paid through
20 installments to be made at stated intervals during a certain
21 period of time, but, in no case, shall such contracts provide
22 for the consideration to be paid during a period of time in
23 excess of 25 years.

24 (e) The trustees have express power to provide for the
25 benefit of its employees, volunteer firemen and paid firemen,
26 group life, health, accident, hospital and medical insurance,
27 or any combination thereof; and to pay for all or any portion
28 of the premiums on such insurance. Such insurance may include
29 provisions for employees who rely on treatment by spiritual
30 means alone through prayer for healing in accord with the
31 tenets and practice of a well recognized religious
32 denomination.

33 (f) To encourage continued service with the district, the
34 board of trustees has the express power to award monetary
35 incentives, not to exceed \$240 per year, to volunteer
36 firefighters of the district based on the length of service. To

1 be eligible for the incentives, the volunteer firefighters must
2 have at least 5 years of service with the district. The amount
3 of the incentives may not be greater than 2% of the annual levy
4 amount when all incentive awards are combined.

5 (g) The board of trustees has express power to change the
6 corporate name of the fire protection district by ordinance,
7 provided that notification of any change is given to the
8 circuit clerk and the Office of the State Fire Marshal.

9 (h) The board of trustees may impose reasonable civil
10 penalties on individuals who repeatedly cause false fire
11 alarms.

12 (i) The board of trustees has full power to pass all
13 necessary ordinances, and rules and regulations for the proper
14 management and conduct of the business of the board of trustees
15 of the fire protection district for carrying into effect the
16 objects for which the district was formed.

17 (Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised
18 10-3-03.)

19 Section 340. The Park District Code is amended by changing
20 Section 5-1 as follows:

21 (70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

22 Sec. 5-1. Each Park District has the power to levy and
23 collect taxes on all the taxable property in the district for
24 all corporate purposes. The commissioners may accumulate funds
25 for the purposes of building repairs and improvements and may
26 annually levy taxes for such purposes in excess of current
27 requirements for its other purposes but subject to the tax rate
28 limitation as herein provided.

29 All general taxes proposed by the board to be levied upon
30 the taxable property within the district shall be levied by
31 ordinance. A certified copy of such levy ordinance shall be
32 filed with the county clerk of the county in which the same is
33 to be collected not later than the last Tuesday in December in
34 each year. The county clerk shall extend such tax; provided,

1 the aggregate amount of taxes levied for any one year,
2 exclusive of the amount levied for the payment of the principal
3 and interest on bonded indebtedness of the district and taxes
4 authorized by special referenda, shall not exceed, except as
5 otherwise provided in this Section, the rate of .10%, or the
6 rate limitation in effect on July 1, 1967, whichever is
7 greater, of the value, as equalized or assessed by the
8 Department of Revenue.

9 Notwithstanding any other provision of this Section, a park
10 district board of a park district lying wholly within one
11 county is authorized to increase property taxes under this
12 Section for corporate purposes for any one year so long as the
13 increase is offset by a like property tax levy reduction in one
14 or more of the park district's funds. At the time that such
15 park district files its levy with the county clerk, it shall
16 also certify to the county clerk that the park district has
17 complied with and is authorized to act under this Section 5-1
18 of the Park District Code. In no instance shall the increase
19 either exceed or result in a reduction to the extension
20 limitation to which any park district is subject under Section
21 18-195 of the Property Tax Code.

22 Any funds on hand at the end of the fiscal year that are
23 not pledged for or allocated to a particular purpose may, by
24 action of the board of commissioners, be transferred to a
25 capital improvement fund and accumulated therein, but the total
26 amount accumulated in the fund may not exceed 1.5% of the
27 aggregate assessed valuation of all taxable property in the
28 park district.

29 The foregoing limitations upon tax rates may be decreased
30 under the referendum provisions of the General Revenue Law of
31 the State of Illinois.

32 (Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03;
33 revised 1-13-04.)

34 Section 345. The West Cook Railroad Relocation and
35 Development Authority Act is amended by changing Section 15 as

1 follows:

2 (70 ILCS 1920/15)

3 Sec. 15. Acquisition of property. The Authority shall have
4 the power to acquire by gift, purchase, or legacy the fee
5 simple title to real property located within the boundaries of
6 the Authority, including temporary and permanent easements, as
7 well as reversionary interests in the streets, alleys and other
8 public places and personal property, required for its purposes,
9 and title thereto shall be taken in the corporate name of the
10 Authority. Any such property which is already devoted to a
11 public use may nevertheless be acquired, provided that no
12 property belonging to the United States of America or the State
13 of Illinois may be acquired without the consent of such
14 governmental unit. No property devoted to a public use
15 belonging to a corporation subject to the jurisdiction of the
16 Illinois Commerce Commission may be acquired without a prior
17 finding by the Illinois Commerce Commission that the taking
18 would not result in the imposition of an undue burden on
19 intrastate ~~intrastate~~ commerce. All land and appurtenances
20 thereto, acquired or owned by the Authority, are to be deemed
21 acquired or owned for a public use or public purpose.

22 (Source: P.A. 91-562, eff. 8-14-99; revised 10-12-05.)

23 Section 350. The Dixon Railroad Relocation Authority Law is
24 amended by changing Section 5-15 as follows:

25 (70 ILCS 1925/5-15)

26 Sec. 5-15. Acquisition of property. The Authority shall
27 have the power to acquire by gift, purchase, or legacy the fee
28 simple title to real property located within the boundaries of
29 the Authority, including temporary and permanent easements, as
30 well as reversionary interests in the streets, alleys and other
31 public places and personal property, required for its purposes,
32 and title thereto shall be taken in the corporate name of the
33 Authority. Any such property that is already devoted to a

1 public use may nevertheless be acquired, provided that no
2 property belonging to the United States of America or the State
3 of Illinois may be acquired without the consent of such
4 governmental unit. No property devoted to a public use
5 belonging to a corporation subject to the jurisdiction of the
6 Illinois Commerce Commission may be acquired without a prior
7 finding by the Illinois Commerce Commission that the taking
8 would not result in the imposition of an undue burden on
9 intrastate ~~instrastate~~ commerce. All land and appurtenances
10 thereto, acquired or owned by the Authority, are to be deemed
11 acquired or owned for a public use or public purpose.

12 (Source: P.A. 92-352, eff. 8-15-01; revised 10-12-05.)

13 Section 355. The Metropolitan Water Reclamation District
14 Act is amended by setting forth, renumbering, and changing
15 multiple versions of Section 288 as follows:

16 (70 ILCS 2605/288)

17 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~
18 ~~effective date of this amendatory Act of the 92nd General~~
19 ~~Assembly,~~ the corporate limits of the Metropolitan Water
20 Reclamation District Act are extended to include within those
21 limits the following described tracts of land, and those tracts
22 are annexed to the District.

23 (1) Parcel 1 (Canter Parcel)

24 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF
25 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
26 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE
27 NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES
28 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE
29 WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A
30 DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES
31 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28
32 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45
33 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A

1 DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37
2 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE;
3 THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED
4 BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A
5 LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST
6 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY
7 OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID
8 SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF
9 BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25
10 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO
11 THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE
12 PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38
13 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A
14 DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55
15 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE
16 OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK
17 BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF
18 DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764
19 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932
20 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY,
21 ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24
22 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE
23 OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE,
24 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE,
25 ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16,
26 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY;
27 THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING
28 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET
29 AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST
30 DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING
31 ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A
32 PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42
33 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A
34 DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41
35 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE
36 OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF

1 SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST,
2 ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A
3 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52
4 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID
5 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS
6 WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET
7 (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO
8 A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS
9 WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO
10 THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD,
11 AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER
12 DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF
13 SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST,
14 ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET
15 TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH
16 PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR
17 DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.
18 P.I.N.: 06-21-101-024-0000

19 (2) Parcel 2 (T Bar J Ranch Parcel)

20 PARCEL 1:

21 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF
22 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
23 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
24 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG
25 THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF
26 SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48
27 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49
28 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
29 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29
30 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH
31 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET
32 TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40
33 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47
34 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE
35 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS

1 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES
2 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC
3 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH
4 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF
5 BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A
6 FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK
7 COUNTY, ILLINOIS.

8 P.I.N.: 06-21-101-018-0000

9 PARCEL 2:

10 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF
11 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
12 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
13 THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH
14 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST
15 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48
16 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49
17 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
18 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29
19 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE
20 CONTINUING SOUTH 75 DEGREES 29 MINUTES WEST, 307.4 FEET;
21 THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET;
22 THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;
23 THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE,
24 175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY
25 KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21
26 MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF
27 HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST
28 ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47
29 MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31
30 DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE
31 OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER
32 TOWNSHIP IN COOK COUNTY, ILLINOIS.

33 P.I.N.: 06-21-101-022-0000

34 (3) Parcel 3 (Gibas parcel)

35 A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9

1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
2 ILLINOIS, DESCRIBED AS FOLLOWS:

3 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
4 THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG
5 THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4,
6 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST,
7 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28
8 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
9 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
10 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER;
11 THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE,
12 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG
13 SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY
14 RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET
15 MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING;
16 THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY
17 LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF
18 BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL
19 WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION
20 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN
21 BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.

22 P.I.N.: 06-21-101-015-0000

23 (4) Parcel 4 (Blake parcel)

24 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE
25 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS
26 FOLLOWS:

27 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER
28 OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE
29 SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE
30 NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH
31 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28
32 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
33 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
34 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31
35 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO

1 A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES
2 WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES
3 NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT
4 ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK
5 BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG
6 SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY
7 LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY
8 AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON
9 A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE
10 OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG
11 A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES
12 EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE
13 POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY,
14 ILLINOIS.

15 P.I.N. ~~P.I.N.~~: 06-21-101-021-0000.

16 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

17 (70 ILCS 2605/289)

18 Sec. 289 ~~288~~. District enlarged. On August 22, 2002 ~~Upon~~
19 ~~the effective date of this amendatory Act of the 92nd General~~
20 ~~Assembly~~, the corporate limits of the Metropolitan Water
21 Reclamation District are extended to include within those
22 limits the following described tract of land, and that tract is
23 annexed to the District.

24 LEGAL DESCRIPTION

25 5.425 ACRES

26 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP
27 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,
28 DESCRIBED AS FOLLOWS:

29 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER
30 OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE
31 EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
32 DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH
33 HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH
34 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF
35 THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00

1 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT
2 OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
3 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
4 SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25
5 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH
6 THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25;
7 THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE,
8 105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
9 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
10 SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH
11 00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST
12 120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE
13 WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
14 DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST
15 PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE
16 NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET;
17 THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH
18 44°22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN
19 COOK COUNTY, ILLINOIS.

20 (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

21 Section 360. The Local Mass Transit District Act is amended
22 by changing Section 2 as follows:

23 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

24 Sec. 2. For the purposes of this Act:

25 (a) "Mass transit facility" means any local public
26 transportation facility, whether buses, trolley-buses, or
27 railway systems, utilized by a substantial number of persons
28 for their daily transportation, and includes not only the local
29 public transportation facility itself but ancillary and
30 supporting facilities such as, for example, motor vehicle
31 parking facilities, as well.

32 (b) "Participating municipality and county" means the
33 municipality or municipalities, county or counties creating
34 the local Mass Transit District pursuant to Section 3 of this

1 Act.

2 (c) "Municipality" means a city, village, township, or
3 incorporated town.

4 (d) "Corporate authorities" means (1) the city council or
5 similar body of a city, (2) the board of trustees or similar
6 body of a village or incorporated town, (3) the council of a
7 municipality under the commission form of municipal
8 government, and (4) the board of trustees in a township.

9 (e) "County board" means the governing board of a county.

10 (f) "District" means a local Mass Transit District created
11 pursuant to Section 3 of this Act.

12 (g) "Board" means the Board of Trustees of a local Mass
13 Transit District created pursuant to Section 3 of this Act.

14 (h) "Interstate transportation authority" shall mean any
15 political subdivision created by compact between this State and
16 another state, which is a body corporate and politic and a
17 political subdivision of both contracting states, and which
18 operates a public mass transportation system.

19 (i) "Metro East Mass Transit District" means one or more
20 local mass transit districts created pursuant to this Act,
21 composed only of Madison, St. Clair or Monroe Counties, or any
22 combination thereof or any territory annexed to such district.

23 (j) "Public mass transportation system" shall mean a
24 transportation system or systems owned and operated by an
25 interstate transportation authority, a municipality, District,
26 or other public or private authority, employing motor busses,
27 rails or any other means of conveyance, by whatsoever type or
28 power, operated for public use in the conveyance of persons,
29 mainly providing local transportation service within an
30 interstate transportation district, municipality, or county.

31 (Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

32 Section 365. The School Code is amended by changing
33 Sections 2-3.25g, 2-3.64, 10-17a, 10-20.21a, 10-21.9, 14A-30,
34 14A-55, 18-8.05, 21-1b, 21-12, 27-6, 27-8.1, 27-23.5, 27-24.4,
35 34-8.1, and 34-18.5 and by setting forth and renumbering

1 multiple versions of Sections 2-3.131, 2-3.137, 10-20.35,
2 10-20.37, 34-18.23, 34-18.26, and 34-18.30 as follows:

3 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

4 Sec. 2-3.25g. Waiver or modification of mandates within the
5 School Code and administrative rules and regulations.

6 (a) In this Section:

7 "Board" means a school board or the governing board or
8 administrative district, as the case may be, for a joint
9 agreement.

10 "Eligible applicant" means a school district, joint
11 agreement made up of school districts, or regional
12 superintendent of schools on behalf of schools and programs
13 operated by the regional office of education.

14 "State Board" means the State Board of Education.

15 (b) Notwithstanding any other provisions of this School
16 Code or any other law of this State to the contrary, eligible
17 applicants may petition the State Board of Education for the
18 waiver or modification of the mandates of this School Code or
19 of the administrative rules and regulations promulgated by the
20 State Board of Education. Waivers or modifications of
21 administrative rules and regulations and modifications of
22 mandates of this School Code may be requested when an eligible
23 applicant demonstrates that it can address the intent of the
24 rule or mandate in a more effective, efficient, or economical
25 manner or when necessary to stimulate innovation or improve
26 student performance. Waivers of mandates of the School Code may
27 be requested when the waivers are necessary to stimulate
28 innovation or improve student performance. Waivers may not be
29 requested from laws, rules, and regulations pertaining to
30 special education, teacher certification, teacher tenure and
31 seniority, or Section 5-2.1 of this Code or from compliance
32 with the No Child Left Behind Act of 2001 (Public Law 107-110).

33 (c) Eligible applicants, as a matter of inherent managerial
34 policy, and any Independent Authority established under
35 Section 2-3.25f may submit an application for a waiver or

1 modification authorized under this Section. Each application
2 must include a written request by the eligible applicant or
3 Independent Authority and must demonstrate that the intent of
4 the mandate can be addressed in a more effective, efficient, or
5 economical manner or be based upon a specific plan for improved
6 student performance and school improvement. Any eligible
7 applicant requesting a waiver or modification for the reason
8 that intent of the mandate can be addressed in a more
9 economical manner shall include in the application a fiscal
10 analysis showing current expenditures on the mandate and
11 projected savings resulting from the waiver or modification.
12 Applications and plans developed by eligible applicants must be
13 approved by the board or regional superintendent of schools
14 applying on behalf of schools or programs operated by the
15 regional office of education following a public hearing on the
16 application and plan and the opportunity for the board or
17 regional superintendent to hear testimony from educators
18 directly involved in its implementation, parents, and
19 students. If the applicant is a school district or joint
20 agreement, the public hearing shall be held on a day other than
21 the day on which a regular meeting of the board is held. If the
22 applicant is a school district, the public hearing must be
23 preceded by at least one published notice occurring at least 7
24 days prior to the hearing in a newspaper of general circulation
25 within the school district that sets forth the time, date,
26 place, and general subject matter of the hearing. If the
27 applicant is a joint agreement or regional superintendent, the
28 public hearing must be preceded by at least one published
29 notice (setting forth the time, date, place, and general
30 subject matter of the hearing) occurring at least 7 days prior
31 to the hearing in a newspaper of general circulation in each
32 school district that is a member of the joint agreement or that
33 is served by the educational service region, provided that a
34 notice appearing in a newspaper generally circulated in more
35 than one school district shall be deemed to fulfill this
36 requirement with respect to all of the affected districts. The

1 eligible applicant must notify in writing the affected
2 exclusive collective bargaining agent and those State
3 legislators representing the eligible applicant's territory of
4 its intent to seek approval of a waiver or modification and of
5 the hearing to be held to take testimony from educators. The
6 affected exclusive collective bargaining agents shall be
7 notified of such public hearing at least 7 days prior to the
8 date of the hearing and shall be allowed to attend such public
9 hearing. The eligible applicant shall attest to compliance with
10 all of the notification and procedural requirements set forth
11 in this Section.

12 (d) A request for a waiver or modification of
13 administrative rules and regulations or for a modification of
14 mandates contained in this School Code shall be submitted to
15 the State Board of Education within 15 days after approval by
16 the board or regional superintendent of schools. The
17 application as submitted to the State Board of Education shall
18 include a description of the public hearing. Following receipt
19 of the request, the State Board shall have 45 days to review
20 the application and request. If the State Board fails to
21 disapprove the application within that 45 day period, the
22 waiver or modification shall be deemed granted. The State Board
23 may disapprove any request if it is not based upon sound
24 educational practices, endangers the health or safety of
25 students or staff, compromises equal opportunities for
26 learning, or fails to demonstrate that the intent of the rule
27 or mandate can be addressed in a more effective, efficient, or
28 economical manner or have improved student performance as a
29 primary goal. Any request disapproved by the State Board may be
30 appealed to the General Assembly by the eligible applicant as
31 outlined in this Section.

32 A request for a waiver from mandates contained in this
33 School Code shall be submitted to the State Board within 15
34 days after approval by the board or regional superintendent of
35 schools. The application as submitted to the State Board of
36 Education shall include a description of the public hearing.

1 The description shall include, but need not be limited to, the
2 means of notice, the number of people in attendance, the number
3 of people who spoke as proponents or opponents of the waiver, a
4 brief description of their comments, and whether there were any
5 written statements submitted. The State Board shall review the
6 applications and requests for completeness and shall compile
7 the requests in reports to be filed with the General Assembly.
8 The State Board shall file reports outlining the waivers
9 requested by eligible applicants and appeals by eligible
10 applicants of requests disapproved by the State Board with the
11 Senate and the House of Representatives before each March 1 and
12 October 1. The General Assembly may disapprove the report of
13 the State Board in whole or in part within 60 calendar days
14 after each house of the General Assembly next convenes after
15 the report is filed by adoption of a resolution by a record
16 vote of the majority of members elected in each house. If the
17 General Assembly fails to disapprove any waiver request or
18 appealed request within such 60 day period, the waiver or
19 modification shall be deemed granted. Any resolution adopted by
20 the General Assembly disapproving a report of the State Board
21 in whole or in part shall be binding on the State Board.

22 (e) An approved waiver or modification may remain in effect
23 for a period not to exceed 5 school years and may be renewed
24 upon application by the eligible applicant. However, such
25 waiver or modification may be changed within that 5-year period
26 by a board or regional superintendent of schools applying on
27 behalf of schools or programs operated by the regional office
28 of education following the procedure as set forth in this
29 Section for the initial waiver or modification request. If
30 neither the State Board of Education nor the General Assembly
31 disapproves, the change is deemed granted.

32 (f) On or before February 1, 1998, and each year
33 thereafter, the State Board of Education shall submit a
34 cumulative report summarizing all types of waivers of mandates
35 and modifications of mandates granted by the State Board or the
36 General Assembly. The report shall identify the topic of the

1 waiver along with the number and percentage of eligible
2 applicants for which the waiver has been granted. The report
3 shall also include any recommendations from the State Board
4 regarding the repeal or modification of waived mandates.

5 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;
6 93-707, eff. 7-9-04; 94-198, eff. 1-1-06; 94-432, eff, 8-2-05;
7 revised 8-19-05.)

8 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

9 Sec. 2-3.64. State goals and assessment.

10 (a) Beginning in the 1998-1999 school year, the State Board
11 of Education shall establish standards and periodically, in
12 collaboration with local school districts, conduct studies of
13 student performance in the learning areas of fine arts and
14 physical development/health.

15 Beginning with the 1998-1999 school year until the
16 2004-2005 school year, the State Board of Education shall
17 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
18 grades in English language arts (reading, writing, and English
19 grammar) and mathematics; and (ii) all pupils enrolled in the
20 4th and 7th grades in the biological and physical sciences and
21 the social sciences (history, geography, civics, economics,
22 and government). Unless the testing required to be implemented
23 no later than the 2005-2006 school year under this subsection
24 (a) is implemented for the 2004-2005 school year, for the
25 2004-2005 school year, the State Board of Education shall test:
26 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
27 English language arts (reading and English grammar) and
28 mathematics and (ii) all pupils enrolled in the 4th and 7th
29 grades in the biological and physical sciences. The maximum
30 time allowed for all actual testing required under this
31 paragraph shall not exceed 25 hours, as allocated among the
32 required tests by the State Board of Education, across all
33 grades tested.

34 Beginning no later than the 2005-2006 school year, the
35 State Board of Education shall annually test: (i) all pupils

1 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
2 reading and mathematics and (ii) all pupils enrolled in the 4th
3 and 7th grades in the biological and physical sciences. In
4 addition, the State Board of Education shall test (1) all
5 pupils enrolled in the 5th and 8th grades in writing during the
6 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
7 and 8th grades in writing during the 2007-2008 school year; and
8 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
9 writing during the 2008-2009 school year and each school year
10 thereafter. After the addition of grades and change in subjects
11 as delineated in this paragraph and including whatever other
12 tests that may be approved from time to time no later than the
13 2005-2006 school year, the maximum time allowed for all State
14 testing in grades 3 through 8 shall not exceed 38 hours across
15 those grades.

16 Beginning with the 2004-2005 school year, the State Board
17 of Education shall not test pupils under this subsection (a) in
18 physical development and health, fine arts, and the social
19 sciences (history, geography, civics, economics, and
20 government). The State Board of Education shall not test pupils
21 under this subsection (a) in writing during the 2005-2006
22 school year.

23 The State Board of Education shall establish the academic
24 standards that are to be applicable to pupils who are subject
25 to State tests under this Section beginning with the 1998-1999
26 school year. However, the State Board of Education shall not
27 establish any such standards in final form without first
28 providing opportunities for public participation and local
29 input in the development of the final academic standards. Those
30 opportunities shall include a well-publicized period of public
31 comment, public hearings throughout the State, and
32 opportunities to file written comments. Beginning with the
33 1998-99 school year and thereafter, the State tests will
34 identify pupils in the 3rd grade or 5th grade who do not meet
35 the State standards.

36 If, by performance on the State tests or local assessments

1 or by teacher judgment, a student's performance is determined
2 to be 2 or more grades below current placement, the student
3 shall be provided a remediation program developed by the
4 district in consultation with a parent or guardian. Such
5 remediation programs may include, but shall not be limited to,
6 increased or concentrated instructional time, a remedial
7 summer school program of not less than 90 hours, improved
8 instructional approaches, tutorial sessions, retention in
9 grade, and modifications to instructional materials. Each
10 pupil for whom a remediation program is developed under this
11 subsection shall be required to enroll in and attend whatever
12 program the district determines is appropriate for the pupil.
13 Districts may combine students in remediation programs where
14 appropriate and may cooperate with other districts in the
15 design and delivery of those programs. The parent or guardian
16 of a student required to attend a remediation program under
17 this Section shall be given written notice of that requirement
18 by the school district a reasonable time prior to commencement
19 of the remediation program that the student is to attend. The
20 State shall be responsible for providing school districts with
21 the new and additional funding, under Section 2-3.51.5 or by
22 other or additional means, that is required to enable the
23 districts to operate remediation programs for the pupils who
24 are required to enroll in and attend those programs under this
25 Section. Every individualized educational program as described
26 in Article 14 shall identify if the State test or components
27 thereof are appropriate for that student. The State Board of
28 Education shall develop rules and regulations governing the
29 administration of alternative tests prescribed within each
30 student's individualized educational program which are
31 appropriate to the disability of each student.

32 All pupils who are in a State approved transitional
33 bilingual education program or transitional program of
34 instruction shall participate in the State tests. The time
35 allotted to take the State tests, however, may be extended as
36 determined by the State Board of Education by rule. Any student

1 who has been enrolled in a State approved bilingual education
2 program less than 3 cumulative academic years may take an
3 accommodated Limited English Proficient student academic
4 content assessment, as determined by the State Board of
5 Education, if the student's lack of English as determined by an
6 English language proficiency test would keep the student from
7 understanding the regular State test. If the school district
8 determines, on a case-by-case individual basis, that a Limited
9 English Proficient student academic content assessment would
10 likely yield more accurate and reliable information on what the
11 student knows and can do, the school district may make a
12 determination to assess the student using a Limited English
13 Proficient student academic content assessment for a period
14 that does not exceed 2 additional consecutive years, provided
15 that the student has not yet reached a level of English
16 language proficiency sufficient to yield valid and reliable
17 information on what the student knows and can do on the regular
18 State test.

19 Reasonable accommodations as prescribed by the State Board
20 of Education shall be provided for individual students in the
21 testing procedure. All test procedures prescribed by the State
22 Board of Education shall require: (i) that each test used for
23 State and local student testing under this Section identify by
24 name the pupil taking the test; (ii) that the name of the pupil
25 taking the test be placed on the test at the time the test is
26 taken; (iii) that the results or scores of each test taken
27 under this Section by a pupil of the school district be
28 reported to that district and identify by name the pupil who
29 received the reported results or scores; and (iv) that the
30 results or scores of each test taken under this Section be made
31 available to the parents of the pupil. In addition, in each
32 school year the highest scores attained by a student on the
33 Prairie State Achievement Examination administered under
34 subsection (c) of this Section and any Prairie State
35 Achievement Awards received by the student shall become part of
36 the student's permanent record and shall be entered on the

1 student's transcript pursuant to regulations that the State
2 Board of Education shall promulgate for that purpose in
3 accordance with Section 3 and subsection (e) of Section 2 of
4 the Illinois School Student Records Act. Beginning with the
5 1998-1999 school year and in every school year thereafter,
6 scores received by students on the State assessment tests
7 administered in grades 3 through 8 shall be placed into
8 students' temporary records.

9 The State Board of Education shall establish a period of
10 time, to be referred to as the State test window, in each
11 school year for which State testing shall occur to meet the
12 objectives of this Section. However, if the schools of a
13 district are closed and classes are not scheduled during any
14 week that is established by the State Board of Education as the
15 State test window, the school district may (at the discretion
16 of the State Board of Education) move its State test window one
17 week earlier or one week later than the established State test
18 window, so long as the school district gives the State Board of
19 Education written notice of its intention to deviate from the
20 established schedule by December 1 of the school year in which
21 falls the State test window established by the State Board of
22 Education for the testing.

23 (a-5) All tests administered pursuant to this Section shall
24 be academically based. For the purposes of this Section
25 "academically based tests" shall mean tests consisting of
26 questions and answers that are measurable and quantifiable to
27 measure the knowledge, skill, and ability of students in the
28 subject matters covered by tests. The scoring of academically
29 based tests shall be reliable, valid, unbiased and shall meet
30 the guidelines for test development and use prescribed by the
31 American Psychological Association, the National Council of
32 Measurement and Evaluation, and the American Educational
33 Research Association. Academically based tests shall not
34 include assessments or evaluations of attitudes, values, or
35 beliefs, or testing of personality, self-esteem, or
36 self-concept. Nothing in this amendatory Act is intended, nor

1 shall it be construed, to nullify, supersede, or contradict the
2 legislative intent on academic testing expressed during the
3 passage of HB 1005/P.A. 90-296. Nothing in this Section is
4 intended, nor shall it be construed, to nullify, supersede, or
5 contradict the legislative intent on academic testing
6 expressed in the preamble of this amendatory Act of the 93rd
7 General Assembly.

8 The State Board of Education shall monitor the use of short
9 answer questions in the math and reading assessments or in
10 other assessments in order to demonstrate that the use of short
11 answer questions results in a statistically significant
12 improvement in student achievement as measured on the State
13 assessments for math and reading or on other State assessments
14 and is justifiable in terms of cost and student performance.

15 (b) It shall be the policy of the State to encourage school
16 districts to continuously test pupil proficiency in the
17 fundamental learning areas in order to: (i) provide timely
18 information on individual students' performance relative to
19 State standards that is adequate to guide instructional
20 strategies; (ii) improve future instruction; and (iii)
21 complement the information provided by the State testing system
22 described in this Section. Each district's school improvement
23 plan must address specific activities the district intends to
24 implement to assist pupils who by teacher judgment and test
25 results as prescribed in subsection (a) of this Section
26 demonstrate that they are not meeting State standards or local
27 objectives. Such activities may include, but shall not be
28 limited to, summer school, extended school day, special
29 homework, tutorial sessions, modified instructional materials,
30 other modifications in the instructional program, reduced
31 class size or retention in grade. To assist school districts in
32 testing pupil proficiency in reading in the primary grades, the
33 State Board shall make optional reading inventories for
34 diagnostic purposes available to each school district that
35 requests such assistance. Districts that administer the
36 reading inventories may develop remediation programs for

1 students who perform in the bottom half of the student
2 population. Those remediation programs may be funded by moneys
3 provided under the School Safety and Educational Improvement
4 Block Grant Program established under Section 2-3.51.5.
5 Nothing in this Section shall prevent school districts from
6 implementing testing and remediation policies for grades not
7 required under this Section.

8 (c) Beginning with the 2000-2001 school year, each school
9 district that operates a high school program for students in
10 grades 9 through 12 shall annually administer the Prairie State
11 Achievement Examination established under this subsection to
12 its students as set forth below. The Prairie State Achievement
13 Examination shall be developed by the State Board of Education
14 to measure student performance in the academic areas of
15 reading, writing, mathematics, science, and social sciences.
16 Beginning with the 2004-2005 school year, however, the State
17 Board of Education shall not test a student in the social
18 sciences (history, geography, civics, economics, and
19 government) as part of the Prairie State Achievement
20 Examination unless the student is retaking the Prairie State
21 Achievement Examination in the fall of 2004. In addition, the
22 State Board of Education shall not test a student in writing as
23 part of the Prairie State Achievement Examination during the
24 2005-2006 school year. The State Board of Education shall
25 establish the academic standards that are to apply in measuring
26 student performance on the Prairie State Achievement
27 Examination including the minimum examination score in each
28 area that will qualify a student to receive a Prairie State
29 Achievement Award from the State in recognition of the
30 student's excellent performance. Each school district that is
31 subject to the requirements of this subsection (c) shall afford
32 all students 2 opportunities to take the Prairie State
33 Achievement Examination beginning as late as practical during
34 the second semester of grade 11, but in no event before March
35 1. The State Board of Education shall annually notify districts
36 of the weeks during which these test administrations shall be

1 required to occur. Every individualized educational program as
2 described in Article 14 shall identify if the Prairie State
3 Achievement Examination or components thereof are appropriate
4 for that student. Each student, exclusive of a student whose
5 individualized educational program developed under Article 14
6 identifies the Prairie State Achievement Examination as
7 inappropriate for the student, shall be required to take the
8 examination in grade 11. For each academic area the State Board
9 of Education shall establish the score that qualifies for the
10 Prairie State Achievement Award on that portion of the
11 examination. Any student who fails to earn a qualifying score
12 for a Prairie State Achievement Award in any one or more of the
13 academic areas on the initial test administration or who wishes
14 to improve his or her score on any portion of the examination
15 shall be permitted to retake such portion or portions of the
16 examination during grade 12. Districts shall inform their
17 students of the timelines and procedures applicable to their
18 participation in every yearly administration of the Prairie
19 State Achievement Examination. Students receiving special
20 education services whose individualized educational programs
21 identify the Prairie State Achievement Examination as
22 inappropriate for them nevertheless shall have the option of
23 taking the examination, which shall be administered to those
24 students in accordance with standards adopted by the State
25 Board of Education to accommodate the respective disabilities
26 of those students. A student who successfully completes all
27 other applicable high school graduation requirements but fails
28 to receive a score on the Prairie State Achievement Examination
29 that qualifies the student for receipt of a Prairie State
30 Achievement Award shall nevertheless qualify for the receipt of
31 a regular high school diploma. In no case, however, shall a
32 student receive a regular high school diploma without taking
33 the Prairie State Achievement Examination, unless the student
34 is exempted from taking the Prairie State Achievement
35 Examination under this subsection (c) because (i) the student's
36 individualized educational program developed under Article 14

1 of this Code identifies the Prairie State Achievement
2 Examination as inappropriate for the student, (ii) the student
3 is exempt due to the student's lack of English language
4 proficiency under subsection (a) of this Section, or (iii) the
5 student is enrolled in a program of Adult and Continuing
6 Education as defined in the Adult Education Act.

7 (d) Beginning with the 2002-2003 school year, all schools
8 in this State that are part of the sample drawn by the National
9 Center for Education Statistics, in collaboration with their
10 school districts and the State Board of Education, shall
11 administer the biennial State academic assessments of 4th and
12 8th grade reading and mathematics under the National Assessment
13 of Educational Progress carried out under Section m11(b) (2) of
14 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
15 if the Secretary of Education pays the costs of administering
16 the assessments.

17 (e) Beginning no later than the 2005-2006 school year,
18 subject to available federal funds to this State for the
19 purpose of student assessment, the State Board of Education
20 shall provide additional tests and assessment resources that
21 may be used by school districts for local diagnostic purposes.
22 These tests and resources shall include without limitation
23 additional high school writing, physical development and
24 health, and fine arts assessments. The State Board of Education
25 shall annually distribute a listing of these additional tests
26 and resources, using funds available from appropriations made
27 for student assessment purposes.

28 (f) For the assessment and accountability purposes of this
29 Section, "all pupils" includes those pupils enrolled in a
30 public or State-operated elementary school, secondary school,
31 or cooperative or joint agreement with a governing body or
32 board of control, a charter school operating in compliance with
33 the Charter Schools Law, a school operated by a regional office
34 of education under Section 13A-3 of this Code, or a public
35 school administered by a local public agency or the Department
36 of Human Services.

1 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
2 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
3 revised 10-11-05.)

4 (105 ILCS 5/2-3.131)

5 Sec. 2-3.131. Transitional assistance payments.

6 (a) If the amount that the State Board of Education will
7 pay to a school district from fiscal year 2004 appropriations,
8 as estimated by the State Board of Education on April 1, 2004,
9 is less than the amount that the State Board of Education paid
10 to the school district from fiscal year 2003 appropriations,
11 then, subject to appropriation, the State Board of Education
12 shall make a fiscal year 2004 transitional assistance payment
13 to the school district in an amount equal to the difference
14 between the estimated amount to be paid from fiscal year 2004
15 appropriations and the amount paid from fiscal year 2003
16 appropriations.

17 (b) If the amount that the State Board of Education will
18 pay to a school district from fiscal year 2005 appropriations,
19 as estimated by the State Board of Education on April 1, 2005,
20 is less than the amount that the State Board of Education paid
21 to the school district from fiscal year 2004 appropriations,
22 then the State Board of Education shall make a fiscal year 2005
23 transitional assistance payment to the school district in an
24 amount equal to the difference between the estimated amount to
25 be paid from fiscal year 2005 appropriations and the amount
26 paid from fiscal year 2004 appropriations.

27 (c) If the amount that the State Board of Education will
28 pay to a school district from fiscal year 2006 appropriations,
29 as estimated by the State Board of Education on April 1, 2006,
30 is less than the amount that the State Board of Education paid
31 to the school district from fiscal year 2005 appropriations,
32 then the State Board of Education shall make a fiscal year 2006
33 transitional assistance payment to the school district in an
34 amount equal to the difference between the estimated amount to
35 be paid from fiscal year 2006 appropriations and the amount

1 paid from fiscal year 2005 appropriations.

2 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69,
3 eff. 7-1-05.)

4 (105 ILCS 5/2-3.132)

5 Sec. 2-3.132 ~~2-3.131~~. Sharing information on school lunch
6 applicants. The State Board of Education shall, whenever
7 requested by the Department of Public Aid, agree in writing
8 with the Department of Public Aid (as the State agency that
9 administers the State Medical Assistance Program as provided in
10 Title XIX of the federal Social Security Act and the State
11 Children's Health Insurance Program as provided in Title XXI of
12 the federal Social Security Act) to share with the Department
13 of Public Aid information on applicants for free or
14 reduced-price lunches. This sharing of information shall be for
15 the sole purpose of helping the Department of Public Aid
16 identify and enroll children in the State Medical Assistance
17 Program or the State Children's Health Insurance Program or
18 both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and
19 under the restrictions set forth in 42 U.S.C. Sec.
20 1758(b)(2)(C)(vi) and (vii). The State Board of Education may
21 not adopt any rule that would prohibit a child from receiving
22 any form of subsidy or benefit due to his or her parent or
23 guardian withholding consent under Section 22-35 of this Code.
24 (Source: P.A. 93-404, eff. 8-1-03; revised 9-24-03.)

25 (105 ILCS 5/2-3.133)

26 Sec. 2-3.133 ~~2-3.131~~. Homework assistance information for
27 parents. The State Board of Education shall provide information
28 on its Internet web site regarding strategies that parents can
29 use to assist their children in successfully completing
30 homework assignments. The State Board of Education shall notify
31 all school districts about this information's availability on
32 the State Board of Education's Internet web site.
33 (Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

1 (105 ILCS 5/2-3.134)

2 Sec. 2-3.134. ~~2-3.131.~~ Persistently dangerous schools. The
3 State Board of Education shall maintain data and publish a list
4 of persistently dangerous schools on an annual basis.

5 (Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

6 (105 ILCS 5/2-3.137)

7 Sec. 2-3.137. Inspection and review of school facilities;
8 task force.

9 (a) The State Board of Education shall adopt rules for the
10 documentation of school plan reviews and inspections of school
11 facilities, including the responsible individual's signature.
12 Such documents shall be kept on file by the regional
13 superintendent of schools.

14 (b) The State Board of Education shall convene a task force
15 for the purpose of reviewing the documents required under rules
16 adopted under subsection (a) of this Section and making
17 recommendations regarding training and accreditation of
18 individuals performing reviews or inspections required under
19 Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code,
20 including regional superintendents of schools and others
21 performing reviews or inspections under the authority of a
22 regional superintendent (such as consultants, municipalities,
23 and fire protection districts).

24 The task force shall consist of all of the following
25 members:

26 (1) The Executive Director of the Capital Development
27 Board or his or her designee and a staff representative of
28 the Division of Building Codes and Regulations.

29 (2) The State Superintendent of Education or his or her
30 designee.

31 (3) A person appointed by the State Board of Education.

32 (4) A person appointed by an organization representing
33 school administrators.

34 (5) A person appointed by an organization representing
35 suburban school administrators and school board members.

1 (6) A person appointed by an organization representing
2 architects.

3 (7) A person appointed by an organization representing
4 regional superintendents of schools.

5 (8) A person appointed by an organization representing
6 fire inspectors.

7 (9) A person appointed by an organization representing
8 Code administrators.

9 (10) A person appointed by an organization
10 representing plumbing inspectors.

11 (11) A person appointed by an organization that
12 represents both parents and teachers.

13 (12) A person appointed by an organization
14 representing municipal governments in the State.

15 (13) A person appointed by the State Fire Marshal from
16 his or her office.

17 (14) A person appointed by an organization
18 representing fire chiefs.

19 (15) The Director of Public Health or his or her
20 designee.

21 (16) A person appointed by an organization
22 representing structural engineers.

23 (17) A person appointed by an organization
24 representing professional engineers.

25 The task force shall issue a report of its findings to the
26 Governor and the General Assembly no later than January 1,
27 2006.

28 (Source: P.A. 94-225, eff. 7-14-05.)

29 (105 ILCS 5/2-3.138)

30 Sec. 2-3.138 ~~2-3.137~~. School health recognition program.
31 The State Board of Education shall establish a school health
32 recognition program that:

33 (1) publicly identifies those schools that have
34 implemented programs to increase the level of physical
35 activity of their students;

1 (2) publicly identifies those schools that have
2 adopted policies or implemented programs to promote
3 healthy nutritional choices for their students; and

4 (3) allows recognized schools to share best practices
5 and model services with other schools throughout the State.

6 (Source: P.A. 94-190, eff. 7-12-05; revised 9-21-05.)

7 (105 ILCS 5/2-3.139)

8 Sec. 2-3.139 ~~2-3.137~~. School wellness policies; taskforce.

9 (a) The State Board of Education shall establish a State
10 goal that all school districts have a wellness policy that is
11 consistent with recommendations of the Centers for Disease
12 Control and Prevention (CDC), which recommendations include
13 the following:

14 (1) nutrition guidelines for all foods sold on school
15 campus during the school day;

16 (2) setting school goals for nutrition education and
17 physical activity;

18 (3) establishing community participation in creating
19 local wellness policies; and

20 (4) creating a plan for measuring implementation of
21 these wellness policies.

22 The Department of Public Health, the Department of Human
23 Services, and the State Board of Education shall form an
24 interagency working group to publish model wellness policies
25 and recommendations. Sample policies shall be based on CDC
26 recommendations for nutrition and physical activity. The State
27 Board of Education shall distribute the model wellness policies
28 to all school districts before June 1, 2006.

29 (b) There is created the School Wellness Policy Taskforce,
30 consisting of the following members:

31 (1) One member representing the State Board of
32 Education, appointed by the State Board of Education.

33 (2) One member representing the Department of Public
34 Health, appointed by the Director of Public Health.

35 (3) One member representing the Department of Human

1 Services, appointed by the Secretary of Human Services.

2 (4) One member of an organization representing the
3 interests of school nurses in this State, appointed by the
4 interagency working group.

5 (5) One member of an organization representing the
6 interests of school administrators in this State,
7 appointed by the interagency working group.

8 (6) One member of an organization representing the
9 interests of school boards in this State, appointed by the
10 interagency working group.

11 (7) One member of an organization representing the
12 interests of regional superintendents of schools in this
13 State, appointed by the interagency working group.

14 (8) One member of an organization representing the
15 interests of parent-teacher associations in this State,
16 appointed by the interagency working group.

17 (9) One member of an organization representing the
18 interests of pediatricians in this State, appointed by the
19 interagency working group.

20 (10) One member of an organization representing the
21 interests of dentists in this State, appointed by the
22 interagency working group.

23 (11) One member of an organization representing the
24 interests of dieticians in this State, appointed by the
25 interagency working group.

26 (12) One member of an organization that has an interest
27 and expertise in heart disease, appointed by the
28 interagency working group.

29 (13) One member of an organization that has an interest
30 and expertise in cancer, appointed by the interagency
31 working group.

32 (14) One member of an organization that has an interest
33 and expertise in childhood obesity, appointed by the
34 interagency working group.

35 (15) One member of an organization that has an interest
36 and expertise in the importance of physical education and

1 recreation in preventing disease, appointed by the
2 interagency working group.

3 (16) One member of an organization that has an interest
4 and expertise in school food service, appointed by the
5 interagency working group.

6 (17) One member of an organization that has an interest
7 and expertise in school health, appointed by the
8 interagency working group.

9 (18) One member of an organization that campaigns for
10 programs and policies for healthier school environments,
11 appointed by the interagency working group.

12 (19) One at-large member with a doctorate in nutrition,
13 appointed by the State Board of Education.

14 Members of the taskforce shall serve without compensation.
15 The taskforce shall meet at the call of the State Board of
16 Education. The taskforce shall report its identification of
17 barriers to implementing school wellness policies and its
18 recommendations to reduce those barriers to the General
19 Assembly and the Governor on or before January 1, 2006. The
20 taskforce shall report its recommendations on statewide school
21 nutrition standards to the General Assembly and the Governor on
22 or before January 1, 2007. The taskforce shall report its
23 evaluation of the effectiveness of school wellness policies to
24 the General Assembly and the Governor on or before January 1,
25 2008. The evaluation shall review a sample size of 5 to 10
26 school districts. Reports shall be made to the General Assembly
27 by filing copies of each report as provided in Section 3.1 of
28 the General Assembly Organization Act. Upon the filing of the
29 last report, the taskforce is dissolved.

30 (c) The State Board of Education may adopt any rules
31 necessary to implement this Section.

32 (d) Nothing in this Section may be construed as a
33 curricular mandate on any school district.

34 (Source: P.A. 94-199, eff. 7-12-05; revised 9-21-05.)

1 (Section scheduled to be repealed on December 31, 2010)

2 Sec. 2-3.141 ~~2-3.137~~. Parental participation pilot
3 project.

4 (a) By the beginning of the 2006-2007 school year, the
5 State Board of Education shall by rule establish a parental
6 participation pilot project to provide grants to the lowest
7 performing school districts to help such districts improve
8 parental participation through activities, including, but not
9 limited to, parent-teacher conferences, open houses, family
10 nights, volunteer opportunities, and family outreach
11 materials.

12 (b) The pilot project shall be for a period of at least 4
13 school years. The State Board shall establish a procedure and
14 develop criteria for the administration of the pilot project.
15 In administering the pilot project, the State Board shall do
16 the following:

- 17 (1) select participating school districts or schools;
18 (2) define the conditions for the distribution and use
19 of grant funds;
20 (3) enter into contracts as necessary to implement the
21 pilot project; and
22 (4) monitor local pilot project implementation.

23 (c) The Parental Participation Pilot Project Fund is
24 created as a special fund in the State treasury. All money in
25 the Parental Participation Pilot Project Fund shall be used,
26 subject to appropriation, by the State Board for the pilot
27 project. To implement the pilot project, the State Board may
28 use any funds appropriated by the General Assembly for the
29 purposes of the pilot project as well as any gift, grant, or
30 donation given for the pilot project. The State Board may
31 solicit and accept a gift, grant, or donation of any kind from
32 any source, including from a foundation, private entity,
33 governmental entity, or institution of higher education, for
34 the implementation of the pilot project.

35 The State Board shall use pilot project funds for grants to
36 low-performing school districts to encourage parental

1 participation.

2 The State Board may not allocate more than \$250,000
3 annually for the pilot project. The pilot project may be
4 implemented only if sufficient funds are available under this
5 Section for that purpose.

6 (d) A school district may apply to the State Board for the
7 establishment of a parental participation pilot project for the
8 entire district or for a particular school or group of schools
9 in the district.

10 The State Board shall select 4 school districts to
11 participate in the pilot project. One school district shall be
12 located in the City of Chicago, one school district shall be
13 located in that portion of Cook County that is located outside
14 of the City of Chicago, one school district shall be located in
15 the area that makes up the counties of DuPage, Kane, Lake,
16 McHenry, and Will, and one school district shall be located in
17 the remainder of the State.

18 The State Board shall select the participating districts
19 and schools for the pilot project based on each district's or
20 school's need for the pilot project. In selecting participants,
21 the State Board shall consider the following criteria:

22 (1) whether the district or school has any of the
23 following problems and whether those problems can be
24 mitigated or addressed through enhanced parental
25 participation:

26 (A) low rates of satisfactory performance on
27 assessment instruments under Section 2-3.64 of this
28 Code;

29 (B) high rates of low-income students, limited
30 English proficient students, dropouts, chronically
31 truant students, and student mobility; or

32 (C) low student attendance rates; and

33 (2) the methods the district or school will use to
34 measure the progress of the pilot project in the district
35 or school in accordance with subsection (f) of this
36 Section.

1 (e) Each participating school district or school shall
2 establish a parental participation committee to assist in
3 developing and implementing the parental participation pilot
4 project.

5 The school board of a participating district or of a
6 district in which a participating school is located shall
7 appoint individuals to the committee. The committee may be
8 composed of any of the following:

9 (1) educators;

10 (2) district-level administrators;

11 (3) community leaders;

12 (4) parents of students who attend a participating
13 school; or

14 (5) any other individual the school board finds
15 appropriate.

16 The committee shall develop an academic improvement plan
17 that details how the pilot project should be implemented in the
18 participating district or school. In developing the academic
19 improvement plan, the committee shall consider the educational
20 problems in the district or school that could be mitigated
21 through the implementation of the pilot project.

22 The committee shall recommend to the school board how the
23 pilot project funds should be used to implement the academic
24 improvement plan. The committee may recommend annually any
25 necessary changes in the academic improvement plan to the
26 school board. The State Board must approve the academic
27 improvement plan or any changes in the academic improvement
28 plan before disbursing pilot project funds to the school board.

29 (f) The school board of each school district participating
30 in the pilot project shall send an annual progress report to
31 the State Board no later than August 1 of each year that the
32 district is participating in the pilot project. The report must
33 state in detail the type of plan being used in the district or
34 school and the effect of the pilot project on the district or
35 school, including the following:

36 (1) the academic progress of students who are

1 participating in the pilot project, as measured by
2 performance on assessment instruments;

3 (2) if applicable, a comparison of student progress in
4 a school or classroom that is participating in the pilot
5 project as compared with student progress in the schools or
6 classrooms in the district that are not participating in
7 the pilot project;

8 (3) any elements of the pilot project that contribute
9 to improved student performance on assessment instruments
10 administered under Section 2-3.64 of this Code or any other
11 assessment instrument required by the State Board;

12 (4) any cost savings and improved efficiency relating
13 to school personnel;

14 (5) any effect on student dropout and attendance rates;

15 (6) any effect on student enrollment in higher
16 education;

17 (7) any effect on teacher performance and retention;

18 (8) any improvement in communications among students,
19 teachers, parents, and administrators;

20 (9) any improvement in parental involvement in the
21 education of the parent's child; and

22 (10) any effect on community involvement and support
23 for the district or school.

24 (g) After the expiration of the 4-year pilot project, the
25 State Board shall review the pilot project, based on the annual
26 reports the State Board receives from the school boards of
27 participating school districts, conduct a final evaluation,
28 and report its findings to the General Assembly no later than
29 December 31, 2010.

30 (h) This Section is repealed on December 31, 2010.

31 (Source: P.A. 94-507, eff. 8-8-05; revised 9-21-05.)

32 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

33 Sec. 10-17a. Better schools accountability.

34 (1) Policy and Purpose. It shall be the policy of the State
35 of Illinois that each school district in this State, including

1 special charter districts and districts subject to the
2 provisions of Article 34, shall submit to parents, taxpayers of
3 such district, the Governor, the General Assembly, and the
4 State Board of Education a school report card assessing the
5 performance of its schools and students. The report card shall
6 be an index of school performance measured against statewide
7 and local standards and will provide information to make prior
8 year comparisons and to set future year targets through the
9 school improvement plan.

10 (2) Reporting Requirements. Each school district shall
11 prepare a report card in accordance with the guidelines set
12 forth in this Section which describes the performance of its
13 students by school attendance centers and by district and the
14 district's financial resources and use of financial resources.
15 Such report card shall be presented at a regular school board
16 meeting subject to applicable notice requirements, posted on
17 the school district's Internet web site, if the district
18 maintains an Internet web site, made available to a newspaper
19 of general circulation serving the district, and, upon request,
20 sent home to a parent (unless the district does not maintain an
21 Internet web site, in which case the report card shall be sent
22 home to parents without request). If the district posts the
23 report card on its Internet web site, the district shall send a
24 written notice home to parents stating (i) that the report card
25 is available on the web site, (ii) the address of the web site,
26 (iii) that a printed copy of the report card will be sent to
27 parents upon request, and (iv) the telephone number that
28 parents may call to request a printed copy of the report card.
29 In addition, each school district shall submit the completed
30 report card to the office of the district's Regional
31 Superintendent which shall make copies available to any
32 individuals requesting them.

33 The report card shall be completed and disseminated prior
34 to October 31 in each school year. The report card shall
35 contain, but not be limited to, actual local school attendance
36 center, school district and statewide data indicating the

1 present performance of the school, the State norms and the
2 areas for planned improvement for the school and school
3 district.

4 (3) (a) The report card shall include the following
5 applicable indicators of attendance center, district, and
6 statewide student performance: percent of students who exceed,
7 meet, or do not meet standards established by the State Board
8 of Education pursuant to Section 2-3.25a; composite and subtest
9 means on nationally normed achievement tests for college bound
10 students; student attendance rates; chronic truancy rate;
11 dropout rate; graduation rate; and student mobility, turnover
12 shown as a percent of transfers out and a percent of transfers
13 in.

14 (b) The report card shall include the following
15 descriptions for the school, district, and State: average class
16 size; amount of time per day devoted to mathematics, science,
17 English and social science at primary, middle and junior high
18 school grade levels; number of students taking the Prairie
19 State Achievement Examination under subsection (c) of Section
20 2-3.64, the number of those students who received a score of
21 excellent, and the average score by school of students taking
22 the examination; pupil-teacher ratio; pupil-administrator
23 ratio; operating expenditure per pupil; district expenditure
24 by fund; average administrator salary; and average teacher
25 salary. The report card shall also specify the amount of money
26 that the district receives from all sources, including without
27 limitation subcategories specifying the amount from local
28 property taxes, the amount from general State aid, the amount
29 from other State funding, and the amount from other income.

30 (c) The report card shall include applicable indicators of
31 parental involvement in each attendance center. The parental
32 involvement component of the report card shall include the
33 percentage of students whose parents or guardians have had one
34 or more personal contacts with the students' teachers during
35 the school year concerning the students' education, and such
36 other information, commentary, and suggestions as the school

1 district desires. For the purposes of this paragraph, "personal
2 contact" includes, but is not limited to, parent-teacher
3 conferences, parental visits to school, school visits to home,
4 telephone conversations, and written correspondence. The
5 parental involvement component shall not single out or identify
6 individual students, parents, or guardians by name.

7 (d) The report card form shall be prepared by the State
8 Board of Education and provided to school districts by the most
9 efficient, economic, and appropriate means.

10 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;
11 revised 7-26-02.)

12 (105 ILCS 5/10-20.21a)

13 Sec. 10-20.21a. Contracts for charter bus services. To
14 award contracts for providing charter bus services for the sole
15 purpose of transporting students regularly enrolled in grade 12
16 or below to or from interscholastic athletic or interscholastic
17 or school sponsored activities.

18 All contracts for providing charter bus services for the
19 sole purpose of transporting students regularly enrolled in
20 grade 12 or below to or from interscholastic athletic or
21 interscholastic or school sponsored activities must contain
22 clause (A) as set forth below, except that a contract with an
23 out-of-state company may contain clause (B), as set forth
24 below, or clause (A). The clause must be set forth in the body
25 of the contract in typeface of at least 12 points and all upper
26 case letters:

27 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING
28 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY
29 SERVICES ARE PROVIDED:

30 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF
31 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE
32 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE
33 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER
34 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU
35 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE

1 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~
2 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~
3 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY
4 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES
5 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE
6 ILLINOIS VEHICLE CODE; AND

7 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
8 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
9 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
10 AGENCY."

11 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE
12 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE
13 BEFORE ANY SERVICES ARE PROVIDED:

14 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF
15 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE
16 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE
17 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER
18 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU
19 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE
20 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~
21 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~
22 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY
23 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES
24 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE
25 ILLINOIS VEHICLE CODE; AND

26 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
27 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
28 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
29 AGENCY."

30 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised
31 12-6-04.)

32 (105 ILCS 5/10-20.35)

33 Sec. 10-20.35. Medical information form for bus drivers and
34 emergency medical technicians. School districts are encouraged
35 to create and use an emergency medical information form for bus

1 drivers and emergency medical technicians for those students
2 with special needs or medical conditions. The form may include
3 without limitation information to be provided by the student's
4 parent or legal guardian concerning the student's relevant
5 medical conditions, medications that the student is taking, the
6 student's communication skills, and how a bus driver or an
7 emergency medical technician is to respond to certain behaviors
8 of the student. If the form is used, the school district is
9 encouraged to notify parents and legal guardians of the
10 availability of the form. The parent or legal guardian of the
11 student may fill out the form and submit it to the school that
12 the student is attending. The school district is encouraged to
13 keep one copy of the form on file at the school and another
14 copy on the student's school bus in a secure location.

15 (Source: P.A. 92-580, eff. 7-1-02.)

16 (105 ILCS 5/10-20.36)

17 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant
18 medication; disciplinary action.

19 (a) In this Section:

20 "Psychostimulant medication" means medication that
21 produces increased levels of mental and physical energy and
22 alertness and an elevated mood by stimulating the central
23 nervous system.

24 "Psychotropic medication" means psychotropic medication as
25 defined in Section 1-121.1 of the Mental Health and
26 Developmental Disabilities Code.

27 (b) Each school board must adopt and implement a policy
28 that prohibits any disciplinary action that is based totally or
29 in part on the refusal of a student's parent or guardian to
30 administer or consent to the administration of psychotropic or
31 psychostimulant medication to the student.

32 The policy must require that, at least once every 2 years,
33 the in-service training of certified school personnel and
34 administrators include training on current best practices
35 regarding the identification and treatment of attention

1 deficit disorder and attention deficit hyperactivity disorder,
2 the application of non-aversive behavioral interventions in
3 the school environment, and the use of psychotropic or
4 psychostimulant medication for school-age children.

5 (c) This Section does not prohibit school medical staff, an
6 individualized educational program team, or a professional
7 worker (as defined in Section 14-1.10 of this Code) from
8 recommending that a student be evaluated by an appropriate
9 medical practitioner or prohibit school personnel from
10 consulting with the practitioner with the consent of the
11 student's parents or guardian.

12 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

13 (105 ILCS 5/10-20.37)

14 Sec. 10-20.37. Summer kindergarten. A school board may
15 establish, maintain, and operate, in connection with the
16 kindergarten program of the school district, a summer
17 kindergarten program that begins 2 months before the beginning
18 of the regular school year and a summer kindergarten program
19 for grade one readiness for those pupils making unsatisfactory
20 progress during the regular kindergarten session that will
21 continue for 2 months after the regular school year. The summer
22 kindergarten program may be held within the school district or,
23 pursuant to a contract that must be approved by the State Board
24 of Education, may be operated by 2 or more adjacent school
25 districts or by a public or private university or college.
26 Transportation for students attending the summer kindergarten
27 program shall be the responsibility of the school district. The
28 expense of establishing, maintaining, and operating the summer
29 kindergarten program may be paid from funds contributed or
30 otherwise made available to the school district for that
31 purpose by federal or State appropriation.

32 (Source: P.A. 93-472, eff. 8-8-03.)

33 (105 ILCS 5/10-20.38)

34 Sec. 10-20.38 ~~10-20.37~~. Provision of student information

1 prohibited. A school district may not provide a student's name,
2 address, telephone number, social security number, e-mail
3 address, or other personal identifying information to a
4 business organization or financial institution that issues
5 credit or debit cards.

6 (Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

8 Sec. 10-21.9. Criminal history records checks and checks of
9 the Statewide Sex Offender Database.

10 (a) Certified and noncertified applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a
24 substitute teacher seeking employment in more than one school
25 district, a teacher seeking concurrent part-time employment
26 positions with more than one school district (as a reading
27 specialist, special education teacher or otherwise), or an
28 educational support personnel employee seeking employment
29 positions with more than one district, any such district may
30 require the applicant to furnish authorization for the check to
31 the regional superintendent of the educational service region
32 in which are located the school districts in which the
33 applicant is seeking employment as a substitute or concurrent
34 part-time teacher or concurrent educational support personnel
35 employee. Upon receipt of this authorization, the school

1 district or the appropriate regional superintendent, as the
2 case may be, shall submit the applicant's name, sex, race, date
3 of birth, social security number, fingerprint images, and other
4 identifiers, as prescribed by the Department of State Police,
5 to the Department. The regional superintendent submitting the
6 requisite information to the Department of State Police shall
7 promptly notify the school districts in which the applicant is
8 seeking employment as a substitute or concurrent part-time
9 teacher or concurrent educational support personnel employee
10 that the check of the applicant has been requested. The
11 Department of State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions, until
14 expunged, to the president of the school board for the school
15 district that requested the check, or to the regional
16 superintendent who requested the check. The Department shall
17 charge the school district or the appropriate regional
18 superintendent a fee for conducting such check, which fee shall
19 be deposited in the State Police Services Fund and shall not
20 exceed the cost of the inquiry; and the applicant shall not be
21 charged a fee for such check by the school district or by the
22 regional superintendent. Subject to appropriations for these
23 purposes, the State Superintendent of Education shall
24 reimburse school districts and regional superintendents for
25 fees paid to obtain criminal history records checks under this
26 Section.

27 (a-5) The school district or regional superintendent shall
28 further perform a check of the Statewide Sex Offender Database,
29 as authorized by the Sex Offender and Child Murderer Community
30 Notification Law, for each applicant.

31 (b) Any information concerning the record of convictions
32 obtained by the president of the school board or the regional
33 superintendent shall be confidential and may only be
34 transmitted to the superintendent of the school district or his
35 designee, the appropriate regional superintendent if the check
36 was requested by the school district, the presidents of the

1 appropriate school boards if the check was requested from the
2 Department of State Police by the regional superintendent, the
3 State Superintendent of Education, the State Teacher
4 Certification Board or any other person necessary to the
5 decision of hiring the applicant for employment. A copy of the
6 record of convictions obtained from the Department of State
7 Police shall be provided to the applicant for employment. Upon
8 the check of the Statewide Sex Offender Database, the school
9 district or regional superintendent shall notify an applicant
10 as to whether or not the applicant has been identified in the
11 Database as a sex offender. If a check of an applicant for
12 employment as a substitute or concurrent part-time teacher or
13 concurrent educational support personnel employee in more than
14 one school district was requested by the regional
15 superintendent, and the Department of State Police upon a check
16 ascertains that the applicant has not been convicted of any of
17 the enumerated criminal or drug offenses in subsection (c) or
18 has not been convicted, within 7 years of the application for
19 employment with the school district, of any other felony under
20 the laws of this State or of any offense committed or attempted
21 in any other state or against the laws of the United States
22 that, if committed or attempted in this State, would have been
23 punishable as a felony under the laws of this State and so
24 notifies the regional superintendent and if the regional
25 superintendent upon a check ascertains that the applicant has
26 not been identified in the Sex Offender Database as a sex
27 offender, then the regional superintendent shall issue to the
28 applicant a certificate evidencing that as of the date
29 specified by the Department of State Police the applicant has
30 not been convicted of any of the enumerated criminal or drug
31 offenses in subsection (c) or has not been convicted, within 7
32 years of the application for employment with the school
33 district, of any other felony under the laws of this State or
34 of any offense committed or attempted in any other state or
35 against the laws of the United States that, if committed or
36 attempted in this State, would have been punishable as a felony

1 under the laws of this State and evidencing that as of the date
2 that the regional superintendent conducted a check of the
3 Statewide Sex Offender Database, the applicant has not been
4 identified in the Database as a sex offender. The school board
5 of any school district located in the educational service
6 region served by the regional superintendent who issues such a
7 certificate to an applicant for employment as a substitute
8 teacher in more than one such district may rely on the
9 certificate issued by the regional superintendent to that
10 applicant, or may initiate its own criminal history records
11 check of the applicant through the Department of State Police
12 and its own check of the Statewide Sex Offender Database as
13 provided in subsection (a). Any person who releases any
14 confidential information concerning any criminal convictions
15 of an applicant for employment shall be guilty of a Class A
16 misdemeanor, unless the release of such information is
17 authorized by this Section.

18 (c) No school board shall knowingly employ a person who has
19 been convicted for committing attempted first degree murder or
20 for committing or attempting to commit first degree murder or a
21 Class X felony or any one or more of the following offenses:
22 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
23 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
24 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
25 Criminal Code of 1961; (ii) those defined in the Cannabis
26 Control Act except those defined in Sections 4(a), 4(b) and
27 5(a) of that Act; (iii) those defined in the Illinois
28 Controlled Substances Act; (iv) those defined in the
29 Methamphetamine Control and Community Protection Act; and (v)
30 any offense committed or attempted in any other state or
31 against the laws of the United States, which if committed or
32 attempted in this State, would have been punishable as one or
33 more of the foregoing offenses. Further, no school board shall
34 knowingly employ a person who has been found to be the
35 perpetrator of sexual or physical abuse of any minor under 18
36 years of age pursuant to proceedings under Article II of the

1 Juvenile Court Act of 1987.

2 (d) No school board shall knowingly employ a person for
3 whom a criminal history records check and a Statewide Sex
4 Offender Database check has not been initiated.

5 (e) Upon receipt of the record of a conviction of or a
6 finding of child abuse by a holder of any certificate issued
7 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
8 Code, the appropriate regional superintendent of schools or the
9 State Superintendent of Education shall initiate the
10 certificate suspension and revocation proceedings authorized
11 by law.

12 (f) After January 1, 1990 the provisions of this Section
13 shall apply to all employees of persons or firms holding
14 contracts with any school district including, but not limited
15 to, food service workers, school bus drivers and other
16 transportation employees, who have direct, daily contact with
17 the pupils of any school in such district. For purposes of
18 criminal history records checks and checks of the Statewide Sex
19 Offender Database on employees of persons or firms holding
20 contracts with more than one school district and assigned to
21 more than one school district, the regional superintendent of
22 the educational service region in which the contracting school
23 districts are located may, at the request of any such school
24 district, be responsible for receiving the authorization for a
25 criminal history records check prepared by each such employee
26 and submitting the same to the Department of State Police and
27 for conducting a check of the Statewide Sex Offender Database
28 for each employee. Any information concerning the record of
29 conviction and identification as a sex offender of any such
30 employee obtained by the regional superintendent shall be
31 promptly reported to the president of the appropriate school
32 board or school boards.

33 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
34 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

1 Sec. 14A-30. Local programs; requirements. In order for a
2 local program for the education of gifted and talented children
3 to be approved by the State Board of Education in order to
4 qualify for State funding, if available, as of the beginning of
5 the 2006-2007 academic year, the local program must meet the
6 following minimum requirements and demonstrate the fulfillment
7 of these requirements in a written program description
8 submitted to the State Board of Education by the local
9 educational agency operating the program and modified if the
10 program is substantively altered:

11 (1) The use of a minimum of 3 assessment measures used
12 to identify gifted and talented children in each area in
13 which a program for gifted and talented children is
14 established, which may include without limitation scores
15 on standardized achievement tests, observation checklists,
16 portfolios, and currently-used district assessments.

17 (2) A priority emphasis on language arts and
18 mathematics.

19 (3) An identification method that uses the definition
20 of gifted and talented children as defined in Section
21 14A-20 of this Code.

22 (4) Assessment instruments sensitive to the inclusion
23 of underrepresented groups, including low-income students,
24 minority students, and English language learners.

25 (5) A process of identification of gifted and talented
26 children that is of equal rigor in each area of aptitude
27 addressed by the program.

28 (6) The use of identification procedures that
29 appropriately correspond with the planned programs,
30 curricula, and services.

31 (7) A fair and equitable decision-making process.

32 (8) The availability of a fair and impartial appeal
33 process within the school, school district, or cooperative
34 of school districts operating a program for parents or
35 guardians whose children are aggrieved by a decision of the
36 school, school district, or cooperative of school

1 districts regarding eligibility for participation in a
2 program.

3 (9) Procedures for annually informing the community
4 at-large, including parents, about the program and the
5 methods used for the identification of gifted and talented
6 children.

7 (10) Procedures for notifying parents or guardians of a
8 child of a decision affecting that child's participation in
9 a program.

10 (11) A description of how gifted and talented children
11 will be grouped and instructed in order to maximize the
12 educational benefits the children derive from
13 participation in the program, including curriculum
14 modifications and options that accelerate and add depth and
15 complexity to the curriculum content.

16 (12) An explanation of how the program emphasizes
17 higher-level skills attainment, including problem-solving,
18 critical thinking, creative thinking, and research skills,
19 as embedded within relevant content areas.

20 (13) A methodology for measuring academic growth for
21 gifted and talented children and a procedure for
22 communicating a child's progress to his or her parents or
23 guardian, including, but not limited to, a report card.

24 (14) The collection of data on growth in learning for
25 children in a program for gifted and talented children and
26 the reporting of the data to the State Board of Education.

27 (15) The designation of a supervisor responsible for
28 overseeing the educational program for gifted and talented
29 children.

30 (16) A showing that the certified teachers who are
31 assigned to teach gifted and talented children understand
32 the characteristics and educational needs of children and
33 are able to differentiate the curriculum and apply
34 instructional methods to meet the needs of the children.

35 (17) Plans for the continuation of professional
36 development for staff assigned to the program serving

1 gifted and talented children.

2 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised
3 8-31-05.)

4 (105 ILCS 5/14A-55)

5 Sec. 14A-55. Rulemaking. The State Board of Education shall
6 have the authority to adopt all rules necessary to implement
7 and regulate the provisions of ~~in~~ this Article.

8 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised
9 8-31-05.)

10 (105 ILCS 5/18-8.05)

11 Sec. 18-8.05. Basis for apportionment of general State
12 financial aid and supplemental general State aid to the common
13 schools for the 1998-1999 and subsequent school years.

14 (A) General Provisions.

15 (1) The provisions of this Section apply to the 1998-1999
16 and subsequent school years. The system of general State
17 financial aid provided for in this Section is designed to
18 assure that, through a combination of State financial aid and
19 required local resources, the financial support provided each
20 pupil in Average Daily Attendance equals or exceeds a
21 prescribed per pupil Foundation Level. This formula approach
22 imputes a level of per pupil Available Local Resources and
23 provides for the basis to calculate a per pupil level of
24 general State financial aid that, when added to Available Local
25 Resources, equals or exceeds the Foundation Level. The amount
26 of per pupil general State financial aid for school districts,
27 in general, varies in inverse relation to Available Local
28 Resources. Per pupil amounts are based upon each school
29 district's Average Daily Attendance as that term is defined in
30 this Section.

31 (2) In addition to general State financial aid, school
32 districts with specified levels or concentrations of pupils
33 from low income households are eligible to receive supplemental

1 general State financial aid grants as provided pursuant to
2 subsection (H). The supplemental State aid grants provided for
3 school districts under subsection (H) shall be appropriated for
4 distribution to school districts as part of the same line item
5 in which the general State financial aid of school districts is
6 appropriated under this Section.

7 (3) To receive financial assistance under this Section,
8 school districts are required to file claims with the State
9 Board of Education, subject to the following requirements:

10 (a) Any school district which fails for any given
11 school year to maintain school as required by law, or to
12 maintain a recognized school is not eligible to file for
13 such school year any claim upon the Common School Fund. In
14 case of nonrecognition of one or more attendance centers in
15 a school district otherwise operating recognized schools,
16 the claim of the district shall be reduced in the
17 proportion which the Average Daily Attendance in the
18 attendance center or centers bear to the Average Daily
19 Attendance in the school district. A "recognized school"
20 means any public school which meets the standards as
21 established for recognition by the State Board of
22 Education. A school district or attendance center not
23 having recognition status at the end of a school term is
24 entitled to receive State aid payments due upon a legal
25 claim which was filed while it was recognized.

26 (b) School district claims filed under this Section are
27 subject to Sections 18-9, 18-10, and 18-12, except as
28 otherwise provided in this Section.

29 (c) If a school district operates a full year school
30 under Section 10-19.1, the general State aid to the school
31 district shall be determined by the State Board of
32 Education in accordance with this Section as near as may be
33 applicable.

34 (d) (Blank).

35 (4) Except as provided in subsections (H) and (L), the
36 board of any district receiving any of the grants provided for

1 in this Section may apply those funds to any fund so received
2 for which that board is authorized to make expenditures by law.

3 School districts are not required to exert a minimum
4 Operating Tax Rate in order to qualify for assistance under
5 this Section.

6 (5) As used in this Section the following terms, when
7 capitalized, shall have the meaning ascribed herein:

8 (a) "Average Daily Attendance": A count of pupil
9 attendance in school, averaged as provided for in
10 subsection (C) and utilized in deriving per pupil financial
11 support levels.

12 (b) "Available Local Resources": A computation of
13 local financial support, calculated on the basis of Average
14 Daily Attendance and derived as provided pursuant to
15 subsection (D).

16 (c) "Corporate Personal Property Replacement Taxes":
17 Funds paid to local school districts pursuant to "An Act in
18 relation to the abolition of ad valorem personal property
19 tax and the replacement of revenues lost thereby, and
20 amending and repealing certain Acts and parts of Acts in
21 connection therewith", certified August 14, 1979, as
22 amended (Public Act 81-1st S.S.-1).

23 (d) "Foundation Level": A prescribed level of per pupil
24 financial support as provided for in subsection (B).

25 (e) "Operating Tax Rate": All school district property
26 taxes extended for all purposes, except Bond and Interest,
27 Summer School, Rent, Capital Improvement, and Vocational
28 Education Building purposes.

29 (B) Foundation Level.

30 (1) The Foundation Level is a figure established by the
31 State representing the minimum level of per pupil financial
32 support that should be available to provide for the basic
33 education of each pupil in Average Daily Attendance. As set
34 forth in this Section, each school district is assumed to exert
35 a sufficient local taxing effort such that, in combination with

1 the aggregate of general State financial aid provided the
2 district, an aggregate of State and local resources are
3 available to meet the basic education needs of pupils in the
4 district.

5 (2) For the 1998-1999 school year, the Foundation Level of
6 support is \$4,225. For the 1999-2000 school year, the
7 Foundation Level of support is \$4,325. For the 2000-2001 school
8 year, the Foundation Level of support is \$4,425. For the
9 2001-2002 school year and 2002-2003 school year, the Foundation
10 Level of support is \$4,560. For the 2003-2004 school year, the
11 Foundation Level of support is \$4,810. For the 2004-2005 school
12 year, the Foundation Level of support is \$4,964.

13 (3) For the 2005-2006 school year and each school year
14 thereafter, the Foundation Level of support is \$5,164 or such
15 greater amount as may be established by law by the General
16 Assembly.

17 (C) Average Daily Attendance.

18 (1) For purposes of calculating general State aid pursuant
19 to subsection (E), an Average Daily Attendance figure shall be
20 utilized. The Average Daily Attendance figure for formula
21 calculation purposes shall be the monthly average of the actual
22 number of pupils in attendance of each school district, as
23 further averaged for the best 3 months of pupil attendance for
24 each school district. In compiling the figures for the number
25 of pupils in attendance, school districts and the State Board
26 of Education shall, for purposes of general State aid funding,
27 conform attendance figures to the requirements of subsection
28 (F).

29 (2) The Average Daily Attendance figures utilized in
30 subsection (E) shall be the requisite attendance data for the
31 school year immediately preceding the school year for which
32 general State aid is being calculated or the average of the
33 attendance data for the 3 preceding school years, whichever is
34 greater. The Average Daily Attendance figures utilized in
35 subsection (H) shall be the requisite attendance data for the

1 school year immediately preceding the school year for which
2 general State aid is being calculated.

3 (D) Available Local Resources.

4 (1) For purposes of calculating general State aid pursuant
5 to subsection (E), a representation of Available Local
6 Resources per pupil, as that term is defined and determined in
7 this subsection, shall be utilized. Available Local Resources
8 per pupil shall include a calculated dollar amount representing
9 local school district revenues from local property taxes and
10 from Corporate Personal Property Replacement Taxes, expressed
11 on the basis of pupils in Average Daily Attendance. Calculation
12 of Available Local Resources shall exclude any tax amnesty
13 funds received as a result of Public Act 93-26.

14 (2) In determining a school district's revenue from local
15 property taxes, the State Board of Education shall utilize the
16 equalized assessed valuation of all taxable property of each
17 school district as of September 30 of the previous year. The
18 equalized assessed valuation utilized shall be obtained and
19 determined as provided in subsection (G).

20 (3) For school districts maintaining grades kindergarten
21 through 12, local property tax revenues per pupil shall be
22 calculated as the product of the applicable equalized assessed
23 valuation for the district multiplied by 3.00%, and divided by
24 the district's Average Daily Attendance figure. For school
25 districts maintaining grades kindergarten through 8, local
26 property tax revenues per pupil shall be calculated as the
27 product of the applicable equalized assessed valuation for the
28 district multiplied by 2.30%, and divided by the district's
29 Average Daily Attendance figure. For school districts
30 maintaining grades 9 through 12, local property tax revenues
31 per pupil shall be the applicable equalized assessed valuation
32 of the district multiplied by 1.05%, and divided by the
33 district's Average Daily Attendance figure.

34 (4) The Corporate Personal Property Replacement Taxes paid
35 to each school district during the calendar year 2 years before

1 the calendar year in which a school year begins, divided by the
2 Average Daily Attendance figure for that district, shall be
3 added to the local property tax revenues per pupil as derived
4 by the application of the immediately preceding paragraph (3).
5 The sum of these per pupil figures for each school district
6 shall constitute Available Local Resources as that term is
7 utilized in subsection (E) in the calculation of general State
8 aid.

9 (E) Computation of General State Aid.

10 (1) For each school year, the amount of general State aid
11 allotted to a school district shall be computed by the State
12 Board of Education as provided in this subsection.

13 (2) For any school district for which Available Local
14 Resources per pupil is less than the product of 0.93 times the
15 Foundation Level, general State aid for that district shall be
16 calculated as an amount equal to the Foundation Level minus
17 Available Local Resources, multiplied by the Average Daily
18 Attendance of the school district.

19 (3) For any school district for which Available Local
20 Resources per pupil is equal to or greater than the product of
21 0.93 times the Foundation Level and less than the product of
22 1.75 times the Foundation Level, the general State aid per
23 pupil shall be a decimal proportion of the Foundation Level
24 derived using a linear algorithm. Under this linear algorithm,
25 the calculated general State aid per pupil shall decline in
26 direct linear fashion from 0.07 times the Foundation Level for
27 a school district with Available Local Resources equal to the
28 product of 0.93 times the Foundation Level, to 0.05 times the
29 Foundation Level for a school district with Available Local
30 Resources equal to the product of 1.75 times the Foundation
31 Level. The allocation of general State aid for school districts
32 subject to this paragraph 3 shall be the calculated general
33 State aid per pupil figure multiplied by the Average Daily
34 Attendance of the school district.

35 (4) For any school district for which Available Local

1 Resources per pupil equals or exceeds the product of 1.75 times
2 the Foundation Level, the general State aid for the school
3 district shall be calculated as the product of \$218 multiplied
4 by the Average Daily Attendance of the school district.

5 (5) The amount of general State aid allocated to a school
6 district for the 1999-2000 school year meeting the requirements
7 set forth in paragraph (4) of subsection (G) shall be increased
8 by an amount equal to the general State aid that would have
9 been received by the district for the 1998-1999 school year by
10 utilizing the Extension Limitation Equalized Assessed
11 Valuation as calculated in paragraph (4) of subsection (G) less
12 the general State aid allotted for the 1998-1999 school year.
13 This amount shall be deemed a one time increase, and shall not
14 affect any future general State aid allocations.

15 (F) Compilation of Average Daily Attendance.

16 (1) Each school district shall, by July 1 of each year,
17 submit to the State Board of Education, on forms prescribed by
18 the State Board of Education, attendance figures for the school
19 year that began in the preceding calendar year. The attendance
20 information so transmitted shall identify the average daily
21 attendance figures for each month of the school year. Beginning
22 with the general State aid claim form for the 2002-2003 school
23 year, districts shall calculate Average Daily Attendance as
24 provided in subdivisions (a), (b), and (c) of this paragraph
25 (1).

26 (a) In districts that do not hold year-round classes,
27 days of attendance in August shall be added to the month of
28 September and any days of attendance in June shall be added
29 to the month of May.

30 (b) In districts in which all buildings hold year-round
31 classes, days of attendance in July and August shall be
32 added to the month of September and any days of attendance
33 in June shall be added to the month of May.

34 (c) In districts in which some buildings, but not all,
35 hold year-round classes, for the non-year-round buildings,

1 days of attendance in August shall be added to the month of
2 September and any days of attendance in June shall be added
3 to the month of May. The average daily attendance for the
4 year-round buildings shall be computed as provided in
5 subdivision (b) of this paragraph (1). To calculate the
6 Average Daily Attendance for the district, the average
7 daily attendance for the year-round buildings shall be
8 multiplied by the days in session for the non-year-round
9 buildings for each month and added to the monthly
10 attendance of the non-year-round buildings.

11 Except as otherwise provided in this Section, days of
12 attendance by pupils shall be counted only for sessions of not
13 less than 5 clock hours of school work per day under direct
14 supervision of: (i) teachers, or (ii) non-teaching personnel or
15 volunteer personnel when engaging in non-teaching duties and
16 supervising in those instances specified in subsection (a) of
17 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
18 of legal school age and in kindergarten and grades 1 through
19 12.

20 Days of attendance by tuition pupils shall be accredited
21 only to the districts that pay the tuition to a recognized
22 school.

23 (2) Days of attendance by pupils of less than 5 clock hours
24 of school shall be subject to the following provisions in the
25 compilation of Average Daily Attendance.

26 (a) Pupils regularly enrolled in a public school for
27 only a part of the school day may be counted on the basis
28 of 1/6 day for every class hour of instruction of 40
29 minutes or more attended pursuant to such enrollment,
30 unless a pupil is enrolled in a block-schedule format of 80
31 minutes or more of instruction, in which case the pupil may
32 be counted on the basis of the proportion of minutes of
33 school work completed each day to the minimum number of
34 minutes that school work is required to be held that day.

35 (b) Days of attendance may be less than 5 clock hours
36 on the opening and closing of the school term, and upon the

1 first day of pupil attendance, if preceded by a day or days
2 utilized as an institute or teachers' workshop.

3 (c) A session of 4 or more clock hours may be counted
4 as a day of attendance upon certification by the regional
5 superintendent, and approved by the State Superintendent
6 of Education to the extent that the district has been
7 forced to use daily multiple sessions.

8 (d) A session of 3 or more clock hours may be counted
9 as a day of attendance (1) when the remainder of the school
10 day or at least 2 hours in the evening of that day is
11 utilized for an in-service training program for teachers,
12 up to a maximum of 5 days per school year of which a
13 maximum of 4 days of such 5 days may be used for
14 parent-teacher conferences, provided a district conducts
15 an in-service training program for teachers which has been
16 approved by the State Superintendent of Education; or, in
17 lieu of 4 such days, 2 full days may be used, in which
18 event each such day may be counted as a day of attendance;
19 and (2) when days in addition to those provided in item (1)
20 are scheduled by a school pursuant to its school
21 improvement plan adopted under Article 34 or its revised or
22 amended school improvement plan adopted under Article 2,
23 provided that (i) such sessions of 3 or more clock hours
24 are scheduled to occur at regular intervals, (ii) the
25 remainder of the school days in which such sessions occur
26 are utilized for in-service training programs or other
27 staff development activities for teachers, and (iii) a
28 sufficient number of minutes of school work under the
29 direct supervision of teachers are added to the school days
30 between such regularly scheduled sessions to accumulate
31 not less than the number of minutes by which such sessions
32 of 3 or more clock hours fall short of 5 clock hours. Any
33 full days used for the purposes of this paragraph shall not
34 be considered for computing average daily attendance. Days
35 scheduled for in-service training programs, staff
36 development activities, or parent-teacher conferences may

1 be scheduled separately for different grade levels and
2 different attendance centers of the district.

3 (e) A session of not less than one clock hour of
4 teaching hospitalized or homebound pupils on-site or by
5 telephone to the classroom may be counted as 1/2 day of
6 attendance, however these pupils must receive 4 or more
7 clock hours of instruction to be counted for a full day of
8 attendance.

9 (f) A session of at least 4 clock hours may be counted
10 as a day of attendance for first grade pupils, and pupils
11 in full day kindergartens, and a session of 2 or more hours
12 may be counted as 1/2 day of attendance by pupils in
13 kindergartens which provide only 1/2 day of attendance.

14 (g) For children with disabilities who are below the
15 age of 6 years and who cannot attend 2 or more clock hours
16 because of their disability or immaturity, a session of not
17 less than one clock hour may be counted as 1/2 day of
18 attendance; however for such children whose educational
19 needs so require a session of 4 or more clock hours may be
20 counted as a full day of attendance.

21 (h) A recognized kindergarten which provides for only
22 1/2 day of attendance by each pupil shall not have more
23 than 1/2 day of attendance counted in any one day. However,
24 kindergartens may count 2 1/2 days of attendance in any 5
25 consecutive school days. When a pupil attends such a
26 kindergarten for 2 half days on any one school day, the
27 pupil shall have the following day as a day absent from
28 school, unless the school district obtains permission in
29 writing from the State Superintendent of Education.
30 Attendance at kindergartens which provide for a full day of
31 attendance by each pupil shall be counted the same as
32 attendance by first grade pupils. Only the first year of
33 attendance in one kindergarten shall be counted, except in
34 case of children who entered the kindergarten in their
35 fifth year whose educational development requires a second
36 year of kindergarten as determined under the rules and

1 regulations of the State Board of Education.

2 (i) On the days when the Prairie State Achievement
3 Examination is administered under subsection (c) of
4 Section 2-3.64 of this Code, the day of attendance for a
5 pupil whose school day must be shortened to accommodate
6 required testing procedures may be less than 5 clock hours
7 and shall be counted towards the 176 days of actual pupil
8 attendance required under Section 10-19 of this Code,
9 provided that a sufficient number of minutes of school work
10 in excess of 5 clock hours are first completed on other
11 school days to compensate for the loss of school work on
12 the examination days.

13 (G) Equalized Assessed Valuation Data.

14 (1) For purposes of the calculation of Available Local
15 Resources required pursuant to subsection (D), the State Board
16 of Education shall secure from the Department of Revenue the
17 value as equalized or assessed by the Department of Revenue of
18 all taxable property of every school district, together with
19 (i) the applicable tax rate used in extending taxes for the
20 funds of the district as of September 30 of the previous year
21 and (ii) the limiting rate for all school districts subject to
22 property tax extension limitations as imposed under the
23 Property Tax Extension Limitation Law.

24 The Department of Revenue shall add to the equalized
25 assessed value of all taxable property of each school district
26 situated entirely or partially within a county that is or was
27 subject to the alternative general homestead exemption
28 provisions of Section 15-176 of the Property Tax Code (a) an
29 amount equal to the total amount by which the homestead
30 exemption allowed under Section 15-176 of the Property Tax Code
31 for real property situated in that school district exceeds the
32 total amount that would have been allowed in that school
33 district if the maximum reduction under Section 15-176 was (i)
34 \$4,500 in Cook County or \$3,500 in all other counties in tax
35 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and

1 thereafter and (b) an amount equal to the aggregate amount for
2 the taxable year of all additional exemptions under Section
3 15-175 of the Property Tax Code for owners with a household
4 income of \$30,000 or less. The county clerk of any county that
5 is or was subject to the alternative general homestead
6 exemption provisions of Section 15-176 of the Property Tax Code
7 shall annually calculate and certify to the Department of
8 Revenue for each school district all homestead exemption
9 amounts under Section 15-176 of the Property Tax Code and all
10 amounts of additional exemptions under Section 15-175 of the
11 Property Tax Code for owners with a household income of \$30,000
12 or less. It is the intent of this paragraph that if the general
13 homestead exemption for a parcel of property is determined
14 under Section 15-176 of the Property Tax Code rather than
15 Section 15-175, then the calculation of Available Local
16 Resources shall not be affected by the difference, if any,
17 between the amount of the general homestead exemption allowed
18 for that parcel of property under Section 15-176 of the
19 Property Tax Code and the amount that would have been allowed
20 had the general homestead exemption for that parcel of property
21 been determined under Section 15-175 of the Property Tax Code.
22 It is further the intent of this paragraph that if additional
23 exemptions are allowed under Section 15-175 of the Property Tax
24 Code for owners with a household income of less than \$30,000,
25 then the calculation of Available Local Resources shall not be
26 affected by the difference, if any, because of those additional
27 exemptions.

28 This equalized assessed valuation, as adjusted further by
29 the requirements of this subsection, shall be utilized in the
30 calculation of Available Local Resources.

31 (2) The equalized assessed valuation in paragraph (1) shall
32 be adjusted, as applicable, in the following manner:

33 (a) For the purposes of calculating State aid under
34 this Section, with respect to any part of a school district
35 within a redevelopment project area in respect to which a
36 municipality has adopted tax increment allocation

1 financing pursuant to the Tax Increment Allocation
2 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
3 of the Illinois Municipal Code or the Industrial Jobs
4 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
5 Illinois Municipal Code, no part of the current equalized
6 assessed valuation of real property located in any such
7 project area which is attributable to an increase above the
8 total initial equalized assessed valuation of such
9 property shall be used as part of the equalized assessed
10 valuation of the district, until such time as all
11 redevelopment project costs have been paid, as provided in
12 Section 11-74.4-8 of the Tax Increment Allocation
13 Redevelopment Act or in Section 11-74.6-35 of the
14 Industrial Jobs Recovery Law. For the purpose of the
15 equalized assessed valuation of the district, the total
16 initial equalized assessed valuation or the current
17 equalized assessed valuation, whichever is lower, shall be
18 used until such time as all redevelopment project costs
19 have been paid.

20 (b) The real property equalized assessed valuation for
21 a school district shall be adjusted by subtracting from the
22 real property value as equalized or assessed by the
23 Department of Revenue for the district an amount computed
24 by dividing the amount of any abatement of taxes under
25 Section 18-170 of the Property Tax Code by 3.00% for a
26 district maintaining grades kindergarten through 12, by
27 2.30% for a district maintaining grades kindergarten
28 through 8, or by 1.05% for a district maintaining grades 9
29 through 12 and adjusted by an amount computed by dividing
30 the amount of any abatement of taxes under subsection (a)
31 of Section 18-165 of the Property Tax Code by the same
32 percentage rates for district type as specified in this
33 subparagraph (b).

34 (3) For the 1999-2000 school year and each school year
35 thereafter, if a school district meets all of the criteria of
36 this subsection (G) (3), the school district's Available Local

1 Resources shall be calculated under subsection (D) using the
2 district's Extension Limitation Equalized Assessed Valuation
3 as calculated under this subsection (G) (3).

4 For purposes of this subsection (G) (3) the following terms
5 shall have the following meanings:

6 "Budget Year": The school year for which general State
7 aid is calculated and awarded under subsection (E).

8 "Base Tax Year": The property tax levy year used to
9 calculate the Budget Year allocation of general State aid.

10 "Preceding Tax Year": The property tax levy year
11 immediately preceding the Base Tax Year.

12 "Base Tax Year's Tax Extension": The product of the
13 equalized assessed valuation utilized by the County Clerk
14 in the Base Tax Year multiplied by the limiting rate as
15 calculated by the County Clerk and defined in the Property
16 Tax Extension Limitation Law.

17 "Preceding Tax Year's Tax Extension": The product of
18 the equalized assessed valuation utilized by the County
19 Clerk in the Preceding Tax Year multiplied by the Operating
20 Tax Rate as defined in subsection (A).

21 "Extension Limitation Ratio": A numerical ratio,
22 certified by the County Clerk, in which the numerator is
23 the Base Tax Year's Tax Extension and the denominator is
24 the Preceding Tax Year's Tax Extension.

25 "Operating Tax Rate": The operating tax rate as defined
26 in subsection (A).

27 If a school district is subject to property tax extension
28 limitations as imposed under the Property Tax Extension
29 Limitation Law, the State Board of Education shall calculate
30 the Extension Limitation Equalized Assessed Valuation of that
31 district. For the 1999-2000 school year, the Extension
32 Limitation Equalized Assessed Valuation of a school district as
33 calculated by the State Board of Education shall be equal to
34 the product of the district's 1996 Equalized Assessed Valuation
35 and the district's Extension Limitation Ratio. For the
36 2000-2001 school year and each school year thereafter, the

1 Extension Limitation Equalized Assessed Valuation of a school
2 district as calculated by the State Board of Education shall be
3 equal to the product of the Equalized Assessed Valuation last
4 used in the calculation of general State aid and the district's
5 Extension Limitation Ratio. If the Extension Limitation
6 Equalized Assessed Valuation of a school district as calculated
7 under this subsection (G)(3) is less than the district's
8 equalized assessed valuation as calculated pursuant to
9 subsections (G)(1) and (G)(2), then for purposes of calculating
10 the district's general State aid for the Budget Year pursuant
11 to subsection (E), that Extension Limitation Equalized
12 Assessed Valuation shall be utilized to calculate the
13 district's Available Local Resources under subsection (D).

14 (4) For the purposes of calculating general State aid for
15 the 1999-2000 school year only, if a school district
16 experienced a triennial reassessment on the equalized assessed
17 valuation used in calculating its general State financial aid
18 apportionment for the 1998-1999 school year, the State Board of
19 Education shall calculate the Extension Limitation Equalized
20 Assessed Valuation that would have been used to calculate the
21 district's 1998-1999 general State aid. This amount shall equal
22 the product of the equalized assessed valuation used to
23 calculate general State aid for the 1997-1998 school year and
24 the district's Extension Limitation Ratio. If the Extension
25 Limitation Equalized Assessed Valuation of the school district
26 as calculated under this paragraph (4) is less than the
27 district's equalized assessed valuation utilized in
28 calculating the district's 1998-1999 general State aid
29 allocation, then for purposes of calculating the district's
30 general State aid pursuant to paragraph (5) of subsection (E),
31 that Extension Limitation Equalized Assessed Valuation shall
32 be utilized to calculate the district's Available Local
33 Resources.

34 (5) For school districts having a majority of their
35 equalized assessed valuation in any county except Cook, DuPage,
36 Kane, Lake, McHenry, or Will, if the amount of general State

1 aid allocated to the school district for the 1999-2000 school
2 year under the provisions of subsection (E), (H), and (J) of
3 this Section is less than the amount of general State aid
4 allocated to the district for the 1998-1999 school year under
5 these subsections, then the general State aid of the district
6 for the 1999-2000 school year only shall be increased by the
7 difference between these amounts. The total payments made under
8 this paragraph (5) shall not exceed \$14,000,000. Claims shall
9 be prorated if they exceed \$14,000,000.

10 (H) Supplemental General State Aid.

11 (1) In addition to the general State aid a school district
12 is allotted pursuant to subsection (E), qualifying school
13 districts shall receive a grant, paid in conjunction with a
14 district's payments of general State aid, for supplemental
15 general State aid based upon the concentration level of
16 children from low-income households within the school
17 district. Supplemental State aid grants provided for school
18 districts under this subsection shall be appropriated for
19 distribution to school districts as part of the same line item
20 in which the general State financial aid of school districts is
21 appropriated under this Section. If the appropriation in any
22 fiscal year for general State aid and supplemental general
23 State aid is insufficient to pay the amounts required under the
24 general State aid and supplemental general State aid
25 calculations, then the State Board of Education shall ensure
26 that each school district receives the full amount due for
27 general State aid and the remainder of the appropriation shall
28 be used for supplemental general State aid, which the State
29 Board of Education shall calculate and pay to eligible
30 districts on a prorated basis.

31 (1.5) This paragraph (1.5) applies only to those school
32 years preceding the 2003-2004 school year. For purposes of this
33 subsection (H), the term "Low-Income Concentration Level"
34 shall be the low-income eligible pupil count from the most
35 recently available federal census divided by the Average Daily

1 Attendance of the school district. If, however, (i) the
2 percentage decrease from the 2 most recent federal censuses in
3 the low-income eligible pupil count of a high school district
4 with fewer than 400 students exceeds by 75% or more the
5 percentage change in the total low-income eligible pupil count
6 of contiguous elementary school districts, whose boundaries
7 are coterminous with the high school district, or (ii) a high
8 school district within 2 counties and serving 5 elementary
9 school districts, whose boundaries are coterminous with the
10 high school district, has a percentage decrease from the 2 most
11 recent federal censuses in the low-income eligible pupil count
12 and there is a percentage increase in the total low-income
13 eligible pupil count of a majority of the elementary school
14 districts in excess of 50% from the 2 most recent federal
15 censuses, then the high school district's low-income eligible
16 pupil count from the earlier federal census shall be the number
17 used as the low-income eligible pupil count for the high school
18 district, for purposes of this subsection (H). The changes made
19 to this paragraph (1) by Public Act 92-28 shall apply to
20 supplemental general State aid grants for school years
21 preceding the 2003-2004 school year that are paid in fiscal
22 year 1999 or thereafter and to any State aid payments made in
23 fiscal year 1994 through fiscal year 1998 pursuant to
24 subsection 1(n) of Section 18-8 of this Code (which was
25 repealed on July 1, 1998), and any high school district that is
26 affected by Public Act 92-28 is entitled to a recomputation of
27 its supplemental general State aid grant or State aid paid in
28 any of those fiscal years. This recomputation shall not be
29 affected by any other funding.

30 (1.10) This paragraph (1.10) applies to the 2003-2004
31 school year and each school year thereafter. For purposes of
32 this subsection (H), the term "Low-Income Concentration Level"
33 shall, for each fiscal year, be the low-income eligible pupil
34 count as of July 1 of the immediately preceding fiscal year (as
35 determined by the Department of Human Services based on the
36 number of pupils who are eligible for at least one of the

1 following low income programs: Medicaid, KidCare, TANF, or Food
2 Stamps, excluding pupils who are eligible for services provided
3 by the Department of Children and Family Services, averaged
4 over the 2 immediately preceding fiscal years for fiscal year
5 2004 and over the 3 immediately preceding fiscal years for each
6 fiscal year thereafter) divided by the Average Daily Attendance
7 of the school district.

8 (2) Supplemental general State aid pursuant to this
9 subsection (H) shall be provided as follows for the 1998-1999,
10 1999-2000, and 2000-2001 school years only:

11 (a) For any school district with a Low Income
12 Concentration Level of at least 20% and less than 35%, the
13 grant for any school year shall be \$800 multiplied by the
14 low income eligible pupil count.

15 (b) For any school district with a Low Income
16 Concentration Level of at least 35% and less than 50%, the
17 grant for the 1998-1999 school year shall be \$1,100
18 multiplied by the low income eligible pupil count.

19 (c) For any school district with a Low Income
20 Concentration Level of at least 50% and less than 60%, the
21 grant for the 1998-99 school year shall be \$1,500
22 multiplied by the low income eligible pupil count.

23 (d) For any school district with a Low Income
24 Concentration Level of 60% or more, the grant for the
25 1998-99 school year shall be \$1,900 multiplied by the low
26 income eligible pupil count.

27 (e) For the 1999-2000 school year, the per pupil amount
28 specified in subparagraphs (b), (c), and (d) immediately
29 above shall be increased to \$1,243, \$1,600, and \$2,000,
30 respectively.

31 (f) For the 2000-2001 school year, the per pupil
32 amounts specified in subparagraphs (b), (c), and (d)
33 immediately above shall be \$1,273, \$1,640, and \$2,050,
34 respectively.

35 (2.5) Supplemental general State aid pursuant to this
36 subsection (H) shall be provided as follows for the 2002-2003

1 school year:

2 (a) For any school district with a Low Income
3 Concentration Level of less than 10%, the grant for each
4 school year shall be \$355 multiplied by the low income
5 eligible pupil count.

6 (b) For any school district with a Low Income
7 Concentration Level of at least 10% and less than 20%, the
8 grant for each school year shall be \$675 multiplied by the
9 low income eligible pupil count.

10 (c) For any school district with a Low Income
11 Concentration Level of at least 20% and less than 35%, the
12 grant for each school year shall be \$1,330 multiplied by
13 the low income eligible pupil count.

14 (d) For any school district with a Low Income
15 Concentration Level of at least 35% and less than 50%, the
16 grant for each school year shall be \$1,362 multiplied by
17 the low income eligible pupil count.

18 (e) For any school district with a Low Income
19 Concentration Level of at least 50% and less than 60%, the
20 grant for each school year shall be \$1,680 multiplied by
21 the low income eligible pupil count.

22 (f) For any school district with a Low Income
23 Concentration Level of 60% or more, the grant for each
24 school year shall be \$2,080 multiplied by the low income
25 eligible pupil count.

26 (2.10) Except as otherwise provided, supplemental general
27 State aid pursuant to this subsection (H) shall be provided as
28 follows for the 2003-2004 school year and each school year
29 thereafter:

30 (a) For any school district with a Low Income
31 Concentration Level of 15% or less, the grant for each
32 school year shall be \$355 multiplied by the low income
33 eligible pupil count.

34 (b) For any school district with a Low Income
35 Concentration Level greater than 15%, the grant for each
36 school year shall be \$294.25 added to the product of \$2,700

1 and the square of the Low Income Concentration Level, all
2 multiplied by the low income eligible pupil count.

3 For the 2003-2004 school year, 2004-2005 school year, and
4 2005-2006 school year only, the grant shall be no less than the
5 grant for the 2002-2003 school year. For the 2006-2007 school
6 year only, the grant shall be no less than the grant for the
7 2002-2003 school year multiplied by 0.66. For the 2007-2008
8 school year only, the grant shall be no less than the grant for
9 the 2002-2003 school year multiplied by 0.33. Notwithstanding
10 the provisions of this paragraph to the contrary, if for any
11 school year supplemental general State aid grants are prorated
12 as provided in paragraph (1) of this subsection (H), then the
13 grants under this paragraph shall be prorated.

14 For the 2003-2004 school year only, the grant shall be no
15 greater than the grant received during the 2002-2003 school
16 year added to the product of 0.25 multiplied by the difference
17 between the grant amount calculated under subsection (a) or (b)
18 of this paragraph (2.10), whichever is applicable, and the
19 grant received during the 2002-2003 school year. For the
20 2004-2005 school year only, the grant shall be no greater than
21 the grant received during the 2002-2003 school year added to
22 the product of 0.50 multiplied by the difference between the
23 grant amount calculated under subsection (a) or (b) of this
24 paragraph (2.10), whichever is applicable, and the grant
25 received during the 2002-2003 school year. For the 2005-2006
26 school year only, the grant shall be no greater than the grant
27 received during the 2002-2003 school year added to the product
28 of 0.75 multiplied by the difference between the grant amount
29 calculated under subsection (a) or (b) of this paragraph
30 (2.10), whichever is applicable, and the grant received during
31 the 2002-2003 school year.

32 (3) School districts with an Average Daily Attendance of
33 more than 1,000 and less than 50,000 that qualify for
34 supplemental general State aid pursuant to this subsection
35 shall submit a plan to the State Board of Education prior to
36 October 30 of each year for the use of the funds resulting from

1 this grant of supplemental general State aid for the
2 improvement of instruction in which priority is given to
3 meeting the education needs of disadvantaged children. Such
4 plan shall be submitted in accordance with rules and
5 regulations promulgated by the State Board of Education.

6 (4) School districts with an Average Daily Attendance of
7 50,000 or more that qualify for supplemental general State aid
8 pursuant to this subsection shall be required to distribute
9 from funds available pursuant to this Section, no less than
10 \$261,000,000 in accordance with the following requirements:

11 (a) The required amounts shall be distributed to the
12 attendance centers within the district in proportion to the
13 number of pupils enrolled at each attendance center who are
14 eligible to receive free or reduced-price lunches or
15 breakfasts under the federal Child Nutrition Act of 1966
16 and under the National School Lunch Act during the
17 immediately preceding school year.

18 (b) The distribution of these portions of supplemental
19 and general State aid among attendance centers according to
20 these requirements shall not be compensated for or
21 contravened by adjustments of the total of other funds
22 appropriated to any attendance centers, and the Board of
23 Education shall utilize funding from one or several sources
24 in order to fully implement this provision annually prior
25 to the opening of school.

26 (c) Each attendance center shall be provided by the
27 school district a distribution of noncategorical funds and
28 other categorical funds to which an attendance center is
29 entitled under law in order that the general State aid and
30 supplemental general State aid provided by application of
31 this subsection supplements rather than supplants the
32 noncategorical funds and other categorical funds provided
33 by the school district to the attendance centers.

34 (d) Any funds made available under this subsection that
35 by reason of the provisions of this subsection are not
36 required to be allocated and provided to attendance centers

1 may be used and appropriated by the board of the district
2 for any lawful school purpose.

3 (e) Funds received by an attendance center pursuant to
4 this subsection shall be used by the attendance center at
5 the discretion of the principal and local school council
6 for programs to improve educational opportunities at
7 qualifying schools through the following programs and
8 services: early childhood education, reduced class size or
9 improved adult to student classroom ratio, enrichment
10 programs, remedial assistance, attendance improvement, and
11 other educationally beneficial expenditures which
12 supplement the regular and basic programs as determined by
13 the State Board of Education. Funds provided shall not be
14 expended for any political or lobbying purposes as defined
15 by board rule.

16 (f) Each district subject to the provisions of this
17 subdivision (H) (4) shall submit an acceptable plan to meet
18 the educational needs of disadvantaged children, in
19 compliance with the requirements of this paragraph, to the
20 State Board of Education prior to July 15 of each year.
21 This plan shall be consistent with the decisions of local
22 school councils concerning the school expenditure plans
23 developed in accordance with part 4 of Section 34-2.3. The
24 State Board shall approve or reject the plan within 60 days
25 after its submission. If the plan is rejected, the district
26 shall give written notice of intent to modify the plan
27 within 15 days of the notification of rejection and then
28 submit a modified plan within 30 days after the date of the
29 written notice of intent to modify. Districts may amend
30 approved plans pursuant to rules promulgated by the State
31 Board of Education.

32 Upon notification by the State Board of Education that
33 the district has not submitted a plan prior to July 15 or a
34 modified plan within the time period specified herein, the
35 State aid funds affected by that plan or modified plan
36 shall be withheld by the State Board of Education until a

1 plan or modified plan is submitted.

2 If the district fails to distribute State aid to
3 attendance centers in accordance with an approved plan, the
4 plan for the following year shall allocate funds, in
5 addition to the funds otherwise required by this
6 subsection, to those attendance centers which were
7 underfunded during the previous year in amounts equal to
8 such underfunding.

9 For purposes of determining compliance with this
10 subsection in relation to the requirements of attendance
11 center funding, each district subject to the provisions of
12 this subsection shall submit as a separate document by
13 December 1 of each year a report of expenditure data for
14 the prior year in addition to any modification of its
15 current plan. If it is determined that there has been a
16 failure to comply with the expenditure provisions of this
17 subsection regarding contravention or supplanting, the
18 State Superintendent of Education shall, within 60 days of
19 receipt of the report, notify the district and any affected
20 local school council. The district shall within 45 days of
21 receipt of that notification inform the State
22 Superintendent of Education of the remedial or corrective
23 action to be taken, whether by amendment of the current
24 plan, if feasible, or by adjustment in the plan for the
25 following year. Failure to provide the expenditure report
26 or the notification of remedial or corrective action in a
27 timely manner shall result in a withholding of the affected
28 funds.

29 The State Board of Education shall promulgate rules and
30 regulations to implement the provisions of this
31 subsection. No funds shall be released under this
32 subdivision (H) (4) to any district that has not submitted a
33 plan that has been approved by the State Board of
34 Education.

35 (I) General State Aid for Newly Configured School Districts.

1 (1) For a new school district formed by combining property
2 included totally within 2 or more previously existing school
3 districts, for its first year of existence the general State
4 aid and supplemental general State aid calculated under this
5 Section shall be computed for the new district and for the
6 previously existing districts for which property is totally
7 included within the new district. If the computation on the
8 basis of the previously existing districts is greater, a
9 supplementary payment equal to the difference shall be made for
10 the first 4 years of existence of the new district.

11 (2) For a school district which annexes all of the
12 territory of one or more entire other school districts, for the
13 first year during which the change of boundaries attributable
14 to such annexation becomes effective for all purposes as
15 determined under Section 7-9 or 7A-8, the general State aid and
16 supplemental general State aid calculated under this Section
17 shall be computed for the annexing district as constituted
18 after the annexation and for the annexing and each annexed
19 district as constituted prior to the annexation; and if the
20 computation on the basis of the annexing and annexed districts
21 as constituted prior to the annexation is greater, a
22 supplementary payment equal to the difference shall be made for
23 the first 4 years of existence of the annexing school district
24 as constituted upon such annexation.

25 (3) For 2 or more school districts which annex all of the
26 territory of one or more entire other school districts, and for
27 2 or more community unit districts which result upon the
28 division (pursuant to petition under Section 11A-2) of one or
29 more other unit school districts into 2 or more parts and which
30 together include all of the parts into which such other unit
31 school district or districts are so divided, for the first year
32 during which the change of boundaries attributable to such
33 annexation or division becomes effective for all purposes as
34 determined under Section 7-9 or 11A-10, as the case may be, the
35 general State aid and supplemental general State aid calculated
36 under this Section shall be computed for each annexing or

1 resulting district as constituted after the annexation or
2 division and for each annexing and annexed district, or for
3 each resulting and divided district, as constituted prior to
4 the annexation or division; and if the aggregate of the general
5 State aid and supplemental general State aid as so computed for
6 the annexing or resulting districts as constituted after the
7 annexation or division is less than the aggregate of the
8 general State aid and supplemental general State aid as so
9 computed for the annexing and annexed districts, or for the
10 resulting and divided districts, as constituted prior to the
11 annexation or division, then a supplementary payment equal to
12 the difference shall be made and allocated between or among the
13 annexing or resulting districts, as constituted upon such
14 annexation or division, for the first 4 years of their
15 existence. The total difference payment shall be allocated
16 between or among the annexing or resulting districts in the
17 same ratio as the pupil enrollment from that portion of the
18 annexed or divided district or districts which is annexed to or
19 included in each such annexing or resulting district bears to
20 the total pupil enrollment from the entire annexed or divided
21 district or districts, as such pupil enrollment is determined
22 for the school year last ending prior to the date when the
23 change of boundaries attributable to the annexation or division
24 becomes effective for all purposes. The amount of the total
25 difference payment and the amount thereof to be allocated to
26 the annexing or resulting districts shall be computed by the
27 State Board of Education on the basis of pupil enrollment and
28 other data which shall be certified to the State Board of
29 Education, on forms which it shall provide for that purpose, by
30 the regional superintendent of schools for each educational
31 service region in which the annexing and annexed districts, or
32 resulting and divided districts are located.

33 (3.5) Claims for financial assistance under this
34 subsection (I) shall not be recomputed except as expressly
35 provided under this Section.

36 (4) Any supplementary payment made under this subsection

1 (I) shall be treated as separate from all other payments made
2 pursuant to this Section.

3 (J) Supplementary Grants in Aid.

4 (1) Notwithstanding any other provisions of this Section,
5 the amount of the aggregate general State aid in combination
6 with supplemental general State aid under this Section for
7 which each school district is eligible shall be no less than
8 the amount of the aggregate general State aid entitlement that
9 was received by the district under Section 18-8 (exclusive of
10 amounts received under subsections 5(p) and 5(p-5) of that
11 Section) for the 1997-98 school year, pursuant to the
12 provisions of that Section as it was then in effect. If a
13 school district qualifies to receive a supplementary payment
14 made under this subsection (J), the amount of the aggregate
15 general State aid in combination with supplemental general
16 State aid under this Section which that district is eligible to
17 receive for each school year shall be no less than the amount
18 of the aggregate general State aid entitlement that was
19 received by the district under Section 18-8 (exclusive of
20 amounts received under subsections 5(p) and 5(p-5) of that
21 Section) for the 1997-1998 school year, pursuant to the
22 provisions of that Section as it was then in effect.

23 (2) If, as provided in paragraph (1) of this subsection
24 (J), a school district is to receive aggregate general State
25 aid in combination with supplemental general State aid under
26 this Section for the 1998-99 school year and any subsequent
27 school year that in any such school year is less than the
28 amount of the aggregate general State aid entitlement that the
29 district received for the 1997-98 school year, the school
30 district shall also receive, from a separate appropriation made
31 for purposes of this subsection (J), a supplementary payment
32 that is equal to the amount of the difference in the aggregate
33 State aid figures as described in paragraph (1).

34 (3) (Blank).

1 (K) Grants to Laboratory and Alternative Schools.

2 In calculating the amount to be paid to the governing board
3 of a public university that operates a laboratory school under
4 this Section or to any alternative school that is operated by a
5 regional superintendent of schools, the State Board of
6 Education shall require by rule such reporting requirements as
7 it deems necessary.

8 As used in this Section, "laboratory school" means a public
9 school which is created and operated by a public university and
10 approved by the State Board of Education. The governing board
11 of a public university which receives funds from the State
12 Board under this subsection (K) may not increase the number of
13 students enrolled in its laboratory school from a single
14 district, if that district is already sending 50 or more
15 students, except under a mutual agreement between the school
16 board of a student's district of residence and the university
17 which operates the laboratory school. A laboratory school may
18 not have more than 1,000 students, excluding students with
19 disabilities in a special education program.

20 As used in this Section, "alternative school" means a
21 public school which is created and operated by a Regional
22 Superintendent of Schools and approved by the State Board of
23 Education. Such alternative schools may offer courses of
24 instruction for which credit is given in regular school
25 programs, courses to prepare students for the high school
26 equivalency testing program or vocational and occupational
27 training. A regional superintendent of schools may contract
28 with a school district or a public community college district
29 to operate an alternative school. An alternative school serving
30 more than one educational service region may be established by
31 the regional superintendents of schools of the affected
32 educational service regions. An alternative school serving
33 more than one educational service region may be operated under
34 such terms as the regional superintendents of schools of those
35 educational service regions may agree.

36 Each laboratory and alternative school shall file, on forms

1 provided by the State Superintendent of Education, an annual
2 State aid claim which states the Average Daily Attendance of
3 the school's students by month. The best 3 months' Average
4 Daily Attendance shall be computed for each school. The general
5 State aid entitlement shall be computed by multiplying the
6 applicable Average Daily Attendance by the Foundation Level as
7 determined under this Section.

8 (L) Payments, Additional Grants in Aid and Other Requirements.

9 (1) For a school district operating under the financial
10 supervision of an Authority created under Article 34A, the
11 general State aid otherwise payable to that district under this
12 Section, but not the supplemental general State aid, shall be
13 reduced by an amount equal to the budget for the operations of
14 the Authority as certified by the Authority to the State Board
15 of Education, and an amount equal to such reduction shall be
16 paid to the Authority created for such district for its
17 operating expenses in the manner provided in Section 18-11. The
18 remainder of general State school aid for any such district
19 shall be paid in accordance with Article 34A when that Article
20 provides for a disposition other than that provided by this
21 Article.

22 (2) (Blank).

23 (3) Summer school. Summer school payments shall be made as
24 provided in Section 18-4.3.

25 (M) Education Funding Advisory Board.

26 The Education Funding Advisory Board, hereinafter in this
27 subsection (M) referred to as the "Board", is hereby created.
28 The Board shall consist of 5 members who are appointed by the
29 Governor, by and with the advice and consent of the Senate. The
30 members appointed shall include representatives of education,
31 business, and the general public. One of the members so
32 appointed shall be designated by the Governor at the time the
33 appointment is made as the chairperson of the Board. The
34 initial members of the Board may be appointed any time after

1 the effective date of this amendatory Act of 1997. The regular
2 term of each member of the Board shall be for 4 years from the
3 third Monday of January of the year in which the term of the
4 member's appointment is to commence, except that of the 5
5 initial members appointed to serve on the Board, the member who
6 is appointed as the chairperson shall serve for a term that
7 commences on the date of his or her appointment and expires on
8 the third Monday of January, 2002, and the remaining 4 members,
9 by lots drawn at the first meeting of the Board that is held
10 after all 5 members are appointed, shall determine 2 of their
11 number to serve for terms that commence on the date of their
12 respective appointments and expire on the third Monday of
13 January, 2001, and 2 of their number to serve for terms that
14 commence on the date of their respective appointments and
15 expire on the third Monday of January, 2000. All members
16 appointed to serve on the Board shall serve until their
17 respective successors are appointed and confirmed. Vacancies
18 shall be filled in the same manner as original appointments. If
19 a vacancy in membership occurs at a time when the Senate is not
20 in session, the Governor shall make a temporary appointment
21 until the next meeting of the Senate, when he or she shall
22 appoint, by and with the advice and consent of the Senate, a
23 person to fill that membership for the unexpired term. If the
24 Senate is not in session when the initial appointments are
25 made, those appointments shall be made as in the case of
26 vacancies.

27 The Education Funding Advisory Board shall be deemed
28 established, and the initial members appointed by the Governor
29 to serve as members of the Board shall take office, on the date
30 that the Governor makes his or her appointment of the fifth
31 initial member of the Board, whether those initial members are
32 then serving pursuant to appointment and confirmation or
33 pursuant to temporary appointments that are made by the
34 Governor as in the case of vacancies.

35 The State Board of Education shall provide such staff
36 assistance to the Education Funding Advisory Board as is

1 reasonably required for the proper performance by the Board of
2 its responsibilities.

3 For school years after the 2000-2001 school year, the
4 Education Funding Advisory Board, in consultation with the
5 State Board of Education, shall make recommendations as
6 provided in this subsection (M) to the General Assembly for the
7 foundation level under subdivision (B)(3) of this Section and
8 for the supplemental general State aid grant level under
9 subsection (H) of this Section for districts with high
10 concentrations of children from poverty. The recommended
11 foundation level shall be determined based on a methodology
12 which incorporates the basic education expenditures of
13 low-spending schools exhibiting high academic performance. The
14 Education Funding Advisory Board shall make such
15 recommendations to the General Assembly on January 1 of odd
16 numbered years, beginning January 1, 2001.

17 (N) (Blank).

18 (O) References.

19 (1) References in other laws to the various subdivisions of
20 Section 18-8 as that Section existed before its repeal and
21 replacement by this Section 18-8.05 shall be deemed to refer to
22 the corresponding provisions of this Section 18-8.05, to the
23 extent that those references remain applicable.

24 (2) References in other laws to State Chapter 1 funds shall
25 be deemed to refer to the supplemental general State aid
26 provided under subsection (H) of this Section.

27 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
28 changes to this Section. Under Section 6 of the Statute on
29 Statutes there is an irreconcilable conflict between Public Act
30 93-808 and Public Act 93-838. Public Act 93-838, being the last
31 acted upon, is controlling. The text of Public Act 93-838 is
32 the law regardless of the text of Public Act 93-808.

33 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,

1 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
2 eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

3 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

4 Sec. 21-1b. Subject endorsement on certificates. All
5 certificates initially issued under this Article after June 30,
6 1986, shall be specifically endorsed by the State Board of
7 Education for each subject the holder of the certificate is
8 legally qualified to teach, such endorsements to be made in
9 accordance with standards promulgated by the State Board of
10 Education in consultation with the State Teacher Certification
11 Board. The regional superintendent of schools, however, has the
12 duty, after appropriate training, to accept and review all
13 transcripts for new initial certificate applications and
14 ensure that each applicant has met all of the criteria
15 established by the State Board of Education in consultation
16 with with the State Teacher Certification Board. All
17 certificates which are issued under this Article prior to July
18 1, 1986 may, by application to the State Board of Education, be
19 specifically endorsed for each subject the holder is legally
20 qualified to teach. Endorsements issued under this Section
21 shall not apply to substitute teacher's certificates issued
22 under Section 21-9 of this Code.

23 Commencing July 1, 1999, each application for endorsement
24 of an existing teaching certificate shall be accompanied by a
25 \$30 nonrefundable fee. There is hereby created a Teacher
26 Certificate Fee Revolving Fund as a special fund within the
27 State Treasury. The proceeds of each \$30 fee shall be paid into
28 the Teacher Certificate Fee Revolving Fund; and the moneys in
29 that Fund shall be appropriated and used to provide the
30 technology and other resources necessary for the timely and
31 efficient processing of certification requests.

32 The State Board of Education and each regional office of
33 education are authorized to charge a service or convenience fee
34 for the use of credit cards for the payment of certification
35 fees. This service or convenience fee may not exceed the amount

1 required by the credit card processing company or vendor that
2 has entered into a contract with the State Board or regional
3 office of education for this purpose, and the fee must be paid
4 to that company or vendor.

5 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;
6 revised 10-22-04.)

7 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

8 Sec. 21-12. Printing; Seal; Signature; Credentials. All
9 certificates shall be printed by and bear the signatures of the
10 chairman and of the secretary of the State Teacher
11 Certification Board. Each certificate shall show the
12 integrally printed seal of the State Teacher Certification
13 Board. All college credentials offered as the basis of a
14 certificate shall be presented to the secretary of the State
15 Teacher Certification Board for inspection and approval. The
16 regional superintendent of schools, however, has the duty,
17 after appropriate training, to accept and review all
18 transcripts for new initial certificate applications and
19 ensure that each applicant has met all of the criteria
20 established by the State Board of Education in consultation
21 with the State Teacher Certification Board.

22 Commencing July 1, 1999, each application for a certificate
23 or evaluation of credentials shall be accompanied by an
24 evaluation fee of \$30 payable to the State Superintendent of
25 Education, which is not refundable, except that no application
26 or evaluation fee shall be required for a Master Certificate
27 issued pursuant to subsection (d) of Section 21-2 of this Code.
28 The proceeds of each \$30 fee shall be paid into the Teacher
29 Certificate Fee Revolving Fund, created under Section 21-1b of
30 this Code; and the moneys in that Fund shall be appropriated
31 and used to provide the technology and other resources
32 necessary for the timely and efficient processing of
33 certification requests.

34 The State Board of Education and each regional office of
35 education are authorized to charge a service or convenience fee

1 for the use of credit cards for the payment of certification
2 fees. This service or convenience fee may not exceed the amount
3 required by the credit card processing company or vendor that
4 has entered into a contract with the State Board or regional
5 office of education for this purpose, and the fee must be paid
6 to that company or vendor.

7 When evaluation verifies the requirements for a valid
8 certificate, the applicant shall be issued an entitlement card
9 that may be presented to a regional superintendent of schools
10 for issuance of a certificate.

11 The applicant shall be notified of any deficiencies.

12 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;
13 revised 10-22-04.)

14 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

15 Sec. 27-6. Courses in physical education required; special
16 activities.

17 (a) Pupils enrolled in the public schools and State
18 universities engaged in preparing teachers shall be required to
19 engage daily during the school day, except on block scheduled
20 days for those public schools engaged in block scheduling, in
21 courses of physical education for such periods as are
22 compatible with the optimum growth and developmental needs of
23 individuals at the various age levels except when appropriate
24 excuses are submitted to the school by a pupil's parent or
25 guardian or by a person licensed under the Medical Practice Act
26 of 1987 and except as provided in subsection (b) of this
27 Section.

28 Special activities in physical education shall be provided
29 for pupils whose physical or emotional condition, as determined
30 by a person licensed under the Medical Practice Act of 1987,
31 prevents their participation in the courses provided for normal
32 children.

33 (b) A school board is authorized to excuse pupils enrolled
34 in grades 11 and 12 from engaging in physical education courses
35 if those pupils request to be excused for any of the following

1 reasons: (1) for ongoing participation in an interscholastic
2 athletic program; (2) to enroll in academic classes which are
3 required for admission to an institution of higher learning,
4 provided that failure to take such classes will result in the
5 pupil being denied admission to the institution of his or her
6 choice; or (3) to enroll in academic classes which are required
7 for graduation from high school, provided that failure to take
8 such classes will result in the pupil being unable to graduate.
9 A school board may also excuse pupils in grades 9 through 12
10 enrolled in a marching band program for credit from engaging in
11 physical education courses if those pupils request to be
12 excused for ongoing participation in such marching band
13 program. In addition, a school board may excuse pupils in
14 grades 9 through 12 if those pupils must utilize the time set
15 aside for physical education to receive special education
16 support and services. A school board may also excuse pupils in
17 grades 9 through 12 enrolled in a Reserve Officer's Training
18 Corps (ROTC) program sponsored by the school district from
19 engaging in physical education courses. School boards which
20 choose to exercise this authority shall establish a policy to
21 excuse pupils on an individual basis.

22 (c) The provisions of this Section are subject to the
23 provisions of Section 27-22.05.

24 (Source: P.A. 94-189, eff. 7-12-05; 94-198, eff. 1-1-06;
25 94-200, eff. 7-12-05; revised 8-19-05.)

26 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

27 Sec. 27-8.1. Health examinations and immunizations.

28 (1) In compliance with rules and regulations which the
29 Department of Public Health shall promulgate, and except as
30 hereinafter provided, all children in Illinois shall have a
31 health examination as follows: within one year prior to
32 entering kindergarten or the first grade of any public,
33 private, or parochial elementary school; upon entering the
34 fifth and ninth grades of any public, private, or parochial
35 school; prior to entrance into any public, private, or

1 parochial nursery school; and, irrespective of grade,
2 immediately prior to or upon entrance into any public, private,
3 or parochial school or nursery school, each child shall present
4 proof of having been examined in accordance with this Section
5 and the rules and regulations promulgated hereunder.

6 A tuberculosis skin test screening shall be included as a
7 required part of each health examination included under this
8 Section if the child resides in an area designated by the
9 Department of Public Health as having a high incidence of
10 tuberculosis. Additional health examinations of pupils,
11 including vision examinations, may be required when deemed
12 necessary by school authorities. Parents are encouraged to have
13 their children undergo vision examinations at the same points
14 in time required for health examinations.

15 (1.5) In compliance with rules adopted by the Department of
16 Public Health and except as otherwise provided in this Section,
17 all children in kindergarten and the second and sixth grades of
18 any public, private, or parochial school shall have a dental
19 examination. Each of these children shall present proof of
20 having been examined by a dentist in accordance with this
21 Section and rules adopted under this Section before May 15th of
22 the school year. If a child in the second or sixth grade fails
23 to present proof by May 15th, the school may hold the child's
24 report card until one of the following occurs: (i) the child
25 presents proof of a completed dental examination or (ii) the
26 child presents proof that a dental examination will take place
27 within 60 days after May 15th. The Department of Public Health
28 shall establish, by rule, a waiver for children who show an
29 undue burden or a lack of access to a dentist. Each public,
30 private, and parochial school must give notice of this dental
31 examination requirement to the parents and guardians of
32 students at least 60 days before May 15th of each school year.

33 (2) The Department of Public Health shall promulgate rules
34 and regulations specifying the examinations and procedures
35 that constitute a health examination, which shall include the
36 collection of data relating to obesity~~7~~ (including at a

1 minimum, date of birth, gender, height, weight, blood pressure,
2 and date of examl, and a dental examination and may recommend
3 by rule that certain additional examinations be performed. The
4 rules and regulations of the Department of Public Health shall
5 specify that a tuberculosis skin test screening shall be
6 included as a required part of each health examination included
7 under this Section if the child resides in an area designated
8 by the Department of Public Health as having a high incidence
9 of tuberculosis. The Department of Public Health shall specify
10 that a diabetes screening as defined by rule shall be included
11 as a required part of each health examination. Diabetes testing
12 is not required.

13 Physicians licensed to practice medicine in all of its
14 branches, advanced practice nurses who have a written
15 collaborative agreement with a collaborating physician which
16 authorizes them to perform health examinations, or physician
17 assistants who have been delegated the performance of health
18 examinations by their supervising physician shall be
19 responsible for the performance of the health examinations,
20 other than dental examinations and vision and hearing
21 screening, and shall sign all report forms required by
22 subsection (4) of this Section that pertain to those portions
23 of the health examination for which the physician, advanced
24 practice nurse, or physician assistant is responsible. If a
25 registered nurse performs any part of a health examination,
26 then a physician licensed to practice medicine in all of its
27 branches must review and sign all required report forms.
28 Licensed dentists shall perform all dental examinations and
29 shall sign all report forms required by subsection (4) of this
30 Section that pertain to the dental examinations. Physicians
31 licensed to practice medicine in all its branches, or licensed
32 optometrists, shall perform all vision exams required by school
33 authorities and shall sign all report forms required by
34 subsection (4) of this Section that pertain to the vision exam.
35 Vision and hearing screening tests, which shall not be
36 considered examinations as that term is used in this Section,

1 shall be conducted in accordance with rules and regulations of
2 the Department of Public Health, and by individuals whom the
3 Department of Public Health has certified. In these rules and
4 regulations, the Department of Public Health shall require that
5 individuals conducting vision screening tests give a child's
6 parent or guardian written notification, before the vision
7 screening is conducted, that states, "Vision screening is not a
8 substitute for a complete eye and vision evaluation by an eye
9 doctor. Your child is not required to undergo this vision
10 screening if an optometrist or ophthalmologist has completed
11 and signed a report form indicating that an examination has
12 been administered within the previous 12 months."

13 (3) Every child shall, at or about the same time as he or
14 she receives a health examination required by subsection (1) of
15 this Section, present to the local school proof of having
16 received such immunizations against preventable communicable
17 diseases as the Department of Public Health shall require by
18 rules and regulations promulgated pursuant to this Section and
19 the Communicable Disease Prevention Act.

20 (4) The individuals conducting the health examination or
21 dental examination shall record the fact of having conducted
22 the examination, and such additional information as required,
23 including for a health examination data relating to obesity,
24 (including at a minimum, date of birth, gender, height, weight,
25 blood pressure, and date of exam), on uniform forms which the
26 Department of Public Health and the State Board of Education
27 shall prescribe for statewide use. The examiner shall summarize
28 on the report form any condition that he or she suspects
29 indicates a need for special services, including for a health
30 examination factors relating to obesity. The individuals
31 confirming the administration of required immunizations shall
32 record as indicated on the form that the immunizations were
33 administered.

34 (5) If a child does not submit proof of having had either
35 the health examination or the immunization as required, then
36 the child shall be examined or receive the immunization, as the

1 case may be, and present proof by October 15 of the current
2 school year, or by an earlier date of the current school year
3 established by a school district. To establish a date before
4 October 15 of the current school year for the health
5 examination or immunization as required, a school district must
6 give notice of the requirements of this Section 60 days prior
7 to the earlier established date. If for medical reasons one or
8 more of the required immunizations must be given after October
9 15 of the current school year, or after an earlier established
10 date of the current school year, then the child shall present,
11 by October 15, or by the earlier established date, a schedule
12 for the administration of the immunizations and a statement of
13 the medical reasons causing the delay, both the schedule and
14 the statement being issued by the physician, advanced practice
15 nurse, physician assistant, registered nurse, or local health
16 department that will be responsible for administration of the
17 remaining required immunizations. If a child does not comply by
18 October 15, or by the earlier established date of the current
19 school year, with the requirements of this subsection, then the
20 local school authority shall exclude that child from school
21 until such time as the child presents proof of having had the
22 health examination as required and presents proof of having
23 received those required immunizations which are medically
24 possible to receive immediately. During a child's exclusion
25 from school for noncompliance with this subsection, the child's
26 parents or legal guardian shall be considered in violation of
27 Section 26-1 and subject to any penalty imposed by Section
28 26-10. This subsection (5) does not apply to dental
29 examinations.

30 (6) Every school shall report to the State Board of
31 Education by November 15, in the manner which that agency shall
32 require, the number of children who have received the necessary
33 immunizations and the health examination (other than a dental
34 examination) as required, indicating, of those who have not
35 received the immunizations and examination as required, the
36 number of children who are exempt from health examination and

1 immunization requirements on religious or medical grounds as
2 provided in subsection (8). Every school shall report to the
3 State Board of Education by June 30, in the manner that the
4 State Board requires, the number of children who have received
5 the required dental examination, indicating, of those who have
6 not received the required dental examination, the number of
7 children who are exempt from the dental examination on
8 religious grounds as provided in subsection (8) of this Section
9 and the number of children who have received a waiver under
10 subsection (1.5) of this Section. This reported information
11 shall be provided to the Department of Public Health by the
12 State Board of Education.

13 (7) Upon determining that the number of pupils who are
14 required to be in compliance with subsection (5) of this
15 Section is below 90% of the number of pupils enrolled in the
16 school district, 10% of each State aid payment made pursuant to
17 Section 18-8.05 to the school district for such year shall be
18 withheld by the regional superintendent until the number of
19 students in compliance with subsection (5) is the applicable
20 specified percentage or higher.

21 (8) Parents or legal guardians who object to health or
22 dental examinations or any part thereof, or to immunizations,
23 on religious grounds shall not be required to submit their
24 children or wards to the examinations or immunizations to which
25 they so object if such parents or legal guardians present to
26 the appropriate local school authority a signed statement of
27 objection, detailing the grounds for the objection. If the
28 physical condition of the child is such that any one or more of
29 the immunizing agents should not be administered, the examining
30 physician, advanced practice nurse, or physician assistant
31 responsible for the performance of the health examination shall
32 endorse that fact upon the health examination form. Exempting a
33 child from the health or dental examination does not exempt the
34 child from participation in the program of physical education
35 training provided in Sections 27-5 through 27-7 of this Code.

36 (9) For the purposes of this Section, "nursery schools"

1 means those nursery schools operated by elementary school
2 systems or secondary level school units or institutions of
3 higher learning.

4 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
5 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;
6 revised 12-1-05.)

7 (105 ILCS 5/27-23.5)

8 Sec. 27-23.5. Organ/tissue and blood donor and
9 transplantation programs. Each school district that maintains
10 grades 9 and 10 may include in its curriculum and teach to the
11 students of either such grade one unit of instruction on
12 organ/tissue and blood donor and transplantation programs. No
13 student shall be required to take or participate in instruction
14 on organ/tissue and blood donor and transplantation programs if
15 a parent or guardian files written objection thereto on
16 constitutional grounds, and refusal to take or participate in
17 such instruction on those grounds shall not be reason for
18 suspension or expulsion of a student or result in any academic
19 penalty.

20 The regional superintendent of schools in which a school
21 district that maintains grades 9 and 10 is located shall obtain
22 and distribute to each school that maintains grades 9 and 10 in
23 his or her district information and data, including
24 instructional materials provided at no cost by America's Blood
25 Centers, the American Red Cross, and Gift of Hope, that may be
26 used by the school in developing a unit of instruction under
27 this Section. However, each school board shall determine the
28 minimum amount of instructional time that shall qualify as a
29 unit of instruction satisfying the requirements of this
30 Section.

31 (Source: P.A. 93-547, eff. 8-19-03; 93-794, eff. 7-22-04;
32 revised 10-22-04.)

33 (105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

34 Sec. 27-24.4. Reimbursement amount. Each school district

1 shall be entitled to reimbursement, for each pupil, excluding
2 each resident of the district over age 55, who finishes either
3 the classroom instruction part or the practice driving part of
4 a driver education course that meets the minimum requirements
5 of this Act. However, if a school district has adopted a policy
6 to permit proficiency examinations for the practice driving
7 part of the driver education course as provided under Section
8 27-24.3, then the school district is entitled to only one-half
9 of the reimbursement amount for the practice driving part for
10 each pupil who has passed the proficiency examination, and the
11 State Board of Education shall adjust the reimbursement formula
12 accordingly. Reimbursement under this Act is payable from the
13 Drivers Education Fund in the State treasury.

14 Each year all funds appropriated from the Drivers ~~Driver~~
15 Education Fund to the State Board of Education, with the
16 exception of those funds necessary for administrative purposes
17 of the State Board of Education, shall be distributed in the
18 manner provided in this paragraph to school districts by the
19 State Board of Education for reimbursement of claims from the
20 previous school year. As soon as may be after each quarter of
21 the year, if moneys are available in the Drivers ~~Driver~~
22 Education Fund in the State treasury for payments under this
23 Section, the State Comptroller shall draw his or her warrants
24 upon the State Treasurer as directed by the State Board of
25 Education. The warrant for each quarter shall be in an amount
26 equal to one-fourth of the total amount to be distributed to
27 school districts for the year. Payments shall be made to school
28 districts as soon as may be after receipt of the warrants.

29 The base reimbursement amount shall be calculated by the
30 State Board by dividing the total amount appropriated for
31 distribution by the total of: (a) the number of students,
32 excluding residents of the district over age 55, who have
33 completed the classroom instruction part for whom valid claims
34 have been made times 0.2; plus (b) the number of students,
35 excluding residents of the district over age 55, who have
36 completed the practice driving instruction part for whom valid

1 claims have been made times 0.8.

2 The amount of reimbursement to be distributed on each claim
3 shall be 0.2 times the base reimbursement amount for each
4 validly claimed student, excluding residents of the district
5 over age 55, who has completed the classroom instruction part,
6 plus 0.8 times the base reimbursement amount for each validly
7 claimed student, excluding residents of the district over age
8 55, who has completed the practice driving instruction part.
9 The school district which is the residence of a pupil who
10 attends a nonpublic school in another district that has
11 furnished the driver education course shall reimburse the
12 district offering the course, the difference between the actual
13 per capita cost of giving the course the previous school year
14 and the amount reimbursed by the State.

15 By April 1 the nonpublic school shall notify the district
16 offering the course of the names and district numbers of the
17 nonresident students desiring to take such course the next
18 school year. The district offering such course shall notify the
19 district of residence of those students affected by April 15.
20 The school district furnishing the course may claim the
21 nonresident pupil for the purpose of making a claim for State
22 reimbursement under this Act.

23 (Source: P.A. 94-440, eff. 8-4-05; 94-525, eff. 1-1-06; revised
24 8-19-05.)

25 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

26 Sec. 34-8.1. Principals. Principals shall be employed to
27 supervise the operation of each attendance center. Their powers
28 and duties shall include but not be limited to the authority
29 (i) to direct, supervise, evaluate, and suspend with or without
30 pay or otherwise discipline all teachers, assistant
31 principals, and other employees assigned to the attendance
32 center in accordance with board rules and policies and (ii) to
33 direct all other persons assigned to the attendance center
34 pursuant to a contract with a third party to provide services
35 to the school system. The right to employ, discharge, and

1 layoff shall be vested solely with the board, provided that
2 decisions to discharge or suspend non-certified employees,
3 including disciplinary layoffs, and the termination of
4 certified employees from employment pursuant to a layoff or
5 reassignment policy are subject to review under the grievance
6 resolution procedure adopted pursuant to subsection (c) of
7 Section 10 of the Illinois Educational Labor Relations Act. The
8 grievance resolution procedure adopted by the board shall
9 provide for final and binding arbitration, and,
10 notwithstanding any other provision of law to the contrary, the
11 arbitrator's decision may include all make-whole relief,
12 including without limitation reinstatement. The principal
13 shall fill positions by appointment as provided in this Section
14 and may make recommendations to the board regarding the
15 employment, discharge, or layoff of any individual. The
16 authority of the principal shall include the authority to
17 direct the hours during which the attendance center shall be
18 open and available for use provided the use complies with board
19 rules and policies, to determine when and what operations shall
20 be conducted within those hours, and to schedule staff within
21 those hours. Under the direction of, and subject to the
22 authority of the principal, the Engineer In Charge shall be
23 accountable for the safe, economical operation of the plant and
24 grounds and shall also be responsible for orientation,
25 training, and supervising the work of Engineers, Trainees,
26 school maintenance assistants, custodial workers and other
27 plant operation employees under his or her direction.

28 There shall be established by the board a system of
29 semi-annual evaluations conducted by the principal as to
30 performance of the engineer in charge. Nothing in this Section
31 shall prevent the principal from conducting additional
32 evaluations. An overall numerical rating shall be given by the
33 principal based on the evaluation conducted by the principal.
34 An unsatisfactory numerical rating shall result in
35 disciplinary action, which may include, without limitation and
36 in the judgment of the principal, loss of promotion or bidding

1 procedure, reprimand, suspension with or without pay, or
2 recommended dismissal. The board shall establish procedures
3 for conducting the evaluation and reporting the results to the
4 engineer in charge.

5 Under the direction of, and subject to the authority of,
6 the principal, the Food Service Manager is responsible at all
7 times for the proper operation and maintenance of the lunch
8 room to which he is assigned and shall also be responsible for
9 the orientation, training, and supervising the work of cooks,
10 bakers, porters, and lunchroom attendants under his or her
11 direction.

12 There shall be established by the Board a system of
13 semi-annual evaluations conducted by the principal as to the
14 performance of the food service manager. Nothing in this
15 Section shall prevent the principal from conducting additional
16 evaluations. An overall numerical rating shall be given by the
17 principal based on the evaluation conducted by the principal.
18 An unsatisfactory numerical rating shall result in
19 disciplinary action which may include, without limitation and
20 in the judgment of the principal, loss of promotion or bidding
21 procedure, reprimand, suspension with or without pay, or
22 recommended dismissal. The board shall establish rules for
23 conducting the evaluation and reporting the results to the food
24 service manager.

25 Nothing in this Section shall be interpreted to require the
26 employment or assignment of an Engineer-In-Charge or a Food
27 Service Manager for each attendance center.

28 Principals shall be employed to supervise the educational
29 operation of each attendance center. If a principal is absent
30 due to extended illness or leave or absence, an assistant
31 principal may be assigned as acting principal for a period not
32 to exceed 100 school days. Each principal shall assume
33 administrative responsibility and instructional leadership, in
34 accordance with reasonable rules and regulations of the board,
35 for the planning, operation and evaluation of the educational
36 program of the attendance center to which he is assigned. The

1 principal shall submit recommendations to the general
2 superintendent concerning the appointment, dismissal,
3 retention, promotion, and assignment of all personnel assigned
4 to the attendance center; provided, that from and after
5 September 1, 1989: (i) if any vacancy occurs in a position at
6 the attendance center or if an additional or new position is
7 created at the attendance center, that position shall be filled
8 by appointment made by the principal in accordance with
9 procedures established and provided by the Board whenever the
10 majority of the duties included in that position are to be
11 performed at the attendance center which is under the
12 principal's supervision, and each such appointment so made by
13 the principal shall be made and based upon merit and ability to
14 perform in that position without regard to seniority or length
15 of service, provided, that such appointments shall be subject
16 to the Board's desegregation obligations, including but not
17 limited to the Consent Decree and Desegregation Plan in U.S. v.
18 Chicago Board of Education; (ii) the principal shall submit
19 recommendations based upon merit and ability to perform in the
20 particular position, without regard to seniority or length of
21 service, to the general superintendent concerning the
22 appointment of any teacher, teacher aide, counselor, clerk,
23 hall guard, security guard and any other personnel which is to
24 be made by the general superintendent whenever less than a
25 majority of the duties of that teacher, teacher aide,
26 counselor, clerk, hall guard, and security guard and any other
27 personnel are to be performed at the attendance center which is
28 under the principal's supervision; and (iii) subject to law and
29 the applicable collective bargaining agreements, the authority
30 and responsibilities of a principal with respect to the
31 evaluation of all teachers and other personnel assigned to an
32 attendance center shall commence immediately upon his or her
33 appointment as principal of the attendance center, without
34 regard to the length of time that he or she has been the
35 principal of that attendance center.

36 Notwithstanding the existence of any other law of this

1 State, nothing in this Act shall prevent the board from
2 entering into a contract with a third party for services
3 currently performed by any employee or bargaining unit member.

4 Notwithstanding any other provision of this Article, each
5 principal may approve contracts, binding on the board, in the
6 amount of no more than \$10,000, if the contract is endorsed by
7 the Local School Council.

8 Unless otherwise prohibited by law or by rule of the board,
9 the principal shall provide to local school council members
10 copies of all internal audits and any other pertinent
11 information generated by any audits or reviews of the programs
12 and operation of the attendance center.

13 Each principal shall hold a valid administrative
14 certificate issued or exchanged in accordance with Article 21
15 and endorsed as required by that Article for the position of
16 principal. The board may establish or impose academic,
17 educational, examination, and experience requirements and
18 criteria that are in addition to those established and required
19 by Article 21 for issuance of a valid certificate endorsed for
20 the position of principal as a condition of the nomination,
21 selection, appointment, employment, or continued employment of
22 a person as principal of any attendance center, or as a
23 condition of the renewal of any principal's performance
24 contract.

25 The board shall specify in its formal job description for
26 principals, and from and after July 1, 1990 shall specify in
27 the 4 year performance contracts for use with respect to all
28 principals, that his or her primary responsibility is in the
29 improvement of instruction. A majority of the time spent by a
30 principal shall be spent on curriculum and staff development
31 through both formal and informal activities, establishing
32 clear lines of communication regarding school goals,
33 accomplishments, practices and policies with parents and
34 teachers. The principal, with the assistance of the local
35 school council, shall develop a school improvement plan as
36 provided in Section 34-2.4 and, upon approval of the plan by

1 the local school council, shall be responsible for directing
2 implementation of the plan. The principal, with the assistance
3 of the professional personnel leadership committee, shall
4 develop the specific methods and contents of the school's
5 curriculum within the board's system-wide curriculum standards
6 and objectives and the requirements of the school improvement
7 plan. The board shall ensure that all principals are evaluated
8 on their instructional leadership ability and their ability to
9 maintain a positive education and learning climate. It shall
10 also be the responsibility of the principal to utilize
11 resources of proper law enforcement agencies when the safety
12 and welfare of students and teachers are threatened by illegal
13 use of drugs and alcohol, by illegal use or possession of
14 weapons, or by illegal gang activity.

15 On or before October 1, 1989, the Board of Education, in
16 consultation with any professional organization representing
17 principals in the district, shall promulgate rules and
18 implement a lottery for the purpose of determining whether a
19 principal's existing performance contract (including the
20 performance contract applicable to any principal's position in
21 which a vacancy then exists) expires on June 30, 1990 or on
22 June 30, 1991, and whether the ensuing 4 year performance
23 contract begins on July 1, 1990 or July 1, 1991. The Board of
24 Education shall establish and conduct the lottery in such
25 manner that of all the performance contracts of principals
26 (including the performance contracts applicable to all
27 principal positions in which a vacancy then exists), 50% of
28 such contracts shall expire on June 30, 1990, and 50% shall
29 expire on June 30, 1991. All persons serving as principal on
30 May 1, 1989, and all persons appointed as principal after May
31 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
32 other than as provided by Section 34-2.3, shall be deemed by
33 operation of law to be serving under a performance contract
34 which expires on June 30, 1990 or June 30, 1991; and unless
35 such performance contract of any such principal is renewed (or
36 such person is again appointed to serve as principal) in the

1 manner provided by Section 34-2.2 or 34-2.3, the employment of
2 such person as principal shall terminate on June 30, 1990 or
3 June 30, 1991.

4 Commencing on July 1, 1990, or on July 1, 1991, and
5 thereafter, the principal of each attendance center shall be
6 the person selected in the manner provided by Section 34-2.3 to
7 serve as principal of that attendance center under a 4 year
8 performance contract. All performance contracts of principals
9 expiring after July 1, 1990, or July 1, 1991, shall commence on
10 the date specified in the contract, and the renewal of their
11 performance contracts and the appointment of principals when
12 their performance contracts are not renewed shall be governed
13 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office
14 of a principal occurs for any reason, the vacancy shall be
15 filled by the selection of a new principal to serve under a 4
16 year performance contract in the manner provided by Section
17 34-2.3.

18 The board of education shall develop and prepare, in
19 consultation with the organization representing principals, a
20 performance contract for use at all attendance centers, and
21 shall furnish the same to each local school council. The term
22 of the performance contract shall be 4 years, unless the
23 principal is retained by the decision of a hearing officer
24 pursuant to subdivision 1.5 of Section 34-2.3, in which case
25 the contract shall be extended for 2 years. The performance
26 contract of each principal shall consist of the uniform
27 performance contract, as developed or from time to time
28 modified by the board, and such additional criteria as are
29 established by a local school council pursuant to Section
30 34-2.3 for the performance contract of its principal.

31 During the term of his or her performance contract, a
32 principal may be removed only as provided for in the
33 performance contract except for cause. He or she shall also be
34 obliged to follow the rules of the board of education
35 concerning conduct and efficiency.

36 In the event the performance contract of a principal is not

1 renewed or a principal is not reappointed as principal under a
2 new performance contract, or in the event a principal is
3 appointed to any position of superintendent or higher position,
4 or voluntarily resigns his position of principal, his or her
5 employment as a principal shall terminate and such former
6 principal shall not be reinstated to the position from which he
7 or she was promoted to principal, except that he or she, if
8 otherwise qualified and certified in accordance with Article
9 21, shall be placed by the board on appropriate eligibility
10 lists which it prepares for use in the filling of vacant or
11 additional or newly created positions for teachers. The
12 principal's total years of service to the board as both a
13 teacher and a principal, or in other professional capacities,
14 shall be used in calculating years of experience for purposes
15 of being selected as a teacher into new, additional or vacant
16 positions.

17 In the event the performance contract of a principal is not
18 renewed or a principal is not reappointed as principal under a
19 new performance contract, such principal shall be eligible to
20 continue to receive his or her previously provided level of
21 health insurance benefits for a period of 90 days following the
22 non-renewal of the contract at no expense to the principal,
23 provided that such principal has not retired.

24 (Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised
25 9-11-03.)

26 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

27 Sec. 34-18.5. Criminal history records checks and checks of
28 the Statewide Sex Offender Database.

29 (a) Certified and noncertified applicants for employment
30 with the school district are required as a condition of
31 employment to authorize a fingerprint-based criminal history
32 records check to determine if such applicants have been
33 convicted of any of the enumerated criminal or drug offenses in
34 subsection (c) of this Section or have been convicted, within 7
35 years of the application for employment with the school

1 district, of any other felony under the laws of this State or
2 of any offense committed or attempted in any other state or
3 against the laws of the United States that, if committed or
4 attempted in this State, would have been punishable as a felony
5 under the laws of this State. Authorization for the check shall
6 be furnished by the applicant to the school district, except
7 that if the applicant is a substitute teacher seeking
8 employment in more than one school district, or a teacher
9 seeking concurrent part-time employment positions with more
10 than one school district (as a reading specialist, special
11 education teacher or otherwise), or an educational support
12 personnel employee seeking employment positions with more than
13 one district, any such district may require the applicant to
14 furnish authorization for the check to the regional
15 superintendent of the educational service region in which are
16 located the school districts in which the applicant is seeking
17 employment as a substitute or concurrent part-time teacher or
18 concurrent educational support personnel employee. Upon
19 receipt of this authorization, the school district or the
20 appropriate regional superintendent, as the case may be, shall
21 submit the applicant's name, sex, race, date of birth, social
22 security number, fingerprint images, and other identifiers, as
23 prescribed by the Department of State Police, to the
24 Department. The regional superintendent submitting the
25 requisite information to the Department of State Police shall
26 promptly notify the school districts in which the applicant is
27 seeking employment as a substitute or concurrent part-time
28 teacher or concurrent educational support personnel employee
29 that the check of the applicant has been requested. The
30 Department of State Police and the Federal Bureau of
31 Investigation shall furnish, pursuant to a fingerprint-based
32 criminal history records check, records of convictions, until
33 expunged, to the president of the school board for the school
34 district that requested the check, or to the regional
35 superintendent who requested the check. The Department shall
36 charge the school district or the appropriate regional

1 superintendent a fee for conducting such check, which fee shall
2 be deposited in the State Police Services Fund and shall not
3 exceed the cost of the inquiry; and the applicant shall not be
4 charged a fee for such check by the school district or by the
5 regional superintendent. Subject to appropriations for these
6 purposes, the State Superintendent of Education shall
7 reimburse the school district and regional superintendent for
8 fees paid to obtain criminal history records checks under this
9 Section.

10 (a-5) The school district or regional superintendent shall
11 further perform a check of the Statewide Sex Offender Database,
12 as authorized by the Sex Offender and Child Murderer Community
13 Notification Law, for each applicant.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the board of education or the
16 regional superintendent shall be confidential and may only be
17 transmitted to the general superintendent of the school
18 district or his designee, the appropriate regional
19 superintendent if the check was requested by the board of
20 education for the school district, the presidents of the
21 appropriate board of education or school boards if the check
22 was requested from the Department of State Police by the
23 regional superintendent, the State Superintendent of
24 Education, the State Teacher Certification Board or any other
25 person necessary to the decision of hiring the applicant for
26 employment. A copy of the record of convictions obtained from
27 the Department of State Police shall be provided to the
28 applicant for employment. Upon the check of the Statewide Sex
29 Offender Database, the school district or regional
30 superintendent shall notify an applicant as to whether or not
31 the applicant has been identified in the Database as a sex
32 offender. If a check of an applicant for employment as a
33 substitute or concurrent part-time teacher or concurrent
34 educational support personnel employee in more than one school
35 district was requested by the regional superintendent, and the
36 Department of State Police upon a check ascertains that the

1 applicant has not been convicted of any of the enumerated
2 criminal or drug offenses in subsection (c) or has not been
3 convicted, within 7 years of the application for employment
4 with the school district, of any other felony under the laws of
5 this State or of any offense committed or attempted in any
6 other state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State and so
9 notifies the regional superintendent and if the regional
10 superintendent upon a check ascertains that the applicant has
11 not been identified in the Sex Offender Database as a sex
12 offender, then the regional superintendent shall issue to the
13 applicant a certificate evidencing that as of the date
14 specified by the Department of State Police the applicant has
15 not been convicted of any of the enumerated criminal or drug
16 offenses in subsection (c) or has not been convicted, within 7
17 years of the application for employment with the school
18 district, of any other felony under the laws of this State or
19 of any offense committed or attempted in any other state or
20 against the laws of the United States that, if committed or
21 attempted in this State, would have been punishable as a felony
22 under the laws of this State and evidencing that as of the date
23 that the regional superintendent conducted a check of the
24 Statewide Sex Offender Database, the applicant has not been
25 identified in the Database as a sex offender. The school board
26 of any school district located in the educational service
27 region served by the regional superintendent who issues such a
28 certificate to an applicant for employment as a substitute or
29 concurrent part-time teacher or concurrent educational support
30 personnel employee in more than one such district may rely on
31 the certificate issued by the regional superintendent to that
32 applicant, or may initiate its own criminal history records
33 check of the applicant through the Department of State Police
34 and its own check of the Statewide Sex Offender Database as
35 provided in subsection (a). Any person who releases any
36 confidential information concerning any criminal convictions

1 of an applicant for employment shall be guilty of a Class A
2 misdemeanor, unless the release of such information is
3 authorized by this Section.

4 (c) The board of education shall not knowingly employ a
5 person who has been convicted for committing attempted first
6 degree murder or for committing or attempting to commit first
7 degree murder or a Class X felony or any one or more of the
8 following offenses: (i) those defined in Sections 11-6, 11-9,
9 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
10 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
11 and 12-16 of the Criminal Code of 1961; (ii) those defined in
12 the Cannabis Control Act, except those defined in Sections
13 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the
14 Illinois Controlled Substances Act; (iv) those defined in the
15 Methamphetamine Control and Community Protection Act; and (v)
16 any offense committed or attempted in any other state or
17 against the laws of the United States, which if committed or
18 attempted in this State, would have been punishable as one or
19 more of the foregoing offenses. Further, the board of education
20 shall not knowingly employ a person who has been found to be
21 the perpetrator of sexual or physical abuse of any minor under
22 18 years of age pursuant to proceedings under Article II of the
23 Juvenile Court Act of 1987.

24 (d) The board of education shall not knowingly employ a
25 person for whom a criminal history records check and a
26 Statewide Sex Offender Database check has not been initiated.

27 (e) Upon receipt of the record of a conviction of or a
28 finding of child abuse by a holder of any certificate issued
29 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
30 Code, the board of education or the State Superintendent of
31 Education shall initiate the certificate suspension and
32 revocation proceedings authorized by law.

33 (f) After March 19, 1990, the provisions of this Section
34 shall apply to all employees of persons or firms holding
35 contracts with any school district including, but not limited
36 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with
2 the pupils of any school in such district. For purposes of
3 criminal history records checks and checks of the Statewide Sex
4 Offender Database on employees of persons or firms holding
5 contracts with more than one school district and assigned to
6 more than one school district, the regional superintendent of
7 the educational service region in which the contracting school
8 districts are located may, at the request of any such school
9 district, be responsible for receiving the authorization for a
10 criminal history records check prepared by each such employee
11 and submitting the same to the Department of State Police and
12 for conducting a check of the Statewide Sex Offender Database
13 for each employee. Any information concerning the record of
14 conviction and identification as a sex offender of any such
15 employee obtained by the regional superintendent shall be
16 promptly reported to the president of the appropriate school
17 board or school boards.

18 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
19 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

20 (105 ILCS 5/34-18.23)

21 Sec. 34-18.23. Medical information form for bus drivers and
22 emergency medical technicians. The school district is
23 encouraged to create and use an emergency medical information
24 form for bus drivers and emergency medical technicians for
25 those students with special needs or medical conditions. The
26 form may include without limitation information to be provided
27 by the student's parent or legal guardian concerning the
28 student's relevant medical conditions, medications that the
29 student is taking, the student's communication skills, and how
30 a bus driver or an emergency medical technician is to respond
31 to certain behaviors of the student. If the form is used, the
32 school district is encouraged to notify parents and legal
33 guardians of the availability of the form. The parent or legal
34 guardian of the student may fill out the form and submit it to
35 the school that the student is attending. The school district

1 is encouraged to keep one copy of the form on file at the
2 school and another copy on the student's school bus in a secure
3 location.

4 (Source: P.A. 92-580, eff. 7-1-02.)

5 (105 ILCS 5/34-18.25)

6 Sec. 34-18.25 ~~34-18.23~~. Psychotropic or psychostimulant
7 medication; disciplinary action.

8 (a) In this Section:

9 "Psychostimulant medication" means medication that
10 produces increased levels of mental and physical energy and
11 alertness and an elevated mood by stimulating the central
12 nervous system.

13 "Psychotropic medication" means psychotropic medication as
14 defined in Section 1-121.1 of the Mental Health and
15 Developmental Disabilities Code.

16 (b) The board must adopt and implement a policy that
17 prohibits any disciplinary action that is based totally or in
18 part on the refusal of a student's parent or guardian to
19 administer or consent to the administration of psychotropic or
20 psychostimulant medication to the student.

21 The policy must require that, at least once every 2 years,
22 the in-service training of certified school personnel and
23 administrators include training on current best practices
24 regarding the identification and treatment of attention
25 deficit disorder and attention deficit hyperactivity disorder,
26 the application of non-aversive behavioral interventions in
27 the school environment, and the use of psychotropic or
28 psychostimulant medication for school-age children.

29 (c) This Section does not prohibit school medical staff, an
30 individualized educational program team, or a professional
31 worker (as defined in Section 14-1.10 of this Code) from
32 recommending that a student be evaluated by an appropriate
33 medical practitioner or prohibit school personnel from
34 consulting with the practitioner with the consent of the
35 student's parents or guardian.

1 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

2 (105 ILCS 5/34-18.26)

3 Sec. 34-18.26. Sharing information on school lunch
4 applicants. The board shall, whenever requested by the
5 Department of Public Aid, agree in writing with the Department
6 of Public Aid (as the State agency that administers the State
7 Medical Assistance Program as provided in Title XIX of the
8 federal Social Security Act and the State Children's Health
9 Insurance Program as provided in Title XXI of the federal
10 Social Security Act) to share with the Department of Public Aid
11 information on applicants for free or reduced-price lunches.
12 The board shall, whenever requested by the Department of Public
13 Aid, require each of its schools to agree in writing with the
14 Department of Public Aid to share with the Department of Public
15 Aid information on applicants for free or reduced-price
16 lunches. This sharing of information shall be for the sole
17 purpose of helping the Department of Public Aid identify and
18 enroll children in the State Medical Assistance Program or the
19 State Children's Health Insurance Program or both as allowed
20 under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the
21 restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and
22 (vii).

23 (Source: P.A. 93-404, eff. 8-1-03.)

24 (105 ILCS 5/34-18.27)

25 Sec. 34-18.27 ~~34-18.26~~. Summer kindergarten. The board may
26 establish, maintain, and operate, in connection with the
27 kindergarten program of the school district, a summer
28 kindergarten program that begins 2 months before the beginning
29 of the regular school year and a summer kindergarten program
30 for grade one readiness for those pupils making unsatisfactory
31 progress during the regular kindergarten session that will
32 continue for 2 months after the regular school year. The summer
33 kindergarten program may be held within the school district or,
34 pursuant to a contract that must be approved by the State Board

1 of Education, may be operated by 2 or more adjacent school
2 districts or by a public or private university or college.
3 Transportation for students attending the summer kindergarten
4 program shall be the responsibility of the school district. The
5 expense of establishing, maintaining, and operating the summer
6 kindergarten program may be paid from funds contributed or
7 otherwise made available to the school district for that
8 purpose by federal or State appropriation.

9 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

10 (105 ILCS 5/34-18.28)

11 Sec. 34-18.28 ~~34-18.26~~. Prison tour pilot program. The
12 board shall establish a pilot program to prevent crime by
13 developing guidelines to identify students at risk of
14 committing crimes. "Students at risk of committing crimes"
15 shall be limited to those students who have engaged in serious
16 acts of misconduct in violation of the board's policy on
17 discipline. This program, in cooperation with the Department of
18 Corrections, shall include a guided tour of a prison for each
19 student so identified in order to discourage criminal behavior.
20 The touring of a prison under this Section shall be subject to
21 approval, in writing, of a student's parent or guardian.

22 (Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

23 (105 ILCS 5/34-18.29)

24 Sec. 34-18.29 ~~34-18.26~~. Provision of student information
25 prohibited. The school district may not provide a student's
26 name, address, telephone number, social security number,
27 e-mail address, or other personal identifying information to a
28 business organization or financial institution that issues
29 credit or debit cards.

30 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

31 (105 ILCS 5/34-18.30)

32 Sec. 34-18.30. Dependents of military personnel; no
33 tuition charge. If, at the time of enrollment, a dependent of

1 United States military personnel is housed in temporary housing
2 located outside of the school district, but will be living
3 within the district within 60 days after the time of initial
4 enrollment, the dependent must be allowed to enroll, subject to
5 the requirements of this Section, and must not be charged
6 tuition. Any United States military personnel attempting to
7 enroll a dependent under this Section shall provide proof that
8 the dependent will be living within the district within 60 days
9 after the time of initial enrollment. Proof of residency may
10 include, but is not limited to, postmarked mail addressed to
11 the military personnel and sent to an address located within
12 the district, a lease agreement for occupancy of a residence
13 located within the district, or proof of ownership of a
14 residence located within the district. Non-resident dependents
15 of United States military personnel attending school on a
16 tuition-free basis may be counted for the purposes of
17 determining the apportionment of State aid provided under
18 Section 18-8.05 of this Code.

19 (Source: P.A. 93-740, eff. 7-15-04.)

20 (105 ILCS 5/34-18.31)

21 Sec. 34-18.31 ~~34-18.30~~. Highly qualified teachers; No
22 Child Left Behind Act funds. If the school district has an
23 overall shortage of highly qualified teachers, as defined by
24 the federal No Child Left Behind Act of 2001 (Public Law
25 107-110), or a shortage of highly qualified teachers in the
26 subject area of mathematics, science, reading, or special
27 education, then the school board must spend at least 40% of the
28 money it receives from Title 2 grants under the Act on
29 recruitment and retention initiatives to assist in recruiting
30 and retaining highly qualified teachers (in a specific subject
31 area is applicable) as specified in paragraphs (1) (B), (2) (A),
32 (2) (B), (4) (A), (4) (B), and (4) (C) of subsection (a) of Section
33 2123 of the Act until there is no longer a shortage of highly
34 qualified teachers (in a specific subject area if applicable).
35 As the number of highly qualified teachers in the district

1 increases, however, the school board may spend any surplus of
2 the minimum 40% of funds dedicated to addressing the highly
3 qualified teacher shortage in any manner the school board deems
4 appropriate.

5 (Source: P.A. 93-997, eff. 8-23-04; revised 10-14-04.)

6 Section 370. The Illinois Peace Corps Fellowship Program
7 Law is amended by changing Section 2-3 as follows:

8 (105 ILCS 30/2-3) (from Ch. 122, par. 2003)

9 Sec. 2-3. Program description. The University of Illinois,
10 Southern Illinois University, the several universities and
11 colleges under the governance of the Board of Governors of
12 State Colleges and Universities, and the several Regency
13 Universities under the jurisdiction of the Board of Regents are
14 hereby authorized to become participants in the Illinois Peace
15 Corps Fellowship Program. Any such participating public
16 institution of higher education may conduct and administer this
17 program to augment the number of Illinois public school
18 teachers by bringing the teaching skills of recently returned
19 United States Peace Corps volunteers to those school districts,
20 including the school districts situated within the City of
21 Chicago and the City of East St. Louis or any other school
22 district designated by the State Board of Education, which
23 enter into cooperative agreements required for implementation
24 of the program. In designating such school districts, the State
25 Board of Education may consider districts that have a high
26 proportion of drop-out students, a high percentage of minority
27 students, a high proportion of low income families and high
28 truancy rates. The program shall utilize former United States
29 ~~State~~ Peace Corps volunteers with two years of Peace Corps
30 experience by placing them in the designated cooperating school
31 districts as full time teachers or teacher aides. In return for
32 making a two-year commitment to teaching and being placed in a
33 full-time salaried teacher aide or certificated teaching
34 position at a public school located in a designated cooperating

1 school district, the former Peace Corps volunteer may be
2 awarded a fellowship to the participating public institution of
3 higher education to complete (in the case of teacher aides who
4 are not yet certificated) the courses required for issuance of
5 a teaching certificate under Article 21 of The School Code, or
6 to pursue a master's degree program in education. The
7 fellowships may consist of tuition waivers applicable toward
8 enrollment at the participating public institution of higher
9 education to complete required courses for teacher
10 certification and to pursue a master's degree program in
11 education; and the award of such tuition waivers may be
12 supported by funds and grants made available to the
13 participating university or universities through private or
14 public sources. A participating university may also consider an
15 authorization under which all fellowship recipients are
16 allowed to pay in-state tuition rates while enrolled for credit
17 in a master's degree program.

18 An annual salary for the fellowship recipient to teach in a
19 designated school district for a period of two years may be
20 provided by the designated cooperating school district at which
21 the fellowship recipient shall teach, and may be set at an
22 amount equal to that paid to other teacher aides and
23 certificated teachers in a comparable position.

24 (Source: P.A. 86-1467; revised 10-11-05.)

25 Section 375. The Public Community College Act is amended by
26 changing Section 2-16.08 as follows:

27 (110 ILCS 805/2-16.08)

28 Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal
29 Trust Fund is created as a special fund in the State treasury.
30 Money recovered from federal programs for general
31 administration that is ~~are~~ received by the State Board shall be
32 deposited into the ICCB Federal Trust Fund. All money in the
33 ICCB Federal Trust Fund shall be used, subject to appropriation
34 by the General Assembly, by the State Board for the ordinary

1 and contingent expenses of the State Board.

2 (Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

3 Section 380. The Higher Education Loan Act is amended by
4 changing Sections 3, 3.01, and 5 as follows:

5 (110 ILCS 945/3) (from Ch. 144, par. 1603)

6 Sec. 3. Definitions. In this Act, unless the context
7 otherwise requires, the terms specified in Sections 3.01
8 through 3.13 of this Act and the Illinois Finance ~~Facilities~~
9 Authority Act have the meanings ascribed to them in those Acts.
10 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

11 (110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

12 Sec. 3.01. Authority. "Authority" means the Illinois ~~State~~
13 Finance Authority created by the Illinois ~~State~~ Finance
14 Authority Act.

15 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

16 (110 ILCS 945/5) (from Ch. 144, par. 1605)

17 Sec. 5. Transfer of functions from the Illinois Educational
18 Facilities Authority to the Illinois Finance Authority. The
19 Illinois Finance Authority created by the Illinois Finance
20 Authority Act shall succeed to, assume and exercise all rights,
21 powers, duties and responsibilities formerly exercised by the
22 Illinois Educational Facilities Authority prior to the
23 abolition of that Authority by this amendatory Act of the 93rd
24 General Assembly. All books, records, papers, documents and
25 pending business in any way pertaining to the former Illinois
26 Educational Facilities Authority are transferred to the
27 Illinois ~~State~~ Finance Authority, but any rights or obligations
28 of any person under any contract made by, or under any rules,
29 regulations, uniform standards, criteria and guidelines
30 established or approved by, such former Illinois Educational
31 Facilities Authority shall be unaffected thereby. All bonds,
32 notes or other evidences of indebtedness outstanding on the

1 effective date of this amendatory Act of the 93rd General
2 Assembly shall be unaffected by the transfer of functions to
3 the Illinois Finance Authority. No rule, regulation, standard,
4 criteria or guideline promulgated, established or approved by
5 the former Illinois Educational Facilities Authority pursuant
6 to an exercise of any right, power, duty or responsibility
7 assumed by and transferred to the Illinois Finance Authority
8 shall be affected by this amendatory Act of the 93rd General
9 Assembly, and all such rules, regulations, standards, criteria
10 and guidelines shall become those of the Illinois Finance
11 Authority until such time as they are amended or repealed by
12 the Authority.

13 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

14 Section 385. The Nursing Education Scholarship Law is
15 amended by changing Section 3 as follows:

16 (110 ILCS 975/3) (from Ch. 144, par. 2753)

17 Sec. 3. Definitions.

18 The following terms, whenever used or referred to, have the
19 following meanings except where the context clearly indicates
20 otherwise:

21 (1) "Board" means the Board of Higher Education created by
22 the Board of Higher Education Act.

23 (2) "Department" means the Illinois Department of Public
24 Health.

25 (3) "Approved institution" means a public community
26 college, private junior college, hospital-based diploma in
27 nursing program, or public or private college or university
28 located in this State that has approval by the Department of
29 Professional Regulation for an associate degree in nursing
30 program, associate degree in applied sciences in nursing
31 program, hospital-based diploma in nursing program,
32 baccalaureate degree in nursing program, graduate degree in
33 nursing program, or certificate in practical nursing program.

34 (4) "Baccalaureate degree in nursing program" means a

1 program offered by an approved institution and leading to a
2 bachelor of science degree in nursing.

3 (5) "Enrollment" means the establishment and maintenance
4 of an individual's status as a student in an approved
5 institution, regardless of the terms used at the institution to
6 describe such status.

7 (6) "Academic year" means the period of time from September
8 1 of one year through August 31 of the next year or as
9 otherwise defined by the academic institution.

10 (7) "Associate degree in nursing program or hospital-based
11 diploma in nursing program" means a program offered by an
12 approved institution and leading to an associate degree in
13 nursing, associate degree in applied sciences in nursing, or
14 hospital-based diploma in nursing.

15 (8) "Graduate degree in nursing program" means a program
16 offered by an approved institution and leading to a master of
17 science degree in nursing or a doctorate of philosophy or
18 doctorate of nursing degree in nursing.

19 (9) "Director" means the Director of the Illinois
20 Department of Public Health.

21 (10) "Accepted for admission" means a student has completed
22 the requirements for entry into an associate degree in nursing
23 program, associate degree in applied sciences in nursing
24 program, hospital-based diploma in nursing program,
25 baccalaureate degree in nursing program, graduate degree in
26 nursing program, or certificate in practical nursing program at
27 an approved institution, as documented by the institution.

28 (11) "Fees" means those mandatory charges, in addition to
29 tuition, that all enrolled students must pay, including
30 required course or lab fees.

31 (12) "Full-time student" means a student enrolled for at
32 least 12 hours per term or as otherwise determined by the
33 academic institution.

34 (13) "Law" means the Nursing Education Scholarship Law.

35 (14) "Nursing employment obligation" means employment in
36 this State as a registered professional nurse or licensed

1 practical nurse in direct patient care or as a nurse educator
2 in the case of a graduate degree in nursing program recipient
3 for at least one year for each year of scholarship assistance
4 received through the Nursing Education Scholarship Program.

5 (15) "Part-time student" means a person who is enrolled for
6 at least one-third of the number of hours required per term by
7 a school for its full-time students.

8 (16) "Practical nursing program" means a program offered by
9 an approved institution leading to a certificate in practical
10 nursing.

11 (17) "Registered professional nurse" means a person who is
12 currently licensed as a registered professional nurse by the
13 Department of Professional Regulation under the Nursing and
14 Advanced Practice Nursing Act.

15 (18) "Licensed practical nurse" means a person who is
16 currently licensed as a licensed practical nurse by the
17 Department of Professional Regulation under the Nursing and
18 Advanced Practice Nursing Act.

19 (19) "School term" means an academic term, such as a
20 semester, quarter, trimester, or number of clock hours, as
21 defined by an approved institution.

22 (20) "Student in good standing" means a student maintaining
23 a cumulative grade point average equivalent to at least the
24 academic grade of a "C".

25 (21) "Total and permanent disability" means a physical or
26 mental impairment, disease, or loss of a permanent nature that
27 prevents nursing employment with or without reasonable
28 accommodation. Proof of disability shall be a declaration from
29 the social security administration, Illinois Workers'
30 Compensation Commission, Department of Defense, or an insurer
31 authorized to transact business in Illinois who is providing
32 disability insurance coverage to a contractor.

33 (22) "Tuition" means the established charges of an
34 institution of higher learning for instruction at that
35 institution.

36 (23) "Nurse educator" means a person who is currently

1 licensed as a registered nurse by the Department of
2 Professional Regulation under the Nursing and Advanced
3 Practice Nursing Act, who has a graduate degree in nursing, and
4 who is employed by an approved academic institution to educate
5 registered nursing students, licensed practical nursing
6 students, and registered nurses pursuing graduate degrees.

7 (Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879,
8 eff. 1-1-05; revised 10-25-04.)

9 Section 390. The Illinois Educational Labor Relations Act
10 is amended by changing Sections 2 and 7 as follows:

11 (115 ILCS 5/2) (from Ch. 48, par. 1702)

12 Sec. 2. Definitions. As used in this Act:

13 (a) "Educational employer" or "employer" means the
14 governing body of a public school district, combination of
15 public school districts, including the governing body of joint
16 agreements of any type formed by 2 or more school districts,
17 public community college district or State college or
18 university, and any State agency whose major function is
19 providing educational services. "Educational employer" or
20 "employer" does not include a Financial Oversight Panel created
21 pursuant to Section 1A-8 of the School Code due to a district
22 violating a financial plan but does include a School Finance
23 Authority created under Article 1E or 1F of the School Code.

24 (b) "Educational employee" or "employee" means any
25 individual, excluding supervisors, managerial, confidential,
26 short term employees, student, and part-time academic
27 employees of community colleges employed full or part time by
28 an educational employer, but shall not include elected
29 officials and appointees of the Governor with the advice and
30 consent of the Senate, firefighters as defined by subsection
31 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
32 and peace officers employed by a State university. For the
33 purposes of this Act, part-time academic employees of community
34 colleges shall be defined as those employees who provide less

1 than 3 credit hours of instruction per academic semester. In
2 this subsection (b), the term "student" includes graduate
3 students who are research assistants primarily performing
4 duties that involve research or graduate assistants primarily
5 performing duties that are pre-professional, but excludes
6 graduate students who are teaching assistants primarily
7 performing duties that involve the delivery and support of
8 instruction and all other graduate assistants.

9 (c) "Employee organization" or "labor organization" means
10 an organization of any kind in which membership includes
11 educational employees, and which exists for the purpose, in
12 whole or in part, of dealing with employers concerning
13 grievances, employee-employer disputes, wages, rates of pay,
14 hours of employment, or conditions of work, but shall not
15 include any organization which practices discrimination in
16 membership because of race, color, creed, age, gender, national
17 origin or political affiliation.

18 (d) "Exclusive representative" means the labor
19 organization which has been designated by the Illinois
20 Educational Labor Relations Board as the representative of the
21 majority of educational employees in an appropriate unit, or
22 recognized by an educational employer prior to January 1, 1984
23 as the exclusive representative of the employees in an
24 appropriate unit or, after January 1, 1984, recognized by an
25 employer upon evidence that the employee organization has been
26 designated as the exclusive representative by a majority of the
27 employees in an appropriate unit.

28 (e) "Board" means the Illinois Educational Labor Relations
29 Board.

30 (f) "Regional Superintendent" means the regional
31 superintendent of schools provided for in Articles 3 and 3A of
32 The School Code.

33 (g) "Supervisor" means any individual having authority in
34 the interests of the employer to hire, transfer, suspend, lay
35 off, recall, promote, discharge, reward or discipline other
36 employees within the appropriate bargaining unit and adjust

1 their grievances, or to effectively recommend such action if
2 the exercise of such authority is not of a merely routine or
3 clerical nature but requires the use of independent judgment.
4 The term "supervisor" includes only those individuals who
5 devote a preponderance of their employment time to such
6 exercising authority.

7 (h) "Unfair labor practice" or "unfair practice" means any
8 practice prohibited by Section 14 of this Act.

9 (i) "Person" includes an individual, educational employee,
10 educational employer, legal representative, or employee
11 organization.

12 (j) "Wages" means salaries or other forms of compensation
13 for services rendered.

14 (k) "Professional employee" means, in the case of a public
15 community college, State college or university, State agency
16 whose major function is providing educational services, the
17 Illinois School for the Deaf, and the Illinois School for the
18 Visually Impaired, (1) any employee engaged in work (i)
19 predominantly intellectual and varied in character as opposed
20 to routine mental, manual, mechanical, or physical work; (ii)
21 involving the consistent exercise of discretion and judgment in
22 its performance; (iii) of such character that the output
23 produced or the result accomplished cannot be standardized in
24 relation to a given period of time; and (iv) requiring
25 knowledge of an advanced type in a field of science or learning
26 customarily acquired by a prolonged course of specialized
27 intellectual instruction and study in an institution of higher
28 learning or a hospital, as distinguished from a general
29 academic education or from an apprenticeship or from training
30 in the performance of routine mental, manual, or physical
31 processes; or (2) any employee, who (i) has completed the
32 courses of specialized intellectual instruction and study
33 described in clause (iv) of paragraph (1) of this subsection,
34 and (ii) is performing related work under the supervision of a
35 professional person to qualify himself or herself to become a
36 professional as defined in paragraph (1).

1 (1) "Professional employee" means, in the case of any
2 public school district, or combination of school districts
3 pursuant to joint agreement, any employee who has a certificate
4 issued under Article 21 or Section 34-83 of the School Code, as
5 now or hereafter amended.

6 (m) "Unit" or "bargaining unit" means any group of
7 employees for which an exclusive representative is selected.

8 (n) "Confidential employee" means an employee, who (i) in
9 the regular course of his or her duties, assists and acts in a
10 confidential capacity to persons who formulate, determine and
11 effectuate management policies with regard to labor relations
12 or who (ii) in the regular course of his or her duties has
13 access to information relating to the effectuation or review of
14 the employer's collective bargaining policies.

15 (o) "Managerial employee" means an individual who is
16 engaged predominantly in executive and management functions
17 and is charged with the responsibility of directing the
18 effectuation of such management policies and practices.

19 (p) "Craft employee" means a skilled journeyman, craft
20 person, and his or her apprentice or helper.

21 (q) "Short-term employee" is an employee who is employed
22 for less than 2 consecutive calendar quarters during a calendar
23 year and who does not have a reasonable expectation that he or
24 she will be rehired by the same employer for the same service
25 in a subsequent calendar year. Nothing in this subsection shall
26 affect the employee status of individuals who were covered by a
27 collective bargaining agreement on the effective date of this
28 amendatory Act of 1991.

29 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;
30 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff.
31 10-14-04; revised 10-25-04.)

32 (115 ILCS 5/7) (from Ch. 48, par. 1707)

33 Sec. 7. Recognition of exclusive bargaining
34 representatives - unit determination. The Board is empowered to
35 administer the recognition of bargaining representatives of

1 employees of public school districts, including employees of
2 districts which have entered into joint agreements, or
3 employees of public community college districts, or any State
4 college or university, and any State agency whose major
5 function is providing educational services, making certain
6 that each bargaining unit contains employees with an
7 identifiable community of interest and that no unit includes
8 both professional employees and nonprofessional employees
9 unless a majority of employees in each group vote for inclusion
10 in the unit.

11 (a) In determining the appropriateness of a unit, the Board
12 shall decide in each case, in order to ensure employees the
13 fullest freedom in exercising the rights guaranteed by this
14 Act, the unit appropriate for the purpose of collective
15 bargaining, based upon but not limited to such factors as
16 historical pattern of recognition, community of interest,
17 including employee skills and functions, degree of functional
18 integration, interchangeability and contact among employees,
19 common supervision, wages, hours and other working conditions
20 of the employees involved, and the desires of the employees.
21 Nothing in this Act, except as herein provided, shall interfere
22 with or negate the current representation rights or patterns
23 and practices of employee organizations which have
24 historically represented employees for the purposes of
25 collective bargaining, including but not limited to the
26 negotiations of wages, hours and working conditions,
27 resolutions of employees' grievances, or resolution of
28 jurisdictional disputes, or the establishment and maintenance
29 of prevailing wage rates, unless a majority of the employees so
30 represented expresses a contrary desire under the procedures
31 set forth in this Act. This Section, however, does not prohibit
32 multi-unit bargaining. Notwithstanding the above factors,
33 where the majority of public employees of a craft so decide,
34 the Board shall designate such craft as a unit appropriate for
35 the purposes of collective bargaining.

36 The sole appropriate bargaining unit for tenured and

1 tenure-track academic faculty at each campus of the University
2 of Illinois shall be a unit that is comprised of
3 non-supervisory academic faculty employed more than half-time
4 and that includes all tenured and tenure-track faculty of that
5 University campus employed by the board of trustees in all of
6 the campus's undergraduate, graduate, and professional schools
7 and degree and non-degree programs (with the exception of the
8 college of medicine, the college of pharmacy, the college of
9 dentistry, the college of law, and the college of veterinary
10 medicine, each of which shall have its own separate unit),
11 regardless of current or historical representation rights or
12 patterns or the application of any other factors. Any decision,
13 rule, or regulation promulgated by the Board to the contrary
14 shall be null and void.

15 (b) An educational employer shall voluntarily recognize a
16 labor organization for collective bargaining purposes if that
17 organization appears to represent a majority of employees in
18 the unit. The employer shall post notice of its intent to so
19 recognize for a period of at least 20 school days on bulletin
20 boards or other places used or reserved for employee notices.
21 Thereafter, the employer, if satisfied as to the majority
22 status of the employee organization, shall send written
23 notification of such recognition to the Board for
24 certification. Any dispute regarding the majority status of a
25 labor organization shall be resolved by the Board which shall
26 make the determination of majority status.

27 Within the 20 day notice period, however, any other
28 interested employee organization may petition the Board to seek
29 recognition as the exclusive representative of the unit in the
30 manner specified by rules and regulations prescribed by the
31 Board, if such interested employee organization has been
32 designated by at least 15% of the employees in an appropriate
33 bargaining unit which includes all or some of the employees in
34 the unit intended to be recognized by the employer. In such
35 event, the Board shall proceed with the petition in the same
36 manner as provided in paragraph (c) of this Section.

1 (c) A labor organization may also gain recognition as the
2 exclusive representative by an election of the employees in the
3 unit. Petitions requesting an election may be filed with the
4 Board:

5 (1) by an employee or group of employees or any labor
6 organizations acting on their behalf alleging and
7 presenting evidence that 30% or more of the employees in a
8 bargaining unit wish to be represented for collective
9 bargaining or that the labor organization which has been
10 acting as the exclusive bargaining representative is no
11 longer representative of a majority of the employees in the
12 unit; or

13 (2) by an employer alleging that one or more labor
14 organizations have presented a claim to be recognized as an
15 exclusive bargaining representative of a majority of the
16 employees in an appropriate unit and that it doubts the
17 majority status of any of the organizations or that it
18 doubts the majority status of an exclusive bargaining
19 representative.

20 The Board shall investigate the petition and if it has
21 reasonable cause to suspect that a question of representation
22 exists, it shall give notice and conduct a hearing. If it finds
23 upon the record of the hearing that a question of
24 representation exists, it shall direct an election, which shall
25 be held no later than 90 days after the date the petition was
26 filed. Nothing prohibits the waiving of hearings by the parties
27 and the conduct of consent elections.

28 (c-5) The Board shall designate an exclusive
29 representative for purposes of collective bargaining when the
30 representative demonstrates a showing of majority interest by
31 employees in the unit. If the parties to a dispute are without
32 agreement on the means to ascertain the choice, if any, of
33 employee organization as their representative, the Board shall
34 ascertain the employees' choice of employee organization, on
35 the basis of dues deduction authorization and other evidence,
36 or, if necessary, by conducting an election. If either party

1 provides to the Board, before the designation of a
2 representative, clear and convincing evidence that the dues
3 deduction authorizations, and other evidence upon which the
4 Board would otherwise rely to ascertain the employees' choice
5 of representative, are fraudulent or were obtained through
6 coercion, the Board shall promptly thereafter conduct an
7 election. The Board shall also investigate and consider a
8 party's allegations that the dues deduction authorizations and
9 other evidence submitted in support of a designation of
10 representative without an election were subsequently changed,
11 altered, withdrawn, or withheld as a result of employer fraud,
12 coercion, or any other unfair labor practice by the employer.
13 If the Board determines that a labor organization would have
14 had a majority interest but for an employer's fraud, coercion,
15 or unfair labor practice, it shall designate the labor
16 organization as an exclusive representative without conducting
17 an election.

18 (d) An order of the Board dismissing a representation
19 petition, determining and certifying that a labor organization
20 has been fairly and freely chosen by a majority of employees in
21 an appropriate bargaining unit, determining and certifying
22 that a labor organization has not been fairly and freely chosen
23 by a majority of employees in the bargaining unit or certifying
24 a labor organization as the exclusive representative of
25 employees in an appropriate bargaining unit because of a
26 determination by the Board that the labor organization is the
27 historical bargaining representative of employees in the
28 bargaining unit, is a final order. Any person aggrieved by any
29 such order issued on or after the effective date of this
30 amendatory Act of 1987 may apply for and obtain judicial review
31 in accordance with provisions of the Administrative Review Law,
32 as now or hereafter amended, except that such review shall be
33 afforded directly in the Appellate Court of a judicial district
34 in which the Board maintains an office. Any direct appeal to
35 the Appellate Court shall be filed within 35 days from the date
36 that a copy of the decision sought to be reviewed was served

1 upon the party affected by the decision.

2 No election may be conducted in any bargaining unit during
3 the term of a collective bargaining agreement covering such
4 unit or subdivision thereof, except the Board may direct an
5 election after the filing of a petition between January 15 and
6 March 1 of the final year of a collective bargaining agreement.
7 Nothing in this Section prohibits the negotiation of a
8 collective bargaining agreement covering a period not
9 exceeding 3 years. A collective bargaining agreement of less
10 than 3 years may be extended up to 3 years by the parties if the
11 extension is agreed to in writing before the filing of a
12 petition under this Section. In such case, the final year of
13 the extension is the final year of the collective bargaining
14 agreement. No election may be conducted in a bargaining unit,
15 or subdivision thereof, in which a valid election has been held
16 within the preceding 12 month period.

17 (Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised
18 9-11-03.)

19 Section 395. The Illinois Savings and Loan Act of 1985 is
20 amended by setting forth and renumbering multiple versions of
21 Section 1-6e as follows:

22 (205 ILCS 105/1-6e)

23 Sec. 1-6e. Reverse mortgage; disclosure. At the time a
24 reverse mortgage loan is made, the lender must provide to the
25 mortgagor a separate document that informs the mortgagor that
26 by obtaining the reverse mortgage the mortgagor's eligibility
27 to obtain a tax deferral under the Senior Citizens Real Estate
28 Tax Deferral Act may be adversely affected. The mortgagor must
29 sign the disclosure document as part of the reverse mortgage
30 transaction.

31 (Source: P.A. 92-577, eff. 6-26-02.)

32 (205 ILCS 105/1-6f)

33 Sec. 1-6f ~~1-6e~~. Non-English language transactions. An

1 association may conduct transactions in a language other than
2 English through an employee or agent acting as interpreter or
3 through an interpreter provided by the customer.

4 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

5 Section 400. The Residential Mortgage License Act of 1987
6 is amended by changing Section 2-4 as follows:

7 (205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

8 Sec. 2-4. Averments of Licensee. Each application for
9 license or for the renewal of a license shall be accompanied by
10 the following averments stating that the applicant:

11 (a) Will maintain at least one full service office
12 within the State of Illinois pursuant to Section 3-4 of
13 this Act;

14 (b) Will maintain staff reasonably adequate to meet the
15 requirements of Section 3-4 of this Act;

16 (c) Will keep and maintain for 36 months the same
17 written records as required by the federal Equal Credit
18 Opportunity Act, and any other information required by
19 regulations of the Commissioner regarding any home
20 mortgage in the course of the conduct of its residential
21 mortgage business;

22 (d) Will file with the Commissioner, when due, any
23 report or reports which it is required to file under any of
24 the provisions of this Act;

25 (e) Will not engage, whether as principal or agent, in
26 the practice of rejecting residential mortgage
27 applications without reasonable cause, or varying terms or
28 application procedures without reasonable cause, for home
29 mortgages on real estate within any specific geographic
30 area from the terms or procedures generally provided by the
31 licensee within other geographic areas of the State;

32 (f) Will not engage in fraudulent home mortgage
33 underwriting practices;

34 (g) Will not make payment, whether directly or

1 indirectly, of any kind to any in house or fee appraiser of
2 any government or private money lending agency with which
3 an application for a home mortgage has been filed for the
4 purpose of influencing the independent judgment of the
5 appraiser with respect to the value of any real estate
6 which is to be covered by such home mortgage;

7 (h) Has filed tax returns (State and Federal) for the
8 past 3 years or filed with the Commissioner an accountant's
9 or attorney's statement as to why no return was filed;

10 (i) Will not engage in any discrimination or redlining
11 activities prohibited by Section 3-8 of this Act;

12 (j) Will not knowingly make any false promises likely
13 to influence or persuade, or pursue a course of
14 misrepresentation and false promises through agents,
15 solicitors, advertising or otherwise;

16 (k) Will not knowingly misrepresent, circumvent or
17 conceal, through whatever subterfuge or device, any of the
18 material particulars or the nature thereof, regarding a
19 transaction to which it is a party to the injury of another
20 party thereto;

21 (l) Will disburse funds in accordance with its
22 agreements;

23 (m) Has not committed a crime against the law of this
24 State, any other state or of the United States, involving
25 moral turpitude, fraudulent or dishonest dealing, and that
26 no final judgment has been entered against it in a civil
27 action upon grounds of fraud, misrepresentation or deceit
28 which has not been previously reported to the Commissioner;

29 (n) Will account or deliver to any person any personal
30 property such as money, fund, deposit, check, draft,
31 mortgage, other document or thing of value, which has come
32 into its possession, and which is not its property, or
33 which it is not in law or equity entitled to retain under
34 the circumstances, at the time which has been agreed upon
35 or is required by law, or, in the absence of a fixed time,
36 upon demand of the person entitled to such accounting and

1 delivery;

2 (o) Has not engaged in any conduct which would be cause
3 for denial of a license;

4 (p) Has not become insolvent;

5 (q) Has not submitted an application for a license
6 under this Act which contains a material misstatement;

7 (r) Has not demonstrated by course of conduct,
8 negligence or incompetence in performing any act for which
9 it is required to hold a license under this Act;

10 (s) Will advise the Commissioner in writing of any
11 changes to the information submitted on the most recent
12 application for license within 30 days of said change. The
13 written notice must be signed in the same form as the
14 application for license being amended;

15 (t) Will comply with the provisions of this Act, or
16 with any lawful order, rule or regulation made or issued
17 under the provisions of this Act;

18 (u) Will submit to periodic examination by the
19 Commissioner as required by this Act;

20 (v) Will advise the Commissioner in writing of
21 judgments entered against, and bankruptcy petitions by,
22 the license applicant within 5 days of occurrence;

23 (w) Will advise the Commissioner in writing within 30
24 days when the license applicant requests a licensee under
25 this Act to repurchase a loan, and the circumstances
26 therefor; ~~and~~

27 (x) Will advise the Commissioner in writing within 30
28 days when the license applicant is requested by another
29 entity to repurchase a loan, and the circumstances
30 therefor; ~~and~~

31 (y) Will at all times act in a manner consistent with
32 subsections (a) and (b) of Section 1-2 of this Act; ~~and~~

33 ~~(z)~~ Will not knowingly hire or employ a loan
34 originator who is not registered with the Commissioner as
35 required under Section 7-1 of this Act.

36 A licensee who fails to fulfill obligations of an averment,

1 to comply with averments made, or otherwise violates any of the
2 averments made under this Section shall be subject to the
3 penalties in Section 4-5 of this Act.

4 (Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

5 Section 405. The Debt Management Service Act is amended by
6 changing Section 2 as follows:

7 (205 ILCS 665/2) (from Ch. 17, par. 5302)

8 Sec. 2. Definitions. As used in this Act:

9 "Debt management service" means the planning and
10 management of the financial affairs of a debtor for a fee and
11 the receiving of money from the debtor for the purpose of
12 distributing it, directly or indirectly, to the debtor's
13 creditors in payment or partial payment of the debtor's
14 obligations or soliciting financial contributions from
15 creditors. The business of debt management is conducted in this
16 State if the debt management business, its employees, or its
17 agents are located in this State or if the debt management
18 business solicits or contracts with debtors located in this
19 State.

20 This term shall not include the following when engaged in
21 the regular course of their respective businesses and
22 professions:

23 (a) Attorneys at law.

24 (b) Banks, fiduciaries, credit unions, savings and
25 loan associations, and savings banks as duly authorized and
26 admitted to transact business in the State of Illinois and
27 performing credit and financial adjusting service in the
28 regular course of their principal business.

29 (c) Title insurers and abstract companies, while doing
30 an escrow business.

31 (d) Judicial officers or others acting pursuant to
32 court order.

33 (e) Employers for their employees.

34 (f) Bill payment services, as defined in the

1 Transmitters of Money Act.

2 "Director" means Director of Financial Institutions.

3 "Debtor" means the person or persons for whom the debt
4 management service is performed.

5 "Person" means an individual, firm, partnership,
6 association, limited liability company, corporation, or
7 not-for-profit corporation.

8 "Licensee" means a person licensed under this Act.

9 ~~"Director" means the Director of the Department of~~
10 ~~Financial Institutions.~~

11 (Source: P.A. 92-400, eff. 1-1-02; 93-903, eff. 8-10-04;
12 revised 9-21-04.)

13 Section 410. The Assisted Living and Shared Housing Act is
14 amended by changing Section 75 as follows:

15 (210 ILCS 9/75)

16 Sec. 75. Residency Requirements.

17 (a) No individual shall be accepted for residency or remain
18 in residence if the establishment cannot provide or secure
19 appropriate services, if the individual requires a level of
20 service or type of service for which the establishment is not
21 licensed or which the establishment does not provide, or if the
22 establishment does not have the staff appropriate in numbers
23 and with appropriate skill to provide such services.

24 (b) Only adults may be accepted for residency.

25 (c) A person shall not be accepted for residency if:

26 (1) the person poses a serious threat to himself or
27 herself or to others;

28 (2) the person is not able to communicate his or her
29 needs and no resident representative residing in the
30 establishment, and with a prior relationship to the person,
31 has been appointed to direct the provision of services;

32 (3) the person requires total assistance with 2 or more
33 activities of daily living;

34 (4) the person requires the assistance of more than one

1 paid caregiver at any given time with an activity of daily
2 living;

3 (5) the person requires more than minimal assistance in
4 moving to a safe area in an emergency;

5 (6) the person has a severe mental illness, which for
6 the purposes of this Section means a condition that is
7 characterized by the presence of a major mental disorder as
8 classified in the Diagnostic and Statistical Manual of
9 Mental Disorders, Fourth Edition (DSM-IV) (American
10 Psychiatric Association, 1994), where the individual is
11 substantially disabled due to mental illness in the areas
12 of self-maintenance, social functioning, activities of
13 community living and work skills, and the disability
14 specified is expected to be present for a period of not
15 less than one year, but does not mean Alzheimer's disease
16 and other forms of dementia based on organic or physical
17 disorders;

18 (7) the person requires intravenous therapy or
19 intravenous feedings unless self-administered or
20 administered by a qualified, licensed health care
21 professional;

22 (8) the person requires gastrostomy feedings unless
23 self-administered or administered by a licensed health
24 care professional;

25 (9) the person requires insertion, sterile irrigation,
26 and replacement of catheter, except for routine
27 maintenance of urinary catheters, unless the catheter care
28 is self-administered or administered by a licensed health
29 care professional;

30 (10) the person requires sterile wound care unless care
31 is self-administered or administered by a licensed health
32 care professional;

33 (11) the person requires sliding scale insulin
34 administration unless self-performed or administered by a
35 licensed health care professional;

36 (12) the person is a diabetic requiring routine insulin

1 injections unless the injections are self-administered or
2 administered by a licensed health care professional;

3 (13) the person requires treatment of stage 3 or stage
4 4 decubitus ulcers or exfoliative dermatitis;

5 (14) the person requires 5 or more skilled nursing
6 visits per week for conditions other than those listed in
7 items (13) and (15) of this subsection for a period of 3
8 consecutive weeks or more except when the course of
9 treatment is expected to extend beyond a 3 week period for
10 rehabilitative purposes and is certified as temporary by a
11 physician; or

12 (15) other reasons prescribed by the Department by
13 rule.

14 (d) A resident with a condition listed in items (1) through
15 (15) of subsection (c) shall have his or her residency
16 terminated.

17 (e) Residency shall be terminated when services available
18 to the resident in the establishment are no longer adequate to
19 meet the needs of the resident. This provision shall not be
20 interpreted as limiting the authority of the Department to
21 require the residency termination of individuals.

22 (f) Subsection (d) of this Section shall not apply to
23 terminally ill residents who receive or would qualify for
24 hospice care and such care is coordinated by a hospice program
25 licensed under the Hospice Program Licensing Act or other
26 licensed health care professional employed by a licensed home
27 health agency and the establishment and all parties agree to
28 the continued residency.

29 (g) Items (3), (4), (5), and (9) of subsection (c) shall
30 not apply to a quadriplegic, paraplegic, or individual with
31 neuro-muscular diseases, such as muscular dystrophy and
32 multiple sclerosis, or other chronic diseases and conditions as
33 defined by rule if the individual is able to communicate his or
34 her needs and does not require assistance with complex medical
35 problems, and the establishment is able to accommodate the
36 individual's needs. The Department shall prescribe rules

1 pursuant to this Section that address special safety and
2 service needs of these individuals.

3 (h) For the purposes of items (7) through (10) of
4 subsection (c), a licensed health care professional may not be
5 employed by the owner or operator of the establishment, its
6 parent entity, or any other entity with ownership common to
7 either the owner or operator of the establishment or parent
8 entity, including but not limited to an affiliate of the owner
9 or operator of the establishment. Nothing in this Section is
10 meant to limit a resident's right to choose his or her health
11 care provider.

12 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;
13 94-570, eff. 8-12-05; revised 8-19-05.)

14 Section 415. The Home Health, Home Services, and Home
15 Nursing Agency Licensing Act is amended by changing Section 2
16 as follows:

17 (210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

18 Sec. 2. As used in this Act, unless the context requires
19 otherwise, the terms defined in the following Sections
20 preceding ~~preceeding~~ Section 3 have the meanings ascribed to
21 them in those Sections.

22 (Source: P.A. 94-379, eff. 1-1-06; revised 9-27-05.)

23 Section 420. The Hospital Licensing Act is amended by
24 changing Section 10.4 as follows:

25 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

26 Sec. 10.4. Medical staff privileges.

27 (a) Any hospital licensed under this Act or any hospital
28 organized under the University of Illinois Hospital Act shall,
29 prior to the granting of any medical staff privileges to an
30 applicant, or renewing a current medical staff member's
31 privileges, request of the Director of Professional Regulation
32 information concerning the licensure status and any

1 disciplinary action taken against the applicant's or medical
2 staff member's license, except: (1) for medical personnel who
3 enter a hospital to obtain organs and tissues for transplant
4 from a donor in accordance with the Illinois Anatomical Gift
5 Act; or (2) for medical personnel who have been granted
6 disaster privileges pursuant to the procedures and
7 requirements established by rules adopted by the Department.
8 Any hospital and any employees of the hospital or others
9 involved in granting privileges ~~who that~~, in good faith, grant
10 ~~grants~~ disaster privileges pursuant to this Section to respond
11 to an emergency shall not, as a result of their ~~his, her, or~~
12 ~~its~~ acts or omissions, be liable for civil damages for granting
13 or denying disaster privileges except in the event of willful
14 and wanton misconduct, as that term is defined in Section 10.2
15 of this Act. Individuals granted privileges who provide care in
16 an emergency situation, in good faith and without direct
17 compensation, shall not, as a result of their ~~his or her~~ acts
18 or omissions, except for acts or omissions involving willful
19 and wanton misconduct, as that term is defined in Section 10.2
20 of this Act, on the part of the person, be liable for civil
21 damages. The Director of Professional Regulation shall
22 transmit, in writing and in a timely fashion, such information
23 regarding the license of the applicant or the medical staff
24 member, including the record of imposition of any periods of
25 supervision or monitoring as a result of alcohol or substance
26 abuse, as provided by Section 23 of the Medical Practice Act of
27 1987, and such information as may have been submitted to the
28 Department indicating that the application or medical staff
29 member has been denied, or has surrendered, medical staff
30 privileges at a hospital licensed under this Act, or any
31 equivalent facility in another state or territory of the United
32 States. The Director of Professional Regulation shall define by
33 rule the period for timely response to such requests.

34 No transmittal of information by the Director of
35 Professional Regulation, under this Section shall be to other
36 than the president, chief operating officer, chief

1 administrative officer, or chief of the medical staff of a
2 hospital licensed under this Act, a hospital organized under
3 the University of Illinois Hospital Act, or a hospital operated
4 by the United States, or any of its instrumentalities. The
5 information so transmitted shall be afforded the same status as
6 is information concerning medical studies by Part 21 of Article
7 VIII of the Code of Civil Procedure, as now or hereafter
8 amended.

9 (b) All hospitals licensed under this Act, except county
10 hospitals as defined in subsection (c) of Section 15-1 of the
11 Illinois Public Aid Code, shall comply with, and the medical
12 staff bylaws of these hospitals shall include rules consistent
13 with, the provisions of this Section in granting, limiting,
14 renewing, or denying medical staff membership and clinical
15 staff privileges. Hospitals that require medical staff members
16 to possess faculty status with a specific institution of higher
17 education are not required to comply with subsection (1) below
18 when the physician does not possess faculty status.

19 (1) Minimum procedures for pre-applicants and
20 applicants for medical staff membership shall include the
21 following:

22 (A) Written procedures relating to the acceptance
23 and processing of pre-applicants or applicants for
24 medical staff membership, which should be contained in
25 medical staff bylaws.

26 (B) Written procedures to be followed in
27 determining a pre-applicant's or an applicant's
28 qualifications for being granted medical staff
29 membership and privileges.

30 (C) Written criteria to be followed in evaluating a
31 pre-applicant's or an applicant's qualifications.

32 (D) An evaluation of a pre-applicant's or an
33 applicant's current health status and current license
34 status in Illinois.

35 (E) A written response to each pre-applicant or
36 applicant that explains the reason or reasons for any

1 adverse decision (including all reasons based in whole
2 or in part on the applicant's medical qualifications or
3 any other basis, including economic factors).

4 (2) Minimum procedures with respect to medical staff
5 and clinical privilege determinations concerning current
6 members of the medical staff shall include the following:

7 (A) A written notice of an adverse decision.

8 (B) An explanation of the reasons for an adverse
9 decision including all reasons based on the quality of
10 medical care or any other basis, including economic
11 factors.

12 (C) A statement of the medical staff member's right
13 to request a fair hearing on the adverse decision
14 before a hearing panel whose membership is mutually
15 agreed upon by the medical staff and the hospital
16 governing board. The hearing panel shall have
17 independent authority to recommend action to the
18 hospital governing board. Upon the request of the
19 medical staff member or the hospital governing board,
20 the hearing panel shall make findings concerning the
21 nature of each basis for any adverse decision
22 recommended to and accepted by the hospital governing
23 board.

24 (i) Nothing in this subparagraph (C) limits a
25 hospital's or medical staff's right to summarily
26 suspend, without a prior hearing, a person's
27 medical staff membership or clinical privileges if
28 the continuation of practice of a medical staff
29 member constitutes an immediate danger to the
30 public, including patients, visitors, and hospital
31 employees and staff. A fair hearing shall be
32 commenced within 15 days after the suspension and
33 completed without delay.

34 (ii) Nothing in this subparagraph (C) limits a
35 medical staff's right to permit, in the medical
36 staff bylaws, summary suspension of membership or

1 clinical privileges in designated administrative
2 circumstances as specifically approved by the
3 medical staff. This bylaw provision must
4 specifically describe both the administrative
5 circumstance that can result in a summary
6 suspension and the length of the summary
7 suspension. The opportunity for a fair hearing is
8 required for any administrative summary
9 suspension. Any requested hearing must be
10 commenced within 15 days after the summary
11 suspension and completed without delay. Adverse
12 decisions other than suspension or other
13 restrictions on the treatment or admission of
14 patients may be imposed summarily and without a
15 hearing under designated administrative
16 circumstances as specifically provided for in the
17 medical staff bylaws as approved by the medical
18 staff.

19 (iii) If a hospital exercises its option to
20 enter into an exclusive contract and that contract
21 results in the total or partial termination or
22 reduction of medical staff membership or clinical
23 privileges of a current medical staff member, the
24 hospital shall provide the affected medical staff
25 member 60 days prior notice of the effect on his or
26 her medical staff membership or privileges. An
27 affected medical staff member desiring a hearing
28 under subparagraph (C) of this paragraph (2) must
29 request the hearing within 14 days after the date
30 he or she is so notified. The requested hearing
31 shall be commenced and completed (with a report and
32 recommendation to the affected medical staff
33 member, hospital governing board, and medical
34 staff) within 30 days after the date of the medical
35 staff member's request. If agreed upon by both the
36 medical staff and the hospital governing board,

1 the medical staff bylaws may provide for longer
2 time periods.

3 (D) A statement of the member's right to inspect
4 all pertinent information in the hospital's possession
5 with respect to the decision.

6 (E) A statement of the member's right to present
7 witnesses and other evidence at the hearing on the
8 decision.

9 (F) A written notice and written explanation of the
10 decision resulting from the hearing.

11 (F-5) A written notice of a final adverse decision
12 by a hospital governing board.

13 (G) Notice given 15 days before implementation of
14 an adverse medical staff membership or clinical
15 privileges decision based substantially on economic
16 factors. This notice shall be given after the medical
17 staff member exhausts all applicable procedures under
18 this Section, including item (iii) of subparagraph (C)
19 of this paragraph (2), and under the medical staff
20 bylaws in order to allow sufficient time for the
21 orderly provision of patient care.

22 (H) Nothing in this paragraph (2) of this
23 subsection (b) limits a medical staff member's right to
24 waive, in writing, the rights provided in
25 subparagraphs (A) through (G) of this paragraph (2) of
26 this subsection (b) upon being granted the written
27 exclusive right to provide particular services at a
28 hospital, either individually or as a member of a
29 group. If an exclusive contract is signed by a
30 representative of a group of physicians, a waiver
31 contained in the contract shall apply to all members of
32 the group unless stated otherwise in the contract.

33 (3) Every adverse medical staff membership and
34 clinical privilege decision based substantially on
35 economic factors shall be reported to the Hospital
36 Licensing Board before the decision takes effect. These

1 reports shall not be disclosed in any form that reveals the
2 identity of any hospital or physician. These reports shall
3 be utilized to study the effects that hospital medical
4 staff membership and clinical privilege decisions based
5 upon economic factors have on access to care and the
6 availability of physician services. The Hospital Licensing
7 Board shall submit an initial study to the Governor and the
8 General Assembly by January 1, 1996, and subsequent reports
9 shall be submitted periodically thereafter.

10 (4) As used in this Section:

11 "Adverse decision" means a decision reducing,
12 restricting, suspending, revoking, denying, or not
13 renewing medical staff membership or clinical privileges.

14 "Economic factor" means any information or reasons for
15 decisions unrelated to quality of care or professional
16 competency.

17 "Pre-applicant" means a physician licensed to practice
18 medicine in all its branches who requests an application
19 for medical staff membership or privileges.

20 "Privilege" means permission to provide medical or
21 other patient care services and permission to use hospital
22 resources, including equipment, facilities and personnel
23 that are necessary to effectively provide medical or other
24 patient care services. This definition shall not be
25 construed to require a hospital to acquire additional
26 equipment, facilities, or personnel to accommodate the
27 granting of privileges.

28 (5) Any amendment to medical staff bylaws required
29 because of this amendatory Act of the 91st General Assembly
30 shall be adopted on or before July 1, 2001.

31 (c) All hospitals shall consult with the medical staff
32 prior to closing membership in the entire or any portion of the
33 medical staff or a department. If the hospital closes
34 membership in the medical staff, any portion of the medical
35 staff, or the department over the objections of the medical
36 staff, then the hospital shall provide a detailed written

1 explanation for the decision to the medical staff 10 days prior
2 to the effective date of any closure. No applications need to
3 be provided when membership in the medical staff or any
4 relevant portion of the medical staff is closed.

5 (Source: P.A. 93-794, eff. 7-22-04; 93-829, eff. 7-28-04;
6 revised 11-22-05.)

7 Section 425. The Mobile Home Park Act is amended by
8 changing Section 2.2 as follows:

9 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

10 Sec. 2.2. Permanent habitation. "Permanent habitation"
11 means habitation for a period of 2 or more months.

12 (Source: P.A. 77-1472; revised 10-11-05.)

13 Section 430. The Illinois Insurance Code is amended by
14 changing Sections 155.21, 370c, 416, 500-135, 531.06, and 1204,
15 by setting forth and renumbering multiple versions of Sections
16 155.39, 356z.2, and 356z.4, and by renumbering Section 370r as
17 follows:

18 (215 ILCS 5/155.21) (from Ch. 73, par. 767.21)

19 Sec. 155.21. A company writing medical liability insurance
20 shall not refuse to offer insurance to a physician, hospital or
21 other health care provider on the grounds that the physician,
22 hospital or health care provider has entered or intends to
23 enter an arbitration agreement pursuant to the Health Care
24 ~~"Malpractice Arbitration Act"~~.

25 As used in this Section, medical liability insurance means
26 insurance on risks based upon negligence by a physician,
27 hospital or other health care provider.

28 (Source: P.A. 79-1435; revised 10-11-05.)

29 (215 ILCS 5/155.39)

30 Sec. 155.39. Vehicle protection products.

31 (a) As used in this Section:

1 "Administrator" means a third party other than the
2 warrantor who is designated by the warrantor to be responsible
3 for the administration of vehicle protection product
4 warranties.

5 "Incidental costs" means expenses specified in the vehicle
6 protection product warranty incurred by the warranty holder
7 related to the failure of the vehicle protection product to
8 perform as provided in the warranty. Incidental costs may
9 include, without limitation, insurance policy deductibles,
10 rental vehicle charges, the difference between the actual value
11 of the stolen vehicle at the time of theft and the cost of a
12 replacement vehicle, sales taxes, registration fees,
13 transaction fees, and mechanical inspection fees.

14 "Vehicle protection product" means a vehicle protection
15 device, system, or service that is (i) installed on or applied
16 to a vehicle, (ii) is designed to prevent loss or damage to a
17 vehicle from a specific cause, (iii) includes a written
18 warranty by a warrantor that provides if the vehicle protection
19 product fails to prevent loss or damage to a vehicle from a
20 specific cause, that the warranty holder shall be paid
21 specified incidental costs by the warrantor as a result of the
22 failure of the vehicle protection product to perform pursuant
23 to the terms of the warranty, and (iv) the warrantor's
24 liability is covered by a warranty reimbursement insurance
25 policy. The term "vehicle protection product" shall include,
26 without limitation, alarm systems, body part marking products,
27 steering locks, window etch products, pedal and ignition locks,
28 fuel and ignition kill switches, and electronic, radio, and
29 satellite tracking devices.

30 "Vehicle protection product warrantor" or "warrantor"
31 means a person who is contractually obligated to the warranty
32 holder under the terms of the vehicle protection product.
33 Warrantor does not include an authorized insurer.

34 "Warranty reimbursement insurance policy" means a policy
35 of insurance issued to the vehicle protection product warrantor
36 to pay on behalf of the warrantor all covered contractual

1 obligations incurred by the warrantor under the terms and
2 conditions of the insured vehicle protection product
3 warranties sold by the warrantor. The warranty reimbursement
4 insurance policy shall be issued by an insurer authorized to do
5 business in this State that has filed its policy form with the
6 Department.

7 (b) No vehicle protection product sold or offered for sale
8 in this State shall be subject to the provisions of this
9 Code. Vehicle protection product warrantors and related
10 vehicle protection product sellers and warranty administrators
11 complying with this Section are not required to comply with and
12 are not subject to any other provision of this Code. The
13 vehicle protection products' written warranties are express
14 warranties and not insurance.

15 (c) This Section applies to all vehicle protection products
16 sold or offered for sale prior to, on, or after the effective
17 date of this amendatory Act of the 93rd General Assembly. The
18 enactment of this Section does not imply that vehicle
19 protection products should have been subject to regulation
20 under this Code prior to the enactment of this Section.

21 (Source: P.A. 93-218, eff. 7-18-03.)

22 (215 ILCS 5/155.40)

23 Sec. 155.40 ~~155.39~~. Auto insurance; application; false
24 address.

25 (a) An applicant for a policy of insurance that insures
26 against any loss or liability resulting from or incident to the
27 ownership, maintenance, or use of a motor vehicle shall not
28 provide to the insurer to which the application for coverage is
29 made any address for the applicant other than the address at
30 which the applicant resides.

31 (b) A person who knowingly violates this Section is guilty
32 of a business offense. The penalty is a fine of not less than
33 \$1,001 and not more than \$1,200.

34 (Source: P.A. 93-269, eff. 1-1-04; revised 9-19-03.)

1 (215 ILCS 5/155.41)

2 Sec. 155.41 ~~155.39~~. Slave era policies.

3 (a) The General Assembly finds and declares all of the
4 following:

5 (1) Insurance policies from the slavery era have been
6 discovered in the archives of several insurance companies,
7 documenting insurance coverage for slaveholders for damage
8 to or death of their slaves, issued by a predecessor
9 insurance firm. These documents provide the first evidence
10 of ill-gotten profits from slavery, which profits in part
11 capitalized insurers whose successors remain in existence
12 today.

13 (2) Legislation has been introduced in Congress for the
14 past 10 years demanding an inquiry into slavery and its
15 continuing legacies.

16 (3) The Director of Insurance and the Department of
17 Insurance are entitled to seek information from the files
18 of insurers licensed and doing business in this State,
19 including licensed Illinois subsidiaries of international
20 insurance corporations, regarding insurance policies
21 issued to slaveholders by predecessor corporations. The
22 people of Illinois are entitled to significant historical
23 information of this nature.

24 (b) The Department shall request and obtain information
25 from insurers licensed and doing business in this State
26 regarding any records of slaveholder insurance policies issued
27 by any predecessor corporation during the slavery era.

28 (c) The Department shall obtain the names of any
29 slaveholders or slaves described in those insurance records,
30 and shall make the information available to the public and the
31 General Assembly.

32 (d) Any insurer licensed and doing business in this State
33 shall research and report to the Department with respect to any
34 records within the insurer's possession or knowledge relating
35 to insurance policies issued to slaveholders that provided
36 coverage for damage to or death of their slaves.

1 (e) Descendants of slaves, whose ancestors were defined as
2 private property, dehumanized, divided from their families,
3 forced to perform labor without appropriate compensation or
4 benefits, and whose ancestors' owners were compensated for
5 damages by insurers, are entitled to full disclosure.

6 (Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

7 (215 ILCS 5/356z.2)

8 Sec. 356z.2. Coverage for adjunctive services in dental
9 care.

10 (a) An individual or group policy of accident and health
11 insurance amended, delivered, issued, or renewed after the
12 effective date of this amendatory Act of the 92nd General
13 Assembly shall cover charges incurred, and anesthetics
14 provided, in conjunction with dental care that is provided to a
15 covered individual in a hospital or an ambulatory surgical
16 treatment center if any of the following applies:

17 (1) the individual is a child age 6 or under;

18 (2) the individual has a medical condition that
19 requires hospitalization or general anesthesia for dental
20 care; or

21 (3) the individual is disabled.

22 (b) For purposes of this Section, "ambulatory surgical
23 treatment center" has the meaning given to that term in Section
24 3 of the Ambulatory Surgical Treatment Center Act.

25 For purposes of this Section, "disabled" means a person,
26 regardless of age, with a chronic disability if the chronic
27 disability meets all of the following conditions:

28 (1) It is attributable to a mental or physical
29 impairment or combination of mental and physical
30 impairments.

31 (2) It is likely to continue.

32 (3) It results in substantial functional limitations
33 in one or more of the following areas of major life
34 activity:

35 (A) self-care;

- 1 (B) receptive and expressive language;
2 (C) learning;
3 (D) mobility;
4 (E) capacity for independent living; or
5 (F) economic self-sufficiency.

6 (c) The coverage required under this Section may be subject
7 to any limitations, exclusions, or cost-sharing provisions
8 that apply generally under the insurance policy.

9 (d) This Section does not apply to a policy that covers
10 only dental care.

11 (e) Nothing in this Section requires that the dental
12 services be covered.

13 (f) The provisions of this Section do not apply to
14 short-term travel, accident-only, limited, or specified
15 disease policies, nor to policies or contracts designed for
16 issuance to persons eligible for coverage under Title XVIII of
17 the Social Security Act, known as Medicare, or any other
18 similar coverage under State or federal governmental plans.

19 (Source: P.A. 92-764, eff. 1-1-03.)

20 (215 ILCS 5/356z.3)

21 Sec. 356z.3 ~~356z.2~~. Disclosure of limited benefit. An
22 insurer that issues, delivers, amends, or renews an individual
23 or group policy of accident and health insurance in this State
24 after the effective date of this amendatory Act of the 92nd
25 General Assembly and arranges, contracts with, or administers
26 contracts with a provider whereby beneficiaries are provided an
27 incentive to use the services of such provider must include the
28 following disclosure on its contracts and evidences of
29 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN
30 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that
31 when you elect to utilize the services of a non-participating
32 provider for a covered service in non-emergency situations,
33 benefit payments to such non-participating provider are not
34 based upon the amount billed. The basis of your benefit payment
35 will be determined according to your policy's fee schedule,

1 usual and customary charge (which is determined by comparing
2 charges for similar services adjusted to the geographical area
3 where the services are performed), or other method as defined
4 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE
5 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS
6 REQUIRED PORTION. Non-participating providers may bill members
7 for any amount up to the billed charge after the plan has paid
8 its portion of the bill. Participating providers have agreed to
9 accept discounted payments for services with no additional
10 billing to the member other than co-insurance and deductible
11 amounts. You may obtain further information about the
12 participating status of professional providers and information
13 on out-of-pocket expenses by calling the toll free telephone
14 number on your identification card."

15 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

16 (215 ILCS 5/356z.4)

17 Sec. 356z.4. Coverage for contraceptives.

18 (a) An individual or group policy of accident and health
19 insurance amended, delivered, issued, or renewed in this State
20 after the effective date of this amendatory Act of the 93rd
21 General Assembly that provides coverage for outpatient
22 services and outpatient prescription drugs or devices must
23 provide coverage for the insured and any dependent of the
24 insured covered by the policy for all outpatient contraceptive
25 services and all outpatient contraceptive drugs and devices
26 approved by the Food and Drug Administration. Coverage required
27 under this Section may not impose any deductible, coinsurance,
28 waiting period, or other cost-sharing or limitation that is
29 greater than that required for any outpatient service or
30 outpatient prescription drug or device otherwise covered by the
31 policy.

32 (b) As used in this Section, "outpatient contraceptive
33 service" means consultations, examinations, procedures, and
34 medical services, provided on an outpatient basis and related
35 to the use of contraceptive methods (including natural family

1 planning) to prevent an unintended pregnancy.

2 (c) Nothing in this Section shall be construed to require
3 an insurance company to cover services related to an abortion
4 as the term "abortion" is defined in the Illinois Abortion Law
5 of 1975.

6 (d) Nothing in this Section shall be construed to require
7 an insurance company to cover services related to permanent
8 sterilization that requires a surgical procedure.

9 (Source: P.A. 93-102, eff. 1-1-04.)

10 (215 ILCS 5/356z.5)

11 Sec. 356z.5 ~~356z.4~~. Prescription inhalants. A group or
12 individual policy of accident and health insurance or managed
13 care plan amended, delivered, issued, or renewed after the
14 effective date of this amendatory Act of the 93rd General
15 Assembly that provides coverage for prescription drugs may not
16 deny or limit coverage for prescription inhalants to enable
17 persons to breathe when suffering from asthma or other
18 life-threatening bronchial ailments based upon any restriction
19 on the number of days before an inhaler refill may be obtained
20 if, contrary to those restrictions, the inhalants have been
21 ordered or prescribed by the treating physician and are
22 medically appropriate.

23 (Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

24 (215 ILCS 5/356z.7) (was 215 ILCS 5/370r)

25 Sec. 356z.7 ~~370r~~. Prescription drugs; cancer treatment. No
26 group policy of accident or health insurance that provides
27 coverage for prescribed drugs approved by the federal Food and
28 Drug Administration for the treatment of certain types of
29 cancer shall exclude coverage of any drug on the basis that the
30 drug has been prescribed for the treatment of a type of cancer
31 for which the drug has not been approved by the federal Food
32 and Drug Administration. The drug, however, must be approved by
33 the federal Food and Drug Administration and must be recognized
34 for the treatment of the specific type of cancer for which the

1 drug has been prescribed in any one of the following
2 established reference compendia:

3 (a) the American Medical Association Drug Evaluations;

4 (b) the American Hospital Formulary Service Drug
5 Information; or

6 (c) the United States Pharmacopeia Drug Information;

7 or if not in the compendia, recommended for that particular
8 type of cancer in formal clinical studies, the results of which
9 have been published in at least two peer reviewed professional
10 medical journals published in the United States or Great
11 Britain.

12 Any coverage required by this Section shall also include
13 those medically necessary services associated with the
14 administration of a drug.

15 Despite the provisions of this Section, coverage shall not
16 be required for any experimental or investigational drugs or
17 any drug that the federal Food and Drug Administration has
18 determined to be contraindicated for treatment of the specific
19 type of cancer for which the drug has been prescribed. This
20 Section shall apply only to cancer drugs. Nothing in this
21 Section shall be construed, expressly or by implication, to
22 create, impair, alter, limit, notify, enlarge, abrogate or
23 prohibit reimbursement for drugs used in the treatment of any
24 other disease or condition.

25 (Source: P.A. 87-980; revised 10-19-05.)

26 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

27 Sec. 370c. Mental and emotional disorders.

28 (a) (1) On and after the effective date of this Section,
29 every insurer which delivers, issues for delivery or renews or
30 modifies group A&H policies providing coverage for hospital or
31 medical treatment or services for illness on an
32 expense-incurred basis shall offer to the applicant or group
33 policyholder subject to the insurers standards of
34 insurability, coverage for reasonable and necessary treatment
35 and services for mental, emotional or nervous disorders or

1 conditions, other than serious mental illnesses as defined in
2 item (2) of subsection (b), up to the limits provided in the
3 policy for other disorders or conditions, except (i) the
4 insured may be required to pay up to 50% of expenses incurred
5 as a result of the treatment or services, and (ii) the annual
6 benefit limit may be limited to the lesser of \$10,000 or 25% of
7 the lifetime policy limit.

8 (2) Each insured that is covered for mental, emotional or
9 nervous disorders or conditions shall be free to select the
10 physician licensed to practice medicine in all its branches,
11 licensed clinical psychologist, licensed clinical social
12 worker, or licensed clinical professional counselor of his
13 choice to treat such disorders, and the insurer shall pay the
14 covered charges of such physician licensed to practice medicine
15 in all its branches, licensed clinical psychologist, licensed
16 clinical social worker, or licensed clinical professional
17 counselor up to the limits of coverage, provided (i) the
18 disorder or condition treated is covered by the policy, and
19 (ii) the physician, licensed psychologist, licensed clinical
20 social worker, or licensed clinical professional counselor is
21 authorized to provide said services under the statutes of this
22 State and in accordance with accepted principles of his
23 profession.

24 (3) Insofar as this Section applies solely to licensed
25 clinical social workers and licensed clinical professional
26 counselors, those persons who may provide services to
27 individuals shall do so after the licensed clinical social
28 worker or licensed clinical professional counselor has
29 informed the patient of the desirability of the patient
30 conferring with the patient's primary care physician and the
31 licensed clinical social worker or licensed clinical
32 professional counselor has provided written notification to
33 the patient's primary care physician, if any, that services are
34 being provided to the patient. That notification may, however,
35 be waived by the patient on a written form. Those forms shall
36 be retained by the licensed clinical social worker or licensed

1 clinical professional counselor for a period of not less than 5
2 years.

3 (b) (1) An insurer that provides coverage for hospital or
4 medical expenses under a group policy of accident and health
5 insurance or health care plan amended, delivered, issued, or
6 renewed after the effective date of this amendatory Act of the
7 92nd General Assembly shall provide coverage under the policy
8 for treatment of serious mental illness under the same terms
9 and conditions as coverage for hospital or medical expenses
10 related to other illnesses and diseases. The coverage required
11 under this Section must provide for same durational limits,
12 amount limits, deductibles, and co-insurance requirements for
13 serious mental illness as are provided for other illnesses and
14 diseases. This subsection does not apply to coverage provided
15 to employees by employers who have 50 or fewer employees.

16 (2) "Serious mental illness" means the following
17 psychiatric illnesses as defined in the most current edition of
18 the Diagnostic and Statistical Manual (DSM) published by the
19 American Psychiatric Association:

20 (A) schizophrenia;

21 (B) paranoid and other psychotic disorders;

22 (C) bipolar disorders (hypomanic, manic, depressive,
23 and mixed);

24 (D) major depressive disorders (single episode or
25 recurrent);

26 (E) schizoaffective disorders (bipolar or depressive);

27 (F) pervasive developmental disorders;

28 (G) obsessive-compulsive disorders;

29 (H) depression in childhood and adolescence;

30 (I) panic disorder; and

31 (J) post-traumatic stress disorders (acute, chronic,
32 or with delayed onset).

33 (3) Upon request of the reimbursing insurer, a provider of
34 treatment of serious mental illness shall furnish medical
35 records or other necessary data that substantiate that initial
36 or continued treatment is at all times medically necessary. An

1 insurer shall provide a mechanism for the timely review by a
2 provider holding the same license and practicing in the same
3 specialty as the patient's provider, who is unaffiliated with
4 the insurer, jointly selected by the patient (or the patient's
5 next of kin or legal representative if the patient is unable to
6 act for himself or herself), the patient's provider, and the
7 insurer in the event of a dispute between the insurer and
8 patient's provider regarding the medical necessity of a
9 treatment proposed by a patient's provider. If the reviewing
10 provider determines the treatment to be medically necessary,
11 the insurer shall provide reimbursement for the treatment.
12 Future contractual or employment actions by the insurer
13 regarding the patient's provider may not be based on the
14 provider's participation in this procedure. Nothing prevents
15 the insured from agreeing in writing to continue treatment at
16 his or her expense. When making a determination of the medical
17 necessity for a treatment modality for serious mental illness,
18 an insurer must make the determination in a manner that is
19 consistent with the manner used to make that determination with
20 respect to other diseases or illnesses covered under the
21 policy, including an appeals process.

22 (4) A group health benefit plan:

23 (A) shall provide coverage based upon medical
24 necessity for the following treatment of mental illness in
25 each calendar year;

26 (i) 45 days of inpatient treatment; and

27 (ii) 35 visits for outpatient treatment including
28 group and individual outpatient treatment;

29 (B) may not include a lifetime limit on the number of
30 days of inpatient treatment or the number of outpatient
31 visits covered under the plan; and

32 (C) shall include the same amount limits, deductibles,
33 copayments, and coinsurance factors for serious mental
34 illness as for physical illness.

35 (5) An issuer of a group health benefit plan may not count
36 toward the number of outpatient visits required to be covered

1 under this Section an outpatient visit for the purpose of
2 medication management and shall cover the outpatient visits
3 under the same terms and conditions as it covers outpatient
4 visits for the treatment of physical illness.

5 (6) An issuer of a group health benefit plan may provide or
6 offer coverage required under this Section through a managed
7 care plan.

8 (7) This Section shall not be interpreted to require a
9 group health benefit plan to provide coverage for treatment of:

10 (A) an addiction to a controlled substance or cannabis
11 that is used in violation of law; or

12 (B) mental illness resulting from the use of a
13 controlled substance or cannabis in violation of law.

14 (8) (Blank).

15 (Source: P.A. 94-402, eff. 8-2-05; P.A. 94-584, eff. 8-15-05;
16 revised 8-19-05.)

17 (215 ILCS 5/416)

18 Sec. 416. Illinois Workers' Compensation Commission
19 Operations Fund Surcharge.

20 (a) As of July 30, 2004 (the effective date of Public Act
21 93-840) ~~this amendatory Act of 2004~~, every company licensed or
22 authorized by the Illinois Department of Insurance and insuring
23 employers' liabilities arising under the Workers' Compensation
24 Act or the Workers' Occupational Diseases Act shall remit to
25 the Director a surcharge based upon the annual direct written
26 premium, as reported under Section 136 of this Act, of the
27 company in the manner provided in this Section. Such proceeds
28 shall be deposited into the Illinois Workers' Compensation
29 Commission Operations Fund as established in the Workers'
30 Compensation Act. If a company survives or was formed by a
31 merger, consolidation, reorganization, or reincorporation, the
32 direct written premiums of all companies party to the merger,
33 consolidation, reorganization, or reincorporation shall, for
34 purposes of determining the amount of the fee imposed by this
35 Section, be regarded as those of the surviving or new company.

1 (b) (1) Except as provided in subsection (b) (2) of this
2 Section, beginning on July 30, 2004 (the effective date of
3 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of
4 each year thereafter, the Director shall charge an annual
5 Illinois Workers' Compensation Commission Operations Fund
6 Surcharge from every company subject to subsection (a) of this
7 Section equal to 1.01% of its direct written premium for
8 insuring employers' liabilities arising under the Workers'
9 Compensation Act or Workers' Occupational Diseases Act as
10 reported in each company's annual statement filed for the
11 previous year as required by Section 136. The Illinois Workers'
12 Compensation Commission Operations Fund Surcharge shall be
13 collected by companies subject to subsection (a) of this
14 Section as a separately stated surcharge on insured employers
15 at the rate of 1.01% of direct written premium. The Illinois
16 Workers' Compensation ~~Industrial~~ Commission Operations Fund
17 Surcharge shall not be collected by companies subject to
18 subsection (a) of this Section from any employer that
19 self-insures its liabilities arising under the Workers'
20 Compensation Act or Workers' Occupational Diseases Act,
21 provided that the employer has paid the Illinois Workers'
22 Compensation ~~Industrial~~ Commission Operations Fund Fee
23 pursuant to Section 4d of the Workers' Compensation Act. All
24 sums collected by the Department of Insurance under the
25 provisions of this Section shall be paid promptly after the
26 receipt of the same, accompanied by a detailed statement
27 thereof, into the Illinois Workers' Compensation Commission
28 Operations Fund in the State treasury.

29 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~
30 ~~amendatory Act of 2004~~ shall be collected instead of the
31 surcharge due on July 1, 2004 under Public Act 93-32. Payment
32 of the surcharge due under Public Act 93-840 ~~this amendatory~~
33 ~~Act of 2004~~ shall discharge the employer's obligations due on
34 July 1, 2004.

35 (c) In addition to the authority specifically granted under
36 Article XXV of this Code, the Director shall have such

1 authority to adopt rules or establish forms as may be
2 reasonably necessary for purposes of enforcing this Section.
3 The Director shall also have authority to defer, waive, or
4 abate the surcharge or any penalties imposed by this Section if
5 in the Director's opinion the company's solvency and ability to
6 meet its insured obligations would be immediately threatened by
7 payment of the surcharge due.

8 (d) When a company fails to pay the full amount of any
9 annual Illinois Workers' Compensation Commission Operations
10 Fund Surcharge of \$100 or more due under this Section, there
11 shall be added to the amount due as a penalty the greater of
12 \$1,000 or an amount equal to 5% of the deficiency for each
13 month or part of a month that the deficiency remains unpaid.

14 (e) The Department of Insurance may enforce the collection
15 of any delinquent payment, penalty, or portion thereof by legal
16 action or in any other manner by which the collection of debts
17 due the State of Illinois may be enforced under the laws of
18 this State.

19 (f) Whenever it appears to the satisfaction of the Director
20 that a company has paid pursuant to this Act an Illinois
21 Workers' Compensation Commission Operations Fund Surcharge in
22 an amount in excess of the amount legally collectable from the
23 company, the Director shall issue a credit memorandum for an
24 amount equal to the amount of such overpayment. A credit
25 memorandum may be applied for the 2-year period from the date
26 of issuance, against the payment of any amount due during that
27 period under the surcharge imposed by this Section or, subject
28 to reasonable rule of the Department of Insurance including
29 requirement of notification, may be assigned to any other
30 company subject to regulation under this Act. Any application
31 of credit memoranda after the period provided for in this
32 Section is void.

33 (g) Annually, the Governor may direct a transfer of up to
34 2% of all moneys collected under this Section to the Insurance
35 Financial Regulation Fund.

36 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,

1 eff. 7-30-04; revised 12-29-04.)

2 (215 ILCS 5/500-135)

3 Sec. 500-135. Fees.

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

5 (1) a fee of \$180 for a person who is a resident of
6 Illinois, and \$250 for a person who is not a resident of
7 Illinois, payable once every 2 years for an insurance
8 producer license;

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

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

13 (4) an annual \$50 fee for a limited line producer
14 license issued under items (1) through (7) of subsection
15 (a) of Section 500-100;

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

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

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

25 (8) a fee of \$180 for a person who is a resident of
26 Illinois, and \$250 for a person who is not a resident of
27 Illinois, payable once every 2 years for a car rental
28 limited line license;

29 (9) a fee of \$200 payable once every 2 years for a
30 limited lines license other than the licenses issued under
31 items (1) through (7) of subsection (a) of Section 500-100,
32 a car rental limited line license, or a self-service
33 storage facility limited line license;

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

1 (b) Except as otherwise provided, all fees paid to and
2 collected by the Director under this Section shall be paid
3 promptly after receipt thereof, together with a detailed
4 statement of such fees, into a special fund in the State
5 Treasury to be known as the Insurance Producer Administration
6 Fund. The moneys deposited into the Insurance Producer
7 Administration Fund may be used only for payment of the
8 expenses of the Department in the execution, administration,
9 and enforcement of the insurance laws of this State, and shall
10 be appropriated as otherwise provided by law for the payment of
11 those expenses with first priority being any expenses incident
12 to or associated with the administration and enforcement of
13 this Article.

14 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,
15 eff. 1-1-04; revised 9-12-03.)

16 (215 ILCS 5/531.06) (from Ch. 73, par. 1065.80-6)

17 Sec. 531.06. Creation of the Association. There is created
18 a non-profit legal entity to be known as the Illinois Life and
19 Health Insurance Guaranty Association. All member insurers are
20 and must remain members of the Association as a condition of
21 their authority to transact insurance in this State. The
22 Association must perform its functions under the plan of
23 operation established and approved under Section 531.10 and
24 must exercise its powers through a board of directors
25 established under Section 531.07. For purposes of
26 administration and assessment, the Association must maintain 2
27 accounts:

28 (1) The life insurance and annuity account which includes
29 the following subaccounts:

30 (a) Life Insurance Account;

31 (b) Annuity account; and

32 (c) Unallocated Annuity Account which shall include
33 contracts qualified under Section 403(b) of the United States
34 ~~State~~ Internal Revenue Code.

35 (2) The health insurance account.

1 The Association shall be supervised by the Director and is
2 subject to the applicable provisions of the Illinois Insurance
3 Code.

4 (Source: P.A. 86-753; revised 10-11-05.)

5 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

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 and
10 report its loss and expense experience and other data as may be
11 necessary to assess the relationship of insurance premiums and
12 related income as compared to insurance costs and expenses. The
13 Secretary may designate one or more rate service organizations
14 or advisory organizations to gather and compile such experience
15 and data. The Secretary shall require each insurer licensed to
16 write property or casualty insurance in this State and each
17 syndicate doing business on the Illinois Insurance Exchange to
18 submit a report, on a form furnished by the Secretary, showing
19 its direct writings in this State and companywide.

20 (B) Such report required by subsection (A) of this Section
21 may include, but not be limited to, the following specific
22 types of insurance written by such insurer:

23 (1) Political subdivision liability insurance reported
24 separately in the following categories:

25 (a) municipalities;

26 (b) school districts;

27 (c) other political subdivisions;

28 (2) Public official liability insurance;

29 (3) Dram shop liability insurance;

30 (4) Day care center liability insurance;

31 (5) Labor, fraternal or religious organizations
32 liability insurance;

33 (6) Errors and omissions liability insurance;

34 (7) Officers and directors liability insurance
35 reported separately as follows:

- 1 (a) non-profit entities;
- 2 (b) for-profit entities;
- 3 (8) Products liability insurance;
- 4 (9) Medical malpractice insurance;
- 5 (10) Attorney malpractice insurance;
- 6 (11) Architects and engineers malpractice insurance;
- 7 and
- 8 (12) Motor vehicle insurance reported separately for
- 9 commercial and private passenger vehicles as follows:
- 10 (a) motor vehicle physical damage insurance;
- 11 (b) motor vehicle liability insurance.
- 12 (C) Such report may include, but need not be limited to the
- 13 following data, both specific to this State and companywide, in
- 14 the aggregate or by type of insurance for the previous year on
- 15 a calendar year basis:
- 16 (1) Direct premiums written;
- 17 (2) Direct premiums earned;
- 18 (3) Number of policies;
- 19 (4) Net investment income, using appropriate estimates
- 20 where necessary;
- 21 (5) Losses paid;
- 22 (6) Losses incurred;
- 23 (7) Loss reserves:
- 24 (a) Losses unpaid on reported claims;
- 25 (b) Losses unpaid on incurred but not reported
- 26 claims;
- 27 (8) Number of claims:
- 28 (a) Paid claims;
- 29 (b) Arising claims;
- 30 (9) Loss adjustment expenses:
- 31 (a) Allocated loss adjustment expenses;
- 32 (b) Unallocated loss adjustment expenses;
- 33 (10) Net underwriting gain or loss;
- 34 (11) Net operation gain or loss, including net
- 35 investment income;
- 36 (12) Any other information requested by the Secretary.

1 (C-3) ~~(C-5)~~ Additional information by an advisory
2 organization as defined in Section 463 of this Code.

3 (1) An advisory organization as defined in Section 463
4 of this Code shall report annually the following
5 information in such format as may be prescribed by the
6 Secretary:

7 (a) paid and incurred losses for each of the past
8 10 years;

9 (b) medical payments and medical charges, if
10 collected, for each of the past 10 years;

11 (c) the following indemnity payment information:
12 cumulative payments by accident year by calendar year
13 of development. This array will show payments made and
14 frequency of claims in the following categories:
15 medical only, permanent partial disability (PPD),
16 permanent total disability (PTD), temporary total
17 disability (TTD), and fatalities;

18 (d) injuries by frequency and severity;

19 (e) by class of employee.

20 (2) The report filed with the Secretary of Financial
21 and Professional Regulation under paragraph (1) of this
22 subsection (C-3) ~~(C-5)~~ shall be made available, on an
23 aggregate basis, to the General Assembly and to the general
24 public. The identity of the petitioner, the respondent, the
25 attorneys, and the insurers shall not be disclosed.

26 (3) Reports required under this subsection (C-3) ~~(C-5)~~
27 shall be filed with the Secretary no later than September 1
28 in 2006 and no later than September 1 of each year
29 thereafter.

30 (C-5) Additional information required from medical
31 malpractice insurers.

32 (1) In addition to the other requirements of this
33 Section, the following information shall be included in the
34 report required by subsection (A) of this Section in such
35 form and under such terms and conditions as may be
36 prescribed by the Secretary:

1 (a) paid and incurred losses by county for each of
2 the past 10 policy years;

3 (b) earned exposures by ISO code, policy type, and
4 policy year by county for each of the past 10 years;
5 and

6 (c) the following actuarial information:

7 (i) Base class and territory equivalent
8 exposures by report year by relative accident
9 year.

10 (ii) Cumulative loss array by accident year by
11 calendar year of development. This array will show
12 frequency of claims in the following categories:
13 open, closed with indemnity (CWI), closed with
14 expense (CWE), and closed no pay (CNP); paid
15 severity in the following categories: indemnity
16 and allocated loss adjustment expenses (ALAE) on
17 closed claims; and indemnity and expense reserves
18 on pending claims.

19 (iii) Cumulative loss array by report year by
20 calendar year of development. This array will show
21 frequency of claims in the following categories:
22 open, closed with indemnity (CWI), closed with
23 expense (CWE), and closed no pay (CNP); paid
24 severity in the following categories: indemnity
25 and allocated loss adjustment expenses (ALAE) on
26 closed claims; and indemnity and expense reserves
27 on pending claims.

28 (iv) Maturity year and tail factors.

29 (v) Any expense, contingency ddr (death,
30 disability, and retirement), commission, tax,
31 and/or off-balance factors.

32 (2) The following information must also be annually
33 provided to the Department:

34 (a) copies of the company's reserve and surplus
35 studies; and

36 (b) consulting actuarial report and data

1 supporting the company's rate filing.

2 (3) All information collected by the Secretary under
3 paragraphs (1) and (2) shall be made available, on a
4 company-by-company basis, to the General Assembly and the
5 general public. This provision shall supersede any other
6 provision of State law that may otherwise protect such
7 information from public disclosure as confidential.

8 (D) In addition to the information which may be requested
9 under subsection (C), the Secretary may also request on a
10 companywide, aggregate basis, Federal Income Tax recoverable,
11 net realized capital gain or loss, net unrealized capital gain
12 or loss, and all other expenses not requested in subsection (C)
13 above.

14 (E) Violations - Suspensions - Revocations.

15 (1) Any company or person subject to this Article, who
16 willfully or repeatedly fails to observe or who otherwise
17 violates any of the provisions of this Article or any rule
18 or regulation promulgated by the Secretary under authority
19 of this Article or any final order of the Secretary entered
20 under the authority of this Article shall by civil penalty
21 forfeit to the State of Illinois a sum not to exceed
22 \$2,000. Each day during which a violation occurs
23 constitutes a separate offense.

24 (2) No forfeiture liability under paragraph (1) of this
25 subsection may attach unless a written notice of apparent
26 liability has been issued by the Secretary and received by
27 the respondent, or the Secretary sends written notice of
28 apparent liability by registered or certified mail, return
29 receipt requested, to the last known address of the
30 respondent. Any respondent so notified must be granted an
31 opportunity to request a hearing within 10 days from
32 receipt of notice, or to show in writing, why he should not
33 be held liable. A notice issued under this Section must set
34 forth the date, facts and nature of the act or omission
35 with which the respondent is charged and must specifically
36 identify the particular provision of this Article, rule,

1 regulation or order of which a violation is charged.

2 (3) No forfeiture liability under paragraph (1) of this
3 subsection may attach for any violation occurring more than
4 2 years prior to the date of issuance of the notice of
5 apparent liability and in no event may the total civil
6 penalty forfeiture imposed for the acts or omissions set
7 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 civil
22 penalty forfeiture under this Section that fact may not be
23 used in any other proceeding before the Secretary to the
24 prejudice of the respondent to whom the notice was issued,
25 unless (a) the civil penalty forfeiture has been paid, or
26 (b) a court has ordered payment of the civil penalty
27 forfeiture and that order has become final.

28 (7) When any person or company has a license or
29 certificate of authority under this Code and knowingly
30 fails or refuses to comply with a lawful order of the
31 Secretary requiring compliance with this Article, entered
32 after notice and hearing, within the period of time
33 specified in the order, the Secretary may, in addition to
34 any other penalty or authority provided, revoke or refuse
35 to renew the license or certificate of authority of such
36 person or company, or may suspend the license or

1 certificate of authority of such person or company until
2 compliance with such order has been obtained.

3 (8) When any person or company has a license or
4 certificate of authority under this Code and knowingly
5 fails or refuses to comply with any provisions of this
6 Article, the Secretary may, after notice and hearing, in
7 addition to any other penalty provided, revoke or refuse to
8 renew the license or certificate of authority of such
9 person or company, or may suspend the license or
10 certificate of authority of such person or company, until
11 compliance with such provision of this Article has been
12 obtained.

13 (9) No suspension or revocation under this Section may
14 become effective until 5 days from the date that the notice
15 of suspension or revocation has been personally delivered
16 or delivered by registered or certified mail to the company
17 or person. A suspension or revocation under this Section is
18 stayed upon the filing, by the company or person, of a
19 petition for judicial review under the Administrative
20 Review Law.

21 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,
22 eff. 8-25-05; revised 8-29-05.)

23 Section 435. The Health Maintenance Organization Act is
24 amended by changing Section 5-3 as follows:

25 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

26 Sec. 5-3. Insurance Code provisions.

27 (a) Health Maintenance Organizations shall be subject to
28 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,
29 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,
30 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,
31 356y, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2, 367.2-5,
32 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A,
33 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of
34 subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII,

1 XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois
2 Insurance Code.

3 (b) For purposes of the Illinois Insurance Code, except for
4 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
5 Maintenance Organizations in the following categories are
6 deemed to be "domestic companies":

7 (1) a corporation authorized under the Dental Service
8 Plan Act or the Voluntary Health Services Plans Act;

9 (2) a corporation organized under the laws of this
10 State; or

11 (3) a corporation organized under the laws of another
12 state, 30% or more of the enrollees of which are residents
13 of this State, except a corporation subject to
14 substantially the same requirements in its state of
15 organization as is a "domestic company" under Article VIII
16 1/2 of the Illinois Insurance Code.

17 (c) In considering the merger, consolidation, or other
18 acquisition of control of a Health Maintenance Organization
19 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

20 (1) the Director shall give primary consideration to
21 the continuation of benefits to enrollees and the financial
22 conditions of the acquired Health Maintenance Organization
23 after the merger, consolidation, or other acquisition of
24 control takes effect;

25 (2) (i) the criteria specified in subsection (1) (b) of
26 Section 131.8 of the Illinois Insurance Code shall not
27 apply and (ii) the Director, in making his determination
28 with respect to the merger, consolidation, or other
29 acquisition of control, need not take into account the
30 effect on competition of the merger, consolidation, or
31 other acquisition of control;

32 (3) the Director shall have the power to require the
33 following information:

34 (A) certification by an independent actuary of the
35 adequacy of the reserves of the Health Maintenance
36 Organization sought to be acquired;

1 (B) pro forma financial statements reflecting the
2 combined balance sheets of the acquiring company and
3 the Health Maintenance Organization sought to be
4 acquired as of the end of the preceding year and as of
5 a date 90 days prior to the acquisition, as well as pro
6 forma financial statements reflecting projected
7 combined operation for a period of 2 years;

8 (C) a pro forma business plan detailing an
9 acquiring party's plans with respect to the operation
10 of the Health Maintenance Organization sought to be
11 acquired for a period of not less than 3 years; and

12 (D) such other information as the Director shall
13 require.

14 (d) The provisions of Article VIII 1/2 of the Illinois
15 Insurance Code and this Section 5-3 shall apply to the sale by
16 any health maintenance organization of greater than 10% of its
17 enrollee population (including without limitation the health
18 maintenance organization's right, title, and interest in and to
19 its health care certificates).

20 (e) In considering any management contract or service
21 agreement subject to Section 141.1 of the Illinois Insurance
22 Code, the Director (i) shall, in addition to the criteria
23 specified in Section 141.2 of the Illinois Insurance Code, take
24 into account the effect of the management contract or service
25 agreement on the continuation of benefits to enrollees and the
26 financial condition of the health maintenance organization to
27 be managed or serviced, and (ii) need not take into account the
28 effect of the management contract or service agreement on
29 competition.

30 (f) Except for small employer groups as defined in the
31 Small Employer Rating, Renewability and Portability Health
32 Insurance Act and except for medicare supplement policies as
33 defined in Section 363 of the Illinois Insurance Code, a Health
34 Maintenance Organization may by contract agree with a group or
35 other enrollment unit to effect refunds or charge additional
36 premiums under the following terms and conditions:

1 (i) the amount of, and other terms and conditions with
2 respect to, the refund or additional premium are set forth
3 in the group or enrollment unit contract agreed in advance
4 of the period for which a refund is to be paid or
5 additional premium is to be charged (which period shall not
6 be less than one year); and

7 (ii) the amount of the refund or additional premium
8 shall not exceed 20% of the Health Maintenance
9 Organization's profitable or unprofitable experience with
10 respect to the group or other enrollment unit for the
11 period (and, for purposes of a refund or additional
12 premium, the profitable or unprofitable experience shall
13 be calculated taking into account a pro rata share of the
14 Health Maintenance Organization's administrative and
15 marketing expenses, but shall not include any refund to be
16 made or additional premium to be paid pursuant to this
17 subsection (f)). The Health Maintenance Organization and
18 the group or enrollment unit may agree that the profitable
19 or unprofitable experience may be calculated taking into
20 account the refund period and the immediately preceding 2
21 plan years.

22 The Health Maintenance Organization shall include a
23 statement in the evidence of coverage issued to each enrollee
24 describing the possibility of a refund or additional premium,
25 and upon request of any group or enrollment unit, provide to
26 the group or enrollment unit a description of the method used
27 to calculate (1) the Health Maintenance Organization's
28 profitable experience with respect to the group or enrollment
29 unit and the resulting refund to the group or enrollment unit
30 or (2) the Health Maintenance Organization's unprofitable
31 experience with respect to the group or enrollment unit and the
32 resulting additional premium to be paid by the group or
33 enrollment unit.

34 In no event shall the Illinois Health Maintenance
35 Organization Guaranty Association be liable to pay any
36 contractual obligation of an insolvent organization to pay any

1 refund authorized under this Section.

2 (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261,
3 eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; 93-853,
4 eff. 1-1-05; 93-1000, eff. 1-1-05; revised 10-14-04.)

5 Section 440. The Voluntary Health Services Plans Act is
6 amended by changing Section 10 as follows:

7 (215 ILCS 165/10) (from Ch. 32, par. 604)

8 Sec. 10. Application of Insurance Code provisions. Health
9 services plan corporations and all persons interested therein
10 or dealing therewith shall be subject to the provisions of
11 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
12 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x,
13 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2,
14 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and
15 paragraphs (7) and (15) of Section 367 of the Illinois
16 Insurance Code.

17 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
18 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;
19 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff.
20 1-1-05; revised 10-14-04.)

21 Section 445. The Public Utilities Act is amended by
22 changing Sections 5-109 and 16-111 as follows:

23 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

24 Sec. 5-109. Reports; false reports; penalty. Each public
25 utility in the State, other than a commercial mobile radio
26 service provider, shall each year furnish to the Commission, in
27 such form as the Commission shall require, annual reports as to
28 all the items mentioned in the preceding Sections of this
29 Article, and in addition such other items, whether of a nature
30 similar to those therein enumerated or otherwise, as the
31 Commission may prescribe. Such annual reports shall contain all
32 the required information for the period of 12 months ending on

1 June 30 in each year, or ending on December 31 in each year, as
2 the Commission may by order prescribe for each class of public
3 utilities, except commercial mobile radio service providers,
4 and shall be filed with the Commission at its office in
5 Springfield within 3 months after the close of the year for
6 which the report is made. The Commission shall have authority
7 to require any public utility to file monthly reports of
8 earnings and expenses of such utility, and to file other
9 periodical or special, or both periodical and special reports
10 concerning any matter about which the Commission is authorized
11 by law to keep itself informed. All reports shall be under
12 oath.

13 When any report is erroneous or defective or appears to the
14 Commission to be erroneous or defective, the Commission may
15 notify the public utility to amend such report within 30 days,
16 and before or after the termination of such period the
17 Commission may examine the officers, agents, or employees, and
18 books, records, accounts, vouchers, plant, equipment and
19 property of such public utility, and correct such items in the
20 report as upon such examination the Commission may find
21 defective or erroneous.

22 All reports made to the Commission by any public utility
23 and the contents thereof shall be open to public inspection,
24 unless otherwise ordered by the Commission. Such reports shall
25 be preserved in the office of the Commission.

26 Any public utility which fails to make and file any report
27 called for by the Commission within the time specified; or to
28 make specific answer to any question propounded by the
29 Commission within 30 days from the time it is lawfully required
30 to do so, or within such further time, not to exceed 90 days,
31 as may in its discretion be allowed by the Commission, shall
32 forfeit up to \$100 for each and every day it may so be in
33 default if the utility collects less than \$100,000 annually in
34 gross revenue; and if the utility collects \$100,000 or more
35 annually in gross revenue, it shall forfeit \$1,000 per day for
36 each and every day it is in default.

1 Any person who willfully makes any false return or report
2 to the Commission or to any member, officer, or employee
3 thereof, any person who willfully, in a return or report,
4 withholds or fails to provide material information to which the
5 Commission is entitled under this Act and which information is
6 either required to be filed by statute, rule, regulation,
7 order, or decision of the Commission or has been requested by
8 the Commission, and any person who willfully aids or abets such
9 person shall be guilty of a Class A misdemeanor.

10 (Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03;
11 revised 9-12-03.)

12 (220 ILCS 5/16-111)

13 Sec. 16-111. Rates and restructuring transactions during
14 mandatory transition period.

15 (a) During the mandatory transition period,
16 notwithstanding any provision of Article IX of this Act, and
17 except as provided in subsections (b), (d), (e), and (f) of
18 this Section, the Commission shall not (i) initiate, authorize
19 or order any change by way of increase (other than in
20 connection with a request for rate increase which was filed
21 after September 1, 1997 but prior to October 15, 1997, by an
22 electric utility serving less than 12,500 customers in this
23 State), (ii) initiate or, unless requested by the electric
24 utility, authorize or order any change by way of decrease,
25 restructuring or unbundling (except as provided in Section
26 16-109A), in the rates of any electric utility that were in
27 effect on October 1, 1996, or (iii) in any order approving any
28 application for a merger pursuant to Section 7-204 that was
29 pending as of May 16, 1997, impose any condition requiring any
30 filing for an increase, decrease, or change in, or other review
31 of, an electric utility's rates or enforce any such condition
32 of any such order; provided, however, that this subsection
33 shall not prohibit the Commission from:

34 (1) approving the application of an electric utility to
35 implement an alternative to rate of return regulation or a

1 regulatory mechanism that rewards or penalizes the
2 electric utility through adjustment of rates based on
3 utility performance, pursuant to Section 9-244;

4 (2) authorizing an electric utility to eliminate its
5 fuel adjustment clause and adjust its base rate tariffs in
6 accordance with subsection (b), (d), or (f) of Section
7 9-220 of this Act, to fix its fuel adjustment factor in
8 accordance with subsection (c) of Section 9-220 of this
9 Act, or to eliminate its fuel adjustment clause in
10 accordance with subsection (e) of Section 9-220 of this
11 Act;

12 (3) ordering into effect tariffs for delivery services
13 and transition charges in accordance with Sections 16-104
14 and 16-108, for real-time pricing in accordance with
15 Section 16-107, or the options required by Section 16-110
16 and subsection (n) of 16-112, allowing a billing experiment
17 in accordance with Section 16-106, or modifying delivery
18 services tariffs in accordance with Section 16-109; or

19 (4) ordering or allowing into effect any tariff to
20 recover charges pursuant to Sections 9-201.5, 9-220.1,
21 9-221, 9-222 (except as provided in Section 9-222.1),
22 16-108, and 16-114 of this Act, Section 5-5 of the
23 Electricity Infrastructure Maintenance Fee Law, Section
24 6-5 of the Renewable Energy, Energy Efficiency, and Coal
25 Resources Development Law of 1997, and Section 13 of the
26 Energy Assistance Act.

27 After December 31, 2004, the provisions of this subsection
28 (a) shall not apply to an electric utility whose average
29 residential retail rate was less than or equal to 90% of the
30 average residential retail rate for the "Midwest Utilities", as
31 that term is defined in subsection (b) of this Section, based
32 on data reported on Form 1 to the Federal Energy Regulatory
33 Commission for calendar year 1995, and which served between
34 150,000 and 250,000 retail customers in this State on January
35 1, 1995 unless the electric utility or its holding company has
36 been acquired by or merged with an affiliate of another

1 electric utility subsequent to January 1, 2002. This exemption
2 shall be limited to this subsection (a) and shall not extend to
3 any other provisions of this Act.

4 (b) Notwithstanding the provisions of subsection (a), each
5 Illinois electric utility serving more than 12,500 customers in
6 Illinois shall file tariffs (i) reducing, effective August 1,
7 1998, each component of its base rates to residential retail
8 customers by 15% from the base rates in effect immediately
9 prior to January 1, 1998 and (ii) if the public utility
10 provides electric service to (A) more than 500,000 customers
11 but less than 1,000,000 customers in this State on January 1,
12 1999, reducing, effective May 1, 2002, each component of its
13 base rates to residential retail customers by an additional 5%
14 from the base rates in effect immediately prior to January 1,
15 1998, or (B) at least 1,000,000 customers in this State on
16 January 1, 1999, reducing, effective October 1, 2001, each
17 component of its base rates to residential retail customers by
18 an additional 5% from the base rates in effect immediately
19 prior to January 1, 1998. Provided, however, that (A) if an
20 electric utility's average residential retail rate is less than
21 or equal to the average residential retail rate for a group of
22 Midwest Utilities (consisting of all investor-owned electric
23 utilities with annual system peaks in excess of 1000 megawatts
24 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,
25 Missouri, Ohio, and Wisconsin), based on data reported on Form
26 1 to the Federal Energy Regulatory Commission for calendar year
27 1995, then it shall only be required to file tariffs (i)
28 reducing, effective August 1, 1998, each component of its base
29 rates to residential retail customers by 5% from the base rates
30 in effect immediately prior to January 1, 1998, (ii) reducing,
31 effective October 1, 2000, each component of its base rates to
32 residential retail customers by the lesser of 5% of the base
33 rates in effect immediately prior to January 1, 1998 or the
34 percentage by which the electric utility's average residential
35 retail rate exceeds the average residential retail rate of the
36 Midwest Utilities, based on data reported on Form 1 to the

1 Federal Energy Regulatory Commission for calendar year 1999,
2 and (iii) reducing, effective October 1, 2002, each component
3 of its base rates to residential retail customers by an
4 additional amount equal to the lesser of 5% of the base rates
5 in effect immediately prior to January 1, 1998 or the
6 percentage by which the electric utility's average residential
7 retail rate exceeds the average residential retail rate of the
8 Midwest Utilities, based on data reported on Form 1 to the
9 Federal Energy Regulatory Commission for calendar year 2001;
10 and (B) if the average residential retail rate of an electric
11 utility serving between 150,000 and 250,000 retail customers in
12 this State on January 1, 1995 is less than or equal to 90% of
13 the average residential retail rate for the Midwest Utilities,
14 based on data reported on Form 1 to the Federal Energy
15 Regulatory Commission for calendar year 1995, then it shall
16 only be required to file tariffs (i) reducing, effective August
17 1, 1998, each component of its base rates to residential retail
18 customers by 2% from the base rates in effect immediately prior
19 to January 1, 1998; (ii) reducing, effective October 1, 2000,
20 each component of its base rates to residential retail
21 customers by 2% from the base rate in effect immediately prior
22 to January 1, 1998; and (iii) reducing, effective October 1,
23 2002, each component of its base rates to residential retail
24 customers by 1% from the base rates in effect immediately prior
25 to January 1, 1998. Provided, further, that any electric
26 utility for which a decrease in base rates has been or is
27 placed into effect between October 1, 1996 and the dates
28 specified in the preceding sentences of this subsection, other
29 than pursuant to the requirements of this subsection, shall be
30 entitled to reduce the amount of any reduction or reductions in
31 its base rates required by this subsection by the amount of
32 such other decrease. The tariffs required under this subsection
33 shall be filed 45 days in advance of the effective date.
34 Notwithstanding anything to the contrary in Section 9-220 of
35 this Act, no restatement of base rates in conjunction with the
36 elimination of a fuel adjustment clause under that Section

1 shall result in a lesser decrease in base rates than customers
2 would otherwise receive under this subsection had the electric
3 utility's fuel adjustment clause not been eliminated.

4 (c) Any utility reducing its base rates by 15% on August 1,
5 1998 pursuant to subsection (b) shall include the following
6 statement on its bills for residential customers from August 1
7 through December 31, 1998: "Effective August 1, 1998, your
8 rates have been reduced by 15% by the Electric Service Customer
9 Choice and Rate Relief Law of 1997 passed by the Illinois
10 General Assembly.". Any utility reducing its base rates by 5%
11 on August 1, 1998, pursuant to subsection (b) shall include the
12 following statement on its bills for residential customers from
13 August 1 through December 31, 1998: "Effective August 1, 1998,
14 your rates have been reduced by 5% by the Electric Service
15 Customer Choice and Rate Relief Law of 1997 passed by the
16 Illinois General Assembly.".

17 Any utility reducing its base rates by 2% on August 1, 1998
18 pursuant to subsection (b) shall include the following
19 statement on its bills for residential customers from August 1
20 through December 31, 1998: "Effective August 1, 1998, your
21 rates have been reduced by 2% by the Electric Service Customer
22 Choice and Rate Relief Law of 1997 passed by the Illinois
23 General Assembly.".

24 (d) During the mandatory transition period, but not before
25 January 1, 2000, and notwithstanding the provisions of
26 subsection (a), an electric utility may request an increase in
27 its base rates if the electric utility demonstrates that the
28 2-year average of its earned rate of return on common equity,
29 calculated as its net income applicable to common stock divided
30 by the average of its beginning and ending balances of common
31 equity using data reported in the electric utility's Form 1
32 report to the Federal Energy Regulatory Commission but adjusted
33 to remove the effects of accelerated depreciation or
34 amortization or other transition or mitigation measures
35 implemented by the electric utility pursuant to subsection (g)
36 of this Section and the effect of any refund paid pursuant to

1 subsection (e) of this Section, is below the 2-year average for
2 the same 2 years of the monthly average yields of 30-year U.S.
3 Treasury bonds published by the Board of Governors of the
4 Federal Reserve System in its weekly H.15 Statistical Release
5 or successor publication. The Commission shall review the
6 electric utility's request, and may review the justness and
7 reasonableness of all rates for tariffed services, in
8 accordance with the provisions of Article IX of this Act,
9 provided that the Commission shall consider any special or
10 negotiated adjustments to the revenue requirement agreed to
11 between the electric utility and the other parties to the
12 proceeding. In setting rates under this Section, the Commission
13 shall exclude the costs and revenues that are associated with
14 competitive services and any billing or pricing experiments
15 conducted under Section 16-106.

16 (e) For the purposes of this subsection (e) all
17 calculations and comparisons shall be performed for the
18 Illinois operations of multijurisdictional utilities. During
19 the mandatory transition period, notwithstanding the
20 provisions of subsection (a), if the 2-year average of an
21 electric utility's earned rate of return on common equity,
22 calculated as its net income applicable to common stock divided
23 by the average of its beginning and ending balances of common
24 equity using data reported in the electric utility's Form 1
25 report to the Federal Energy Regulatory Commission but adjusted
26 to remove the effect of any refund paid under this subsection
27 (e), and further adjusted to include the annual amortization of
28 any difference between the consideration received by an
29 affiliated interest of the electric utility in the sale of an
30 asset which had been sold or transferred by the electric
31 utility to the affiliated interest subsequent to the effective
32 date of this amendatory Act of 1997 and the consideration for
33 which such asset had been sold or transferred to the affiliated
34 interest, with such difference to be amortized ratably from the
35 date of the sale by the affiliated interest to December 31,
36 2006, exceeds the 2-year average of the Index for the same 2

1 years by 1.5 or more percentage points, the electric utility
2 shall make refunds to customers beginning the first billing day
3 of April in the following year in the manner described in
4 paragraph (3) of this subsection. For purposes of this
5 subsection (e), the "Index" shall be the sum of (A) the average
6 for the 12 months ended September 30 of the monthly average
7 yields of 30-year U.S. Treasury bonds published by the Board of
8 Governors of the Federal Reserve System in its weekly H.15
9 Statistical Release or successor publication for each year 1998
10 through 2006, and (B) (i) 4.00 percentage points for each of
11 the 12-month periods ending September 30, 1998 through
12 September 30, 1999 or 8.00 percentage points if the electric
13 utility's average residential retail rate is less than or equal
14 to 90% of the average residential retail rate for the "Midwest
15 Utilities", as that term is defined in subsection (b) of this
16 Section, based on data reported on Form 1 to the Federal Energy
17 Regulatory Commission for calendar year 1995, and the electric
18 utility served between 150,000 and 250,000 retail customers on
19 January 1, 1995, (ii) 7.00 percentage points for each of the
20 12-month periods ending September 30, 2000 through September
21 30, 2006 if the electric utility was providing service to at
22 least 1,000,000 customers in this State on January 1, 1999, or
23 9.00 percentage points if the electric utility's average
24 residential retail rate is less than or equal to 90% of the
25 average residential retail rate for the "Midwest Utilities", as
26 that term is defined in subsection (b) of this Section, based
27 on data reported on Form 1 to the Federal Energy Regulatory
28 Commission for calendar year 1995 and the electric utility
29 served between 150,000 and 250,000 retail customers in this
30 State on January 1, 1995, (iii) 11.00 percentage points for
31 each of the 12-month periods ending September 30, 2000 through
32 September 30, 2006, but only if the electric utility's average
33 residential retail rate is less than or equal to 90% of the
34 average residential retail rate for the "Midwest Utilities", as
35 that term is defined in subsection (b) of this Section, based
36 on data reported on Form 1 to the Federal Energy Regulatory

1 Commission for calendar year 1995, the electric utility served
2 between 150,000 and 250,000 retail customers in this State on
3 January 1, 1995, and the electric utility offers delivery
4 services on or before June 1, 2000 to retail customers whose
5 annual electric energy use comprises 33% of the kilowatt hour
6 sales to that group of retail customers that are classified
7 under Division D, Groups 20 through 39 of the Standard
8 Industrial Classifications set forth in the Standard
9 Industrial Classification Manual published by the United
10 States Office of Management and Budget, excluding the kilowatt
11 hour sales to those customers that are eligible for delivery
12 services pursuant to Section 16-104(a)(1)(i), and offers
13 delivery services to its remaining retail customers classified
14 under Division D, Groups 20 through 39 on or before October 1,
15 2000, and, provided further, that the electric utility commits
16 not to petition pursuant to Section 16-108(f) for entry of an
17 order by the Commission authorizing the electric utility to
18 implement transition charges for an additional period after
19 December 31, 2006, or (iv) 5.00 percentage points for each of
20 the 12-month periods ending September 30, 2000 through
21 September 30, 2006 for all other electric utilities or 7.00
22 percentage points for such utilities for each of the 12-month
23 periods ending September 30, 2000 through September 30, 2006
24 for any such utility that commits not to petition pursuant to
25 Section 16-108(f) for entry of an order by the Commission
26 authorizing the electric utility to implement transition
27 charges for an additional period after December 31, 2006 or
28 11.00 percentage points for each of the 12-month periods ending
29 September 30, 2005 and September 30, 2006 for each electric
30 utility providing service to fewer than 6,500, or between
31 75,000 and 150,000, electric retail customers in this State on
32 January 1, 1995 if such utility commits not to petition
33 pursuant to Section 16-108(f) for entry of an order by the
34 Commission authorizing the electric utility to implement
35 transition charges for an additional period after December 31,
36 2006.

1 (1) For purposes of this subsection (e), "excess
2 earnings" means the difference between (A) the 2-year
3 average of the electric utility's earned rate of return on
4 common equity, less (B) the 2-year average of the sum of
5 (i) the Index applicable to each of the 2 years and (ii)
6 1.5 percentage points; provided, that "excess earnings"
7 shall never be less than zero.

8 (2) On or before March 31 of each year 2000 through
9 2007 each electric utility shall file a report with the
10 Commission showing its earned rate of return on common
11 equity, calculated in accordance with this subsection, for
12 the preceding calendar year and the average for the
13 preceding 2 calendar years.

14 (3) If an electric utility has excess earnings,
15 determined in accordance with paragraphs (1) and (2) of
16 this subsection, the refunds which the electric utility
17 shall pay to its customers beginning the first billing day
18 of April in the following year shall be calculated and
19 applied as follows:

20 (i) The electric utility's excess earnings shall
21 be multiplied by the average of the beginning and
22 ending balances of the electric utility's common
23 equity for the 2-year period in which excess earnings
24 occurred.

25 (ii) The result of the calculation in (i) shall be
26 multiplied by 0.50 and then divided by a number equal
27 to 1 minus the electric utility's composite federal and
28 State income tax rate.

29 (iii) The result of the calculation in (ii) shall
30 be divided by the sum of the electric utility's
31 projected total kilowatt-hour sales to retail
32 customers plus projected kilowatt-hours to be
33 delivered to delivery services customers over a one
34 year period beginning with the first billing date in
35 April in the succeeding year to determine a cents per
36 kilowatt-hour refund factor.

1 (iv) The cents per kilowatt-hour refund factor
2 calculated in (iii) shall be credited to the electric
3 utility's customers by applying the factor on the
4 customer's monthly bills to each kilowatt-hour sold or
5 delivered until the total amount calculated in (ii) has
6 been paid to customers.

7 (f) During the mandatory transition period, an electric
8 utility may file revised tariffs reducing the price of any
9 tariffed service offered by the electric utility for all
10 customers taking that tariffed service, which shall be
11 effective 7 days after filing.

12 (g) During the mandatory transition period, an electric
13 utility may, without obtaining any approval of the Commission
14 other than that provided for in this subsection and
15 notwithstanding any other provision of this Act or any rule or
16 regulation of the Commission that would require such approval:

17 (1) implement a reorganization, other than a merger of
18 2 or more public utilities as defined in Section 3-105 or
19 their holding companies;

20 (2) retire generating plants from service;

21 (3) sell, assign, lease or otherwise transfer assets to
22 an affiliated or unaffiliated entity and as part of such
23 transaction enter into service agreements, power purchase
24 agreements, or other agreements with the transferee;
25 provided, however, that the prices, terms and conditions of
26 any power purchase agreement must be approved or allowed
27 into effect by the Federal Energy Regulatory Commission; or

28 (4) use any accelerated cost recovery method including
29 accelerated depreciation, accelerated amortization or
30 other capital recovery methods, or record reductions to the
31 original cost of its assets.

32 In order to implement a reorganization, retire generating
33 plants from service, or sell, assign, lease or otherwise
34 transfer assets pursuant to this Section, the electric utility
35 shall comply with subsections (c) and (d) of Section 16-128, if
36 applicable, and subsection (k) of this Section, if applicable,

1 and provide the Commission with at least 30 days notice of the
2 proposed reorganization or transaction, which notice shall
3 include the following information:

4 (i) a complete statement of the entries that the
5 electric utility will make on its books and records of
6 account to implement the proposed reorganization or
7 transaction together with a certification from an
8 independent certified public accountant that such
9 entries are in accord with generally accepted
10 accounting principles and, if the Commission has
11 previously approved guidelines for cost allocations
12 between the utility and its affiliates, a
13 certification from the chief accounting officer of the
14 utility that such entries are in accord with those cost
15 allocation guidelines;

16 (ii) a description of how the electric utility will
17 use proceeds of any sale, assignment, lease or transfer
18 to retire debt or otherwise reduce or recover the costs
19 of services provided by such electric utility;

20 (iii) a list of all federal approvals or approvals
21 required from departments and agencies of this State,
22 other than the Commission, that the electric utility
23 has or will obtain before implementing the
24 reorganization or transaction;

25 (iv) an irrevocable commitment by the electric
26 utility that it will not, as a result of the
27 transaction, impose any stranded cost charges that it
28 might otherwise be allowed to charge retail customers
29 under federal law or increase the transition charges
30 that it is otherwise entitled to collect under this
31 Article XVI; and

32 (v) if the electric utility proposes to sell,
33 assign, lease or otherwise transfer a generating plant
34 that brings the amount of net dependable generating
35 capacity transferred pursuant to this subsection to an
36 amount equal to or greater than 15% of the electric

1 utility's net dependable capacity as of the effective
2 date of this amendatory Act of 1997, and enters into a
3 power purchase agreement with the entity to which such
4 generating plant is sold, assigned, leased, or
5 otherwise transferred, the electric utility also
6 agrees, if its fuel adjustment clause has not already
7 been eliminated, to eliminate its fuel adjustment
8 clause in accordance with subsection (b) of Section
9 9-220 for a period of time equal to the length of any
10 such power purchase agreement or successor agreement,
11 or until January 1, 2005, whichever is longer; if the
12 capacity of the generating plant so transferred and
13 related power purchase agreement does not result in the
14 elimination of the fuel adjustment clause under this
15 subsection, and the fuel adjustment clause has not
16 already been eliminated, the electric utility shall
17 agree that the costs associated with the transferred
18 plant that are included in the calculation of the rate
19 per kilowatt-hour to be applied pursuant to the
20 electric utility's fuel adjustment clause during such
21 period shall not exceed the per kilowatt-hour cost
22 associated with such generating plant included in the
23 electric utility's fuel adjustment clause during the
24 full calendar year preceding the transfer, with such
25 limit to be adjusted each year thereafter by the Gross
26 Domestic Product Implicit Price Deflator.

27 (vi) In addition, if the electric utility proposes
28 to sell, assign, or lease, (A) either (1) an amount of
29 generating plant that brings the amount of net
30 dependable generating capacity transferred pursuant to
31 this subsection to an amount equal to or greater than
32 15% of its net dependable capacity on the effective
33 date of this amendatory Act of 1997, or (2) one or more
34 generating plants with a total net dependable capacity
35 of 1100 megawatts, or (B) transmission and
36 distribution facilities that either (1) bring the

1 amount of transmission and distribution facilities
2 transferred pursuant to this subsection to an amount
3 equal to or greater than 15% of the electric utility's
4 total depreciated original cost investment in such
5 facilities, or (2) represent an investment of
6 \$25,000,000 in terms of total depreciated original
7 cost, the electric utility shall provide, in addition
8 to the information listed in subparagraphs (i) through
9 (v), the following information: (A) a description of
10 how the electric utility will meet its service
11 obligations under this Act in a safe and reliable
12 manner and (B) the electric utility's projected earned
13 rate of return on common equity, calculated in
14 accordance with subsection (d) of this Section, for
15 each year from the date of the notice through December
16 31, 2006 both with and without the proposed
17 transaction. If the Commission has not issued an order
18 initiating a hearing on the proposed transaction
19 within 30 days after the date the electric utility's
20 notice is filed, the transaction shall be deemed
21 approved. The Commission may, after notice and
22 hearing, prohibit the proposed transaction if it makes
23 either or both of the following findings: (1) that the
24 proposed transaction will render the electric utility
25 unable to provide its tariffed services in a safe and
26 reliable manner, or (2) that there is a strong
27 likelihood that consummation of the proposed
28 transaction will result in the electric utility being
29 entitled to request an increase in its base rates
30 during the mandatory transition period pursuant to
31 subsection (d) of this Section. Any hearing initiated
32 by the Commission into the proposed transaction shall
33 be completed, and the Commission's final order
34 approving or prohibiting the proposed transaction
35 shall be entered, within 90 days after the date the
36 electric utility's notice was filed. Provided,

1 however, that a sale, assignment, or lease of
2 transmission facilities to an independent system
3 operator that meets the requirements of Section 16-126
4 shall not be subject to Commission approval under this
5 Section.

6 In any proceeding conducted by the Commission
7 pursuant to this subparagraph (vi), intervention shall
8 be limited to parties with a direct interest in the
9 transaction which is the subject of the hearing and any
10 statutory consumer protection agency as defined in
11 subsection (d) of Section 9-102.1. Notwithstanding the
12 provisions of Section 10-113 of this Act, any
13 application seeking rehearing of an order issued under
14 this subparagraph (vi), whether filed by the electric
15 utility or by an intervening party, shall be filed
16 within 10 days after service of the order.

17 The Commission shall not in any subsequent proceeding or
18 otherwise, review such a reorganization or other transaction
19 authorized by this Section, but shall retain the authority to
20 allocate costs as stated in Section 16-111(i). An entity to
21 which an electric utility sells, assigns, leases or transfers
22 assets pursuant to this subsection (g) shall not, as a result
23 of the transactions specified in this subsection (g), be deemed
24 a public utility as defined in Section 3-105. Nothing in this
25 subsection (g) shall change any requirement under the
26 jurisdiction of the Illinois Department of Nuclear Safety
27 including, but not limited to, the payment of fees. Nothing in
28 this subsection (g) shall exempt a utility from obtaining a
29 certificate pursuant to Section 8-406 of this Act for the
30 construction of a new electric generating facility. Nothing in
31 this subsection (g) is intended to exempt the transactions
32 hereunder from the operation of the federal or State antitrust
33 laws. Nothing in this subsection (g) shall require an electric
34 utility to use the procedures specified in this subsection for
35 any of the transactions specified herein. Any other procedure
36 available under this Act may, at the electric utility's

1 election, be used for any such transaction.

2 (h) During the mandatory transition period, the Commission
3 shall not establish or use any rates of depreciation, which for
4 purposes of this subsection shall include amortization, for any
5 electric utility other than those established pursuant to
6 subsection (c) of Section 5-104 of this Act or utilized
7 pursuant to subsection (g) of this Section. Provided, however,
8 that in any proceeding to review an electric utility's rates
9 for tariffed services pursuant to Section 9-201, 9-202, 9-250
10 or 16-111(d) of this Act, the Commission may establish new
11 rates of depreciation for the electric utility in the same
12 manner provided in subsection (d) of Section 5-104 of this Act.
13 An electric utility implementing an accelerated cost recovery
14 method including accelerated depreciation, accelerated
15 amortization or other capital recovery methods, or recording
16 reductions to the original cost of its assets, pursuant to
17 subsection (g) of this Section, shall file a statement with the
18 Commission describing the accelerated cost recovery method to
19 be implemented or the reduction in the original cost of its
20 assets to be recorded. Upon the filing of such statement, the
21 accelerated cost recovery method or the reduction in the
22 original cost of assets shall be deemed to be approved by the
23 Commission as though an order had been entered by the
24 Commission.

25 (i) Subsequent to the mandatory transition period, the
26 Commission, in any proceeding to establish rates and charges
27 for tariffed services offered by an electric utility, shall
28 consider only (1) the then current or projected revenues,
29 costs, investments and cost of capital directly or indirectly
30 associated with the provision of such tariffed services; (2)
31 collection of transition charges in accordance with Sections
32 16-102 and 16-108 of this Act; (3) recovery of any employee
33 transition costs as described in Section 16-128 which the
34 electric utility is continuing to incur, including recovery of
35 any unamortized portion of such costs previously incurred or
36 committed, with such costs to be equitably allocated among

1 bundled services, delivery services, and contracts with
2 alternative retail electric suppliers; and (4) recovery of the
3 costs associated with the electric utility's compliance with
4 decommissioning funding requirements; and shall not consider
5 any other revenues, costs, investments or cost of capital of
6 either the electric utility or of any affiliate of the electric
7 utility that are not associated with the provision of tariffed
8 services. In setting rates for tariffed services, the
9 Commission shall equitably allocate joint and common costs and
10 investments between the electric utility's competitive and
11 tariffed services. In determining the justness and
12 reasonableness of the electric power and energy component of an
13 electric utility's rates for tariffed services subsequent to
14 the mandatory transition period and prior to the time that the
15 provision of such electric power and energy is declared
16 competitive, the Commission shall consider the extent to which
17 the electric utility's tariffed rates for such component for
18 each customer class exceed the market value determined pursuant
19 to Section 16-112, and, if the electric power and energy
20 component of such tariffed rate exceeds the market value by
21 more than 10% for any customer class, may establish such
22 electric power and energy component at a rate equal to the
23 market value plus 10%. In any such case, the Commission may
24 also elect to extend the provisions of Section 16-111(e) for
25 any period in which the electric utility is collecting
26 transition charges, using information applicable to such
27 period.

28 (j) During the mandatory transition period, an electric
29 utility may elect to transfer to a non-operating income account
30 under the Commission's Uniform System of Accounts either or
31 both of (i) an amount of unamortized investment tax credit that
32 is in addition to the ratable amount which is credited to the
33 electric utility's operating income account for the year in
34 accordance with Section 46(f)(2) of the federal Internal
35 Revenue Code of 1986, as in effect prior to P.L. 101-508, or
36 (ii) "excess tax reserves", as that term is defined in Section

1 203(e) (2) (A) of the federal Tax Reform Act of 1986, provided
2 that (A) the amount transferred may not exceed the amount of
3 the electric utility's assets that were created pursuant to
4 Statement of Financial Accounting Standards No. 71 which the
5 electric utility has written off during the mandatory
6 transition period, and (B) the transfer shall not be effective
7 until approved by the Internal Revenue Service. An electric
8 utility electing to make such a transfer shall file a statement
9 with the Commission stating the amount and timing of the
10 transfer for which it intends to request approval of the
11 Internal Revenue Service, along with a copy of its proposed
12 request to the Internal Revenue Service for a ruling. The
13 Commission shall issue an order within 14 days after the
14 electric utility's filing approving, subject to receipt of
15 approval from the Internal Revenue Service, the proposed
16 transfer.

17 (k) If an electric utility is selling or transferring to a
18 single buyer 5 or more generating plants located in this State
19 with a total net dependable capacity of 5000 megawatts or more
20 pursuant to subsection (g) of this Section and has obtained a
21 sale price or consideration that exceeds 200% of the book value
22 of such plants, the electric utility must provide to the
23 Governor, the President of the Illinois Senate, the Minority
24 Leader of the Illinois Senate, the Speaker of the Illinois
25 House of Representatives, and the Minority Leader of the
26 Illinois House of Representatives no later than 15 days after
27 filing its notice under subsection (g) of this Section or 5
28 days after the date on which this subsection (k) becomes law,
29 whichever is later, a written commitment in which such electric
30 utility agrees to expend \$2 billion outside the corporate
31 limits of any municipality with 1,000,000 or more inhabitants
32 within such electric utility's service area, over a 6-year
33 period beginning with the calendar year in which the notice is
34 filed, on projects, programs, and improvements within its
35 service area relating to transmission and distribution
36 including, without limitation, infrastructure expansion,

1 repair and replacement, capital investments, operations and
2 maintenance, and vegetation management.

3 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690,
4 eff. 7-18-02; revised 9-10-02.)

5 Section 450. The Health Care Worker Background Check Act is
6 amended by changing Sections 15 and 25 as follows:

7 (225 ILCS 46/15)

8 Sec. 15. Definitions. For the purposes of this Act, the
9 following definitions apply:

10 "Applicant" means an individual seeking employment with a
11 health care employer who has received a bona fide conditional
12 offer of employment.

13 "Conditional offer of employment" means a bona fide offer
14 of employment by a health care employer to an applicant, which
15 is contingent upon the receipt of a report from the Department
16 of State Police indicating that the applicant does not have a
17 record of conviction of any of the criminal offenses enumerated
18 in Section 25.

19 "Direct care" means the provision of nursing care or
20 assistance with feeding, dressing, movement, bathing,
21 toileting, or other personal needs, including home services as
22 defined in the Home Health, Home Services, and Home Nursing
23 Agency Licensing Act. The entity responsible for inspecting and
24 licensing, certifying, or registering the health care employer
25 may, by administrative rule, prescribe guidelines for
26 interpreting this definition with regard to the health care
27 employers that it licenses.

28 "Health care employer" means:

29 (1) the owner or licensee of any of the following:

30 (i) a community living facility, as defined in the
31 Community Living Facilities Act;

32 (ii) a life care facility, as defined in the Life
33 Care Facilities Act;

34 (iii) a long-term care facility, as defined in the

1 Nursing Home Care Act;

2 (iv) a home health agency, home services agency, or
3 home nursing agency as defined in the Home Health, Home
4 Services, and Home Nursing Agency Licensing Act;

5 (v) a comprehensive hospice program or volunteer
6 hospice program, as defined in the Hospice Program
7 Licensing Act;

8 (vi) a hospital, as defined in the Hospital
9 Licensing Act;

10 (vii) a community residential alternative, as
11 defined in the Community Residential Alternatives
12 Licensing Act;

13 (viii) a nurse agency, as defined in the Nurse
14 Agency Licensing Act;

15 (ix) a respite care provider, as defined in the
16 Respite Program Act;

17 (ix-a) an establishment licensed under the
18 Assisted Living and Shared Housing Act;

19 (x) a supportive living program, as defined in the
20 Illinois Public Aid Code;

21 (xi) early childhood intervention programs as
22 described in 59 Ill. Adm. Code 121;

23 (xii) the University of Illinois Hospital,
24 Chicago;

25 (xiii) programs funded by the Department on Aging
26 through the Community Care Program;

27 (xiv) programs certified to participate in the
28 Supportive Living Program authorized pursuant to
29 Section 5-5.01a of the Illinois Public Aid Code;

30 (xv) programs listed by the Emergency Medical
31 Services (EMS) Systems Act as Freestanding Emergency
32 Centers;

33 (xvi) locations licensed under the Alternative
34 Health Care Delivery Act;

35 (2) a day training program certified by the Department
36 of Human Services;

1 (3) a community integrated living arrangement operated
2 by a community mental health and developmental service
3 agency, as defined in the Community-Integrated Living
4 Arrangements Licensing and Certification Act; or

5 (4) the State Long Term Care Ombudsman Program,
6 including any regional long term care ombudsman programs
7 under Section 4.04 of the Illinois Act on the Aging, only
8 for the purpose of securing background checks.

9 "Initiate" means the obtaining of the authorization for a
10 record check from a student, applicant, or employee. The
11 educational entity or health care employer or its designee
12 shall transmit all necessary information and fees to the
13 Illinois State Police within 10 working days after receipt of
14 the authorization.

15 "Long-term care facility" means a facility licensed by the
16 State or certified under federal law as a long-term care
17 facility, a supportive living facility, an assisted living
18 establishment, or a shared housing establishment or registered
19 as a board and care home.

20 (Source: P.A. 93-878, eff. 1-1-05; 94-379, eff. 1-1-06; 94-570,
21 eff. 8-12-05; 94-665, eff. 1-1-06; revised 8-29-05.)

22 (225 ILCS 46/25)

23 Sec. 25. Persons ineligible to be hired by health care
24 employers and long-term care facilities.

25 (a) After January 1, 1996, or January 1, 1997, as
26 applicable, no health care employer shall knowingly hire,
27 employ, or retain any individual in a position with duties
28 involving direct care for clients, patients, or residents, and
29 no long-term care facility shall knowingly hire, employ, or
30 retain any individual in a position with duties that involve or
31 may involve contact with residents or access to the living
32 quarters or the financial, medical, or personal records of
33 residents, who has been convicted of committing or attempting
34 to commit one or more of the offenses defined in Sections
35 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3,

1 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1,
2 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4,
3 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
4 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,
5 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1,
6 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,
7 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those
8 provided in Section 4 of the Wrongs to Children Act; those
9 provided in Section 53 of the Criminal Jurisprudence Act; those
10 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
11 Act; those defined in the Methamphetamine Control and Community
12 Protection Act; or those defined in Sections 401, 401.1, 404,
13 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
14 Act, unless the applicant or employee obtains a waiver pursuant
15 to Section 40.

16 (a-1) After January 1, 2004, no health care employer shall
17 knowingly hire any individual in a position with duties
18 involving direct care for clients, patients, or residents, and
19 no long-term care facility shall knowingly hire any individual
20 in a position with duties that involve or may involve contact
21 with residents or access to the living quarters or the
22 financial, medical, or personal records of residents, who has
23 (i) been convicted of committing or attempting to commit one or
24 more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2,
25 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6,
26 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5,
27 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act;
28 or Section 5.1 of the Wrongs to Children Act; or (ii) violated
29 Section 10-5 of the Nursing and Advanced Practice Nursing Act.

30 A UCIA criminal history record check need not be redone for
31 health care employees who have been continuously employed by a
32 health care employer since January 1, 2004, but nothing in this
33 Section prohibits a health care employer from initiating a
34 criminal history check for these employees.

35 A health care employer is not required to retain an
36 individual in a position with duties involving direct care for

1 clients, patients, or residents, and no long-term care facility
2 is required to retain an individual in a position with duties
3 that involve or may involve contact with residents or access to
4 the living quarters or the financial, medical, or personal
5 records of residents, who has been convicted of committing or
6 attempting to commit one or more of the offenses enumerated in
7 this subsection.

8 (b) A health care employer shall not hire, employ, or
9 retain any individual in a position with duties involving
10 direct care of clients, patients, or residents, and no
11 long-term care facility shall knowingly hire, employ, or retain
12 any individual in a position with duties that involve or may
13 involve contact with residents or access to the living quarters
14 or the financial, medical, or personal records of residents, if
15 the health care employer becomes aware that the individual has
16 been convicted in another state of committing or attempting to
17 commit an offense that has the same or similar elements as an
18 offense listed in subsection (a) or (a-1), as verified by court
19 records, records from a state agency, or an FBI criminal
20 history record check. This shall not be construed to mean that
21 a health care employer has an obligation to conduct a criminal
22 history records check in other states in which an employee has
23 resided.

24 (Source: P.A. 93-224, eff. 7-18-03; 94-556, eff. 9-11-05;
25 94-665, eff. 1-1-06; revised 8-29-05.)

26 Section 455. The Medical Practice Act of 1987 is amended by
27 changing Section 22 as follows:

28 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

29 (Section scheduled to be repealed on January 1, 2007)

30 Sec. 22. Disciplinary action.

31 (A) The Department may revoke, suspend, place on
32 probationary status, refuse to renew, or take any other
33 disciplinary action as the Department may deem proper with
34 regard to the license or visiting professor permit of any

1 person issued under this Act to practice medicine, or to treat
2 human ailments without the use of drugs and without operative
3 surgery upon any of the following grounds:

4 (1) Performance of an elective abortion in any place,
5 locale, facility, or institution other than:

6 (a) a facility licensed pursuant to the Ambulatory
7 Surgical Treatment Center Act;

8 (b) an institution licensed under the Hospital
9 Licensing Act; or

10 (c) an ambulatory surgical treatment center or
11 hospitalization or care facility maintained by the
12 State or any agency thereof, where such department or
13 agency has authority under law to establish and enforce
14 standards for the ambulatory surgical treatment
15 centers, hospitalization, or care facilities under its
16 management and control; or

17 (d) ambulatory surgical treatment centers,
18 hospitalization or care facilities maintained by the
19 Federal Government; or

20 (e) ambulatory surgical treatment centers,
21 hospitalization or care facilities maintained by any
22 university or college established under the laws of
23 this State and supported principally by public funds
24 raised by taxation.

25 (2) Performance of an abortion procedure in a wilful
26 and wanton manner on a woman who was not pregnant at the
27 time the abortion procedure was performed.

28 (3) The conviction of a felony in this or any other
29 jurisdiction, except as otherwise provided in subsection B
30 of this Section, whether or not related to practice under
31 this Act, or the entry of a guilty or nolo contendere plea
32 to a felony charge.

33 (4) Gross negligence in practice under this Act.

34 (5) Engaging in dishonorable, unethical or
35 unprofessional conduct of a character likely to deceive,
36 defraud or harm the public.

1 (6) Obtaining any fee by fraud, deceit, or
2 misrepresentation.

3 (7) Habitual or excessive use or abuse of drugs defined
4 in law as controlled substances, of alcohol, or of any
5 other substances which results in the inability to practice
6 with reasonable judgment, skill or safety.

7 (8) Practicing under a false or, except as provided by
8 law, an assumed name.

9 (9) Fraud or misrepresentation in applying for, or
10 procuring, a license under this Act or in connection with
11 applying for renewal of a license under this Act.

12 (10) Making a false or misleading statement regarding
13 their skill or the efficacy or value of the medicine,
14 treatment, or remedy prescribed by them at their direction
15 in the treatment of any disease or other condition of the
16 body or mind.

17 (11) Allowing another person or organization to use
18 their license, procured under this Act, to practice.

19 (12) Disciplinary action of another state or
20 jurisdiction against a license or other authorization to
21 practice as a medical doctor, doctor of osteopathy, doctor
22 of osteopathic medicine or doctor of chiropractic, a
23 certified copy of the record of the action taken by the
24 other state or jurisdiction being prima facie evidence
25 thereof.

26 (13) Violation of any provision of this Act or of the
27 Medical Practice Act prior to the repeal of that Act, or
28 violation of the rules, or a final administrative action of
29 the Secretary, after consideration of the recommendation
30 of the Disciplinary Board.

31 (14) Dividing with anyone other than physicians with
32 whom the licensee practices in a partnership, Professional
33 Association, limited liability company, or Medical or
34 Professional Corporation any fee, commission, rebate or
35 other form of compensation for any professional services
36 not actually and personally rendered. Nothing contained in

1 this subsection prohibits persons holding valid and
2 current licenses under this Act from practicing medicine in
3 partnership under a partnership agreement, including a
4 limited liability partnership, in a limited liability
5 company under the Limited Liability Company Act, in a
6 corporation authorized by the Medical Corporation Act, as
7 an association authorized by the Professional Association
8 Act, or in a corporation under the Professional Corporation
9 Act or from pooling, sharing, dividing or apportioning the
10 fees and monies received by them or by the partnership,
11 corporation or association in accordance with the
12 partnership agreement or the policies of the Board of
13 Directors of the corporation or association. Nothing
14 contained in this subsection prohibits 2 or more
15 corporations authorized by the Medical Corporation Act,
16 from forming a partnership or joint venture of such
17 corporations, and providing medical, surgical and
18 scientific research and knowledge by employees of these
19 corporations if such employees are licensed under this Act,
20 or from pooling, sharing, dividing, or apportioning the
21 fees and monies received by the partnership or joint
22 venture in accordance with the partnership or joint venture
23 agreement. Nothing contained in this subsection shall
24 abrogate the right of 2 or more persons, holding valid and
25 current licenses under this Act, to each receive adequate
26 compensation for concurrently rendering professional
27 services to a patient and divide a fee; provided, the
28 patient has full knowledge of the division, and, provided,
29 that the division is made in proportion to the services
30 performed and responsibility assumed by each.

31 (15) A finding by the Medical Disciplinary Board that
32 the registrant after having his or her license placed on
33 probationary status or subjected to conditions or
34 restrictions violated the terms of the probation or failed
35 to comply with such terms or conditions.

36 (16) Abandonment of a patient.

1 (17) Prescribing, selling, administering,
2 distributing, giving or self-administering any drug
3 classified as a controlled substance (designated product)
4 or narcotic for other than medically accepted therapeutic
5 purposes.

6 (18) Promotion of the sale of drugs, devices,
7 appliances or goods provided for a patient in such manner
8 as to exploit the patient for financial gain of the
9 physician.

10 (19) Offering, undertaking or agreeing to cure or treat
11 disease by a secret method, procedure, treatment or
12 medicine, or the treating, operating or prescribing for any
13 human condition by a method, means or procedure which the
14 licensee refuses to divulge upon demand of the Department.

15 (20) Immoral conduct in the commission of any act
16 including, but not limited to, commission of an act of
17 sexual misconduct related to the licensee's practice.

18 (21) Wilfully making or filing false records or reports
19 in his or her practice as a physician, including, but not
20 limited to, false records to support claims against the
21 medical assistance program of the Department of Public Aid
22 under the Illinois Public Aid Code.

23 (22) Wilful omission to file or record, or wilfully
24 impeding the filing or recording, or inducing another
25 person to omit to file or record, medical reports as
26 required by law, or wilfully failing to report an instance
27 of suspected abuse or neglect as required by law.

28 (23) Being named as a perpetrator in an indicated
29 report by the Department of Children and Family Services
30 under the Abused and Neglected Child Reporting Act, and
31 upon proof by clear and convincing evidence that the
32 licensee has caused a child to be an abused child or
33 neglected child as defined in the Abused and Neglected
34 Child Reporting Act.

35 (24) Solicitation of professional patronage by any
36 corporation, agents or persons, or profiting from those

1 representing themselves to be agents of the licensee.

2 (25) Gross and wilful and continued overcharging for
3 professional services, including filing false statements
4 for collection of fees for which services are not rendered,
5 including, but not limited to, filing such false statements
6 for collection of monies for services not rendered from the
7 medical assistance program of the Department of Public Aid
8 under the Illinois Public Aid Code.

9 (26) A pattern of practice or other behavior which
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (27) Mental illness or disability which results in the
13 inability to practice under this Act with reasonable
14 judgment, skill or safety.

15 (28) Physical illness, including, but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in a physician's inability to practice
18 under this Act with reasonable judgment, skill or safety.

19 (29) Cheating on or attempt to subvert the licensing
20 examinations administered under this Act.

21 (30) Wilfully or negligently violating the
22 confidentiality between physician and patient except as
23 required by law.

24 (31) The use of any false, fraudulent, or deceptive
25 statement in any document connected with practice under
26 this Act.

27 (32) Aiding and abetting an individual not licensed
28 under this Act in the practice of a profession licensed
29 under this Act.

30 (33) Violating state or federal laws or regulations
31 relating to controlled substances, legend drugs, or
32 ephedra, as defined in the Ephedra Prohibition Act.

33 (34) Failure to report to the Department any adverse
34 final action taken against them by another licensing
35 jurisdiction (any other state or any territory of the
36 United States or any foreign state or country), by any peer

1 review body, by any health care institution, by any
2 professional society or association related to practice
3 under this Act, by any governmental agency, by any law
4 enforcement agency, or by any court for acts or conduct
5 similar to acts or conduct which would constitute grounds
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of a
8 license or authorization to practice as a medical doctor, a
9 doctor of osteopathy, a doctor of osteopathic medicine, or
10 doctor of chiropractic in another state or jurisdiction, or
11 surrender of membership on any medical staff or in any
12 medical or professional association or society, while
13 under disciplinary investigation by any of those
14 authorities or bodies, for acts or conduct similar to acts
15 or conduct which would constitute grounds for action as
16 defined in this Section.

17 (36) Failure to report to the Department any adverse
18 judgment, settlement, or award arising from a liability
19 claim related to acts or conduct similar to acts or conduct
20 which would constitute grounds for action as defined in
21 this Section.

22 (37) Failure to transfer copies of medical records as
23 required by law.

24 (38) Failure to furnish the Department, its
25 investigators or representatives, relevant information,
26 legally requested by the Department after consultation
27 with the Chief Medical Coordinator or the Deputy Medical
28 Coordinator.

29 (39) Violating the Health Care Worker Self-Referral
30 Act.

31 (40) Willful failure to provide notice when notice is
32 required under the Parental Notice of Abortion Act of 1995.

33 (41) Failure to establish and maintain records of
34 patient care and treatment as required by this law.

35 (42) Entering into an excessive number of written
36 collaborative agreements with licensed advanced practice

1 nurses resulting in an inability to adequately collaborate
2 and provide medical direction.

3 (43) Repeated failure to adequately collaborate with
4 or provide medical direction to a licensed advanced
5 practice nurse.

6 Except for actions involving the ground numbered (26), all
7 proceedings to suspend, revoke, place on probationary status,
8 or take any other disciplinary action as the Department may
9 deem proper, with regard to a license on any of the foregoing
10 grounds, must be commenced within 5 years next after receipt by
11 the Department of a complaint alleging the commission of or
12 notice of the conviction order for any of the acts described
13 herein. Except for the grounds numbered (8), (9), (26), and
14 (29), no action shall be commenced more than 10 years after the
15 date of the incident or act alleged to have violated this
16 Section. For actions involving the ground numbered (26), a
17 pattern of practice or other behavior includes all incidents
18 alleged to be part of the pattern of practice or other behavior
19 that occurred or a report pursuant to Section 23 of this Act
20 received within the 10-year period preceding the filing of the
21 complaint. In the event of the settlement of any claim or cause
22 of action in favor of the claimant or the reduction to final
23 judgment of any civil action in favor of the plaintiff, such
24 claim, cause of action or civil action being grounded on the
25 allegation that a person licensed under this Act was negligent
26 in providing care, the Department shall have an additional
27 period of 2 years from the date of notification to the
28 Department under Section 23 of this Act of such settlement or
29 final judgment in which to investigate and commence formal
30 disciplinary proceedings under Section 36 of this Act, except
31 as otherwise provided by law. The time during which the holder
32 of the license was outside the State of Illinois shall not be
33 included within any period of time limiting the commencement of
34 disciplinary action by the Department.

35 The entry of an order or judgment by any circuit court
36 establishing that any person holding a license under this Act

1 is a person in need of mental treatment operates as a
2 suspension of that license. That person may resume their
3 practice only upon the entry of a Departmental order based upon
4 a finding by the Medical Disciplinary Board that they have been
5 determined to be recovered from mental illness by the court and
6 upon the Disciplinary Board's recommendation that they be
7 permitted to resume their practice.

8 The Department may refuse to issue or take disciplinary
9 action concerning the license of any person who fails to file a
10 return, or to pay the tax, penalty or interest shown in a filed
11 return, or to pay any final assessment of tax, penalty or
12 interest, as required by any tax Act administered by the
13 Illinois Department of Revenue, until such time as the
14 requirements of any such tax Act are satisfied as determined by
15 the Illinois Department of Revenue.

16 The Department, upon the recommendation of the
17 Disciplinary Board, shall adopt rules which set forth standards
18 to be used in determining:

19 (a) when a person will be deemed sufficiently
20 rehabilitated to warrant the public trust;

21 (b) what constitutes dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public;

24 (c) what constitutes immoral conduct in the commission
25 of any act, including, but not limited to, commission of an
26 act of sexual misconduct related to the licensee's
27 practice; and

28 (d) what constitutes gross negligence in the practice
29 of medicine.

30 However, no such rule shall be admissible into evidence in
31 any civil action except for review of a licensing or other
32 disciplinary action under this Act.

33 In enforcing this Section, the Medical Disciplinary Board,
34 upon a showing of a possible violation, may compel any
35 individual licensed to practice under this Act, or who has
36 applied for licensure or a permit pursuant to this Act, to

1 submit to a mental or physical examination, or both, as
2 required by and at the expense of the Department. The examining
3 physician or physicians shall be those specifically designated
4 by the Disciplinary Board. The Medical Disciplinary Board or
5 the Department may order the examining physician to present
6 testimony concerning this mental or physical examination of the
7 licensee or applicant. No information shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communication between the licensee or applicant and the
10 examining physician. The individual to be examined may have, at
11 his or her own expense, another physician of his or her choice
12 present during all aspects of the examination. Failure of any
13 individual to submit to mental or physical examination, when
14 directed, shall be grounds for suspension of his or her license
15 until such time as the individual submits to the examination if
16 the Disciplinary Board finds, after notice and hearing, that
17 the refusal to submit to the examination was without reasonable
18 cause. If the Disciplinary Board finds a physician unable to
19 practice because of the reasons set forth in this Section, the
20 Disciplinary Board shall require such physician to submit to
21 care, counseling, or treatment by physicians approved or
22 designated by the Disciplinary Board, as a condition for
23 continued, reinstated, or renewed licensure to practice. Any
24 physician, whose license was granted pursuant to Sections 9,
25 17, or 19 of this Act, or, continued, reinstated, renewed,
26 disciplined or supervised, subject to such terms, conditions or
27 restrictions who shall fail to comply with such terms,
28 conditions or restrictions, or to complete a required program
29 of care, counseling, or treatment, as determined by the Chief
30 Medical Coordinator or Deputy Medical Coordinators, shall be
31 referred to the Secretary for a determination as to whether the
32 licensee shall have their license suspended immediately,
33 pending a hearing by the Disciplinary Board. In instances in
34 which the Secretary immediately suspends a license under this
35 Section, a hearing upon such person's license must be convened
36 by the Disciplinary Board within 15 days after such suspension

1 and completed without appreciable delay. The Disciplinary
2 Board shall have the authority to review the subject
3 physician's record of treatment and counseling regarding the
4 impairment, to the extent permitted by applicable federal
5 statutes and regulations safeguarding the confidentiality of
6 medical records.

7 An individual licensed under this Act, affected under this
8 Section, shall be afforded an opportunity to demonstrate to the
9 Disciplinary Board that they can resume practice in compliance
10 with acceptable and prevailing standards under the provisions
11 of their license.

12 The Department may promulgate rules for the imposition of
13 fines in disciplinary cases, not to exceed \$10,000 for each
14 violation of this Act. Fines may be imposed in conjunction with
15 other forms of disciplinary action, but shall not be the
16 exclusive disposition of any disciplinary action arising out of
17 conduct resulting in death or injury to a patient. Any funds
18 collected from such fines shall be deposited in the Medical
19 Disciplinary Fund.

20 (B) The Department shall revoke the license or visiting
21 permit of any person issued under this Act to practice medicine
22 or to treat human ailments without the use of drugs and without
23 operative surgery, who has been convicted a second time of
24 committing any felony under the Illinois Controlled Substances
25 Act or the Methamphetamine Control and Community Protection
26 Act, or who has been convicted a second time of committing a
27 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
28 Public Aid Code. A person whose license or visiting permit is
29 revoked under this subsection B of Section 22 of this Act shall
30 be prohibited from practicing medicine or treating human
31 ailments without the use of drugs and without operative
32 surgery.

33 (C) The Medical Disciplinary Board shall recommend to the
34 Department civil penalties and any other appropriate
35 discipline in disciplinary cases when the Board finds that a
36 physician willfully performed an abortion with actual

1 knowledge that the person upon whom the abortion has been
2 performed is a minor or an incompetent person without notice as
3 required under the Parental Notice of Abortion Act of 1995.
4 Upon the Board's recommendation, the Department shall impose,
5 for the first violation, a civil penalty of \$1,000 and for a
6 second or subsequent violation, a civil penalty of \$5,000.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05;
8 revised 8-29-05.)

9 Section 460. The Nursing and Advanced Practice Nursing Act
10 is amended by changing Section 20-40 as follows:

11 (225 ILCS 65/20-40)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 20-40. Fund. There is hereby created within the State
14 Treasury the Nursing Dedicated and Professional Fund. The
15 monies in the Fund may be used by and at the direction of the
16 Department for the administration and enforcement of this Act,
17 including but not limited to:

18 (a) Distribution and publication of the Nursing and
19 Advanced Practice Nursing Act and the rules at the time of
20 renewal to all persons licensed by the Department under
21 this Act.

22 (b) Employment of secretarial, nursing,
23 administrative, enforcement, and other staff for the
24 administration of this Act.

25 (c) Conducting a survey, as prescribed by rule of the
26 Department, once every 4 years during the license renewal
27 period.

28 (d) Conducting of training seminars for licensees
29 under this Act relating to the obligations,
30 responsibilities, enforcement and other provisions of the
31 Act and its rules.

32 (e) Disposition of Fees:

33 (i) (Blank).

34 (ii) All of the fees and fines collected pursuant

1 to this Act shall be deposited in the Nursing Dedicated
2 and Professional Fund.

3 (iii) For the fiscal year beginning July 1, 1988,
4 the moneys deposited in the Nursing Dedicated and
5 Professional Fund shall be appropriated to the
6 Department for expenses of the Department and the Board
7 in the administration of this Act. All earnings
8 received from investment of moneys in the Nursing
9 Dedicated and Professional Fund shall be deposited in
10 the Nursing Dedicated and Professional Fund and shall
11 be used for the same purposes as fees deposited in the
12 Fund.

13 (iv) For the fiscal year beginning July 1, 2004 and
14 for each fiscal year thereafter, \$1,200,000 of the
15 moneys deposited in the Nursing Dedicated and
16 Professional Fund each year shall be set aside and
17 appropriated to the Illinois Department of Public
18 Health for nursing scholarships awarded pursuant to
19 the Nursing Education Scholarship Law. Representatives
20 of the Department and the Nursing Education
21 Scholarship Program Advisory Council shall review this
22 requirement and the scholarship awards every 2 years.

23 (v) Moneys in the Fund may be transferred to the
24 Professions Indirect Cost Fund as authorized under
25 Section 2105-300 of the Department of Professional
26 Regulation Law (20 ILCS 2105/2105-300).

27 (f) Moneys set aside for nursing scholarships awarded
28 pursuant to the Nursing Education Scholarship Law as
29 provided in item (iv) of subsection (e) of this Section may
30 not be transferred under Section 8h of the State Finance
31 Act.

32 (Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04;
33 93-1054, eff. 11-18-04; revised 12-1-04.)

34 Section 465. The Mail Order Contact Lens Act is amended by
35 changing Section 20 as follows:

1 (225 ILCS 83/20)

2 Sec. 20. Nonresident mail-order ophthalmic ~~ophthalmic~~
3 provider registration.

4 (a) The Department shall require and provide for an annual
5 registration for all mail-order ophthalmic providers located
6 outside of this State, including those providing services via
7 the Internet, that dispense contact lenses to Illinois
8 residents. A mail-order ophthalmic provider's registration
9 shall be granted by the Department upon the disclosure and
10 certification by a mail-order ophthalmic provider of all of the
11 following:

12 (1) That it is licensed or registered to distribute
13 contact lenses in the state in which the dispensing
14 facility is located and from which the contact lenses are
15 dispensed, if required.

16 (2) The location, names, and titles of all principal
17 corporate officers and the person who is responsible for
18 overseeing the dispensing of contact lenses to residents of
19 this State.

20 (3) That it complies with all lawful directions and
21 appropriate requests for information from the appropriate
22 agency of each state in which it is licensed or registered.

23 (4) That it will respond directly to all communications
24 from the Department concerning emergency circumstances
25 arising from the dispensing of contact lenses to residents
26 of this State.

27 (5) That it maintains its records of contact lenses
28 dispensed to residents of this State so that the records
29 are readily retrievable.

30 (6) That it cooperates with the Department in providing
31 information to the appropriate agency of the state in which
32 it is licensed or registered concerning matters related to
33 the dispensing of contact lenses to residents of this
34 State.

35 (7) That it conducts business in a manner that conforms

1 with Section 10 of this Act.

2 (8) That it provides a toll-free telephone service for
3 responding to patient questions and complaints during its
4 regular hours of operation. The toll-free number shall be
5 included in literature provided with mailed contact
6 lenses. All questions relating to eye care for the lenses
7 prescribed shall be referred back to the contact lens
8 prescriber.

9 (9) That it provides the following or a substantially
10 equivalent written notification to the patient whenever
11 contact lenses are supplied: WARNING: IF YOU ARE HAVING ANY
12 OF THE FOLLOWING SYMPTOMS REMOVE YOUR LENSES IMMEDIATELY
13 AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR
14 LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION
15 CHANGE, OR REDNESS.

16 (b) The Department shall provide a copy of this Act and its
17 rules, and the Illinois Optometric Practice Act of 1987 and its
18 rules, with each application for registration.

19 (Source: P.A. 91-421, eff. 1-1-00; revised 10-13-05.)

20 Section 470. The Pyrotechnic Distributor and Operator
21 Licensing Act is amended by changing Section 5 and by
22 renumbering Section 99 as follows:

23 (225 ILCS 227/5)

24 Sec. 5. Definitions. In this Act:

25 "1.3G fireworks" means fireworks that are used for
26 professional outdoor displays and classified as fireworks
27 UN0333, UN0334, or UN0335 by the United States Department of
28 Transportation under 49 C.F.R. 172.101.

29 "BATFE" means the federal Bureau of Alcohol, Tobacco and
30 Firearms Enforcement.

31 "Consumer fireworks" means fireworks that must comply with
32 the construction, chemical composition, and labeling
33 regulations of the U.S. Consumer Products Safety Commission, as
34 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as

1 fireworks UN0336 or UN0337 by the United States Department of
2 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"
3 does not include a substance or article exempted under the
4 Fireworks Use Act.

5 "Display fireworks" means 1.3G explosive or special
6 effects fireworks.

7 "Facility" means an area being used for the conducting of a
8 pyrotechnic display business, but does not include residential
9 premises except for the portion of any residential premises
10 that is actually used in the conduct of a pyrotechnic display
11 business.

12 "Flame effect" means the detonation, ignition, or
13 deflagration of flammable gases, liquids, or special materials
14 to produce a thermal, physical, visual, or audible effect
15 before the public, invitees, or licensees, regardless of
16 whether admission is charged in accordance with NFPA 160.

17 "Lead pyrotechnic operator" means the individual with
18 overall responsibility for the safety, setup, discharge, and
19 supervision of a pyrotechnic display.

20 "Office" means Office of the State Fire Marshal.

21 "Person" means an individual, firm, corporation,
22 association, partnership, company, consortium, joint venture,
23 commercial entity, state, municipality, or political
24 subdivision of a state or any agency, department, or
25 instrumentality of the United States and any officer, agent, or
26 employee of these entities.

27 "Pyrotechnic display" or "display" means the detonation,
28 ignition, or deflagration of display fireworks or flame effects
29 to produce a visual or audible effect of an exhibitional nature
30 before the public, invitees, or licensees, regardless of
31 whether admission is charged.

32 "Pyrotechnic distributor" means any person, company,
33 association, group of persons, or corporation who distributes
34 display fireworks for sale in the State of Illinois or provides
35 them as part of a pyrotechnic display service in the State of
36 Illinois or provides only pyrotechnic services.

1 "Special effects fireworks" means pyrotechnic devices used
2 for special effects by professionals in the performing arts in
3 conjunction with theatrical, musical, or other productions
4 that are similar to consumer fireworks in chemical compositions
5 and construction, but are not intended for consumer use and are
6 not labeled as such or identified as "intended for indoor use".
7 "Special effects fireworks" are classified as fireworks UN0431
8 or UN0432 by the United States Department of Transportation
9 under 49 C.F.R. 172.101.

10 (Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05;
11 94-658, eff. 1-1-06; revised 8-29-05.)

12 (225 ILCS 227/999) (was 225 ILCS 227/99)

13 Sec. 999 ~~99~~. Effective date. This Act takes effect upon
14 becoming law.

15 (Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

16 Section 480. The Illinois Plumbing License Law is amended
17 by changing Section 13.1 as follows:

18 (225 ILCS 320/13.1)

19 Sec. 13.1. Plumbing contractors; registration;
20 applications.

21 (1) On and after May 1, 2002, all persons or corporations
22 desiring to engage in the business of plumbing contractor,
23 other than any entity that maintains an audited net worth of
24 shareholders' equity equal to or exceeding \$100,000,000, shall
25 register in accordance with the provisions of this Act.

26 (2) Application for registration shall be filed with the
27 Department each year, on or before the last day of September,
28 in writing and on forms prepared and furnished by the
29 Department. All plumbing contractor registrations expire on
30 the last day of September of each year.

31 (3) Applications shall contain the name, address, and
32 telephone number of the person and the plumbing license of (i)
33 the individual, if a sole proprietorship; (ii) the partner, if

1 a partnership; or (iii) an officer, if a corporation. The
2 application shall contain the business name, address, and
3 telephone number, a current copy of the plumbing license, and
4 any other information the Department may require by rule.

5 (4) Applicants shall submit an original certificate of
6 insurance documenting that the contractor carries general
7 liability insurance with a minimum of \$100,000 per occurrence,
8 a minimum of \$300,000 aggregate for bodily injury, property
9 damage insurance with a minimum of \$50,000 or a minimum of
10 \$300,000 combined single limit, and workers compensation
11 insurance with a minimum \$500,000 employer's liability. No
12 registration may be issued in the absence of this certificate.
13 Certificates must be in force at all times for registration to
14 remain valid.

15 (5) Applicants shall submit, on a form provided by the
16 Department, an indemnification bond in the amount of \$20,000 or
17 a letter of credit in the same amount for work performed in
18 accordance with this Act and the rules promulgated under this
19 Act.

20 (6) All employees of a registered plumbing contractor who
21 engage in plumbing work shall be licensed plumbers or
22 apprentice plumbers in accordance with this Act.

23 (7) Plumbing contractors shall submit an annual
24 registration fee in an amount to be established by rule.

25 (8) The Department shall be notified in advance of any
26 changes in the business structure, name, or location or of the
27 addition or deletion of the owner or officer who is the
28 licensed plumber listed on the application. Failure to notify
29 the Department of this information is grounds for suspension or
30 revocation of the plumbing contractor's registration.

31 (9) In the event that the plumber's license on the
32 application for registration of a plumbing contractor is a
33 license issued by the City of Chicago, it shall be the
34 responsibility of the applicant to forward a copy of the
35 plumber's license to the Department, noting the name of the
36 registered plumbing contractor, when it is renewed.

1 (Source: P.A. 94-55, eff. 6-17-05; 94-258, eff. 7-19-05;
2 revised 8-19-05.)

3 Section 485. The Auction License Act is amended by changing
4 Section 10-40 as follows:

5 (225 ILCS 407/10-40)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 10-40. Restoration.

8 (a) A licensee whose license has lapsed or expired shall
9 have 2 years from the expiration date to restore his or her
10 license without examination. The expired licensee shall make
11 application to the OBRE on forms provided by the OBRE,
12 including a properly completed 45-day permit sponsor card,
13 provide evidence of successful completion of 12 hours of
14 approved continuing education during the period of time the
15 license had lapsed, and pay all lapsed fees and penalties as
16 established by administrative rule.

17 (b) Notwithstanding any other provisions of this Act to the
18 contrary, any licensee whose license under this Act has expired
19 is eligible to restore such license without paying any lapsed
20 fees and penalties provided that the license expired while the
21 licensee was:

22 (1) on active duty with the United States Army, United
23 States ~~State~~ Marine Corps, United States Navy, United
24 States Air Force, United States Coast Guard, the State
25 Militia called into service or training;

26 (2) engaged in training or education under the
27 supervision of the United States prior to induction into
28 military service; or

29 (3) serving as an employee of the OBRE, while the
30 employee was required to surrender his or her license due
31 to a possible conflict of interest.

32 A licensee shall be eligible to restore a license under the
33 provisions of this subsection for a period of 2 years following
34 the termination of the service, education, or training by

1 providing a properly completed application and 45-day permit
2 sponsor card, provided that the termination was by other than
3 dishonorable discharge and provided that the licensee
4 furnishes the OBRE with an affidavit specifying that the
5 licensee has been so engaged.

6 (c) At any time after the suspension, revocation, placement
7 on probationary status, or other disciplinary action taken
8 under this Act with reference to any license, the OBRE may
9 restore the license to the licensee without examination upon
10 the order of the Commissioner, if the licensee submits a
11 properly completed application and 45-day permit sponsor card,
12 pays appropriate fees, and otherwise complies with the
13 conditions of the order.

14 (Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

15 Section 490. The Private Detective, Private Alarm, Private
16 Security, and Locksmith Act of 2004 is amended by changing
17 Section 35-30 as follows:

18 (225 ILCS 447/35-30)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 35-30. Employee requirements. All employees of a
21 licensed agency, other than those exempted, shall apply for a
22 permanent employee registration card. The holder of an agency
23 license issued under this Act, known in this Section as
24 "employer", may employ in the conduct of his or her business
25 employees under the following provisions:

26 (a) ~~(1)~~ No person shall be issued a permanent employee
27 registration card who:

28 (1) ~~(A)~~ Is younger than 18 years of age.

29 (2) ~~(B)~~ Is younger than 21 years of age if the services
30 will include being armed.

31 (3) ~~(C)~~ Has been determined by the Department to be
32 unfit by reason of conviction of an offense in this or
33 another state, other than a traffic offense. The Department
34 shall adopt rules for making those determinations that

1 shall afford the applicant due process of law.

2 (4) ~~(D)~~ Has had a license or permanent employee
3 registration card denied, suspended, or revoked under this
4 Act (i) within one year before the date the person's
5 application for permanent employee registration card is
6 received by the Department; and (ii) that refusal, denial,
7 suspension, or revocation was based on any provision of
8 this Act other than Section 40-50, item (6) or (8) of
9 subsection (a) of Section 15-10, subsection (b) of Section
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,
11 subsection (b) of Section 20-10, item (6) or (8) of
12 subsection (a) of Section 25-10, subsection (b) of Section
13 25-10, item (7) of subsection (a) of Section 30-10,
14 subsection (b) of Section 30-10, or Section 10-40.

15 (5) ~~(E)~~ Has been declared incompetent by any court of
16 competent jurisdiction by reason of mental disease or
17 defect and has not been restored.

18 (6) ~~(F)~~ Has been dishonorably discharged from the armed
19 services of the United States.

20 (b) ~~(2)~~ No person may be employed by a private detective
21 agency, private security contractor agency, private alarm
22 contractor agency, or locksmith agency under this Section until
23 he or she has executed and furnished to the employer, on forms
24 furnished by the Department, a verified statement to be known
25 as "Employee's Statement" setting forth:

26 (1) ~~(A)~~ The person's full name, age, and residence
27 address.

28 (2) ~~(B)~~ The business or occupation engaged in for the 5
29 years immediately before the date of the execution of the
30 statement, the place where the business or occupation was
31 engaged in, and the names of employers, if any.

32 (3) ~~(C)~~ That the person has not had a license or
33 employee registration denied, revoked, or suspended under
34 this Act (i) within one year before the date the person's
35 application for permanent employee registration card is
36 received by the Department; and (ii) that refusal, denial,

1 suspension, or revocation was based on any provision of
2 this Act other than Section 40-50, item (6) or (8) of
3 subsection (a) of Section 15-10, subsection (b) of Section
4 15-10, item (6) or (8) of subsection (a) of Section 20-10,
5 subsection (b) of Section 20-10, item (6) or (8) of
6 subsection (a) of Section 25-10, subsection (b) of Section
7 25-10, item (7) of subsection (a) of Section 30-10,
8 subsection (b) of Section 30-10, or Section 10-40.

9 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

10 (5) ~~(E)~~ Any declaration of incompetence by a court of
11 competent jurisdiction that has not been restored.

12 (6) ~~(F)~~ Any dishonorable discharge from the armed
13 services of the United States.

14 (7) ~~(G)~~ Any other information as may be required by any
15 rule of the Department to show the good character,
16 competency, and integrity of the person executing the
17 statement.

18 (c) Each applicant for a permanent employee registration
19 card shall have his or her fingerprints submitted to the
20 Department of State Police in an electronic format that
21 complies with the form and manner for requesting and furnishing
22 criminal history record information as prescribed by the
23 Department of State Police. These fingerprints shall be checked
24 against the Department of State Police and Federal Bureau of
25 Investigation criminal history record databases now and
26 hereafter filed. The Department of State Police shall charge
27 applicants a fee for conducting the criminal history records
28 check, which shall be deposited in the State Police Services
29 Fund and shall not exceed the actual cost of the records check.
30 The Department of State Police shall furnish, pursuant to
31 positive identification, records of Illinois convictions to
32 the Department. The Department may require applicants to pay a
33 separate fingerprinting fee, either to the Department or
34 directly to the vendor. The Department, in its discretion, may
35 allow an applicant who does not have reasonable access to a
36 designated vendor to provide his or her fingerprints in an

1 alternative manner. The Department, in its discretion, may also
2 use other procedures in performing or obtaining criminal
3 background checks of applicants. Instead of submitting his or
4 her fingerprints, an individual may submit proof that is
5 satisfactory to the Department that an equivalent security
6 clearance has been conducted. Also, an individual who has
7 retired as a peace officer within 12 months of application may
8 submit verification, on forms provided by the Department and
9 signed by his or her employer, of his or her previous full-time
10 employment as a peace officer.

11 (d) The Department shall issue a permanent employee
12 registration card, in a form the Department prescribes, to all
13 qualified applicants. The holder of a permanent employee
14 registration card shall carry the card at all times while
15 actually engaged in the performance of the duties of his or her
16 employment. Expiration and requirements for renewal of
17 permanent employee registration cards shall be established by
18 rule of the Department. Possession of a permanent employee
19 registration card does not in any way imply that the holder of
20 the card is employed by an agency unless the permanent employee
21 registration card is accompanied by the employee
22 identification card required by subsection (f) of this Section.

23 (e) Each employer shall maintain a record of each employee
24 that is accessible to the duly authorized representatives of
25 the Department. The record shall contain the following
26 information:

27 (1) A photograph taken within 10 days of the date that
28 the employee begins employment with the employer. The
29 photograph shall be replaced with a current photograph
30 every 3 calendar years.

31 (2) The Employee's Statement specified in subsection
32 (b) of this Section.

33 (3) All correspondence or documents relating to the
34 character and integrity of the employee received by the
35 employer from any official source or law enforcement
36 agency.

1 (4) In the case of former employees, the employee
2 identification card of that person issued under subsection
3 (f) of this Section. Each employee record shall duly note
4 if the employee is employed in an armed capacity. Armed
5 employee files shall contain a copy of an active firearm
6 owner's identification card and a copy of an active firearm
7 authorization card. Each employer shall maintain a record
8 for each armed employee of each instance in which the
9 employee's weapon was discharged during the course of his
10 or her professional duties or activities. The record shall
11 be maintained on forms provided by the Department, a copy
12 of which must be filed with the Department within 15 days
13 of an instance. The record shall include the date and time
14 of the occurrence, the circumstances involved in the
15 occurrence, and any other information as the Department may
16 require. Failure to provide this information to the
17 Department or failure to maintain the record as a part of
18 each armed employee's permanent file is grounds for
19 disciplinary action. The Department, upon receipt of a
20 report, shall have the authority to make any investigation
21 it considers appropriate into any occurrence in which an
22 employee's weapon was discharged and to take disciplinary
23 action as may be appropriate.

24 (5) The Department may, by rule, prescribe further
25 record requirements.

26 (f) Every employer shall furnish an employee
27 identification card to each of his or her employees. This
28 employee identification card shall contain a recent photograph
29 of the employee, the employee's name, the name and agency
30 license number of the employer, the employee's personal
31 description, the signature of the employer, the signature of
32 that employee, the date of issuance, and an employee
33 identification card number.

34 (g) No employer may issue an employee identification card
35 to any person who is not employed by the employer in accordance
36 with this Section or falsely state or represent that a person

1 is or has been in his or her employ. It is unlawful for an
2 applicant for registered employment to file with the Department
3 the fingerprints of a person other than himself or herself.

4 (h) Every employer shall obtain the identification card of
5 every employee who terminates employment with him or her.

6 (i) Every employer shall maintain a separate roster of the
7 names of all employees currently working in an armed capacity
8 and submit the roster to the Department on request.

9 (j) No agency may employ any person to perform a licensed
10 activity under this Act unless the person possesses a valid
11 permanent employee registration card or a valid license under
12 this Act, or is exempt pursuant to subsection (n).

13 (k) Notwithstanding the provisions of subsection (j), an
14 agency may employ a person in a temporary capacity if all of
15 the following conditions are met:

16 (1) The agency completes in its entirety and submits to
17 the Department an application for a permanent employee
18 registration card, including the required fingerprint
19 receipt and fees.

20 (2) The agency has verification from the Department
21 that the applicant has no record of any criminal conviction
22 pursuant to the criminal history check conducted by the
23 Department of State Police. The agency shall maintain the
24 verification of the results of the Department of State
25 Police criminal history check as part of the employee
26 record as required under subsection (e) of this Section.

27 (3) The agency exercises due diligence to ensure that
28 the person is qualified under the requirements of the Act
29 to be issued a permanent employee registration card.

30 (4) The agency maintains a separate roster of the names
31 of all employees whose applications are currently pending
32 with the Department and submits the roster to the
33 Department on a monthly basis. Rosters are to be maintained
34 by the agency for a period of at least 24 months.

35 An agency may employ only a permanent employee applicant
36 for which it either submitted a permanent employee application

1 and all required forms and fees or it confirms with the
2 Department that a permanent employee application and all
3 required forms and fees have been submitted by another agency,
4 licensee or the permanent employee and all other requirements
5 of this Section are met.

6 The Department shall have the authority to revoke, without
7 a hearing, the temporary authority of an individual to work
8 upon receipt of Federal Bureau of Investigation fingerprint
9 data or a report of another official authority indicating a
10 criminal conviction. If the Department has not received a
11 temporary employee's Federal Bureau of Investigation
12 fingerprint data within 120 days of the date the Department
13 received the Department of State Police fingerprint data, the
14 Department may, at its discretion, revoke the employee's
15 temporary authority to work with 15 days written notice to the
16 individual and the employing agency.

17 An agency may not employ a person in a temporary capacity
18 if it knows or reasonably should have known that the person has
19 been convicted of a crime under the laws of this State, has
20 been convicted in another state of any crime that is a crime
21 under the laws of this State, has been convicted of any crime
22 in a federal court, or has been posted as an unapproved
23 applicant by the Department. Notice by the Department to the
24 agency, via certified mail, personal delivery, electronic
25 mail, or posting on the Department's Internet site accessible
26 to the agency that the person has been convicted of a crime
27 shall be deemed constructive knowledge of the conviction on the
28 part of the agency. The Department may adopt rules to implement
29 this subsection (k).

30 (1) No person may be employed under this Section in any
31 capacity if:

32 (1) the person, while so employed, is being paid by the
33 United States or any political subdivision for the time so
34 employed in addition to any payments he or she may receive
35 from the employer; or

36 (2) the person wears any portion of his or her official

1 uniform, emblem of authority, or equipment while so
2 employed.

3 (m) If information is discovered affecting the
4 registration of a person whose fingerprints were submitted
5 under this Section, the Department shall so notify the agency
6 that submitted the fingerprints on behalf of that person.

7 (n) Peace officers shall be exempt from the requirements of
8 this Section relating to permanent employee registration
9 cards. The agency shall remain responsible for any peace
10 officer employed under this exemption, regardless of whether
11 the peace officer is compensated as an employee or as an
12 independent contractor and as further defined by rule.

13 (o) Persons who have no access to confidential or security
14 information and who otherwise do not provide traditional
15 security services are exempt from employee registration.
16 Examples of exempt employees include, but are not limited to,
17 employees working in the capacity of ushers, directors, ticket
18 takers, cashiers, drivers, and reception personnel.
19 Confidential or security information is that which pertains to
20 employee files, scheduling, client contracts, or technical
21 security and alarm data.

22 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

23 Section 495. The Illinois Public Accounting Act is amended
24 by changing Sections 14.1, 16, and 28 as follows:

25 (225 ILCS 450/14.1)

26 (Section scheduled to be repealed on January 1, 2014)

27 Sec. 14.1. Foreign accountants. The Department shall issue
28 a license to a holder of a foreign designation, granted in a
29 foreign country entitling the holder thereof to engage in the
30 practice of public accounting, provided that:

31 (a) the applicant is the holder of a certificate as a
32 certified public accountant from the Board or a
33 registration as a registered certified public accountant
34 from the Department issued under this Act; ~~and~~

1 (b) the foreign authority that granted the designation
2 makes similar provision to allow a person who holds a valid
3 license issued by this State to obtain a foreign
4 authority's comparable designation; ~~and~~

5 (c) the foreign designation (i) was duly issued by a
6 foreign authority that regulates the practice of public
7 accounting and the foreign designation has not expired or
8 been revoked or suspended; (ii) entitles the holder to
9 issue reports upon financial statements; and (iii) was
10 issued upon the basis of educational, examination, and
11 experience requirements established by the foreign
12 authority or by law; and

13 (d) the applicant (i) received the designation based on
14 standards substantially equivalent to those in effect in
15 this State at the time the foreign designation was granted;
16 and (ii) completed an experience requirement,
17 substantially equivalent to the requirement set out in
18 Section 14, in the jurisdiction that granted the foreign
19 designation or has completed 5 years of experience in the
20 practice of public accounting in this State, or meets
21 equivalent requirements prescribed by the Department by
22 rule, within the 10 years immediately preceding the
23 application.

24 ~~(e)~~ Applicants have 3 years from the date of application to
25 complete the application process. If the process has not been
26 completed in 3 years, the application shall be denied, the fee
27 shall be forfeited, and the applicant must reapply and meet the
28 requirements in effect at the time of reapplication.

29 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised
30 10-11-05.)

31 (225 ILCS 450/16) (from Ch. 111, par. 5517)

32 (Section scheduled to be repealed on January 1, 2014)

33 Sec. 16. Expiration and renewal of licenses; renewal of
34 registration; continuing education.

35 (a) The expiration date and renewal period for each license

1 issued under this Act shall be set by rule.

2 (b) Every holder of a license or registration under this
3 Act may renew such license or registration before the
4 expiration date upon payment of the required renewal fee as set
5 by rule.

6 (c) Every application for renewal of a license by a
7 licensed certified public accountant who has been licensed
8 under this Act for 3 years or more shall be accompanied or
9 supported by any evidence the Department shall prescribe, in
10 satisfaction of completing, each 3 years, not less than 120
11 hours of continuing professional education programs in
12 subjects given by continuing education sponsors registered by
13 the Department upon recommendation of the Committee. Of the 120
14 hours, not less than 4 hours shall be courses covering the
15 subject of professional ethics. All continuing education
16 sponsors applying to the Department for registration shall be
17 required to submit an initial nonrefundable application fee set
18 by Department rule. Each registered continuing education
19 sponsor shall be required to pay an annual renewal fee set by
20 Department rule. Publicly supported colleges, universities,
21 and governmental agencies located in Illinois are exempt from
22 payment of any fees required for continuing education sponsor
23 registration. Failure by a continuing education sponsor to be
24 licensed or pay the fees prescribed in this Act, or to comply
25 with the rules and regulations established by the Department
26 under this Section regarding requirements for continuing
27 education courses or sponsors, shall constitute grounds for
28 revocation or denial of renewal of the sponsor's registration.

29 (d) Licensed Certified Public Accountants are exempt from
30 the continuing professional education requirement for the
31 first renewal period following the original issuance of the
32 license.

33 Notwithstanding the provisions of ~~this~~ subsection (c), the
34 Department may accept courses and sponsors approved by other
35 states, by the American Institute of Certified Public
36 Accountants, by other state CPA societies, or by national

1 accrediting organizations such as the National Association of
2 State Boards of Accountancy.

3 Failure by an applicant for renewal of a license as a
4 licensed certified public accountant to furnish the evidence
5 shall constitute grounds for disciplinary action, unless the
6 Department in its discretion shall determine the failure to
7 have been due to reasonable cause. The Department, in its
8 discretion, may renew a license despite failure to furnish
9 evidence of satisfaction of requirements of continuing
10 education upon condition that the applicant follow a particular
11 program or schedule of continuing education. In issuing rules
12 and individual orders in respect of requirements of continuing
13 education, the Department in its discretion may, among other
14 things, use and rely upon guidelines and pronouncements of
15 recognized educational and professional associations; may
16 prescribe rules for the content, duration, and organization of
17 courses; shall take into account the accessibility to
18 applicants of such continuing education as it may require, and
19 any impediments to interstate practice of public accounting
20 that may result from differences in requirements in other
21 states; and may provide for relaxation or suspension of
22 requirements in regard to applicants who certify that they do
23 not intend to engage in the practice of public accounting, and
24 for instances of individual hardship.

25 The Department shall establish by rule a means for the
26 verification of completion of the continuing education
27 required by this Section. This verification may be accomplished
28 through audits of records maintained by licensees; by requiring
29 the filing of continuing education certificates with the
30 Department; or by other means established by the Department.

31 The Department may establish, by rule, guidelines for
32 acceptance of continuing education on behalf of licensed
33 certified public accountants taking continuing education
34 courses in other jurisdictions.

35 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised
36 10-11-05.)

1 (225 ILCS 450/28) (from Ch. 111, par. 5534)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 28. Penalties. Each of the following acts perpetrated
4 in the State of Illinois is a Class B misdemeanor.

5 (a) The practice of public accounting insofar as it
6 consists in rendering service as described in Section 8,
7 without licensure, in violation of the provisions of this
8 Act;

9 (b) The obtaining or attempting to obtain licensure as
10 a licensed certified public accountant or registration as a
11 registered certified public accountant by fraud;

12 (c) The use of the title "Certified Public Accountant"
13 or the abbreviation "C.P.A." or use of any similar words or
14 letters indicating the user is a certified public
15 accountant, the title "Registered Certified Public
16 Accountant", the abbreviation "R.C.P.A.", any similar
17 words or letters indicating the user is a certified public
18 accountant or a registered certified public accountant by
19 any person in contravention of this Act;

20 (c-5) The use of the title "Certified Public
21 Accountant" or "Licensed Certified Public Accountant" or
22 the abbreviation "C.P.A." or "L.C.P.A." or any similar
23 words or letters indicating the user is a certified public
24 accountant by any person in contravention with this Act;

25 (d) The use of the title "Certified Public Accountant"
26 or the abbreviation "C.P.A." or any similar words or
27 letters indicating that the members are certified public
28 accountants, by any partnership, limited liability
29 company, corporation, or other entity unless all members
30 thereof personally engaged in the practice of public
31 accounting in this State are licensed as licensed certified
32 public accountants by the Department, and are holders of an
33 effective unrevoked license, and the partnership, limited
34 liability company, corporation, or other entity is
35 licensed as licensed certified public accountants by the

1 Board with an effective unrevoked license;

2 (e) The use of the title "Licensed Certified Public
3 Accountant", or the abbreviation "L.C.P.A." or any similar
4 words or letters indicating such person is a licensed
5 certified public accountant, by any person not licensed as
6 a licensed certified public accountant by the Department,
7 and holding an effective unrevoked license; provided
8 nothing in this Act shall prohibit the use of the title
9 "Accountant" or "Bookkeeper" by any person;

10 (f) The use of the title "Licensed Certified Public
11 Accountants", "Public Accountants" or the abbreviation
12 "P.A.'s" or any similar words or letters indicating that
13 the members are public accountants by any partnership,
14 limited liability company, corporation, or other entity
15 unless all members thereof personally engaged in the
16 practice of public accounting in this State are licensed as
17 licensed certified public accountants by the Department
18 and are holders of effective unrevoked licenses, and the
19 partnership is licensed as a public accounting firm by the
20 Department with an effective unrevoked license ~~licenses~~;

21 (g) Making false statements to the Department
22 regarding compliance with continuing professional
23 education requirements;

24 (h) The use of the title "Certified Public Accountant"
25 or the abbreviation "C.P.A." or any similar words or
26 letters indicating that the members are certified public
27 accountants, by any partnership unless all members thereof
28 personally engaged in the practice of public accounting in
29 this State have received certificates as certified public
30 accountants from the Board, are licensed as public
31 accountants by the Department, and are holders of an
32 effective unrevoked license, and the partnership is
33 licensed as public accountants by the Department with an
34 effective unrevoked license.

35 This Section does not prohibit a firm partnership, limited
36 liability company, corporation, or other entity who does not

1 practice public accounting as set forth in Section 8 of this
2 Act and whose members residing in Illinois are registered with
3 the Department from using the title "Certified Public
4 Accountant" or the abbreviation "C.P.A." or "CPA" or similar
5 words or letters indicating that the members are certified
6 public accountants.

7 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised
8 11-5-04.)

9 Section 500. The Illinois Petroleum Education and
10 Marketing Act is amended by changing Section 10 as follows:

11 (225 ILCS 728/10)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 10. Illinois Petroleum Resources Board.

14 (a) There is hereby created until January 1, 2008, the
15 Illinois Petroleum Resources Board which shall be subject to
16 the provisions of the Regulatory Sunset Act. The purpose of the
17 Board is to coordinate a program designed to demonstrate to the
18 general public the importance of the Illinois oil exploration
19 and production industry, to encourage the wise and efficient
20 use of energy, to promote environmentally sound production
21 methods and technologies, to develop existing supplies of State
22 oil resources, and to support research and educational
23 activities concerning the oil exploration and production
24 industry.

25 (b) The Board shall be composed of 12 members to be
26 appointed by the Governor. The Governor shall make appointments
27 from a list of names submitted by qualified producer
28 associations, of which 10 shall be oil and gas producers.

29 (c) A member of the Board shall:

- 30 (1) be at least 25 years of age;
- 31 (2) be a resident of the State of Illinois; and
- 32 (3) have at least 5 years of active experience in the
33 oil industry.

34 (d) Members shall serve for a term of 3 years, except that

1 of the initial appointments, 4 members shall serve for one
2 year, 4 members for 2 years, and 4 members for 3 years.

3 (e) Vacancies shall be filled for the unexpired term of
4 office in the same manner as the original appointment.

5 (f) The Board shall, at its first meeting, elect one of its
6 members as chairperson, who shall preside over meetings of the
7 Board and perform other duties that may be required by the
8 Board. The first meeting of the Board shall be called by the
9 Governor.

10 (g) No member of the Board shall receive a salary or
11 reimbursement for duties performed as a member of the Board,
12 except that members are eligible to receive reimbursement for
13 travel expenses incurred in the performance of Board duties.

14 (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;
15 revised 8-12-02.)

16 Section 505. The Illinois Horse Racing Act of 1975 is
17 amended by changing Section 1.3 as follows:

18 (230 ILCS 5/1.3)

19 Sec. 1.3. Legislative findings.

20 (a) The General Assembly finds that the Illinois gaming
21 industry is a single industry consisting of horse racing and
22 riverboat gambling. Reports issued by the Economic and Fiscal
23 Commission (now Commission on Government Forecasting and
24 Accountability) in 1992, 1994, and 1998 have found that horse
25 racing and riverboat gambling:

26 (1) "share many of the same characteristics" and are
27 "more alike than different";

28 (2) are planned events;

29 (3) have similar odds of winning;

30 (4) occur in similar settings; and

31 (5) compete with each other for limited gaming dollars.

32 (b) The General Assembly declares it to be the public
33 policy of this State to ensure the viability of both horse
34 racing and riverboat aspects of the Illinois gaming industry.

1 (Source: P.A. 93-1067, eff. 1-15-05; revised 10-11-05.)

2 Section 510. The Riverboat Gambling Act is amended by
3 changing Section 4 as follows:

4 (230 ILCS 10/4) (from Ch. 120, par. 2404)

5 Sec. 4. Definitions. As used in this Act:

6 (a) "Board" means the Illinois Gaming Board.

7 (b) "Occupational license" means a license issued by the
8 Board to a person or entity to perform an occupation which the
9 Board has identified as requiring a license to engage in
10 riverboat gambling in Illinois.

11 (c) "Gambling game" includes, but is not limited to,
12 baccarat, twenty-one, poker, craps, slot machine, video game of
13 chance, roulette wheel, klondike table, punchboard, faro
14 layout, keno layout, numbers ticket, push card, jar ticket, or
15 pull tab which is authorized by the Board as a wagering device
16 under this Act.

17 (d) "Riverboat" means a self-propelled excursion boat, a
18 permanently moored barge, or permanently moored barges that are
19 permanently fixed together to operate as one vessel, on which
20 lawful gambling is authorized and licensed as provided in this
21 Act.

22 (e) "Managers license" means a license issued by the Board
23 to a person or entity to manage gambling operations conducted
24 by the State pursuant to Section 7.3 ~~7.2~~.

25 (f) "Dock" means the location where a riverboat moors for
26 the purpose of embarking passengers for and disembarking
27 passengers from the riverboat.

28 (g) "Gross receipts" means the total amount of money
29 exchanged for the purchase of chips, tokens or electronic cards
30 by riverboat patrons.

31 (h) "Adjusted gross receipts" means the gross receipts less
32 winnings paid to wagerers.

33 (i) "Cheat" means to alter the selection of criteria which
34 determine the result of a gambling game or the amount or

1 frequency of payment in a gambling game.

2 (j) "Department" means the Department of Revenue.

3 (k) "Gambling operation" means the conduct of authorized
4 gambling games upon a riverboat.

5 (l) "License bid" means the lump sum amount of money that
6 an applicant bids and agrees to pay the State in return for an
7 owners license that is re-issued on or after July 1, 2003.

8 (m) The terms "minority person" and "female" shall have the
9 same meaning as defined in Section 2 of the Business Enterprise
10 for Minorities, Females, and Persons with Disabilities Act.

11 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
12 revised 1-28-04.)

13 Section 515. The Liquor Control Act of 1934 is amended by
14 changing Sections 5-1, 6-2, 6-11, 6-15, 6-16.2, 7-5, 7-6, and
15 12-4 as follows:

16 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

17 Sec. 5-1. Licenses issued by the Illinois Liquor Control
18 Commission shall be of the following classes:

19 (a) Manufacturer's license - Class 1. Distiller, Class 2.
20 Rectifier, Class 3. Brewer, Class 4. First Class Wine
21 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
22 First Class Winemaker, Class 7. Second Class Winemaker, Class
23 8. Limited Wine Manufacturer,

24 (b) Distributor's license,

25 (c) Importing Distributor's license,

26 (d) Retailer's license,

27 (e) Special Event Retailer's license (not-for-profit),

28 (f) Railroad license,

29 (g) Boat license,

30 (h) Non-Beverage User's license,

31 (i) Wine-maker's premises license,

32 (j) Airplane license,

33 (k) Foreign importer's license,

34 (l) Broker's license,

- 1 (m) Non-resident dealer's license,
- 2 (n) Brew Pub license,
- 3 (o) Auction liquor license,
- 4 (p) Caterer retailer license,
- 5 (q) Special use permit license.

6 No person, firm, partnership, corporation, or other legal
7 business entity that is engaged in the manufacturing of wine
8 may concurrently obtain and hold a wine-maker's license and a
9 wine manufacturer's license.

10 (a) A manufacturer's license shall allow the manufacture,
11 importation in bulk, storage, distribution and sale of
12 alcoholic liquor to persons without the State, as may be
13 permitted by law and to licensees in this State as follows:

14 Class 1. A Distiller may make sales and deliveries of
15 alcoholic liquor to distillers, rectifiers, importing
16 distributors, distributors and non-beverage users and to no
17 other licensees.

18 Class 2. A Rectifier, who is not a distiller, as defined
19 herein, may make sales and deliveries of alcoholic liquor to
20 rectifiers, importing distributors, distributors, retailers
21 and non-beverage users and to no other licensees.

22 Class 3. A Brewer may make sales and deliveries of beer to
23 importing distributors, distributors, and to non-licensees,
24 and to retailers provided the brewer obtains an importing
25 distributor's license or distributor's license in accordance
26 with the provisions of this Act.

27 Class 4. A first class wine-manufacturer may make sales and
28 deliveries of up to 50,000 gallons of wine to manufacturers,
29 importing distributors and distributors, and to no other
30 licensees.

31 Class 5. A second class Wine manufacturer may make sales
32 and deliveries of more than 50,000 gallons of wine to
33 manufacturers, importing distributors and distributors and to
34 no other licensees.

35 Class 6. A first-class wine-maker's license shall allow the
36 manufacture of up to 50,000 gallons of wine per year, and the

1 storage and sale of such wine to distributors in the State and
2 to persons without the State, as may be permitted by law. A
3 first-class wine-maker's license shall allow the sale of no
4 more than 5,000 gallons of the licensee's wine to retailers.
5 The State Commission shall issue only one first-class
6 wine-maker's license to any person, firm, partnership,
7 corporation, or other legal business entity that is engaged in
8 the making of less than 50,000 gallons of wine annually that
9 applies for a first-class wine-maker's license. No subsidiary
10 or affiliate thereof, nor any officer, associate, member,
11 partner, representative, employee, agent, or shareholder may
12 be issued an additional wine-maker's license by the State
13 Commission.

14 Class 7. A second-class wine-maker's license shall allow
15 the manufacture of between 50,000 and 100,000 gallons of wine
16 per year, and the storage and sale of such wine to distributors
17 in this State and to persons without the State, as may be
18 permitted by law. A second-class wine-maker's license shall
19 allow the sale of no more than 10,000 gallons of the licensee's
20 wine directly to retailers. The State Commission shall issue
21 only one second-class wine-maker's license to any person, firm,
22 partnership, corporation, or other legal business entity that
23 is engaged in the making of less than 100,000 gallons of wine
24 annually that applies for a second-class wine-maker's license.
25 No subsidiary or affiliate thereof, or any officer, associate,
26 member, partner, representative, employee, agent, or
27 shareholder may be issued an additional wine-maker's license by
28 the State Commission.

29 Class 8. A limited wine-manufacturer may make sales and
30 deliveries not to exceed 40,000 gallons of wine per year to
31 distributors, and to non-licensees in accordance with the
32 provisions of this Act.

33 (a-1) A manufacturer which is licensed in this State to
34 make sales or deliveries of alcoholic liquor and which enlists
35 agents, representatives, or individuals acting on its behalf
36 who contact licensed retailers on a regular and continual basis

1 in this State must register those agents, representatives, or
2 persons acting on its behalf with the State Commission.

3 Registration of agents, representatives, or persons acting
4 on behalf of a manufacturer is fulfilled by submitting a form
5 to the Commission. The form shall be developed by the
6 Commission and shall include the name and address of the
7 applicant, the name and address of the manufacturer he or she
8 represents, the territory or areas assigned to sell to or
9 discuss pricing terms of alcoholic liquor, and any other
10 questions deemed appropriate and necessary. All statements in
11 the forms required to be made by law or by rule shall be deemed
12 material, and any person who knowingly misstates any material
13 fact under oath in an application is guilty of a Class B
14 misdemeanor. Fraud, misrepresentation, false statements,
15 misleading statements, evasions, or suppression of material
16 facts in the securing of a registration are grounds for
17 suspension or revocation of the registration.

18 (b) A distributor's license shall allow the wholesale
19 purchase and storage of alcoholic liquors and sale of alcoholic
20 liquors to licensees in this State and to persons without the
21 State, as may be permitted by law.

22 (c) An importing distributor's license may be issued to and
23 held by those only who are duly licensed distributors, upon the
24 filing of an application by a duly licensed distributor, with
25 the Commission and the Commission shall, without the payment of
26 any fee, immediately issue such importing distributor's
27 license to the applicant, which shall allow the importation of
28 alcoholic liquor by the licensee into this State from any point
29 in the United States outside this State, and the purchase of
30 alcoholic liquor in barrels, casks or other bulk containers and
31 the bottling of such alcoholic liquors before resale thereof,
32 but all bottles or containers so filled shall be sealed,
33 labeled, stamped and otherwise made to comply with all
34 provisions, rules and regulations governing manufacturers in
35 the preparation and bottling of alcoholic liquors. The
36 importing distributor's license shall permit such licensee to

1 purchase alcoholic liquor from Illinois licensed non-resident
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell
4 and offer for sale at retail, only in the premises specified in
5 the license, alcoholic liquor for use or consumption, but not
6 for resale in any form: Provided that any retail license issued
7 to a manufacturer shall only permit the manufacturer to sell
8 beer at retail on the premises actually occupied by the
9 manufacturer. For the purpose of further describing the type of
10 business conducted at a retail licensed premises, a retailer's
11 licensee may be designated by the State Commission as (i) an on
12 premise consumption retailer, (ii) an off premise sale
13 retailer, or (iii) a combined on premise consumption and off
14 premise sale retailer.

15 Notwithstanding any other provision of this subsection
16 (d), a retail licensee may sell alcoholic liquors to a special
17 event retailer licensee for resale to the extent permitted
18 under subsection (e).

19 (e) A special event retailer's license (not-for-profit)
20 shall permit the licensee to purchase alcoholic liquors from an
21 Illinois licensed distributor (unless the licensee purchases
22 less than \$500 of alcoholic liquors for the special event, in
23 which case the licensee may purchase the alcoholic liquors from
24 a licensed retailer) and shall allow the licensee to sell and
25 offer for sale, at retail, alcoholic liquors for use or
26 consumption, but not for resale in any form and only at the
27 location and on the specific dates designated for the special
28 event in the license. An applicant for a special event retailer
29 license must (i) furnish with the application: (A) a resale
30 number issued under Section 2c of the Retailers' Occupation Tax
31 Act or evidence that the applicant is registered under Section
32 2a of the Retailers' Occupation Tax Act, (B) a current, valid
33 exemption identification number issued under Section 1g of the
34 Retailers' Occupation Tax Act, and a certification to the
35 Commission that the purchase of alcoholic liquors will be a
36 tax-exempt purchase, or (C) a statement that the applicant is

1 not registered under Section 2a of the Retailers' Occupation
2 Tax Act, does not hold a resale number under Section 2c of the
3 Retailers' Occupation Tax Act, and does not hold an exemption
4 number under Section 1g of the Retailers' Occupation Tax Act,
5 in which event the Commission shall set forth on the special
6 event retailer's license a statement to that effect; (ii)
7 submit with the application proof satisfactory to the State
8 Commission that the applicant will provide dram shop liability
9 insurance in the maximum limits; and (iii) show proof
10 satisfactory to the State Commission that the applicant has
11 obtained local authority approval.

12 (f) A railroad license shall permit the licensee to import
13 alcoholic liquors into this State from any point in the United
14 States outside this State and to store such alcoholic liquors
15 in this State; to make wholesale purchases of alcoholic liquors
16 directly from manufacturers, foreign importers, distributors
17 and importing distributors from within or outside this State;
18 and to store such alcoholic liquors in this State; provided
19 that the above powers may be exercised only in connection with
20 the importation, purchase or storage of alcoholic liquors to be
21 sold or dispensed on a club, buffet, lounge or dining car
22 operated on an electric, gas or steam railway in this State;
23 and provided further, that railroad licensees exercising the
24 above powers shall be subject to all provisions of Article VIII
25 of this Act as applied to importing distributors. A railroad
26 license shall also permit the licensee to sell or dispense
27 alcoholic liquors on any club, buffet, lounge or dining car
28 operated on an electric, gas or steam railway regularly
29 operated by a common carrier in this State, but shall not
30 permit the sale for resale of any alcoholic liquors to any
31 licensee within this State. A license shall be obtained for
32 each car in which such sales are made.

33 (g) A boat license shall allow the sale of alcoholic liquor
34 in individual drinks, on any passenger boat regularly operated
35 as a common carrier on navigable waters in this State or on any
36 riverboat operated under the Riverboat Gambling Act, which boat

1 or riverboat maintains a public dining room or restaurant
2 thereon.

3 (h) A non-beverage user's license shall allow the licensee
4 to purchase alcoholic liquor from a licensed manufacturer or
5 importing distributor, without the imposition of any tax upon
6 the business of such licensed manufacturer or importing
7 distributor as to such alcoholic liquor to be used by such
8 licensee solely for the non-beverage purposes set forth in
9 subsection (a) of Section 8-1 of this Act, and such licenses
10 shall be divided and classified and shall permit the purchase,
11 possession and use of limited and stated quantities of
12 alcoholic liquor as follows:

- 13 Class 1, not to exceed 500 gallons
- 14 Class 2, not to exceed 1,000 gallons
- 15 Class 3, not to exceed 5,000 gallons
- 16 Class 4, not to exceed 10,000 gallons
- 17 Class 5, not to exceed 50,000 gallons

18 (i) A wine-maker's premises license shall allow a licensee
19 that concurrently holds a first-class wine-maker's license to
20 sell and offer for sale at retail in the premises specified in
21 such license not more than 50,000 gallons of the first-class
22 wine-maker's wine that is made at the first-class wine-maker's
23 licensed premises per year for use or consumption, but not for
24 resale in any form. A wine-maker's premises license shall allow
25 a licensee who concurrently holds a second-class wine-maker's
26 license to sell and offer for sale at retail in the premises
27 specified in such license up to 100,000 gallons of the
28 second-class wine-maker's wine that is made at the second-class
29 wine-maker's licensed premises per year for use or consumption
30 but not for resale in any form. A wine-maker's premises license
31 shall allow a licensee that concurrently holds a first-class
32 wine-maker's license or a second-class wine-maker's license to
33 sell and offer for sale at retail at the premises specified in
34 the wine-maker's premises license, for use or consumption but
35 not for resale in any form, any beer, wine, and spirits
36 purchased from a licensed distributor. Upon approval from the

1 State Commission, a wine-maker's premises license shall allow
2 the licensee to sell and offer for sale at (i) the wine-maker's
3 licensed premises and (ii) at up to 2 additional locations for
4 use and consumption and not for resale. Each location shall
5 require additional licensing per location as specified in
6 Section 5-3 of this Act.

7 (j) An airplane license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on an airplane; and provided further, that
17 airplane licensees exercising the above powers shall be subject
18 to all provisions of Article VIII of this Act as applied to
19 importing distributors. An airplane licensee shall also permit
20 the sale or dispensing of alcoholic liquors on any passenger
21 airplane regularly operated by a common carrier in this State,
22 but shall not permit the sale for resale of any alcoholic
23 liquors to any licensee within this State. A single airplane
24 license shall be required of an airline company if liquor
25 service is provided on board aircraft in this State. The annual
26 fee for such license shall be as determined in Section 5-3.

27 (k) A foreign importer's license shall permit such licensee
28 to purchase alcoholic liquor from Illinois licensed
29 non-resident dealers only, and to import alcoholic liquor other
30 than in bulk from any point outside the United States and to
31 sell such alcoholic liquor to Illinois licensed importing
32 distributors and to no one else in Illinois; provided that the
33 foreign importer registers with the State Commission every
34 brand of alcoholic liquor that it proposes to sell to Illinois
35 licensees during the license period and provided further that
36 the foreign importer complies with all of the provisions of

1 Section 6-9 of this Act with respect to registration of such
2 Illinois licensees as may be granted the right to sell such
3 brands at wholesale.

4 (1) (i) A broker's license shall be required of all persons
5 who solicit orders for, offer to sell or offer to supply
6 alcoholic liquor to retailers in the State of Illinois, or who
7 offer to retailers to ship or cause to be shipped or to make
8 contact with distillers, rectifiers, brewers or manufacturers
9 or any other party within or without the State of Illinois in
10 order that alcoholic liquors be shipped to a distributor,
11 importing distributor or foreign importer, whether such
12 solicitation or offer is consummated within or without the
13 State of Illinois.

14 No holder of a retailer's license issued by the Illinois
15 Liquor Control Commission shall purchase or receive any
16 alcoholic liquor, the order for which was solicited or offered
17 for sale to such retailer by a broker unless the broker is the
18 holder of a valid broker's license.

19 The broker shall, upon the acceptance by a retailer of the
20 broker's solicitation of an order or offer to sell or supply or
21 deliver or have delivered alcoholic liquors, promptly forward
22 to the Illinois Liquor Control Commission a notification of
23 said transaction in such form as the Commission may by
24 regulations prescribe.

25 (ii) A broker's license shall be required of a person
26 within this State, other than a retail licensee, who, for a fee
27 or commission, promotes, solicits, or accepts orders for
28 alcoholic liquor, for use or consumption and not for resale, to
29 be shipped from this State and delivered to residents outside
30 of this State by an express company, common carrier, or
31 contract carrier. This Section does not apply to any person who
32 promotes, solicits, or accepts orders for wine as specifically
33 authorized in Section 6-29 of this Act.

34 A broker's license under this subsection (1) shall not
35 entitle the holder to buy or sell any alcoholic liquors for his
36 own account or to take or deliver title to such alcoholic

1 liquors.

2 This subsection (1) shall not apply to distributors,
3 employees of distributors, or employees of a manufacturer who
4 has registered the trademark, brand or name of the alcoholic
5 liquor pursuant to Section 6-9 of this Act, and who regularly
6 sells such alcoholic liquor in the State of Illinois only to
7 its registrants thereunder.

8 Any agent, representative, or person subject to
9 registration pursuant to subsection (a-1) of this Section shall
10 not be eligible to receive a broker's license.

11 (m) A non-resident dealer's license shall permit such
12 licensee to ship into and warehouse alcoholic liquor into this
13 State from any point outside of this State, and to sell such
14 alcoholic liquor to Illinois licensed foreign importers and
15 importing distributors and to no one else in this State;
16 provided that said non-resident dealer shall register with the
17 Illinois Liquor Control Commission each and every brand of
18 alcoholic liquor which it proposes to sell to Illinois
19 licensees during the license period; and further provided that
20 it shall comply with all of the provisions of Section 6-9
21 hereof with respect to registration of such Illinois licensees
22 as may be granted the right to sell such brands at wholesale.

23 (n) A brew pub license shall allow the licensee to
24 manufacture beer only on the premises specified in the license,
25 to make sales of the beer manufactured on the premises to
26 importing distributors, distributors, and to non-licensees for
27 use and consumption, to store the beer upon the premises, and
28 to sell and offer for sale at retail from the licensed
29 premises, provided that a brew pub licensee shall not sell for
30 off-premises consumption more than 50,000 gallons per year.

31 (o) A caterer retailer license shall allow the holder to
32 serve alcoholic liquors as an incidental part of a food service
33 that serves prepared meals which excludes the serving of snacks
34 as the primary meal, either on or off-site whether licensed or
35 unlicensed.

36 (p) An auction liquor license shall allow the licensee to

1 sell and offer for sale at auction wine and spirits for use or
2 consumption, or for resale by an Illinois liquor licensee in
3 accordance with provisions of this Act. An auction liquor
4 license will be issued to a person and it will permit the
5 auction liquor licensee to hold the auction anywhere in the
6 State. An auction liquor license must be obtained for each
7 auction at least 14 days in advance of the auction date.

8 (q) A special use permit license shall allow an Illinois
9 licensed retailer to transfer a portion of its alcoholic liquor
10 inventory from its retail licensed premises to the premises
11 specified in the license hereby created, and to sell or offer
12 for sale at retail, only in the premises specified in the
13 license hereby created, the transferred alcoholic liquor for
14 use or consumption, but not for resale in any form. A special
15 use permit license may be granted for the following time
16 periods: one day or less; 2 or more days to a maximum of 15 days
17 per location in any 12 month period. An applicant for the
18 special use permit license must also submit with the
19 application proof satisfactory to the State Commission that the
20 applicant will provide dram shop liability insurance to the
21 maximum limits and have local authority approval.

22 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
23 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.
24 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

25 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

26 Sec. 6-2. Issuance of licenses to certain persons
27 prohibited.

28 (a) Except as otherwise provided in subsection (b) of this
29 Section and in paragraph (1) of subsection (a) of Section 3-12,
30 no license of any kind issued by the State Commission or any
31 local commission shall be issued to:

32 (1) A person who is not a resident of any city, village
33 or county in which the premises covered by the license are
34 located; except in case of railroad or boat licenses.

35 (2) A person who is not of good character and

1 reputation in the community in which he resides.

2 (3) A person who is not a citizen of the United States.

3 (4) A person who has been convicted of a felony under
4 any Federal or State law, unless the Commission determines
5 that such person has been sufficiently rehabilitated to
6 warrant the public trust after considering matters set
7 forth in such person's application and the Commission's
8 investigation. The burden of proof of sufficient
9 rehabilitation shall be on the applicant.

10 (5) A person who has been convicted of being the keeper
11 or is keeping a house of ill fame.

12 (6) A person who has been convicted of pandering or
13 other crime or misdemeanor opposed to decency and morality.

14 (7) A person whose license issued under this Act has
15 been revoked for cause.

16 (8) A person who at the time of application for renewal
17 of any license issued hereunder would not be eligible for
18 such license upon a first application.

19 (9) A copartnership, if any general partnership
20 thereof, or any limited partnership thereof, owning more
21 than 5% of the aggregate limited partner interest in such
22 copartnership would not be eligible to receive a license
23 hereunder for any reason other than residence within the
24 political subdivision, unless residency is required by
25 local ordinance.

26 (10) A corporation or limited liability company, if any
27 member, officer, manager or director thereof, or any
28 stockholder or stockholders owning in the aggregate more
29 than 5% of the stock of such corporation, would not be
30 eligible to receive a license hereunder for any reason
31 other than citizenship and residence within the political
32 subdivision.

33 (10a) A corporation or limited liability company
34 unless it is incorporated or organized in Illinois, or
35 unless it is a foreign corporation or foreign limited
36 liability company which is qualified under the Business

1 Corporation Act of 1983 or the Limited Liability Company
2 Act to transact business in Illinois. The Commission shall
3 permit and accept from an applicant for a license under
4 this Act proof prepared from the Secretary of State's
5 website that the corporation or limited liability company
6 is in good standing and is qualified under the Business
7 Corporation Act of 1983 or the Limited Liability Company
8 Act to transact business in Illinois.

9 (11) A person whose place of business is conducted by a
10 manager or agent unless the manager or agent possesses the
11 same qualifications required by the licensee.

12 (12) A person who has been convicted of a violation of
13 any Federal or State law concerning the manufacture,
14 possession or sale of alcoholic liquor, subsequent to the
15 passage of this Act or has forfeited his bond to appear in
16 court to answer charges for any such violation.

17 (13) A person who does not beneficially own the
18 premises for which a license is sought, or does not have a
19 lease thereon for the full period for which the license is
20 to be issued.

21 (14) Any law enforcing public official, including
22 members of local liquor control commissions, any mayor,
23 alderman, or member of the city council or commission, any
24 president of the village board of trustees, any member of a
25 village board of trustees, or any president or member of a
26 county board; and no such official shall have a direct
27 interest in the manufacture, sale, or distribution of
28 alcoholic liquor, except that a license may be granted to
29 such official in relation to premises that are not located
30 within the territory subject to the jurisdiction of that
31 official if the issuance of such license is approved by the
32 State Liquor Control Commission and except that a license
33 may be granted, in a city or village with a population of
34 50,000 or less, to any alderman, member of a city council,
35 or member of a village board of trustees in relation to
36 premises that are located within the territory subject to

1 the jurisdiction of that official if (i) the sale of
2 alcoholic liquor pursuant to the license is incidental to
3 the selling of food, (ii) the issuance of the license is
4 approved by the State Commission, (iii) the issuance of the
5 license is in accordance with all applicable local
6 ordinances in effect where the premises are located, and
7 (iv) the official granted a license does not vote on
8 alcoholic liquor issues pending before the board or council
9 to which the license holder is elected. Notwithstanding any
10 provision of this paragraph (14) to the contrary, an
11 alderman or member of a city council or commission, a
12 member of a village board of trustees other than the
13 president of the village board of trustees, or a member of
14 a county board other than the president of a county board
15 may have a direct interest in the manufacture, sale, or
16 distribution of alcoholic liquor as long as he or she is
17 not a law enforcing public official, a mayor, a village
18 board president, or president of a county board. To prevent
19 any conflict of interest, the elected official with the
20 direct interest in the manufacture, sale, or distribution
21 of alcoholic liquor cannot participate in any meetings,
22 hearings, or decisions on matters impacting the
23 manufacture, sale, or distribution of alcoholic liquor.

24 (15) A person who is not a beneficial owner of the
25 business to be operated by the licensee.

26 (16) A person who has been convicted of a gambling
27 offense as proscribed by any of subsections (a) (3) through
28 (a) (11) of Section 28-1 of, or as proscribed by Section
29 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
30 proscribed by a statute replaced by any of the aforesaid
31 statutory provisions.

32 (17) A person or entity to whom a federal wagering
33 stamp has been issued by the federal government, unless the
34 person or entity is eligible to be issued a license under
35 the Raffles Act or the Illinois Pull Tabs and Jar Games
36 Act.

1 (18) A person who intends to sell alcoholic liquors for
2 use or consumption on his or her licensed retail premises
3 who does not have liquor liability insurance coverage for
4 that premises in an amount that is at least equal to the
5 maximum liability amounts set out in subsection (a) of
6 Section 6-21.

7 (b) A criminal conviction of a corporation is not grounds
8 for the denial, suspension, or revocation of a license applied
9 for or held by the corporation if the criminal conviction was
10 not the result of a violation of any federal or State law
11 concerning the manufacture, possession or sale of alcoholic
12 liquor, the offense that led to the conviction did not result
13 in any financial gain to the corporation and the corporation
14 has terminated its relationship with each director, officer,
15 employee, or controlling shareholder whose actions directly
16 contributed to the conviction of the corporation. The
17 Commission shall determine if all provisions of this subsection
18 (b) have been met before any action on the corporation's
19 license is initiated.

20 (Source: P.A. 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04; 94-5,
21 eff. 6-3-05; 94-289, eff. 1-1-06; 94-381, eff. 7-29-05; revised
22 8-19-05.)

23 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

24 Sec. 6-11. Sale near churches, schools, and hospitals.

25 (a) No license shall be issued for the sale at retail of
26 any alcoholic liquor within 100 feet of any church, school
27 other than an institution of higher learning, hospital, home
28 for aged or indigent persons or for veterans, their spouses or
29 children or any military or naval station, provided, that this
30 prohibition shall not apply to hotels offering restaurant
31 service, regularly organized clubs, or to restaurants, food
32 shops or other places where sale of alcoholic liquors is not
33 the principal business carried on if the place of business so
34 exempted is not located in a municipality of more than 500,000
35 persons, unless required by local ordinance; nor to the renewal

1 of a license for the sale at retail of alcoholic liquor on
2 premises within 100 feet of any church or school where the
3 church or school has been established within such 100 feet
4 since the issuance of the original license. In the case of a
5 church, the distance of 100 feet shall be measured to the
6 nearest part of any building used for worship services or
7 educational programs and not to property boundaries.

8 (b) Nothing in this Section shall prohibit the issuance of
9 a retail license authorizing the sale of alcoholic liquor to a
10 restaurant, the primary business of which is the sale of goods
11 baked on the premises if (i) the restaurant is newly
12 constructed and located on a lot of not less than 10,000 square
13 feet, (ii) the restaurant costs at least \$1,000,000 to
14 construct, (iii) the licensee is the titleholder to the
15 premises and resides on the premises, and (iv) the construction
16 of the restaurant is completed within 18 months of the
17 effective date of this amendatory Act of 1998.

18 (c) Nothing in this Section shall prohibit the issuance of
19 a retail license authorizing the sale of alcoholic liquor
20 incidental to a restaurant if (1) the primary business of the
21 restaurant consists of the sale of food where the sale of
22 liquor is incidental to the sale of food and the applicant is a
23 completely new owner of the restaurant, (2) the immediately
24 prior owner or operator of the premises where the restaurant is
25 located operated the premises as a restaurant and held a valid
26 retail license authorizing the sale of alcoholic liquor at the
27 restaurant for at least part of the 24 months before the change
28 of ownership, and (3) the restaurant is located 75 or more feet
29 from a school.

30 (d) In the interest of further developing Illinois' economy
31 in the area of commerce, tourism, convention, and banquet
32 business, nothing in this Section shall prohibit issuance of a
33 retail license authorizing the sale of alcoholic beverages to a
34 restaurant, banquet facility, grocery store, or hotel having
35 not fewer than 150 guest room accommodations located in a
36 municipality of more than 500,000 persons, notwithstanding the

1 proximity of such hotel, restaurant, banquet facility, or
2 grocery store to any church or school, if the licensed premises
3 described on the license are located within an enclosed mall or
4 building of a height of at least 6 stories, or 60 feet in the
5 case of a building that has been registered as a national
6 landmark, or in a grocery store having a minimum of 56,010
7 square feet of floor space in a single story building in an
8 open mall of at least 3.96 acres that is adjacent to a public
9 school that opened as a boys technical high school in 1934, or
10 in a grocery store having a minimum of 31,000 square feet of
11 floor space in a single story building located a distance of
12 more than 90 feet but less than 100 feet from a high school
13 that opened in 1928 as a junior high school and became a senior
14 high school in 1933, and in each of these cases if the sale of
15 alcoholic liquors is not the principal business carried on by
16 the licensee.

17 For purposes of this Section, a "banquet facility" is any
18 part of a building that caters to private parties and where the
19 sale of alcoholic liquors is not the principal business.

20 (e) Nothing in this Section shall prohibit the issuance of
21 a license to a church or private school to sell at retail
22 alcoholic liquor if any such sales are limited to periods when
23 groups are assembled on the premises solely for the promotion
24 of some common object other than the sale or consumption of
25 alcoholic liquors.

26 (f) Nothing in this Section shall prohibit a church or
27 church affiliated school located in a home rule municipality or
28 in a municipality with 75,000 or more inhabitants from locating
29 within 100 feet of a property for which there is a preexisting
30 license to sell alcoholic liquor at retail. In these instances,
31 the local zoning authority may, by ordinance adopted
32 simultaneously with the granting of an initial special use
33 zoning permit for the church or church affiliated school,
34 provide that the 100-foot restriction in this Section shall not
35 apply to that church or church affiliated school and future
36 retail liquor licenses.

1 (g) Nothing in this Section shall prohibit the issuance of
2 a retail license authorizing the sale of alcoholic liquor at
3 premises within 100 feet, but not less than 90 feet, of a
4 public school if (1) the premises have been continuously
5 licensed to sell alcoholic liquor for a period of at least 50
6 years, (2) the premises are located in a municipality having a
7 population of over 500,000 inhabitants, (3) the licensee is an
8 individual who is a member of a family that has held the
9 previous 3 licenses for that location for more than 25 years,
10 (4) the principal of the school and the alderman of the ward in
11 which the school is located have delivered a written statement
12 to the local liquor control commissioner stating that they do
13 not object to the issuance of a license under this subsection
14 (g), and (5) the local liquor control commissioner has received
15 the written consent of a majority of the registered voters who
16 live within 200 feet of the premises.

17 (h) Notwithstanding any provision of this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor within premises and at an outdoor patio area attached to
21 premises that are located in a municipality with a population
22 in excess of 300,000 inhabitants and that are within 100 feet
23 of a church if:

24 (1) the sale of alcoholic liquor at the premises is
25 incidental to the sale of food,

26 (2) the sale of liquor is not the principal business
27 carried on by the licensee at the premises,

28 (3) the premises are less than 1,000 square feet,

29 (4) the premises are owned by the University of
30 Illinois,

31 (5) the premises are immediately adjacent to property
32 owned by a church and are not less than 20 nor more than 40
33 feet from the church space used for worship services, and

34 (6) the principal religious leader at the place of
35 worship has indicated his or her support for the issuance
36 of the license in writing.

1 (i) ~~(h)~~ Notwithstanding any provision in this Section to
2 the contrary, nothing in this Section shall prohibit the
3 issuance or renewal of a license to sell alcoholic liquor at a
4 premises that is located within a municipality with a
5 population in excess of 300,000 inhabitants and is within 100
6 feet of a church, synagogue, or other place of worship if:

7 (1) the primary entrance of the premises and the
8 primary entrance of the church, synagogue, or other place
9 of worship are at least 100 feet apart, on parallel
10 streets, and separated by an alley; and

11 (2) the principal religious leader at the place of
12 worship has not indicated his or her opposition to the
13 issuance or renewal of the license in writing.

14 (j) ~~(h)~~ Notwithstanding any provision in this Section to
15 the contrary, nothing in this Section shall prohibit the
16 issuance of a retail license authorizing the sale of alcoholic
17 liquor at a theater that is within 100 feet of a church if (1)
18 the church owns the theater, (2) the church leases the theater
19 to one or more entities, and (3) the theater is used by at
20 least 5 different not-for-profit theater groups.

21 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;
22 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;
23 revised 10-14-04.)

24 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

25 Sec. 6-15. No alcoholic liquors shall be sold or delivered
26 in any building belonging to or under the control of the State
27 or any political subdivision thereof except as provided in this
28 Act. The corporate authorities of any city, village,
29 incorporated town or township may provide by ordinance,
30 however, that alcoholic liquor may be sold or delivered in any
31 specifically designated building belonging to or under the
32 control of the municipality or township, or in any building
33 located on land under the control of the municipality; provided
34 that such township complies with all applicable local
35 ordinances in any incorporated area of the township. Alcoholic

1 liquor may be delivered to and sold under the authority of a
2 special use permit on any property owned by a conservation
3 district organized under the Conservation District Act,
4 provided that (i) the alcoholic liquor is sold only at an event
5 authorized by the governing board of the conservation district,
6 (ii) the issuance of the special use permit is authorized by
7 the local liquor control commissioner of the territory in which
8 the property is located, and (iii) the special use permit
9 authorizes the sale of alcoholic liquor for one day or less.
10 Alcoholic liquors may be delivered to and sold at any airport
11 belonging to or under the control of a municipality of more
12 than 25,000 inhabitants, or in any building or on any golf
13 course owned by a park district organized under the Park
14 District Code, subject to the approval of the governing board
15 of the district, or in any building or on any golf course owned
16 by a forest preserve district organized under the Downstate
17 Forest Preserve District Act, subject to the approval of the
18 governing board of the district, or on the grounds within 500
19 feet of any building owned by a forest preserve district
20 organized under the Downstate Forest Preserve District Act
21 during times when food is dispensed for consumption within 500
22 feet of the building from which the food is dispensed, subject
23 to the approval of the governing board of the district, or in a
24 building owned by a Local Mass Transit District organized under
25 the Local Mass Transit District Act, subject to the approval of
26 the governing Board of the District, or in Bicentennial Park,
27 or on the premises of the City of Mendota Lake Park located
28 adjacent to Route 51 in Mendota, Illinois, or on the premises
29 of Camden Park in Milan, Illinois, or in the community center
30 owned by the City of Loves Park that is located at 1000 River
31 Park Drive in Loves Park, Illinois, or, in connection with the
32 operation of an established food serving facility during times
33 when food is dispensed for consumption on the premises, and at
34 the following aquarium and museums located in public parks: Art
35 Institute of Chicago, Chicago Academy of Sciences, Chicago
36 Historical Society, Field Museum of Natural History, Museum of

1 Science and Industry, DuSable Museum of African American
2 History, John G. Shedd Aquarium and Adler Planetarium, or at
3 Lakeview Museum of Arts and Sciences in Peoria, or in
4 connection with the operation of the facilities of the Chicago
5 Zoological Society or the Chicago Horticultural Society on land
6 owned by the Forest Preserve District of Cook County, or on any
7 land used for a golf course or for recreational purposes owned
8 by the Forest Preserve District of Cook County, subject to the
9 control of the Forest Preserve District Board of Commissioners
10 and applicable local law, provided that dram shop liability
11 insurance is provided at maximum coverage limits so as to hold
12 the District harmless from all financial loss, damage, and
13 harm, or in any building located on land owned by the Chicago
14 Park District if approved by the Park District Commissioners,
15 or on any land used for a golf course or for recreational
16 purposes and owned by the Illinois International Port District
17 if approved by the District's governing board, or at any
18 airport, golf course, faculty center, or facility in which
19 conference and convention type activities take place belonging
20 to or under control of any State university or public community
21 college district, provided that with respect to a facility for
22 conference and convention type activities alcoholic liquors
23 shall be limited to the use of the convention or conference
24 participants or participants in cultural, political or
25 educational activities held in such facilities, and provided
26 further that the faculty or staff of the State university or a
27 public community college district, or members of an
28 organization of students, alumni, faculty or staff of the State
29 university or a public community college district are active
30 participants in the conference or convention, or in Memorial
31 Stadium on the campus of the University of Illinois at
32 Urbana-Champaign during games in which the Chicago Bears
33 professional football team is playing in that stadium during
34 the renovation of Soldier Field, not more than one and a half
35 hours before the start of the game and not after the end of the
36 third quarter of the game, or in the Pavilion Facility on the

1 campus of the University of Illinois at Chicago during games in
2 which the Chicago Storm professional soccer team is playing in
3 that facility, not more than one and a half hours before the
4 start of the game and not after the end of the third quarter of
5 the game, or in the Pavilion Facility on the campus of the
6 University of Illinois at Chicago during games in which the
7 WNBA professional women's basketball team is playing in that
8 facility, not more than one and a half hours before the start
9 of the game and not after the 10-minute mark of the second half
10 of the game, or by a catering establishment which has rented
11 facilities from a board of trustees of a public community
12 college district, or in a restaurant that is operated by a
13 commercial tenant in the North Campus Parking Deck building
14 that (1) is located at 1201 West University Avenue, Urbana,
15 Illinois and (2) is owned by the Board of Trustees of the
16 University of Illinois, or, if approved by the District board,
17 on land owned by the Metropolitan Sanitary District of Greater
18 Chicago and leased to others for a term of at least 20 years.
19 Nothing in this Section precludes the sale or delivery of
20 alcoholic liquor in the form of original packaged goods in
21 premises located at 500 S. Racine in Chicago belonging to the
22 University of Illinois and used primarily as a grocery store by
23 a commercial tenant during the term of a lease that predates
24 the University's acquisition of the premises; but the
25 University shall have no power or authority to renew, transfer,
26 or extend the lease with terms allowing the sale of alcoholic
27 liquor; and the sale of alcoholic liquor shall be subject to
28 all local laws and regulations. After the acquisition by
29 Winnebago County of the property located at 404 Elm Street in
30 Rockford, a commercial tenant who sold alcoholic liquor at
31 retail on a portion of the property under a valid license at
32 the time of the acquisition may continue to do so for so long
33 as the tenant and the County may agree under existing or future
34 leases, subject to all local laws and regulations regarding the
35 sale of alcoholic liquor. Each facility shall provide dram shop
36 liability in maximum insurance coverage limits so as to save

1 harmless the State, municipality, State university, airport,
2 golf course, faculty center, facility in which conference and
3 convention type activities take place, park district, Forest
4 Preserve District, public community college district,
5 aquarium, museum, or sanitary district from all financial loss,
6 damage or harm. Alcoholic liquors may be sold at retail in
7 buildings of golf courses owned by municipalities in connection
8 with the operation of an established food serving facility
9 during times when food is dispensed for consumption upon the
10 premises. Alcoholic liquors may be delivered to and sold at
11 retail in any building owned by a fire protection district
12 organized under the Fire Protection District Act, provided that
13 such delivery and sale is approved by the board of trustees of
14 the district, and provided further that such delivery and sale
15 is limited to fundraising events and to a maximum of 6 events
16 per year.

17 Alcoholic liquor may be delivered to and sold at retail in
18 the Dorchester Senior Business Center owned by the Village of
19 Dolton if the alcoholic liquor is sold or dispensed only in
20 connection with organized functions for which the planned
21 attendance is 20 or more persons, and if the person or facility
22 selling or dispensing the alcoholic liquor has provided dram
23 shop liability insurance in maximum limits so as to hold
24 harmless the Village of Dolton and the State from all financial
25 loss, damage and harm.

26 Alcoholic liquors may be delivered to and sold at retail in
27 any building used as an Illinois State Armory provided:

28 (i) the Adjutant General's written consent to the
29 issuance of a license to sell alcoholic liquor in such
30 building is filed with the Commission;

31 (ii) the alcoholic liquor is sold or dispensed only in
32 connection with organized functions held on special
33 occasions;

34 (iii) the organized function is one for which the
35 planned attendance is 25 or more persons; and

36 (iv) the facility selling or dispensing the alcoholic

1 liquors has provided dram shop liability insurance in
2 maximum limits so as to save harmless the facility and the
3 State from all financial loss, damage or harm.

4 Alcoholic liquors may be delivered to and sold at retail in
5 the Chicago Civic Center, provided that:

6 (i) the written consent of the Public Building
7 Commission which administers the Chicago Civic Center is
8 filed with the Commission;

9 (ii) the alcoholic liquor is sold or dispensed only in
10 connection with organized functions held on special
11 occasions;

12 (iii) the organized function is one for which the
13 planned attendance is 25 or more persons;

14 (iv) the facility selling or dispensing the alcoholic
15 liquors has provided dram shop liability insurance in
16 maximum limits so as to hold harmless the Civic Center, the
17 City of Chicago and the State from all financial loss,
18 damage or harm; and

19 (v) all applicable local ordinances are complied with.

20 Alcoholic liquors may be delivered or sold in any building
21 belonging to or under the control of any city, village or
22 incorporated town where more than 75% of the physical
23 properties of the building is used for commercial or
24 recreational purposes, and the building is located upon a pier
25 extending into or over the waters of a navigable lake or stream
26 or on the shore of a navigable lake or stream. Alcoholic liquor
27 may be sold in buildings under the control of the Department of
28 Natural Resources when written consent to the issuance of a
29 license to sell alcoholic liquor in such buildings is filed
30 with the Commission by the Department of Natural Resources.
31 Alcoholic liquor may be served or delivered in buildings and
32 facilities under the control of the Department of Natural
33 Resources upon the written approval of the Director of Natural
34 Resources acting as the controlling government authority. The
35 Director of Natural Resources may specify conditions on that
36 approval, including but not limited to requirements for

1 insurance and hours of operation. Notwithstanding any other
2 provision of this Act, alcoholic liquor sold by a United States
3 Army Corps of Engineers or Department of Natural Resources
4 concessionaire who was operating on June 1, 1991 for
5 on-premises consumption only is not subject to the provisions
6 of Articles IV and IX. Beer and wine may be sold on the
7 premises of the Joliet Park District Stadium owned by the
8 Joliet Park District when written consent to the issuance of a
9 license to sell beer and wine in such premises is filed with
10 the local liquor commissioner by the Joliet Park District. Beer
11 and wine may be sold in buildings on the grounds of State
12 veterans' homes when written consent to the issuance of a
13 license to sell beer and wine in such buildings is filed with
14 the Commission by the Department of Veterans' Affairs, and the
15 facility shall provide dram shop liability in maximum insurance
16 coverage limits so as to save the facility harmless from all
17 financial loss, damage or harm. Such liquors may be delivered
18 to and sold at any property owned or held under lease by a
19 Metropolitan Pier and Exposition Authority or Metropolitan
20 Exposition and Auditorium Authority.

21 Beer and wine may be sold and dispensed at professional
22 sporting events and at professional concerts and other
23 entertainment events conducted on premises owned by the Forest
24 Preserve District of Kane County, subject to the control of the
25 District Commissioners and applicable local law, provided that
26 dram shop liability insurance is provided at maximum coverage
27 limits so as to hold the District harmless from all financial
28 loss, damage and harm.

29 Nothing in this Section shall preclude the sale or delivery
30 of beer and wine at a State or county fair or the sale or
31 delivery of beer or wine at a city fair in any otherwise lawful
32 manner.

33 Alcoholic liquors may be sold at retail in buildings in
34 State parks under the control of the Department of Natural
35 Resources, provided:

36 a. the State park has overnight lodging facilities with

1 some restaurant facilities or, not having overnight
2 lodging facilities, has restaurant facilities which serve
3 complete luncheon and dinner or supper meals,

4 b. consent to the issuance of a license to sell
5 alcoholic liquors in the buildings has been filed with the
6 commission by the Department of Natural Resources, and

7 c. the alcoholic liquors are sold by the State park
8 lodge or restaurant concessionaire only during the hours
9 from 11 o'clock a.m. until 12 o'clock midnight.
10 Notwithstanding any other provision of this Act, alcoholic
11 liquor sold by the State park or restaurant concessionaire
12 is not subject to the provisions of Articles IV and IX.

13 Alcoholic liquors may be sold at retail in buildings on
14 properties under the control of the Historic Sites and
15 Preservation Division of the Historic Preservation Agency or
16 the Abraham Lincoln Presidential Library and Museum provided:

17 a. the property has overnight lodging facilities with
18 some restaurant facilities or, not having overnight
19 lodging facilities, has restaurant facilities which serve
20 complete luncheon and dinner or supper meals,

21 b. consent to the issuance of a license to sell
22 alcoholic liquors in the buildings has been filed with the
23 commission by the Historic Sites and Preservation Division
24 of the Historic Preservation Agency or the Abraham Lincoln
25 Presidential Library and Museum, and

26 c. the alcoholic liquors are sold by the lodge or
27 restaurant concessionaire only during the hours from 11
28 o'clock a.m. until 12 o'clock midnight.

29 The sale of alcoholic liquors pursuant to this Section does
30 not authorize the establishment and operation of facilities
31 commonly called taverns, saloons, bars, cocktail lounges, and
32 the like except as a part of lodge and restaurant facilities in
33 State parks or golf courses owned by Forest Preserve Districts
34 with a population of less than 3,000,000 or municipalities or
35 park districts.

36 Alcoholic liquors may be sold at retail in the Springfield

1 Administration Building of the Department of Transportation
2 and the Illinois State Armory in Springfield; provided, that
3 the controlling government authority may consent to such sales
4 only if

5 a. the request is from a not-for-profit organization;

6 b. such sales would not impede normal operations of the
7 departments involved;

8 c. the not-for-profit organization provides dram shop
9 liability in maximum insurance coverage limits and agrees
10 to defend, save harmless and indemnify the State of
11 Illinois from all financial loss, damage or harm;

12 d. no such sale shall be made during normal working
13 hours of the State of Illinois; and

14 e. the consent is in writing.

15 Alcoholic liquors may be sold at retail in buildings in
16 recreational areas of river conservancy districts under the
17 control of, or leased from, the river conservancy districts.
18 Such sales are subject to reasonable local regulations as
19 provided in Article IV; however, no such regulations may
20 prohibit or substantially impair the sale of alcoholic liquors
21 on Sundays or Holidays.

22 Alcoholic liquors may be provided in long term care
23 facilities owned or operated by a county under Division 5-21 or
24 5-22 of the Counties Code, when approved by the facility
25 operator and not in conflict with the regulations of the
26 Illinois Department of Public Health, to residents of the
27 facility who have had their consumption of the alcoholic
28 liquors provided approved in writing by a physician licensed to
29 practice medicine in all its branches.

30 Alcoholic liquors may be delivered to and dispensed in
31 State housing assigned to employees of the Department of
32 Corrections. No person shall furnish or allow to be furnished
33 any alcoholic liquors to any prisoner confined in any jail,
34 reformatory, prison or house of correction except upon a
35 physician's prescription for medicinal purposes.

36 Alcoholic liquors may be sold at retail or dispensed at the

1 Willard Ice Building in Springfield, at the State Library in
2 Springfield, and at Illinois State Museum facilities by (1) an
3 agency of the State, whether legislative, judicial or
4 executive, provided that such agency first obtains written
5 permission to sell or dispense alcoholic liquors from the
6 controlling government authority, or by (2) a not-for-profit
7 organization, provided that such organization:

8 a. Obtains written consent from the controlling
9 government authority;

10 b. Sells or dispenses the alcoholic liquors in a manner
11 that does not impair normal operations of State offices
12 located in the building;

13 c. Sells or dispenses alcoholic liquors only in
14 connection with an official activity in the building;

15 d. Provides, or its catering service provides, dram
16 shop liability insurance in maximum coverage limits and in
17 which the carrier agrees to defend, save harmless and
18 indemnify the State of Illinois from all financial loss,
19 damage or harm arising out of the selling or dispensing of
20 alcoholic liquors.

21 Nothing in this Act shall prevent a not-for-profit
22 organization or agency of the State from employing the services
23 of a catering establishment for the selling or dispensing of
24 alcoholic liquors at authorized functions.

25 The controlling government authority for the Willard Ice
26 Building in Springfield shall be the Director of the Department
27 of Revenue. The controlling government authority for Illinois
28 State Museum facilities shall be the Director of the Illinois
29 State Museum. The controlling government authority for the
30 State Library in Springfield shall be the Secretary of State.

31 Alcoholic liquors may be delivered to and sold at retail or
32 dispensed at any facility, property or building under the
33 jurisdiction of the Historic Sites and Preservation Division of
34 the Historic Preservation Agency or the Abraham Lincoln
35 Presidential Library and Museum where the delivery, sale or
36 dispensing is by (1) an agency of the State, whether

1 legislative, judicial or executive, provided that such agency
2 first obtains written permission to sell or dispense alcoholic
3 liquors from a controlling government authority, or by (2) a
4 not-for-profit organization provided that such organization:

5 a. Obtains written consent from the controlling
6 government authority;

7 b. Sells or dispenses the alcoholic liquors in a manner
8 that does not impair normal workings of State offices or
9 operations located at the facility, property or building;

10 c. Sells or dispenses alcoholic liquors only in
11 connection with an official activity of the not-for-profit
12 organization in the facility, property or building;

13 d. Provides, or its catering service provides, dram
14 shop liability insurance in maximum coverage limits and in
15 which the carrier agrees to defend, save harmless and
16 indemnify the State of Illinois from all financial loss,
17 damage or harm arising out of the selling or dispensing of
18 alcoholic liquors.

19 The controlling government authority for the Historic
20 Sites and Preservation Division of the Historic Preservation
21 Agency shall be the Director of the Historic Sites and
22 Preservation, and the controlling government authority for the
23 Abraham Lincoln Presidential Library and Museum shall be the
24 Director of the Abraham Lincoln Presidential Library and
25 Museum.

26 Alcoholic liquors may be delivered to and sold at retail or
27 dispensed for consumption at the Michael Bilandic Building at
28 160 North LaSalle Street, Chicago IL 60601, after the normal
29 business hours of any day care or child care facility located
30 in the building, by (1) a commercial tenant or subtenant
31 conducting business on the premises under a lease made pursuant
32 to Section 405-315 of the Department of Central Management
33 Services Law (20 ILCS 405/405-315), provided that such tenant
34 or subtenant who accepts delivery of, sells, or dispenses
35 alcoholic liquors shall procure and maintain dram shop
36 liability insurance in maximum coverage limits and in which the

1 carrier agrees to defend, indemnify, and save harmless the
2 State of Illinois from all financial loss, damage, or harm
3 arising out of the delivery, sale, or dispensing of alcoholic
4 liquors, or by (2) an agency of the State, whether legislative,
5 judicial, or executive, provided that such agency first obtains
6 written permission to accept delivery of and sell or dispense
7 alcoholic liquors from the Director of Central Management
8 Services, or by (3) a not-for-profit organization, provided
9 that such organization:

10 a. obtains written consent from the Department of
11 Central Management Services;

12 b. accepts delivery of and sells or dispenses the
13 alcoholic liquors in a manner that does not impair normal
14 operations of State offices located in the building;

15 c. accepts delivery of and sells or dispenses alcoholic
16 liquors only in connection with an official activity in the
17 building; and

18 d. provides, or its catering service provides, dram
19 shop liability insurance in maximum coverage limits and in
20 which the carrier agrees to defend, save harmless, and
21 indemnify the State of Illinois from all financial loss,
22 damage, or harm arising out of the selling or dispensing of
23 alcoholic liquors.

24 Nothing in this Act shall prevent a not-for-profit
25 organization or agency of the State from employing the services
26 of a catering establishment for the selling or dispensing of
27 alcoholic liquors at functions authorized by the Director of
28 Central Management Services.

29 Alcoholic liquors may be sold at retail or dispensed at the
30 James R. Thompson Center in Chicago, subject to the provisions
31 of Section 7.4 of the State Property Control Act, and 222 South
32 College Street in Springfield, Illinois by (1) a commercial
33 tenant or subtenant conducting business on the premises under a
34 lease or sublease made pursuant to Section 405-315 of the
35 Department of Central Management Services Law (20 ILCS
36 405/405-315), provided that such tenant or subtenant who sells

1 or dispenses alcoholic liquors shall procure and maintain dram
2 shop liability insurance in maximum coverage limits and in
3 which the carrier agrees to defend, indemnify and save harmless
4 the State of Illinois from all financial loss, damage or harm
5 arising out of the sale or dispensing of alcoholic liquors, or
6 by (2) an agency of the State, whether legislative, judicial or
7 executive, provided that such agency first obtains written
8 permission to sell or dispense alcoholic liquors from the
9 Director of Central Management Services, or by (3) a
10 not-for-profit organization, provided that such organization:

11 a. Obtains written consent from the Department of
12 Central Management Services;

13 b. Sells or dispenses the alcoholic liquors in a manner
14 that does not impair normal operations of State offices
15 located in the building;

16 c. Sells or dispenses alcoholic liquors only in
17 connection with an official activity in the building;

18 d. Provides, or its catering service provides, dram
19 shop liability insurance in maximum coverage limits and in
20 which the carrier agrees to defend, save harmless and
21 indemnify the State of Illinois from all financial loss,
22 damage or harm arising out of the selling or dispensing of
23 alcoholic liquors.

24 Nothing in this Act shall prevent a not-for-profit
25 organization or agency of the State from employing the services
26 of a catering establishment for the selling or dispensing of
27 alcoholic liquors at functions authorized by the Director of
28 Central Management Services.

29 Alcoholic liquors may be sold or delivered at any facility
30 owned by the Illinois Sports Facilities Authority provided that
31 dram shop liability insurance has been made available in a
32 form, with such coverage and in such amounts as the Authority
33 reasonably determines is necessary.

34 Alcoholic liquors may be sold at retail or dispensed at the
35 Rockford State Office Building by (1) an agency of the State,
36 whether legislative, judicial or executive, provided that such

1 agency first obtains written permission to sell or dispense
2 alcoholic liquors from the Department of Central Management
3 Services, or by (2) a not-for-profit organization, provided
4 that such organization:

5 a. Obtains written consent from the Department of
6 Central Management Services;

7 b. Sells or dispenses the alcoholic liquors in a manner
8 that does not impair normal operations of State offices
9 located in the building;

10 c. Sells or dispenses alcoholic liquors only in
11 connection with an official activity in the building;

12 d. Provides, or its catering service provides, dram
13 shop liability insurance in maximum coverage limits and in
14 which the carrier agrees to defend, save harmless and
15 indemnify the State of Illinois from all financial loss,
16 damage or harm arising out of the selling or dispensing of
17 alcoholic liquors.

18 Nothing in this Act shall prevent a not-for-profit
19 organization or agency of the State from employing the services
20 of a catering establishment for the selling or dispensing of
21 alcoholic liquors at functions authorized by the Department of
22 Central Management Services.

23 Alcoholic liquors may be sold or delivered in a building
24 that is owned by McLean County, situated on land owned by the
25 county in the City of Bloomington, and used by the McLean
26 County Historical Society if the sale or delivery is approved
27 by an ordinance adopted by the county board, and the
28 municipality in which the building is located may not prohibit
29 that sale or delivery, notwithstanding any other provision of
30 this Section. The regulation of the sale and delivery of
31 alcoholic liquor in a building that is owned by McLean County,
32 situated on land owned by the county, and used by the McLean
33 County Historical Society as provided in this paragraph is an
34 exclusive power and function of the State and is a denial and
35 limitation under Article VII, Section 6, subsection (h) of the
36 Illinois Constitution of the power of a home rule municipality

1 to regulate that sale and delivery.

2 Alcoholic liquors may be sold or delivered in any building
3 situated on land held in trust for any school district
4 organized under Article 34 of the School Code, if the building
5 is not used for school purposes and if the sale or delivery is
6 approved by the board of education.

7 Alcoholic liquors may be sold or delivered in buildings
8 owned by the Community Building Complex Committee of Boone
9 County, Illinois if the person or facility selling or
10 dispensing the alcoholic liquor has provided dram shop
11 liability insurance with coverage and in amounts that the
12 Committee reasonably determines are necessary.

13 Alcoholic liquors may be sold or delivered in the building
14 located at 1200 Centerville Avenue in Belleville, Illinois and
15 occupied by either the Belleville Area Special Education
16 District or the Belleville Area Special Services Cooperative.

17 Alcoholic liquors may be delivered to and sold at the Louis
18 Joliet Renaissance Center, City Center Campus, located at 214
19 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
20 Department facilities, Main Campus, located at 1215 Houbolt
21 Road, Joliet, owned by or under the control of Joliet Junior
22 College, Illinois Community College District No. 525.

23 Alcoholic liquors may be delivered to and sold at the
24 building located at 446 East Hickory Avenue in Apple River,
25 Illinois, owned by the Apple River Fire Protection District,
26 and occupied by the Apple River Community Association if the
27 alcoholic liquor is sold or dispensed only in connection with
28 organized functions approved by the Apple River Community
29 Association for which the planned attendance is 20 or more
30 persons and if the person or facility selling or dispensing the
31 alcoholic liquor has provided dram shop liability insurance in
32 maximum limits so as to hold harmless the Apple River Fire
33 Protection District, the Village of Apple River, and the Apple
34 River Community Association from all financial loss, damage,
35 and harm.

36 (Source: P.A. 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 93-627,

1 eff. 6-1-04; 93-844, eff. 7-30-04; 94-300, eff. 7-21-05;
2 94-382, eff. 7-29-05; 94-463, eff. 8-4-05; revised 8-19-05.)

3 (235 ILCS 5/6-16.2)

4 Sec. 6-16.2. Prohibited entry to a licensed premises. A
5 municipality or county may prohibit a licensee or any officer,
6 associate, member, representative, agent, or employee of a
7 licensee from permitting a person under the age of 21 years to
8 enter and remain in that portion of a licensed premises that
9 sells, gives, or delivers alcoholic liquor for consumption on
10 the premises. No prohibition under this Section, however, shall
11 apply to any licensed premises, such as without limitation a
12 restaurant or food shop, where selling, giving, or delivering
13 alcoholic liquor is not the principal business of the licensee
14 at those premises.

15 In those instances where a person under the age of 21 years
16 is prohibited from entering and remaining on the premises,
17 proof that the defendant-licensee, or his employee or agent,
18 demanded, was shown, and reasonably relied upon adequate
19 written evidence for purposes of entering and remaining on the
20 licensed premises is an affirmative defense in any criminal
21 prosecution therefor or to any proceedings for the suspension
22 or revocation of any license based thereon. It shall not,
23 however, be an affirmative defense if the defendant-licensee
24 ~~defendant-licensee~~, or his agent or employee, accepted the
25 written evidence knowing it to be false or fraudulent.

26 Adequate written evidence of age and identity of the person
27 is a document issued by a federal, state, county, or municipal
28 government, or subdivision or agency thereof, including, but
29 not limited to, a motor vehicle operator's license, a
30 registration certificate issued under the Federal Selective
31 Service Act, or an identification card issued to a member of
32 the armed forces.

33 If a false or fraudulent Illinois driver's license or
34 Illinois identification card is presented by a person less than
35 21 years of age to a licensee or the licensee's agent or

1 employee for the purpose of obtaining entry and remaining on a
2 licensed premises, the law enforcement officer or agency
3 investigating the incident shall, upon the conviction of the
4 person who presented the fraudulent license or identification,
5 make a report of the matter to the Secretary of State on a form
6 provided by the Secretary of State.

7 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

8 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

9 Sec. 7-5. The local liquor control commissioner may revoke
10 or suspend any license issued by him if he determines that the
11 licensee has violated any of the provisions of this Act or of
12 any valid ordinance or resolution enacted by the particular
13 city council, president, or board of trustees or county board
14 (as the case may be) or any applicable rule or regulations
15 established by the local liquor control commissioner or the
16 State commission which is not inconsistent with law. Upon
17 notification by the Illinois Department of Revenue, the State
18 Commission, in accordance with Section 3-12, may refuse the
19 issuance or renewal of a license, fine a licensee, or suspend
20 or revoke any license issued by the State Commission if the
21 licensee or license applicant has violated the provisions of
22 Section 3 of the Retailers' Occupation Tax Act. In addition to
23 the suspension, the local liquor control commissioner in any
24 county or municipality may levy a fine on the licensee for such
25 violations. The fine imposed shall not exceed \$1000 for a first
26 violation within a 12-month period, \$1,500 for a second
27 violation within a 12-month period, and \$2,500 for a third or
28 subsequent violation within a 12-month period. Each day on
29 which a violation continues shall constitute a separate
30 violation. Not more than \$15,000 in fines under this Section
31 may be imposed against any licensee during the period of his
32 license. Proceeds from such fines shall be paid into the
33 general corporate fund of the county or municipal treasury, as
34 the case may be.

35 However, no such license shall be so revoked or suspended

1 and no licensee shall be fined except after a public hearing by
2 the local liquor control commissioner with a 3 day written
3 notice to the licensee affording the licensee an opportunity to
4 appear and defend. All such hearings shall be open to the
5 public and the local liquor control commissioner shall reduce
6 all evidence to writing and shall maintain an official record
7 of the proceedings. If the local liquor control commissioner
8 has reason to believe that any continued operation of a
9 particular licensed premises will immediately threaten the
10 welfare of the community he may, upon the issuance of a written
11 order stating the reason for such conclusion and without notice
12 or hearing order the licensed premises closed for not more than
13 7 days, giving the licensee an opportunity to be heard during
14 that period, except that if such licensee shall also be engaged
15 in the conduct of another business or businesses on the
16 licensed premises such order shall not be applicable to such
17 other business or businesses.

18 The local liquor control commissioner shall within 5 days
19 after such hearing, if he determines after such hearing that
20 the license should be revoked or suspended or that the licensee
21 should be fined, state the reason or reasons for such
22 determination in a written order, and either the amount of the
23 fine, the period of suspension, or that the license has been
24 revoked, and shall serve a copy of such order within the 5 days
25 upon the licensee.

26 If the premises for which the license was issued are
27 located outside of a city, village or incorporated town having
28 a population of 500,000 or more inhabitants, the licensee after
29 the receipt of such order of suspension or revocation shall
30 have the privilege within a period of 20 days after the receipt
31 of such order of suspension or revocation of appealing the
32 order to the State commission for a decision sustaining,
33 reversing or modifying the order of the local liquor control
34 commissioner. If the State commission affirms the local
35 commissioner's order to suspend or revoke the license at the
36 first hearing, the appellant shall cease to engage in the

1 business for which the license was issued, until the local
2 commissioner's order is terminated by its own provisions or
3 reversed upon rehearing or by the courts.

4 If the premises for which the license was issued are
5 located within a city, village or incorporated town having a
6 population of 500,000 or more inhabitants, the licensee shall
7 have the privilege, within a period of 20 days after the
8 receipt of such order of fine, suspension or revocation, of
9 appealing the order to the local license appeal commission and
10 upon the filing of such an appeal by the licensee the license
11 appeal commission shall determine the appeal upon certified
12 record of proceedings of the local liquor commissioner in
13 accordance with the provisions of Section 7-9. Within 30 days
14 after such appeal was heard the license appeal commission shall
15 render a decision sustaining or reversing the order of the
16 local liquor control commissioner.

17 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;
18 93-1057, eff. 12-2-04; revised 12-6-04.)

19 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

20 Sec. 7-6. All proceedings for the revocation or suspension
21 of licenses of manufacturers, distributors, importing
22 distributors, non-resident dealers, foreign importers,
23 non-beverage users, railroads, airplanes and boats shall be
24 before the State Commission. All such proceedings and all
25 proceedings for the revocation or suspension of a retailer's
26 license before the State commission shall be in accordance with
27 rules and regulations established by it not inconsistent with
28 law. However, no such license shall be so revoked or suspended
29 except after a hearing by the State commission with reasonable
30 notice to the licensee served by registered or certified mail
31 with return receipt requested at least 10 days prior to the
32 hearings at the last known place of business of the licensee
33 and after an opportunity to appear and defend. Such notice
34 shall specify the time and place of the hearing, the nature of
35 the charges, the specific provisions of the Act and rules

1 violated, and the specific facts supporting the charges or
2 violation. The findings of the Commission shall be predicated
3 upon competent evidence. The revocation of a local license
4 shall automatically result in the revocation of a State
5 license. Upon notification by the Illinois Department of
6 Revenue, the State Commission, in accordance with Section 3-12,
7 may refuse the issuance or renewal of a license, fine a
8 licensee, or suspend or revoke any license issued by the State
9 Commission if the licensee or license applicant has violated
10 the provisions of Section 3 of the Retailers' Occupation Tax
11 Act. All procedures for the suspension or revocation of a
12 license, as enumerated above, are applicable to the levying of
13 fines for violations of this Act or any rule or regulation
14 issued pursuant thereto.

15 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;
16 93-1057, eff. 12-2-04; revised 12-6-04.)

17 (235 ILCS 5/12-4)

18 Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1,
19 1999 and ending June 30, 2003 ~~2006~~, on the first day of each
20 State fiscal year, or as soon thereafter as may be practical,
21 the State Comptroller shall transfer the sum of \$500,000 from
22 the General Revenue Fund to the Grape and Wine Resources Fund,
23 which is hereby continued as a special fund in the State
24 Treasury. By January 1, 2006, the Department of Commerce and
25 Economic Opportunity ~~Community Affairs~~ shall review the
26 activities of the Council and report to the General Assembly
27 and the Governor its recommendation of whether or not the
28 funding under this Section should be continued.

29 The Grape and Wine Resources Fund shall be administered by
30 the Department of Commerce and Economic Opportunity ~~Community~~
31 ~~Affairs~~, which shall serve as the lead administrative agency
32 for allocation and auditing of funds as well as monitoring
33 program implementation. The Department shall make an annual
34 grant of moneys from the Fund to the Council, which shall be
35 used to pay for the Council's operations and expenses. These

1 moneys shall be used by the Council to achieve the Council's
2 objectives and shall not be used for any political or
3 legislative purpose. Money remaining in the Fund at the end of
4 the fiscal year shall remain in the Fund for use during the
5 following year and shall not be transferred to any other State
6 fund.

7 (Source: P.A. 93-32, eff. 6-20-03; 93-512, eff. 1-1-04; revised
8 12-17-03.)

9 Section 520. The Illinois Public Aid Code is amended by
10 changing Sections 5-5, 5-5d, 5-16.8, 9A-7, 10-10, 11-3, 11-3.1,
11 11-3.3, and 12-13.1 and by setting forth and renumbering
12 multiple versions of Sections 5-5.23 and 9A-15 as follows:

13 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

14 Sec. 5-5. Medical services. The Illinois Department, by
15 rule, shall determine the quantity and quality of and the rate
16 of reimbursement for the medical assistance for which payment
17 will be authorized, and the medical services to be provided,
18 which may include all or part of the following: (1) inpatient
19 hospital services; (2) outpatient hospital services; (3) other
20 laboratory and X-ray services; (4) skilled nursing home
21 services; (5) physicians' services whether furnished in the
22 office, the patient's home, a hospital, a skilled nursing home,
23 or elsewhere; (6) medical care, or any other type of remedial
24 care furnished by licensed practitioners; (7) home health care
25 services; (8) private duty nursing service; (9) clinic
26 services; (10) dental services, including prevention and
27 treatment of periodontal disease and dental caries disease for
28 pregnant women; (11) physical therapy and related services;
29 (12) prescribed drugs, dentures, and prosthetic devices; and
30 eyeglasses prescribed by a physician skilled in the diseases of
31 the eye, or by an optometrist, whichever the person may select;
32 (13) other diagnostic, screening, preventive, and
33 rehabilitative services; (14) transportation and such other
34 expenses as may be necessary; (15) medical treatment of sexual

1 assault survivors, as defined in Section 1a of the Sexual
2 Assault Survivors Emergency Treatment Act, for injuries
3 sustained as a result of the sexual assault, including
4 examinations and laboratory tests to discover evidence which
5 may be used in criminal proceedings arising from the sexual
6 assault; (16) the diagnosis and treatment of sickle cell
7 anemia; and (17) any other medical care, and any other type of
8 remedial care recognized under the laws of this State, but not
9 including abortions, or induced miscarriages or premature
10 births, unless, in the opinion of a physician, such procedures
11 are necessary for the preservation of the life of the woman
12 seeking such treatment, or except an induced premature birth
13 intended to produce a live viable child and such procedure is
14 necessary for the health of the mother or her unborn child. The
15 Illinois Department, by rule, shall prohibit any physician from
16 providing medical assistance to anyone eligible therefor under
17 this Code where such physician has been found guilty of
18 performing an abortion procedure in a wilful and wanton manner
19 upon a woman who was not pregnant at the time such abortion
20 procedure was performed. The term "any other type of remedial
21 care" shall include nursing care and nursing home service for
22 persons who rely on treatment by spiritual means alone through
23 prayer for healing.

24 Notwithstanding any other provision of this Section, a
25 comprehensive tobacco use cessation program that includes
26 purchasing prescription drugs or prescription medical devices
27 approved by the Food and Drug administration shall be covered
28 under the medical assistance program under this Article for
29 persons who are otherwise eligible for assistance under this
30 Article.

31 Notwithstanding any other provision of this Code, the
32 Illinois Department may not require, as a condition of payment
33 for any laboratory test authorized under this Article, that a
34 physician's handwritten signature appear on the laboratory
35 test order form. The Illinois Department may, however, impose
36 other appropriate requirements regarding laboratory test order

1 documentation.

2 The Illinois Department of Public Aid shall provide the
3 following services to persons eligible for assistance under
4 this Article who are participating in education, training or
5 employment programs operated by the Department of Human
6 Services as successor to the Department of Public Aid:

7 (1) dental services, which shall include but not be
8 limited to prosthodontics; and

9 (2) eyeglasses prescribed by a physician skilled in the
10 diseases of the eye, or by an optometrist, whichever the
11 person may select.

12 The Illinois Department, by rule, may distinguish and
13 classify the medical services to be provided only in accordance
14 with the classes of persons designated in Section 5-2.

15 The Illinois Department shall authorize the provision of,
16 and shall authorize payment for, screening by low-dose
17 mammography for the presence of occult breast cancer for women
18 35 years of age or older who are eligible for medical
19 assistance under this Article, as follows: a baseline mammogram
20 for women 35 to 39 years of age and an annual mammogram for
21 women 40 years of age or older. All screenings shall include a
22 physical breast exam, instruction on self-examination and
23 information regarding the frequency of self-examination and
24 its value as a preventative tool. As used in this Section,
25 "low-dose mammography" means the x-ray examination of the
26 breast using equipment dedicated specifically for mammography,
27 including the x-ray tube, filter, compression device, image
28 receptor, and cassettes, with an average radiation exposure
29 delivery of less than one rad mid-breast, with 2 views for each
30 breast.

31 Any medical or health care provider shall immediately
32 recommend, to any pregnant woman who is being provided prenatal
33 services and is suspected of drug abuse or is addicted as
34 defined in the Alcoholism and Other Drug Abuse and Dependency
35 Act, referral to a local substance abuse treatment provider
36 licensed by the Department of Human Services or to a licensed

1 hospital which provides substance abuse treatment services.
2 The Department of Public Aid shall assure coverage for the cost
3 of treatment of the drug abuse or addiction for pregnant
4 recipients in accordance with the Illinois Medicaid Program in
5 conjunction with the Department of Human Services.

6 All medical providers providing medical assistance to
7 pregnant women under this Code shall receive information from
8 the Department on the availability of services under the Drug
9 Free Families with a Future or any comparable program providing
10 case management services for addicted women, including
11 information on appropriate referrals for other social services
12 that may be needed by addicted women in addition to treatment
13 for addiction.

14 The Illinois Department, in cooperation with the
15 Departments of Human Services (as successor to the Department
16 of Alcoholism and Substance Abuse) and Public Health, through a
17 public awareness campaign, may provide information concerning
18 treatment for alcoholism and drug abuse and addiction, prenatal
19 health care, and other pertinent programs directed at reducing
20 the number of drug-affected infants born to recipients of
21 medical assistance.

22 Neither the Illinois Department of Public Aid nor the
23 Department of Human Services shall sanction the recipient
24 solely on the basis of her substance abuse.

25 The Illinois Department shall establish such regulations
26 governing the dispensing of health services under this Article
27 as it shall deem appropriate. The Department should seek the
28 advice of formal professional advisory committees appointed by
29 the Director of the Illinois Department for the purpose of
30 providing regular advice on policy and administrative matters,
31 information dissemination and educational activities for
32 medical and health care providers, and consistency in
33 procedures to the Illinois Department.

34 The Illinois Department may develop and contract with
35 Partnerships of medical providers to arrange medical services
36 for persons eligible under Section 5-2 of this Code.

1 Implementation of this Section may be by demonstration projects
2 in certain geographic areas. The Partnership shall be
3 represented by a sponsor organization. The Department, by rule,
4 shall develop qualifications for sponsors of Partnerships.
5 Nothing in this Section shall be construed to require that the
6 sponsor organization be a medical organization.

7 The sponsor must negotiate formal written contracts with
8 medical providers for physician services, inpatient and
9 outpatient hospital care, home health services, treatment for
10 alcoholism and substance abuse, and other services determined
11 necessary by the Illinois Department by rule for delivery by
12 Partnerships. Physician services must include prenatal and
13 obstetrical care. The Illinois Department shall reimburse
14 medical services delivered by Partnership providers to clients
15 in target areas according to provisions of this Article and the
16 Illinois Health Finance Reform Act, except that:

17 (1) Physicians participating in a Partnership and
18 providing certain services, which shall be determined by
19 the Illinois Department, to persons in areas covered by the
20 Partnership may receive an additional surcharge for such
21 services.

22 (2) The Department may elect to consider and negotiate
23 financial incentives to encourage the development of
24 Partnerships and the efficient delivery of medical care.

25 (3) Persons receiving medical services through
26 Partnerships may receive medical and case management
27 services above the level usually offered through the
28 medical assistance program.

29 Medical providers shall be required to meet certain
30 qualifications to participate in Partnerships to ensure the
31 delivery of high quality medical services. These
32 qualifications shall be determined by rule of the Illinois
33 Department and may be higher than qualifications for
34 participation in the medical assistance program. Partnership
35 sponsors may prescribe reasonable additional qualifications
36 for participation by medical providers, only with the prior

1 written approval of the Illinois Department.

2 Nothing in this Section shall limit the free choice of
3 practitioners, hospitals, and other providers of medical
4 services by clients. In order to ensure patient freedom of
5 choice, the Illinois Department shall immediately promulgate
6 all rules and take all other necessary actions so that provided
7 services may be accessed from therapeutically certified
8 optometrists to the full extent of the Illinois Optometric
9 Practice Act of 1987 without discriminating between service
10 providers.

11 The Department shall apply for a waiver from the United
12 States Health Care Financing Administration to allow for the
13 implementation of Partnerships under this Section.

14 The Illinois Department shall require health care
15 providers to maintain records that document the medical care
16 and services provided to recipients of Medical Assistance under
17 this Article. The Illinois Department shall require health care
18 providers to make available, when authorized by the patient, in
19 writing, the medical records in a timely fashion to other
20 health care providers who are treating or serving persons
21 eligible for Medical Assistance under this Article. All
22 dispensers of medical services shall be required to maintain
23 and retain business and professional records sufficient to
24 fully and accurately document the nature, scope, details and
25 receipt of the health care provided to persons eligible for
26 medical assistance under this Code, in accordance with
27 regulations promulgated by the Illinois Department. The rules
28 and regulations shall require that proof of the receipt of
29 prescription drugs, dentures, prosthetic devices and
30 eyeglasses by eligible persons under this Section accompany
31 each claim for reimbursement submitted by the dispenser of such
32 medical services. No such claims for reimbursement shall be
33 approved for payment by the Illinois Department without such
34 proof of receipt, unless the Illinois Department shall have put
35 into effect and shall be operating a system of post-payment
36 audit and review which shall, on a sampling basis, be deemed

1 adequate by the Illinois Department to assure that such drugs,
2 dentures, prosthetic devices and eyeglasses for which payment
3 is being made are actually being received by eligible
4 recipients. Within 90 days after the effective date of this
5 amendatory Act of 1984, the Illinois Department shall establish
6 a current list of acquisition costs for all prosthetic devices
7 and any other items recognized as medical equipment and
8 supplies reimbursable under this Article and shall update such
9 list on a quarterly basis, except that the acquisition costs of
10 all prescription drugs shall be updated no less frequently than
11 every 30 days as required by Section 5-5.12.

12 The rules and regulations of the Illinois Department shall
13 require that a written statement including the required opinion
14 of a physician shall accompany any claim for reimbursement for
15 abortions, or induced miscarriages or premature births. This
16 statement shall indicate what procedures were used in providing
17 such medical services.

18 The Illinois Department shall require all dispensers of
19 medical services, other than an individual practitioner or
20 group of practitioners, desiring to participate in the Medical
21 Assistance program established under this Article to disclose
22 all financial, beneficial, ownership, equity, surety or other
23 interests in any and all firms, corporations, partnerships,
24 associations, business enterprises, joint ventures, agencies,
25 institutions or other legal entities providing any form of
26 health care services in this State under this Article.

27 The Illinois Department may require that all dispensers of
28 medical services desiring to participate in the medical
29 assistance program established under this Article disclose,
30 under such terms and conditions as the Illinois Department may
31 by rule establish, all inquiries from clients and attorneys
32 regarding medical bills paid by the Illinois Department, which
33 inquiries could indicate potential existence of claims or liens
34 for the Illinois Department.

35 Enrollment of a vendor that provides non-emergency medical
36 transportation, defined by the Department by rule, shall be

1 conditional for 180 days. During that time, the Department of
2 Public Aid may terminate the vendor's eligibility to
3 participate in the medical assistance program without cause.
4 That termination of eligibility is not subject to the
5 Department's hearing process.

6 The Illinois Department shall establish policies,
7 procedures, standards and criteria by rule for the acquisition,
8 repair and replacement of orthotic and prosthetic devices and
9 durable medical equipment. Such rules shall provide, but not be
10 limited to, the following services: (1) immediate repair or
11 replacement of such devices by recipients without medical
12 authorization; and (2) rental, lease, purchase or
13 lease-purchase of durable medical equipment in a
14 cost-effective manner, taking into consideration the
15 recipient's medical prognosis, the extent of the recipient's
16 needs, and the requirements and costs for maintaining such
17 equipment. Such rules shall enable a recipient to temporarily
18 acquire and use alternative or substitute devices or equipment
19 pending repairs or replacements of any device or equipment
20 previously authorized for such recipient by the Department.

21 The Department shall execute, relative to the nursing home
22 prescreening project, written inter-agency agreements with the
23 Department of Human Services and the Department on Aging, to
24 effect the following: (i) intake procedures and common
25 eligibility criteria for those persons who are receiving
26 non-institutional services; and (ii) the establishment and
27 development of non-institutional services in areas of the State
28 where they are not currently available or are undeveloped.

29 The Illinois Department shall develop and operate, in
30 cooperation with other State Departments and agencies and in
31 compliance with applicable federal laws and regulations,
32 appropriate and effective systems of health care evaluation and
33 programs for monitoring of utilization of health care services
34 and facilities, as it affects persons eligible for medical
35 assistance under this Code.

36 The Illinois Department shall report annually to the

1 General Assembly, no later than the second Friday in April of
2 1979 and each year thereafter, in regard to:

3 (a) actual statistics and trends in utilization of
4 medical services by public aid recipients;

5 (b) actual statistics and trends in the provision of
6 the various medical services by medical vendors;

7 (c) current rate structures and proposed changes in
8 those rate structures for the various medical vendors; and

9 (d) efforts at utilization review and control by the
10 Illinois Department.

11 The period covered by each report shall be the 3 years
12 ending on the June 30 prior to the report. The report shall
13 include suggested legislation for consideration by the General
14 Assembly. The filing of one copy of the report with the
15 Speaker, one copy with the Minority Leader and one copy with
16 the Clerk of the House of Representatives, one copy with the
17 President, one copy with the Minority Leader and one copy with
18 the Secretary of the Senate, one copy with the Legislative
19 Research Unit, and such additional copies with the State
20 Government Report Distribution Center for the General Assembly
21 as is required under paragraph (t) of Section 7 of the State
22 Library Act shall be deemed sufficient to comply with this
23 Section.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;
25 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04;
26 93-981, eff. 8-23-04; revised 10-22-04.)

27 (305 ILCS 5/5-5.23)

28 Sec. 5-5.23. Children's mental health services.

29 (a) The Department of Public Aid, by rule, shall require
30 the screening and assessment of a child prior to any
31 Medicaid-funded admission to an inpatient hospital for
32 psychiatric services to be funded by Medicaid. The screening
33 and assessment shall include a determination of the
34 appropriateness and availability of out-patient support
35 services for necessary treatment. The Department, by rule,

1 shall establish methods and standards of payment for the
2 screening, assessment, and necessary alternative support
3 services.

4 (b) The Department of Public Aid, to the extent allowable
5 under federal law, shall secure federal financial
6 participation for Individual Care Grant expenditures made by
7 the Department of Human Services for the Medicaid optional
8 service authorized under Section 1905(h) of the federal Social
9 Security Act, pursuant to the provisions of Section 7.1 of the
10 Mental Health and Developmental Disabilities Administrative
11 Act.

12 (c) The Department of Public Aid shall work jointly with
13 the Department of Human Services to implement subsections (a)
14 and (b).

15 (Source: P.A. 93-495, eff. 8-8-03.)

16 (305 ILCS 5/5-5.24)

17 Sec. 5-5.24 ~~5-5.23~~. Prenatal and perinatal care. The
18 Department of Public Aid may provide reimbursement under this
19 Article for all prenatal and perinatal health care services
20 that are provided for the purpose of preventing low-birthweight
21 infants, reducing the need for neonatal intensive care hospital
22 services, and promoting perinatal health. These services may
23 include comprehensive risk assessments for pregnant women,
24 women with infants, and infants, lactation counseling,
25 nutrition counseling, childbirth support, psychosocial
26 counseling, treatment and prevention of periodontal disease,
27 and other support services that have been proven to improve
28 birth outcomes. The Department shall maximize the use of
29 preventive prenatal and perinatal health care services
30 consistent with federal statutes, rules, and regulations. The
31 Department shall develop a plan for prenatal and perinatal
32 preventive health care and shall present the plan to the
33 General Assembly by January 1, 2004. On or before January 1,
34 2006 and every 2 years thereafter, the Department shall report
35 to the General Assembly concerning the effectiveness of

1 prenatal and perinatal health care services reimbursed under
2 this Section in preventing low-birthweight infants and
3 reducing the need for neonatal intensive care hospital
4 services. Each such report shall include an evaluation of how
5 the ratio of expenditures for treating low-birthweight infants
6 compared with the investment in promoting healthy births and
7 infants in local community areas throughout Illinois relates to
8 healthy infant development in those areas.

9 (Source: P.A. 93-536, eff. 8-18-03; revised 9-25-03.)

10 (305 ILCS 5/5-5d)

11 Sec. 5-5d. Enhanced transition and follow-up services. The
12 Department of Public Aid shall apply for any necessary waivers
13 pursuant to Section 1915(c) of the Social Security Act to
14 facilitate the transition from one residential setting to
15 another and follow-up services. Nothing in this Section shall
16 be construed ~~considered~~ as limiting current similar programs by
17 the Department of Human Services or the Department on Aging.

18 (Source: P.A. 93-902, eff. 8-10-04; 93-1031, eff. 8-27-04;
19 revised 10-22-04.)

20 (305 ILCS 5/5-16.8)

21 Sec. 5-16.8. Required health benefits. The medical
22 assistance program shall (i) provide the post-mastectomy care
23 benefits required to be covered by a policy of accident and
24 health insurance under Section 356t and the coverage required
25 under Sections 356u, 356w, 356x, and 356z.6 of the Illinois
26 Insurance Code and (ii) be subject to the provisions of Section
27 364.01 of the Illinois Insurance Code.

28 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;
29 revised 10-14-04.)

30 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

31 Sec. 9A-7. Good Cause and Pre-Sanction Process.

32 (a) The Department shall establish by rule what constitutes
33 good cause for failure to participate in education, training

1 and employment programs, failure to accept suitable employment
2 or terminating employment or reducing earnings.

3 The Department shall establish, by rule, a pre-sanction
4 process to assist in resolving disputes over proposed sanctions
5 and in determining if good cause exists. Good cause shall
6 include, but not be limited to:

7 (1) temporary illness for its duration;

8 (2) court required appearance or temporary
9 incarceration;

10 (3) (blank);

11 (4) death in the family;

12 (5) (blank);

13 (6) (blank);

14 (7) (blank);

15 (8) (blank);

16 (9) extreme inclement weather;

17 (10) (blank);

18 (11) lack of any support service even though the
19 necessary service is not specifically provided under the
20 Department program, to the extent the lack of the needed
21 service presents a significant barrier to participation;

22 (12) if an individual is engaged in employment or
23 training or both that is consistent with the employment
24 related goals of the program, if such employment and
25 training is later approved by Department staff;

26 (13) (blank);

27 (14) failure of Department staff to correctly forward
28 the information to other Department staff;

29 (15) failure of the participant to cooperate because of
30 attendance at a test or a mandatory class or function at an
31 educational program (including college), when an education
32 or training program is officially approved by the
33 Department;

34 (16) failure of the participant due to his or her
35 illiteracy;

36 (17) failure of the participant because it is

1 determined that he or she should be in a different
2 activity;

3 (18) non-receipt by the participant of a notice
4 advising him or her of a participation requirement. If the
5 non-receipt of mail occurs frequently, the Department
6 shall explore an alternative means of providing notices of
7 participation requests to participants;

8 (19) (blank);

9 (20) non-comprehension of English, either written or
10 oral or both;

11 (21) (blank);

12 (22) (blank);

13 (23) child care (or day care for an incapacitated
14 individual living in the same home as a dependent child) is
15 necessary for the participation or employment and such care
16 is not available for a child under age 13;

17 (24) failure to participate in an activity due to a
18 scheduled job interview, medical appointment for the
19 participant or a household member, or school appointment;

20 (25) the individual is homeless. Homeless individuals
21 (including the family) have no current residence and no
22 expectation of acquiring one in the next 30 days. This
23 includes individuals residing in overnight and
24 transitional (temporary) shelters. This does not include
25 individuals who are sharing a residence with friends or
26 relatives on a continuing basis;

27 (26) circumstances beyond the control of the
28 participant which prevent the participant from completing
29 program requirements; or

30 (27) (blank).

31 (b) (Blank).

32 (c) (1) The Department shall establish a reconciliation
33 procedure to assist in resolving disputes related to any
34 aspect of participation, including exemptions, good cause,
35 sanctions or proposed sanctions, supportive services,
36 assessments, responsibility and service plans, assignment

1 to activities, suitability of employment, or refusals of
2 offers of employment. Through the reconciliation process
3 the Department shall have a mechanism to identify good
4 cause, ensure that the client is aware of the issue, and
5 enable the client to perform required activities without
6 facing sanction.

7 (2) A participant may request reconciliation and
8 receive notice in writing of a meeting. At least one
9 face-to-face meeting may be scheduled to resolve
10 misunderstandings or disagreements related to program
11 participation and situations which may lead to a potential
12 sanction. The meeting will address the underlying reason
13 for the dispute and plan a resolution to enable the
14 individual to participate in TANF employment and work
15 activity requirements.

16 (2.5) If the individual fails to appear at the
17 reconciliation meeting without good cause, the
18 reconciliation is unsuccessful and a sanction shall be
19 imposed.

20 (3) The reconciliation process shall continue after it
21 is determined that the individual did not have good cause
22 for non-cooperation. Any necessary demonstration of
23 cooperation on the part of the participant will be part of
24 the reconciliation process. Failure to demonstrate
25 cooperation will result in immediate sanction.

26 (4) For the first instance of non-cooperation, if the
27 client reaches agreement to cooperate, the client shall be
28 allowed 30 days to demonstrate cooperation before any
29 sanction activity may be imposed. In any subsequent
30 instances of non-cooperation, the client shall be provided
31 the opportunity to show good cause or remedy the situation
32 by immediately complying with the requirement.

33 (5) The Department shall document in the case record
34 the proceedings of the reconciliation and provide the
35 client in writing with a reconciliation agreement.

36 (6) If reconciliation resolves the dispute, no

1 sanction shall be imposed. If the client fails to comply
2 with the reconciliation agreement, the Department shall
3 then immediately impose the original sanction. If the
4 dispute cannot be resolved during reconciliation, a
5 sanction shall not be imposed until the reconciliation
6 process is complete.

7 (Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)

8 (305 ILCS 5/9A-15)

9 Sec. 9A-15. College education assistance; pilot program.

10 (a) Subject to appropriation, the Department of Human
11 Services shall establish a pilot program to provide recipients
12 of assistance under Article IV with additional assistance in
13 obtaining a post-secondary education degree to the extent
14 permitted by the federal law governing the Temporary Assistance
15 for Needy Families Program. This assistance may include, but is
16 not limited to, moneys for the payment of tuition, but the
17 Department may not use any moneys appropriated for the
18 Temporary Assistance for Needy Families Program (TANF) under
19 Article IV to pay for tuition under the pilot program. In
20 addition to criteria, standards, and procedures related to
21 post-secondary education required by rules applicable to the
22 TANF program, the Department shall provide that the time that a
23 pilot program participant spends in post-secondary classes
24 shall apply toward the time that the recipient is required to
25 spend in education, placement, and training activities under
26 this Article.

27 The Department shall define the pilot program by rule,
28 including a determination of its duration and scope, the nature
29 of the assistance to be provided, and the criteria, standards,
30 and procedures for participation.

31 (b) The Department shall enter into an interagency
32 agreement with the Illinois Student Assistance Commission for
33 the administration of the pilot program.

34 (c) The Department shall evaluate the pilot program and
35 report its findings and recommendations after 2 years of its

1 operation to the Governor and the General Assembly, including
2 proposed rules to modify or extend the pilot program beyond the
3 scope and schedule upon which it was originally established.

4 (Source: P.A. 94-371, eff. 1-1-06.)

5 (305 ILCS 5/9A-16)

6 Sec. 9A-16 ~~9A-15~~. Work activity; applicable minimum wage.

7 The State or federal minimum wage, whichever is higher, shall
8 be used to calculate the required number of hours of
9 participation in any earnfare or pay-after-performance
10 activity under Section 9A-9 or any other Section of this Code
11 in which a recipient of public assistance performs work as a
12 condition of receiving the public assistance and the recipient
13 is not paid wages for the work.

14 (Source: P.A. 94-533, eff. 8-10-05; revised 9-22-05.)

15 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

16 Sec. 10-10. Court enforcement; applicability also to
17 persons who are not applicants or recipients. Except where the
18 Illinois Department, by agreement, acts for the local
19 governmental unit, as provided in Section 10-3.1, local
20 governmental units shall refer to the State's Attorney or to
21 the proper legal representative of the governmental unit, for
22 judicial enforcement as herein provided, instances of
23 non-support or insufficient support when the dependents are
24 applicants or recipients under Article VI. The Child and Spouse
25 Support Unit established by Section 10-3.1 may institute in
26 behalf of the Illinois Department any actions under this
27 Section for judicial enforcement of the support liability when
28 the dependents are (a) applicants or recipients under Articles
29 III, IV, V or VII; (b) applicants or recipients in a local
30 governmental unit when the Illinois Department, by agreement,
31 acts for the unit; or (c) non-applicants or non-recipients who
32 are receiving child support enforcement services under this
33 Article X, as provided in Section 10-1. Where the Child and
34 Spouse Support Unit has exercised its option and discretion not

1 to apply the provisions of Sections 10-3 through 10-8, the
2 failure by the Unit to apply such provisions shall not be a bar
3 to bringing an action under this Section.

4 Action shall be brought in the circuit court to obtain
5 support, or for the recovery of aid granted during the period
6 such support was not provided, or both for the obtainment of
7 support and the recovery of the aid provided. Actions for the
8 recovery of aid may be taken separately or they may be
9 consolidated with actions to obtain support. Such actions may
10 be brought in the name of the person or persons requiring
11 support, or may be brought in the name of the Illinois
12 Department or the local governmental unit, as the case
13 requires, in behalf of such persons.

14 The court may enter such orders for the payment of moneys
15 for the support of the person as may be just and equitable and
16 may direct payment thereof for such period or periods of time
17 as the circumstances require, including support for a period
18 before the date the order for support is entered. The order may
19 be entered against any or all of the defendant responsible
20 relatives and may be based upon the proportionate ability of
21 each to contribute to the person's support.

22 The Court shall determine the amount of child support
23 (including child support for a period before the date the order
24 for child support is entered) by using the guidelines and
25 standards set forth in subsection (a) of Section 505 and in
26 Section 505.2 of the Illinois Marriage and Dissolution of
27 Marriage Act. For purposes of determining the amount of child
28 support to be paid for a period before the date the order for
29 child support is entered, there is a rebuttable presumption
30 that the responsible relative's net income for that period was
31 the same as his or her net income at the time the order is
32 entered.

33 If (i) the responsible relative was properly served with a
34 request for discovery of financial information relating to the
35 responsible relative's ability to provide child support, (ii)
36 the responsible relative failed to comply with the request,

1 despite having been ordered to do so by the court, and (iii)
2 the responsible relative is not present at the hearing to
3 determine support despite having received proper notice, then
4 any relevant financial information concerning the responsible
5 relative's ability to provide child support that was obtained
6 pursuant to subpoena and proper notice shall be admitted into
7 evidence without the need to establish any further foundation
8 for its admission.

9 An order entered under this Section shall include a
10 provision requiring the obligor to report to the obligee and to
11 the clerk of court within 10 days each time the obligor obtains
12 new employment, and each time the obligor's employment is
13 terminated for any reason. The report shall be in writing and
14 shall, in the case of new employment, include the name and
15 address of the new employer. Failure to report new employment
16 or the termination of current employment, if coupled with
17 nonpayment of support for a period in excess of 60 days, is
18 indirect criminal contempt. For any obligor arrested for
19 failure to report new employment bond shall be set in the
20 amount of the child support that should have been paid during
21 the period of unreported employment. An order entered under
22 this Section shall also include a provision requiring the
23 obligor and obligee parents to advise each other of a change in
24 residence within 5 days of the change except when the court
25 finds that the physical, mental, or emotional health of a party
26 or that of a minor child, or both, would be seriously
27 endangered by disclosure of the party's address.

28 The Court shall determine the amount of maintenance using
29 the standards set forth in Section 504 of the Illinois Marriage
30 and Dissolution of Marriage Act.

31 Any new or existing support order entered by the court
32 under this Section shall be deemed to be a series of judgments
33 against the person obligated to pay support thereunder, each
34 such judgment to be in the amount of each payment or
35 installment of support and each such judgment to be deemed
36 entered as of the date the corresponding payment or installment

1 becomes due under the terms of the support order. Each such
2 judgment shall have the full force, effect and attributes of
3 any other judgment of this State, including the ability to be
4 enforced. Any such judgment is subject to modification or
5 termination only in accordance with Section 510 of the Illinois
6 Marriage and Dissolution of Marriage Act. A lien arises by
7 operation of law against the real and personal property of the
8 noncustodial parent for each installment of overdue support
9 owed by the noncustodial parent.

10 When an order is entered for the support of a minor, the
11 court may provide therein for reasonable visitation of the
12 minor by the person or persons who provided support pursuant to
13 the order. Whoever willfully refuses to comply with such
14 visitation order or willfully interferes with its enforcement
15 may be declared in contempt of court and punished therefor.

16 Except where the local governmental unit has entered into
17 an agreement with the Illinois Department for the Child and
18 Spouse Support Unit to act for it, as provided in Section
19 10-3.1, support orders entered by the court in cases involving
20 applicants or recipients under Article VI shall provide that
21 payments thereunder be made directly to the local governmental
22 unit. Orders for the support of all other applicants or
23 recipients shall provide that payments thereunder be made
24 directly to the Illinois Department. In accordance with federal
25 law and regulations, the Illinois Department may continue to
26 collect current maintenance payments or child support
27 payments, or both, after those persons cease to receive public
28 assistance and until termination of services under Article X.
29 The Illinois Department shall pay the net amount collected to
30 those persons after deducting any costs incurred in making the
31 collection or any collection fee from the amount of any
32 recovery made. In both cases the order shall permit the local
33 governmental unit or the Illinois Department, as the case may
34 be, to direct the responsible relative or relatives to make
35 support payments directly to the needy person, or to some
36 person or agency in his behalf, upon removal of the person from

1 the public aid rolls or upon termination of services under
2 Article X.

3 If the notice of support due issued pursuant to Section
4 10-7 directs that support payments be made directly to the
5 needy person, or to some person or agency in his behalf, and
6 the recipient is removed from the public aid rolls, court
7 action may be taken against the responsible relative hereunder
8 if he fails to furnish support in accordance with the terms of
9 such notice.

10 Actions may also be brought under this Section in behalf of
11 any person who is in need of support from responsible
12 relatives, as defined in Section 2-11 of Article II who is not
13 an applicant for or recipient of financial aid under this Code.
14 In such instances, the State's Attorney of the county in which
15 such person resides shall bring action against the responsible
16 relatives hereunder. If the Illinois Department, as authorized
17 by Section 10-1, extends the child support enforcement services
18 provided by this Article to spouses and dependent children who
19 are not applicants or recipients under this Code, the Child and
20 Spouse Support Unit established by Section 10-3.1 shall bring
21 action against the responsible relatives hereunder and any
22 support orders entered by the court in such cases shall provide
23 that payments thereunder be made directly to the Illinois
24 Department.

25 Whenever it is determined in a proceeding to establish or
26 enforce a child support or maintenance obligation that the
27 person owing a duty of support is unemployed, the court may
28 order the person to seek employment and report periodically to
29 the court with a diary, listing or other memorandum of his or
30 her efforts in accordance with such order. Additionally, the
31 court may order the unemployed person to report to the
32 Department of Employment Security for job search services or to
33 make application with the local Job Training Partnership Act
34 provider for participation in job search, training or work
35 programs and where the duty of support is owed to a child
36 receiving child support enforcement services under this

1 Article X, the court may order the unemployed person to report
2 to the Illinois Department for participation in job search,
3 training or work programs established under Section 9-6 and
4 Article IXA of this Code.

5 Whenever it is determined that a person owes past-due
6 support for a child receiving assistance under this Code, the
7 court shall order at the request of the Illinois Department:

8 (1) that the person pay the past-due support in
9 accordance with a plan approved by the court; or

10 (2) if the person owing past-due support is unemployed,
11 is subject to such a plan, and is not incapacitated, that
12 the person participate in such job search, training, or
13 work programs established under Section 9-6 and Article IXA
14 of this Code as the court deems appropriate.

15 A determination under this Section shall not be
16 administratively reviewable by the procedures specified in
17 Sections 10-12, and 10-13 to 10-13.10. Any determination under
18 these Sections, if made the basis of court action under this
19 Section, shall not affect the de novo judicial determination
20 required under this Section.

21 A one-time charge of 20% is imposable upon the amount of
22 past-due child support owed on July 1, 1988 which has accrued
23 under a support order entered by the court. The charge shall be
24 imposed in accordance with the provisions of Section 10-21 of
25 this Code and shall be enforced by the court upon petition.

26 All orders for support, when entered or modified, shall
27 include a provision requiring the non-custodial parent to
28 notify the court and, in cases in which a party is receiving
29 child support enforcement services under this Article X, the
30 Illinois Department, within 7 days, (i) of the name, address,
31 and telephone number of any new employer of the non-custodial
32 parent, (ii) whether the non-custodial parent has access to
33 health insurance coverage through the employer or other group
34 coverage and, if so, the policy name and number and the names
35 of persons covered under the policy, and (iii) of any new
36 residential or mailing address or telephone number of the

1 non-custodial parent. In any subsequent action to enforce a
2 support order, upon a sufficient showing that a diligent effort
3 has been made to ascertain the location of the non-custodial
4 parent, service of process or provision of notice necessary in
5 the case may be made at the last known address of the
6 non-custodial parent in any manner expressly provided by the
7 Code of Civil Procedure or this Code, which service shall be
8 sufficient for purposes of due process.

9 An order for support shall include a date on which the
10 current support obligation terminates. The termination date
11 shall be no earlier than the date on which the child covered by
12 the order will attain the age of 18. However, if the child will
13 not graduate from high school until after attaining the age of
14 18, then the termination date shall be no earlier than the
15 earlier of the date on which the child's high school graduation
16 will occur or the date on which the child will attain the age
17 of 19. The order for support shall state that the termination
18 date does not apply to any arrearage that may remain unpaid on
19 that date. Nothing in this paragraph shall be construed to
20 prevent the court from modifying the order or terminating the
21 order in the event the child is otherwise emancipated.

22 If there is an unpaid arrearage or delinquency (as those
23 terms are defined in the Income Withholding for Support Act)
24 equal to at least one month's support obligation on the
25 termination date stated in the order for support or, if there
26 is no termination date stated in the order, on the date the
27 child attains the age of majority or is otherwise emancipated,
28 then the periodic amount required to be paid for current
29 support of that child immediately prior to that date shall
30 automatically continue to be an obligation, not as current
31 support but as periodic payment toward satisfaction of the
32 unpaid arrearage or delinquency. That periodic payment shall be
33 in addition to any periodic payment previously required for
34 satisfaction of the arrearage or delinquency. The total
35 periodic amount to be paid toward satisfaction of the arrearage
36 or delinquency may be enforced and collected by any method

1 provided by law for the enforcement and collection of child
2 support, including but not limited to income withholding under
3 the Income Withholding for Support Act. Each order for support
4 entered or modified on or after the effective date of this
5 amendatory Act of the 93rd General Assembly must contain a
6 statement notifying the parties of the requirements of this
7 paragraph. Failure to include the statement in the order for
8 support does not affect the validity of the order or the
9 operation of the provisions of this paragraph with regard to
10 the order. This paragraph shall not be construed to prevent or
11 affect the establishment or modification of an order for the
12 support of a minor child or the establishment or modification
13 of an order for the support of a non-minor child or educational
14 expenses under Section 513 of the Illinois Marriage and
15 Dissolution of Marriage Act.

16 Payments under this Section to the Illinois Department
17 pursuant to the Child Support Enforcement Program established
18 by Title IV-D of the Social Security Act shall be paid into the
19 Child Support Enforcement Trust Fund. All payments under this
20 Section to the Illinois Department of Human Services shall be
21 deposited in the DHS Recoveries Trust Fund. Disbursements from
22 these funds shall be as provided in Sections 12-9.1 and 12-10.2
23 of this Code. Payments received by a local governmental unit
24 shall be deposited in that unit's General Assistance Fund.

25 To the extent the provisions of this Section are
26 inconsistent with the requirements pertaining to the State
27 Disbursement Unit under Sections 10-10.4 and 10-26 of this
28 Code, the requirements pertaining to the State Disbursement
29 Unit shall apply.

30 (Source: P.A. 93-1061, eff. 1-1-05; 94-88, eff. 1-1-06; revised
31 8-9-05.)

32 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

33 Sec. 11-3. Assignment and attachment of aid prohibited.
34 Except as provided below in this Section and in Section 11-3.3,
35 all financial aid given under Articles III, IV, V, and VI and

1 money payments for child care services provided by a child care
2 provider under Articles IX and IXA shall not be subject to
3 assignment, sale, attachment, garnishment, or otherwise.
4 Provided, however, that a medical vendor may use his right to
5 receive vendor payments as collateral for loans from financial
6 institutions so long as such arrangements do not constitute any
7 activity prohibited under Section 1902(a)(32) of the Social
8 Security Act and regulations promulgated thereunder, or any
9 other applicable laws or regulations. Provided further,
10 however, that a medical or other vendor or a service provider
11 may assign, reassign, sell, pledge or grant a security interest
12 in any such financial aid, vendor payments or money payments or
13 grants which he has a right to receive ~~to the Illinois Finance~~
14 ~~Authority, in connection with any financing program undertaken~~
15 ~~by the Illinois Finance Authority, or to the Illinois Finance~~
16 ~~Authority, in connection with any financing program undertaken~~
17 ~~by the Illinois Finance Authority. Each Authority may utilize a~~
18 ~~trustee or agent to accept, accomplish, effectuate or realize~~
19 ~~upon any such assignment, reassignment, sale, pledge or grant~~
20 ~~on that Authority's behalf. Provided further, however, that~~
21 ~~nothing herein shall prevent the Illinois Department from~~
22 ~~collecting any assessment, fee, interest or penalty due under~~
23 ~~Article V-A, V-B, V-C, or V-E by withholding financial aid as~~
24 ~~payment of such assessment, fee, interest, or penalty. Any~~
25 ~~alienation in contravention of this statute does not diminish~~
26 ~~and does not affect the validity, legality or enforceability of~~
27 ~~any underlying obligations for which such alienation may have~~
28 ~~been made as collateral between the parties to the alienation.~~
29 This amendatory Act shall be retroactive in application and
30 shall pertain to obligations existing prior to its enactment.

31 (Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and
32 890-40), eff. 1-1-04; revised 9-23-03.)

33 (305 ILCS 5/11-3.1) (from Ch. 23, par. 11-3.1)

34 Sec. 11-3.1. Any recipient of financial aid which is
35 payable to the recipient at regular intervals may elect to have

1 the aid deposited, and the Illinois Department of Human
2 Services is authorized to deposit the aid, directly in the
3 recipient's savings account or checking account or in any
4 electronic benefits transfer account or accounts in a financial
5 institution approved by the Illinois Department of Human
6 Services and in accordance with the rules and regulations of
7 the Department of Human Services. The Illinois Department of
8 Human Services and any electronic benefits transfer financial
9 institutions or contractor shall encourage financial
10 institutions to provide checking account and savings account
11 services to recipients of public aid.

12 Any recipient of financial aid or benefits distributed by
13 means other than electronic benefits transfer under Articles
14 III, IV, and VI of this Code may elect to receive the aid by
15 means of direct deposit transmittals to his or her account
16 maintained at a bank, savings and loan association, or credit
17 union or by means of electronic benefits transfer in a
18 financial institution approved by the Illinois Department of
19 Human Services and in accordance with rules and regulations of
20 the Illinois Department of Human Services. The Illinois
21 Department of Human Services may distribute financial aid or
22 food stamp benefits by means of electronic benefits transfer
23 and may require recipients to receive financial aid or food
24 stamp benefits by means of electronic benefits transfer,
25 provided that any electronic benefits transfer made under this
26 Section shall be accomplished in compliance with the Electronic
27 Fund Transfer Act and any relevant rules promulgated
28 thereunder. The Illinois Department of Human Services may
29 provide for a method of compensation for services in accordance
30 with the rules and regulations of the Illinois Department of
31 Human Services, the United States Department of Agriculture,
32 the United States Department of Health and Human Services, and
33 the State Comptroller and the State Treasurer. The Illinois
34 Department of Human Services shall require a convenient density
35 of distribution points for recipients of public aid to have
36 adequate options to access aid held in an electronic benefits

1 transfer account. No fee may be charged to recipients for
2 reasonable access to public aid benefits held in such an
3 account. Deposits into a financial institution for electronic
4 benefits transfer accounts shall be subject to community
5 reinvestment and to serving public benefits recipients
6 pursuant to relevant criteria of the State Treasurer,
7 Comptroller, and the Illinois Department of Human Services. The
8 Electronic Benefits Transfer Fund is hereby created for the
9 purpose of electronically disbursing public aid benefits.

10 The electronic benefits transfer contractor shall inform
11 the Department of Human Services whenever it has distributed
12 financial aid to individuals by means of electronic benefits
13 transfer. The Illinois Department of Human Services shall
14 determine the amount to be reimbursed to the contractor and
15 shall direct the State Treasurer to transfer this portion of
16 the amount previously vouchered by the Department of Human
17 Services and approved by the Comptroller pursuant to Section
18 9.05(c) of the State Comptroller Act to the contractor from the
19 Electronic Benefits Transfer Fund created under Section
20 9.05(b) of the State Comptroller Act in accordance with the
21 rules and regulations of the Illinois Department of Human
22 Services, the United States Department of Agriculture, the
23 United States ~~State~~ Department of Health and Human Services,
24 the State Comptroller, and the State Treasurer.

25 (Source: P.A. 88-412; 89-310, eff. 1-1-96; 89-507, eff. 7-1-97;
26 revised 10-11-05.)

27 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

28 Sec. 11-3.3. Payment to provider or governmental agency or
29 entity. Payments under this Code shall be made to the
30 provider, except that the Department may issue or may agree to
31 issue the payment directly to ~~the Illinois Finance Authority,~~
32 the Illinois Finance Authority⁷ or any other governmental
33 agency or entity, including any bond trustee for that agency or
34 entity, to whom the provider has assigned, reassigned, sold,
35 pledged or granted a security interest in the payments that the

1 provider has a right to receive, provided that the issuance or
2 agreement to issue is not prohibited under Section 1902(a)(32)
3 of the Social Security Act.

4 (Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04;
5 revised 9-23-03.)

6 (305 ILCS 5/12-13.1)

7 Sec. 12-13.1. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall
9 confirm, an Inspector General who shall function within the
10 Illinois Department of Public Aid and report to the Governor.
11 The term of the Inspector General shall expire on the third
12 Monday of January, 1997 and every 4 years thereafter.

13 (b) In order to prevent, detect, and eliminate fraud,
14 waste, abuse, mismanagement, and misconduct, the Inspector
15 General shall oversee the Illinois Department of Public Aid's
16 integrity functions, which include, but are not limited to, the
17 following:

18 (1) Investigation of misconduct by employees, vendors,
19 contractors and medical providers.

20 (2) Audits of medical providers related to ensuring
21 that appropriate payments are made for services rendered
22 and to the recovery of overpayments.

23 (3) Monitoring of quality assurance programs generally
24 related to the medical assistance program and specifically
25 related to any managed care program.

26 (4) Quality control measurements of the programs
27 administered by the Illinois Department of Public Aid.

28 (5) Investigations of fraud or intentional program
29 violations committed by clients of the Illinois Department
30 of Public Aid.

31 (6) Actions initiated against contractors or medical
32 providers for any of the following reasons:

33 (A) Violations of the medical assistance program.

34 (B) Sanctions against providers brought in
35 conjunction with the Department of Public Health or the

1 Department of Human Services (as successor to the
2 Department of Mental Health and Developmental
3 Disabilities).

4 (C) Recoveries of assessments against hospitals
5 and long-term care facilities.

6 (D) Sanctions mandated by the United States
7 Department of Health and Human Services against
8 medical providers.

9 (E) Violations of contracts related to any managed
10 care programs.

11 (7) Representation of the Illinois Department of
12 Public Aid at hearings with the Illinois Department of
13 Professional Regulation in actions taken against
14 professional licenses held by persons who are in violation
15 of orders for child support payments.

16 (b-5) At the request of the Secretary of Human Services,
17 the Inspector General shall, in relation to any function
18 performed by the Department of Human Services as successor to
19 the Department of Public Aid, exercise one or more of the
20 powers provided under this Section as if those powers related
21 to the Department of Human Services; in such matters, the
22 Inspector General shall report his or her findings to the
23 Secretary of Human Services.

24 (c) The Inspector General shall have access to all
25 information, personnel and facilities of the Illinois
26 Department of Public Aid and the Department of Human Services
27 (as successor to the Department of Public Aid), their
28 employees, vendors, contractors and medical providers and any
29 federal, State or local governmental agency that are necessary
30 to perform the duties of the Office as directly related to
31 public assistance programs administered by those departments.
32 No medical provider shall be compelled, however, to provide
33 individual medical records of patients who are not clients of
34 the Medical Assistance Program. State and local governmental
35 agencies are authorized and directed to provide the requested
36 information, assistance or cooperation.

1 (d) The Inspector General shall serve as the Illinois
2 Department of Public Aid's primary liaison with law
3 enforcement, investigatory and prosecutorial agencies,
4 including but not limited to the following:

5 (1) The Department of State Police.

6 (2) The Federal Bureau of Investigation and other
7 federal law enforcement agencies.

8 (3) The various Inspectors General of federal agencies
9 overseeing the programs administered by the Illinois
10 Department of Public Aid.

11 (4) The various Inspectors General of any other State
12 agencies with responsibilities for portions of programs
13 primarily administered by the Illinois Department of
14 Public Aid.

15 (5) The Offices of the several United States Attorneys
16 in Illinois.

17 (6) The several State's Attorneys.

18 The Inspector General shall meet on a regular basis with
19 these entities to share information regarding possible
20 misconduct by any persons or entities involved with the public
21 aid programs administered by the Illinois Department of Public
22 Aid.

23 (e) All investigations conducted by the Inspector General
24 shall be conducted in a manner that ensures the preservation of
25 evidence for use in criminal prosecutions. If the Inspector
26 General determines that a possible criminal act relating to
27 fraud in the provision or administration of the medical
28 assistance program has been committed, the Inspector General
29 shall immediately notify the Medicaid Fraud Control Unit. If
30 the Inspector General determines that a possible criminal act
31 has been committed within the jurisdiction of the Office, the
32 Inspector General may request the special expertise of the
33 Department of State Police. The Inspector General may present
34 for prosecution the findings of any criminal investigation to
35 the Office of the Attorney General, the Offices of the several
36 United States ~~State~~ Attorneys in Illinois or the several

1 State's Attorneys.

2 (f) To carry out his or her duties as described in this
3 Section, the Inspector General and his or her designees shall
4 have the power to compel by subpoena the attendance and
5 testimony of witnesses and the production of books, electronic
6 records and papers as directly related to public assistance
7 programs administered by the Illinois Department of Public Aid
8 or the Department of Human Services (as successor to the
9 Department of Public Aid). No medical provider shall be
10 compelled, however, to provide individual medical records of
11 patients who are not clients of the Medical Assistance Program.

12 (g) The Inspector General shall report all convictions,
13 terminations, and suspensions taken against vendors,
14 contractors and medical providers to the Illinois Department of
15 Public Aid and to any agency responsible for licensing or
16 regulating those persons or entities.

17 (h) The Inspector General shall make annual reports,
18 findings, and recommendations regarding the Office's
19 investigations into reports of fraud, waste, abuse,
20 mismanagement, or misconduct relating to any public aid
21 programs administered by the Illinois Department of Public Aid
22 or the Department of Human Services (as successor to the
23 Department of Public Aid) to the General Assembly and the
24 Governor. These reports shall include, but not be limited to,
25 the following information:

26 (1) Aggregate provider billing and payment
27 information, including the number of providers at various
28 Medicaid earning levels.

29 (2) The number of audits of the medical assistance
30 program and the dollar savings resulting from those audits.

31 (3) The number of prescriptions rejected annually
32 under the Illinois Department of Public Aid's Refill Too
33 Soon program and the dollar savings resulting from that
34 program.

35 (4) Provider sanctions, in the aggregate, including
36 terminations and suspensions.

1 (5) A detailed summary of the investigations
2 undertaken in the previous fiscal year. These summaries
3 shall comply with all laws and rules regarding maintaining
4 confidentiality in the public aid programs.

5 (i) Nothing in this Section shall limit investigations by
6 the Illinois Department of Public Aid or the Department of
7 Human Services that may otherwise be required by law or that
8 may be necessary in their capacity as the central
9 administrative authorities responsible for administration of
10 public aid programs in this State.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-725, eff. 8-7-98; revised
12 10-11-05.)

13 Section 525. The Elder Abuse and Neglect Act is amended by
14 changing Sections 2, 3.5, and 7 as follows:

15 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

18 (a) "Abuse" means causing any physical, mental or sexual
19 injury to an eligible adult, including exploitation of such
20 adult's financial resources.

21 Nothing in this Act shall be construed to mean that an
22 eligible adult is a victim of abuse or neglect for the sole
23 reason that he or she is being furnished with or relies upon
24 treatment by spiritual means through prayer alone, in
25 accordance with the tenets and practices of a recognized church
26 or religious denomination.

27 Nothing in this Act shall be construed to mean that an
28 eligible adult is a victim of abuse because of health care
29 services provided or not provided by licensed health care
30 professionals.

31 (a-5) "Abuser" means a person who abuses, neglects, or
32 financially exploits an eligible adult.

33 (a-7) "Caregiver" means a person who either as a result of
34 a family relationship, voluntarily, or in exchange for

1 compensation has assumed responsibility for all or a portion of
2 the care of an eligible adult who needs assistance with
3 activities of daily living.

4 (b) "Department" means the Department on Aging of the State
5 of Illinois.

6 (c) "Director" means the Director of the Department.

7 (d) "Domestic living situation" means a residence where the
8 eligible adult lives alone or with his or her family or a
9 caregiver, or others, or a board and care home or other
10 community-based unlicensed facility, but is not:

11 (1) A licensed facility as defined in Section 1-113 of
12 the Nursing Home Care Act;

13 (2) A "life care facility" as defined in the Life Care
14 Facilities Act;

15 (3) A home, institution, or other place operated by the
16 federal government or agency thereof or by the State of
17 Illinois;

18 (4) A hospital, sanitarium, or other institution, the
19 principal activity or business of which is the diagnosis,
20 care, and treatment of human illness through the
21 maintenance and operation of organized facilities
22 therefor, which is required to be licensed under the
23 Hospital Licensing Act;

24 (5) A "community living facility" as defined in the
25 Community Living Facilities Licensing Act;

26 (6) A "community residential alternative" as defined
27 in the Community Residential Alternatives Licensing Act;
28 and

29 (7) A "community-integrated living arrangement" as
30 defined in the Community-Integrated Living Arrangements
31 Licensure and Certification Act.

32 (e) "Eligible adult" means a person 60 years of age or
33 older who resides in a domestic living situation and is, or is
34 alleged to be, abused, neglected, or financially exploited by
35 another individual.

36 (f) "Emergency" means a situation in which an eligible

1 adult is living in conditions presenting a risk of death or
2 physical, mental or sexual injury and the provider agency has
3 reason to believe the eligible adult is unable to consent to
4 services which would alleviate that risk.

5 (f-5) "Mandated reporter" means any of the following
6 persons while engaged in carrying out their professional
7 duties:

8 (1) a professional or professional's delegate while
9 engaged in: (i) social services, (ii) law enforcement,
10 (iii) education, (iv) the care of an eligible adult or
11 eligible adults, or (v) any of the occupations required to
12 be licensed under the Clinical Psychologist Licensing Act,
13 the Clinical Social Work and Social Work Practice Act, the
14 Illinois Dental Practice Act, the Dietetic and Nutrition
15 Services Practice Act, the Marriage and Family Therapy
16 Licensing Act, the Medical Practice Act of 1987, the
17 Naprapathic Practice Act, the Nursing and Advanced
18 Practice Nursing Act, the Nursing Home Administrators
19 Licensing and Disciplinary Act, the Illinois Occupational
20 Therapy Practice Act, the Illinois Optometric Practice Act
21 of 1987, the Pharmacy Practice Act of 1987, the Illinois
22 Physical Therapy Act, the Physician Assistant Practice Act
23 of 1987, the Podiatric Medical Practice Act of 1987, the
24 Respiratory Care Practice Act, the Professional Counselor
25 and Clinical Professional Counselor Licensing Act, the
26 Illinois Speech-Language Pathology and Audiology Practice
27 Act, the Veterinary Medicine and Surgery Practice Act of
28 2004, and the Illinois Public Accounting Act;

29 (2) an employee of a vocational rehabilitation
30 facility prescribed or supervised by the Department of
31 Human Services;

32 (3) an administrator, employee, or person providing
33 services in or through an unlicensed community based
34 facility;

35 (4) a Christian Science Practitioner;

36 (5) field personnel of the Department of Public Aid,

1 Department of Public Health, and Department of Human
2 Services, and any county or municipal health department;

3 (6) personnel of the Department of Human Services, the
4 Guardianship and Advocacy Commission, the State Fire
5 Marshal, local fire departments, the Department on Aging
6 and its subsidiary Area Agencies on Aging and provider
7 agencies, and the Office of State Long Term Care Ombudsman;

8 (7) any employee of the State of Illinois not otherwise
9 specified herein who is involved in providing services to
10 eligible adults, including professionals providing medical
11 or rehabilitation services and all other persons having
12 direct contact with eligible adults;

13 (8) a person who performs the duties of a coroner or
14 medical examiner; or

15 (9) a person who performs the duties of a paramedic or
16 an emergency medical technician.

17 (g) "Neglect" means another individual's failure to
18 provide an eligible adult with or willful withholding from an
19 eligible adult the necessities of life including, but not
20 limited to, food, clothing, shelter or medical care. This
21 subsection does not create any new affirmative duty to provide
22 support to eligible adults. Nothing in this Act shall be
23 construed to mean that an eligible adult is a victim of neglect
24 because of health care services provided or not provided by
25 licensed health care professionals.

26 (h) "Provider agency" means any public or nonprofit agency
27 in a planning and service area appointed by the regional
28 administrative agency with prior approval by the Department on
29 Aging to receive and assess reports of alleged or suspected
30 abuse, neglect, or financial exploitation.

31 (i) "Regional administrative agency" means any public or
32 nonprofit agency in a planning and service area so designated
33 by the Department, provided that the designated Area Agency on
34 Aging shall be designated the regional administrative agency if
35 it so requests. The Department shall assume the functions of
36 the regional administrative agency for any planning and service

1 area where another agency is not so designated.

2 (j) "Substantiated case" means a reported case of alleged
3 or suspected abuse, neglect, or financial exploitation in which
4 a provider agency, after assessment, determines that there is
5 reason to believe abuse, neglect, or financial exploitation has
6 occurred.

7 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;
8 93-300, eff. 1-1-04; revised 9-22-03.)

9 (320 ILCS 20/3.5)

10 Sec. 3.5. Other Responsibilities. The Department shall
11 also be responsible for the following activities, contingent
12 upon adequate funding:

13 (a) promotion of a wide range of endeavors for the purpose
14 of preventing elder abuse, neglect, and financial exploitation
15 in both domestic and institutional settings, including, but not
16 limited to, promotion of public and professional education to
17 increase awareness of elder abuse, neglect, and financial
18 exploitation, to increase reports, and to improve response by
19 various legal, financial, social, and health systems;

20 (b) coordination of efforts with other agencies, councils,
21 and like entities, to include but not be limited to, the Office
22 of the Attorney General, the State Police, the Illinois Law
23 Enforcement Training Standards Board, the State Triad, the
24 Illinois Criminal Justice Information Authority, the
25 Departments of Public Health, Public Aid, and Human Services,
26 the Family Violence Coordinating Council, the Illinois
27 Violence Prevention Authority, and other entities which may
28 impact awareness of, and response to, elder abuse, neglect, and
29 financial exploitation;

30 (c) collection and analysis of data;

31 (d) monitoring of the performance of regional
32 administrative agencies and elder abuse provider agencies;

33 (e) promotion of prevention activities;

34 (f) establishing and coordinating ~~establishment and~~
35 ~~coordination of a~~ an aggressive training program on ~~about~~ the

1 unique nature of elder abuse cases with other agencies,
2 councils, and like entities, to include ~~including~~ but not be
3 limited to the Office of the Attorney General, the State
4 Police, the Illinois Law Enforcement Training Standards Board,
5 the State Triad, the Illinois Criminal Justice Information
6 Authority, the State Departments of Public Health, Public Aid,
7 and Human Services, the Family Violence Coordinating Council,
8 the Illinois Violence Prevention Authority, and other entities
9 that may impact awareness of, and response to, elder abuse,
10 neglect, and financial exploitation;

11 (g) solicitation of financial institutions for the purpose
12 of making information available to the general public warning
13 of financial exploitation of the elderly and related financial
14 fraud or abuse, including such information and warnings
15 available through signage or other written materials provided
16 by the Department on the premises of such financial
17 institutions, provided that the manner of displaying or
18 distributing such information is subject to the sole discretion
19 of each financial institution; and

20 (h) coordinating ~~coordination of~~ efforts with utility and
21 electric companies to send notices in utility bills to ~~which~~
22 explain to persons 60 years of age or older their ~~elder~~ rights
23 regarding telemarketing and home repair fraud ~~frauds~~.

24 (Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301,
25 eff. 1-1-04; revised 1-23-04.)

26 (320 ILCS 20/7) (from Ch. 23, par. 6607)

27 Sec. 7. Review. All services provided to an eligible adult
28 shall be reviewed by the provider agency on at least a
29 quarterly basis for up to one year to determine whether the
30 service care plan should be continued or modified, except that,
31 upon review, the Department on Aging, ~~upon review,~~ may grant a
32 waiver to extend the service care plan for up to one ~~an~~
33 additional ~~one~~ year ~~period~~.

34 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised
35 9-22-03.)

1 Section 530. The All-Inclusive Care for the Elderly Act is
2 amended by changing Section 5 as follows:

3 (320 ILCS 40/5) (from Ch. 23, par. 6905)

4 Sec. 5. Legislative declaration. The General Assembly
5 finds and declares that it is the intent of this Act to
6 replicate the On Lok ~~ONLOK~~ program in San Francisco,
7 California, that has proven to be cost-effective at both the
8 state and federal levels. The PACE program is part of a
9 national replication project authorized in Section 9412(b)(2)
10 of the federal Omnibus Reconciliation Act of 1986, which
11 instructs the Secretary of the federal Department of Health and
12 Human Services to grant Medicare and Medicaid waivers to permit
13 not more than 10 public or nonprofit private community-based
14 organizations in the country to provide comprehensive health
15 care services on a capitated basis to frail elderly who are at
16 risk of institutionalization. The General Assembly finds that
17 by coordinating an extensive array of medical and nonmedical
18 services, the needs of the participants will be met primarily
19 in an outpatient environment in an adult day health center, in
20 their homes, or in an institutional setting. The General
21 Assembly finds that such a service delivery system will enhance
22 the quality of life for the participant and offers the
23 potential to reduce and cap costs to Illinois of the medical
24 needs of the participants, including hospital and nursing home
25 admissions.

26 The General Assembly declares that the purpose of this Act
27 is to provide services that would foster the following goals:

28 To maintain eligible persons at home as an alternative to
29 long-term institutionalization;

30 To provide optimum accessibility to various important
31 social and health resources that are available to assist
32 eligible persons in maintaining independent living;

33 To provide that eligible persons who are frail elderly but
34 who have the capacity to remain in an independent living

1 situation have access to the appropriate social and health
2 services without which independent living would not be
3 possible;

4 To coordinate, integrate, and link these social and health
5 services by removing obstacles that impede or limit
6 improvements in delivery of these services;

7 To provide the most efficient and effective use of
8 capitated funds for the delivery of these social and health
9 services;

10 To assure that capitation payments amount to no more than
11 95% of the amount paid under the Medicaid fee-for-service
12 structure of an actuarially similar population.

13 (Source: P.A. 87-411; revised 10-13-05.)

14 Section 535. The Illinois Prescription Drug Discount
15 Program Act is amended by changing Sections 30 and 35 and by
16 renumbering Section 990 as follows:

17 (320 ILCS 55/30)

18 Sec. 30. Manufacturer rebate agreements.

19 (a) Taking into consideration the extent to which the State
20 pays for prescription drugs under various State programs and
21 the provision of assistance to disabled persons or eligible
22 seniors under patient assistance programs, prescription drug
23 discount programs, or other offers for free or reduced price
24 medicine, clinical research projects, limited supply
25 distribution programs, compassionate use programs, or programs
26 of research conducted by or for a drug manufacturer, the
27 Department, its agent, or the program administrator shall
28 negotiate and enter into rebate agreements with drug
29 manufacturers, as defined in this Act, to effect prescription
30 drug price discounts. The Department or program administrator
31 may exclude certain medications from the list of covered
32 medications and may establish a preferred drug list as a basis
33 for determining the discounts, administrative fees, or other
34 fees or rebates under this Section.

1 (b) (Blank).

2 (c) Receipts from rebates shall be used to provide
3 discounts for prescription drugs purchased by cardholders and
4 to cover the cost of administering the program. Any receipts to
5 be allocated to the Department shall be deposited into the
6 Illinois Prescription Drug Discount Program Fund, a trust fund
7 created outside the State Treasury with the State Treasurer
8 acting as ex officio custodian. Disbursements from the Illinois
9 Prescription Drug Discount Program Fund shall be made upon the
10 direction of the Director of Central Management Services.

11 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
12 eff. 7-1-05; revised 8-9-05.)

13 (320 ILCS 55/35)

14 Sec. 35. Program eligibility.

15 (a) Any person may apply to the Department or its program
16 administrator for participation in the program in the form and
17 manner required by the Department. The Department or its
18 program administrator shall determine the eligibility of each
19 applicant for the program within 30 days after the date of
20 application. To participate in the program an eligible Illinois
21 resident whose application has been approved must pay the fee
22 determined by the Director upon enrollment and annually
23 thereafter and shall receive a program identification card. The
24 card may be presented to an authorized pharmacy to assist the
25 pharmacy in verifying eligibility under the program. If the
26 Department is the program administrator, the Department shall
27 deposit the enrollment fees collected into the Illinois
28 Prescription Drug Discount Program Fund. If the program
29 administrator is a contracted vendor, the vendor may collect
30 the enrollment fees and must report all such collected
31 enrollment fees to the Department on a regular basis. The
32 enrollment fees deposited into the Illinois Prescription Drug
33 Discount Program Fund must be separately accounted for by the
34 Department. If 2 or more persons are eligible for any benefit
35 under this Act and are members of the same household, each

1 participating household member shall apply and pay the fee
2 required for the purpose of obtaining an identification card.
3 To participate in the program, an applicant must (i) be a
4 resident of Illinois and (ii) have household income equal to or
5 less than 300% of the Federal Poverty Level.

6 (b) Proceeds from annual enrollment fees shall be used to
7 offset the administrative cost of this Act. The Department may
8 reduce the annual enrollment fee by rule if the revenue from
9 the enrollment fees is in excess of the costs to carry out the
10 program.

11 (c) (Blank).

12 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
13 eff. 7-1-05; revised 8-9-05.)

14 (320 ILCS 55/90) (was 320 ILCS 55/990)

15 Sec. 90 ~~990~~. (Amendatory provisions; text omitted).

16 (Source: P.A. 93-18, eff. 7-1-03; text omitted; revised
17 9-28-03.)

18 Section 540. The Lead Poisoning Prevention Act is amended
19 by changing Section 14 as follows:

20 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

21 Sec. 14. Departmental regulations and activities. The
22 Department shall establish and publish regulations and
23 guidelines governing permissible limits of lead in and about
24 residential buildings and dwellings.

25 The Department shall also initiate activities that:

26 (a) Will either provide for or support the monitoring and
27 validation of all medical laboratories and private and public
28 hospitals that perform lead determination tests on human blood
29 or other tissues. +

30 (b) Will, subject to Section 7.2 of this Act, provide
31 laboratory testing of blood specimens for lead content + to any
32 physician, hospital, clinic, free clinic, municipality + or
33 private organization ~~organizations~~ that cannot secure or

1 provide the services through other sources. The Department
2 shall not assume responsibility for blood lead analysis
3 required in programs currently in operation.†

4 (c) Will develop or encourage the development of
5 appropriate programs and studies to identify sources of lead
6 intoxication and assist other entities in the identification of
7 lead in children's blood and the sources of that intoxication.†

8 (d) May provide technical assistance and consultation to
9 local, county,l or regional governmental or private agencies for
10 the promotion and development of lead poisoning prevention
11 programs.

12 (e) Will provide recommendations by the Department on the
13 subject of identification and treatment of ~~for~~ lead poisoning.

14 (f) Will maintain a clearinghouse of information,l and will
15 develop additional educational materials,l on (i) lead hazards
16 to children, (ii) lead poisoning prevention, (iii) lead
17 poisoning screening, (iv) lead mitigation, abatement,l and
18 disposal, and (v) ~~on~~ health hazards during abatement. The
19 Department shall make this information available to the general
20 public.

21 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

22 Section 545. The Sexual Assault Survivors Emergency
23 Treatment Act is amended by changing Section 6.4 as follows:

24 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

25 Sec. 6.4. Sexual assault evidence collection program.

26 (a) There is created a statewide sexual assault evidence
27 collection program to facilitate the prosecution of persons
28 accused of sexual assault. This program shall be administered
29 by the Illinois State Police. The program shall consist of the
30 following: (1) distribution of sexual assault evidence
31 collection kits which have been approved by the Illinois State
32 Police to hospitals that request them, or arranging for such
33 distribution by the manufacturer of the kits, (2) collection of
34 the kits from hospitals after the kits have been used to

1 collect evidence, (3) analysis of the collected evidence and
2 conducting of laboratory tests, (4) maintaining the chain of
3 custody and safekeeping of the evidence for use in a legal
4 proceeding, and (5) the comparison of the collected evidence
5 with the genetic marker grouping analysis information
6 maintained by the Department of State Police under Section
7 5-4-3 of the Unified Code of Corrections and with the
8 information contained in the Federal Bureau of Investigation's
9 National DNA database; provided the amount and quality of
10 genetic marker grouping results obtained from the evidence in
11 the sexual assault case meets the requirements of both the
12 Department of State Police and the Federal Bureau of
13 Investigation's Combined DNA Index System (CODIS) policies.
14 The standardized evidence collection kit for the State of
15 Illinois shall be the State Police Evidence Collection Kit,
16 also known as "S.P.E.C.K.". A sexual assault evidence
17 collection kit may not be released by a hospital without the
18 written consent of the sexual assault survivor. In the case of
19 a survivor who is a minor 13 years of age or older, evidence
20 and information concerning the alleged sexual assault may be
21 released at the written request of the minor. If the survivor
22 is a minor who is under 13 years of age, evidence and
23 information concerning the alleged sexual assault may be
24 released at the written request of the parent, guardian,
25 investigating law enforcement officer, or Department of
26 Children and Family Services. Any health care professional,
27 including any physician, advanced practice nurse, physician
28 assistant, or nurse, sexual assault nurse examiner, and any
29 health care institution, including any hospital, who provides
30 evidence or information to a law enforcement officer pursuant
31 to a written request as specified in this Section is immune
32 from any civil or professional liability that might arise from
33 those actions, with the exception of willful or wanton
34 misconduct. The immunity provision applies only if all of the
35 requirements of this Section are met.

36 (a-5) All sexual assault evidence collected using the State

1 Police Evidence Collection Kits before January 1, 2005 (the
2 effective date of Public Act 93-781) ~~this amendatory Act of the~~
3 ~~93rd General Assembly~~ that have not been previously analyzed
4 and tested by the Department of State Police shall be analyzed
5 and tested within 2 years after receipt of all necessary
6 evidence and standards into the State Police Laboratory if
7 sufficient staffing and resources are available. All sexual
8 assault evidence collected using the State Police Evidence
9 Collection Kits on or after January 1, 2005 (the effective date
10 of Public Act 93-781) ~~this amendatory Act of the 93rd General~~
11 ~~Assembly~~ shall be analyzed and tested by the Department of
12 State Police within one year after receipt of all necessary
13 evidence and standards into the State Police Laboratory if
14 sufficient staffing and resources are available.

15 (b) The Illinois State Police shall administer a program to
16 train hospitals and hospital personnel participating in the
17 sexual assault evidence collection program, in the correct use
18 and application of the sexual assault evidence collection kits.
19 A sexual assault nurse examiner may conduct examinations using
20 the sexual assault evidence collection kits, without the
21 presence or participation of a physician. The Department of
22 Public Health shall cooperate with the Illinois State Police in
23 this program as it pertains to medical aspects of the evidence
24 collection.

25 (c) In this Section, "sexual assault nurse examiner" means
26 a registered nurse who has completed a sexual assault nurse
27 examiner (SANE) training program that meets the Forensic Sexual
28 Assault Nurse Examiner Education Guidelines established by the
29 International Association of Forensic Nurses.

30 (Source: P.A. 92-514, eff. 1-1-02; 93-781, eff. 1-1-05; 93-962,
31 eff. 8-20-04; revised 10-14-04.)

32 Section 550. The AIDS Confidentiality Act is amended by
33 changing Section 3 as follows:

34 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

1 Sec. 3. When used in this Act:

2 (a) "Department" means the Illinois Department of Public
3 Health.

4 (b) "AIDS" means acquired immunodeficiency syndrome.

5 (c) "HIV" means the Human Immunodeficiency Virus or any
6 other identified causative agent of AIDS.

7 (d) "Written informed consent" means an agreement in
8 writing executed by the subject of a test or the subject's
9 legally authorized representative without undue inducement or
10 any element of force, fraud, deceit, duress or other form of
11 constraint or coercion, which entails at least the following:

12 (1) a fair explanation of the test, including its purpose,
13 potential uses, limitations and the meaning of its results; and

14 (2) a fair explanation of the procedures to be followed,
15 including the voluntary nature of the test, the right to
16 withdraw consent to the testing process at any time, the right
17 to anonymity to the extent provided by law with respect to
18 participation in the test and disclosure of test results, and
19 the right to confidential treatment of information identifying
20 the subject of the test and the results of the test, to the
21 extent provided by law.

22 (e) "Health facility" means a hospital, nursing home, blood
23 bank, blood center, sperm bank, or other health care
24 institution, including any "health facility" as that term is
25 defined in the Illinois Finance Authority Act.

26 (f) "Health care provider" means any health care
27 professional, nurse, paramedic, psychologist or other person
28 providing medical, nursing, psychological, or other health
29 care services of any kind.

30 (f-5) "Health care professional" means (i) a licensed
31 physician, (ii) a physician assistant to whom the physician
32 assistant's supervising physician has delegated the provision
33 of AIDS and HIV-related health services, (iii) an advanced
34 practice registered nurse who has a written collaborative
35 agreement with a collaborating physician which authorizes the
36 provision of AIDS and HIV-related health services, (iv) a

1 licensed dentist, (v) a licensed podiatrist, or (vi) an
2 individual certified to provide HIV testing and counseling by a
3 state or local public health department.

4 (g) "Test" or "HIV test" means a test to determine the
5 presence of the antibody or antigen to HIV, or of HIV
6 infection.

7 (h) "Person" includes any natural person, partnership,
8 association, joint venture, trust, governmental entity, public
9 or private corporation, health facility or other legal entity.
10 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised
11 9-12-03.)

12 Section 555. The Environmental Protection Act is amended by
13 changing Sections 3.330, 5, 42, 55.8, 57.7, 57.8, 57.13, 58.3,
14 and 58.7 and by setting forth and renumbering multiple versions
15 of Section 22.50 as follows:

16 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

17 Sec. 3.330. Pollution control facility.

18 (a) "Pollution control facility" is any waste storage site,
19 sanitary landfill, waste disposal site, waste transfer
20 station, waste treatment facility, or waste incinerator. This
21 includes sewers, sewage treatment plants, and any other
22 facilities owned or operated by sanitary districts organized
23 under the Metropolitan Water Reclamation District Act.

24 The following are not pollution control facilities:

25 (1) (Blank);

26 (2) waste storage sites regulated under 40 CFR, Part
27 761.42;

28 (3) sites or facilities used by any person conducting a
29 waste storage, waste treatment, waste disposal, waste
30 transfer or waste incineration operation, or a combination
31 thereof, for wastes generated by such person's own
32 activities, when such wastes are stored, treated, disposed
33 of, transferred or incinerated within the site or facility
34 owned, controlled or operated by such person, or when such

1 wastes are transported within or between sites or
2 facilities owned, controlled or operated by such person;

3 (4) sites or facilities at which the State is
4 performing removal or remedial action pursuant to Section
5 22.2 or 55.3;

6 (5) abandoned quarries used solely for the disposal of
7 concrete, earth materials, gravel, or aggregate debris
8 resulting from road construction activities conducted by a
9 unit of government or construction activities due to the
10 construction and installation of underground pipes, lines,
11 conduit or wires off of the premises of a public utility
12 company which are conducted by a public utility;

13 (6) sites or facilities used by any person to
14 specifically conduct a landscape composting operation;

15 (7) regional facilities as defined in the Central
16 Midwest Interstate Low-Level Radioactive Waste Compact;

17 (8) the portion of a site or facility where coal
18 combustion wastes are stored or disposed of in accordance
19 with subdivision (r) (2) or (r) (3) of Section 21;

20 (9) the portion of a site or facility used for the
21 collection, storage or processing of waste tires as defined
22 in Title XIV;

23 (10) the portion of a site or facility used for
24 treatment of petroleum contaminated materials by
25 application onto or incorporation into the soil surface and
26 any portion of that site or facility used for storage of
27 petroleum contaminated materials before treatment. Only
28 those categories of petroleum listed in Section 57.9(a) (3)
29 are exempt under this subdivision (10);

30 (11) the portion of a site or facility where used oil
31 is collected or stored prior to shipment to a recycling or
32 energy recovery facility, provided that the used oil is
33 generated by households or commercial establishments, and
34 the site or facility is a recycling center or a business
35 where oil or gasoline is sold at retail;

36 (12) the portion of a site or facility utilizing coal

1 combustion waste for stabilization and treatment of only
2 waste generated on that site or facility when used in
3 connection with response actions pursuant to the federal
4 Comprehensive Environmental Response, Compensation, and
5 Liability Act of 1980, the federal Resource Conservation
6 and Recovery Act of 1976, or the Illinois Environmental
7 Protection Act or as authorized by the Agency;

8 (13) the portion of a site or facility accepting
9 exclusively general construction or demolition debris,
10 located in a county with a population over 700,000 as of
11 January 1, 2000, and operated and located in accordance
12 with Section 22.38 of this Act;

13 (14) the portion of a site or facility, located within
14 a unit of local government that has enacted local zoning
15 requirements, used to accept, separate, and process
16 uncontaminated broken concrete, with or without protruding
17 metal bars, provided that the uncontaminated broken
18 concrete and metal bars are not speculatively accumulated,
19 are at the site or facility no longer than one year after
20 their acceptance, and are returned to the economic
21 mainstream in the form of raw materials or products; and

22 (15) the portion of a site or facility located in a
23 county with a population over 3,000,000 that has obtained
24 local siting approval under Section 39.2 of this Act for a
25 municipal waste incinerator on or before July 1, 2005 and
26 that is used for a non-hazardous waste transfer station.

27 (b) A new pollution control facility is:

28 (1) a pollution control facility initially permitted
29 for development or construction after July 1, 1981; or

30 (2) the area of expansion beyond the boundary of a
31 currently permitted pollution control facility; or

32 (3) a permitted pollution control facility requesting
33 approval to store, dispose of, transfer or incinerate, for
34 the first time, any special or hazardous waste.

35 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,
36 eff. 7-19-05; revised 8-18-05.)

1 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

2 Sec. 5. Pollution Control Board.

3 (a) There is hereby created an independent board to be
4 known as the Pollution Control Board.

5 Until July 1, 2003 or when all of the new members to be
6 initially appointed under this amendatory Act of the 93rd
7 General Assembly have been appointed by the Governor, whichever
8 occurs later, the Board shall consist of 7 technically
9 qualified members, no more than 4 of whom may be of the same
10 political party, to be appointed by the Governor with the
11 advice and consent of the Senate.

12 The term of each appointed member of the Board who is in
13 office on June 30, 2003 shall terminate at the close of
14 business on that date or when all of the new members to be
15 initially appointed under this amendatory Act of the 93rd
16 General Assembly have been appointed by the Governor, whichever
17 occurs later.

18 Beginning on July 1, 2003 or when all of the new members to
19 be initially appointed under this amendatory Act of the 93rd
20 General Assembly have been appointed by the Governor, whichever
21 occurs later, the Board shall consist of 5 technically
22 qualified members, no more than 3 of whom may be of the same
23 political party, to be appointed by the Governor with the
24 advice and consent of the Senate. Members shall have verifiable
25 technical, academic, or actual experience in the field of
26 pollution control or environmental law and regulation.

27 Of the members initially appointed pursuant to this
28 amendatory Act of the 93rd General Assembly, one shall be
29 appointed for a term ending July 1, 2004, 2 shall be appointed
30 for terms ending July 1, 2005, and 2 shall be appointed for
31 terms ending July 1, 2006. Thereafter, all members shall hold
32 office for 3 years from the first day of July in the year in
33 which they were appointed, except in case of an appointment to
34 fill a vacancy. In case of a vacancy in the office when the
35 Senate is not in session, the Governor may make a temporary

1 appointment until the next meeting of the Senate, when he or
2 she shall nominate some person to fill such office; and any
3 person so nominated, who is confirmed by the Senate, shall hold
4 the office during the remainder of the term.

5 Members of the Board shall hold office until their
6 respective successors have been appointed and qualified. Any
7 member may resign from office, such resignation to take effect
8 when a successor has been appointed and has qualified.

9 Board members shall be paid \$37,000 per year or an amount
10 set by the Compensation Review Board, whichever is greater, and
11 the Chairman shall be paid \$43,000 per year or an amount set by
12 the Compensation Review Board, whichever is greater. Each
13 member shall devote his or her entire time to the duties of the
14 office, and shall hold no other office or position of profit,
15 nor engage in any other business, employment, or vocation. Each
16 member shall be reimbursed for expenses necessarily incurred
17 and shall make a financial disclosure upon appointment.

18 Each Board member may employ one secretary and one
19 assistant, and the Chairman one secretary and 2 assistants. The
20 Board also may employ and compensate hearing officers to
21 preside at hearings under this Act, and such other personnel as
22 may be necessary. Hearing officers shall be attorneys licensed
23 to practice law in Illinois.

24 The Board may have an Executive Director; if so, the
25 Executive Director shall be appointed by the Governor with the
26 advice and consent of the Senate. The salary and duties of the
27 Executive Director shall be fixed by the Board.

28 The Governor shall designate one Board member to be
29 Chairman, who shall serve at the pleasure of the Governor.

30 The Board shall hold at least one meeting each month and
31 such additional meetings as may be prescribed by Board rules.
32 In addition, special meetings may be called by the Chairman or
33 by any 2 Board members, upon delivery of 24 hours written
34 notice to the office of each member. All Board meetings shall
35 be open to the public, and public notice of all meetings shall
36 be given at least 24 hours in advance of each meeting. In

1 emergency situations in which a majority of the Board certifies
2 that exigencies of time require the requirements of public
3 notice and of 24 hour written notice to members may be
4 dispensed with, and Board members shall receive such notice as
5 is reasonable under the circumstances.

6 If there is no vacancy on the Board, 4 members of the Board
7 shall constitute a quorum to transact business; otherwise, a
8 majority of the Board shall constitute a quorum to transact
9 business, and no vacancy shall impair the right of the
10 remaining members to exercise all of the powers of the Board.
11 Every action approved by a majority of the members of the Board
12 shall be deemed to be the action of the Board. The Board shall
13 keep a complete and accurate record of all its meetings.

14 (b) The Board shall determine, define and implement the
15 environmental control standards applicable in the State of
16 Illinois and may adopt rules and regulations in accordance with
17 Title VII of this Act.

18 (c) The Board shall have authority to act for the State in
19 regard to the adoption of standards for submission to the
20 United States under any federal law respecting environmental
21 protection. Such standards shall be adopted in accordance with
22 Title VII of the Act and upon adoption shall be forwarded to
23 the Environmental Protection Agency for submission to the
24 United States pursuant to subsections (l) and (m) of Section 4
25 of this Act. Nothing in this paragraph shall limit the
26 discretion of the Governor to delegate authority granted to the
27 Governor under any federal law.

28 (d) The Board shall have authority to conduct proceedings
29 upon complaints charging violations of this Act, any rule or
30 regulation adopted under this Act, any permit or term or
31 condition of a permit, or any Board order; upon administrative
32 citations; upon petitions for variances or adjusted standards;
33 upon petitions for review of the Agency's final determinations
34 on permit applications in accordance with Title X of this Act;
35 upon petitions to remove seals under Section 34 of this Act;
36 and upon other petitions for review of final determinations

1 which are made pursuant to this Act or Board rule and which
2 involve a subject which the Board is authorized to regulate.
3 The Board may also conduct other proceedings as may be provided
4 by this Act or any other statute or rule.

5 (e) In connection with any proceeding pursuant to
6 subsection (b) or (d) of this Section, the Board may subpoena
7 and compel the attendance of witnesses and the production of
8 evidence reasonably necessary to resolution of the matter under
9 consideration. The Board shall issue such subpoenas upon the
10 request of any party to a proceeding under subsection (d) of
11 this Section or upon its own motion.

12 (f) The Board may prescribe reasonable fees for permits
13 required pursuant to this Act. Such fees in the aggregate may
14 not exceed the total cost to the Agency for its inspection and
15 permit systems. The Board may not prescribe any permit fees
16 which are different in amount from those established by this
17 Act.

18 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;
19 93-509, eff. 8-11-03; revised 9-11-03.)

20 (415 ILCS 5/22.50)

21 Sec. 22.50. Compliance with land use limitations. No
22 person shall use, or cause or allow the use of, any site for
23 which a land use limitation has been imposed under this Act in
24 a manner inconsistent with the land use limitation unless
25 further investigation or remedial action has been conducted
26 that documents the attainment of remedial objectives
27 appropriate for the new land use and a new closure letter has
28 been obtained from the Agency and recorded in the chain of
29 title for the site. For the purpose of this Section, the term
30 "land use limitation" shall include, but shall not be limited
31 to, institutional controls and engineered barriers imposed
32 under this Act and the regulations adopted under this Act. For
33 the purposes of this Section, the term "closure letter" shall
34 include, but shall not be limited to, No Further Remediation
35 Letters issued under Titles XVI and XVII of this Act and the

1 regulations adopted under those Titles.

2 (Source: P.A. 94-272, eff. 7-19-05; 94-314, eff. 7-25-05.)

3 (415 ILCS 5/22.53)

4 Sec. 22.53 ~~22.50~~. Computer Equipment Disposal and
5 Recycling Commission.

6 (a) The General Assembly finds that improper disposal of
7 computer equipment presents a serious environmental threat.
8 Computer equipment contains quantities of lead, mercury, other
9 heavy metals, and plastics that, when improperly disposed of,
10 can lead to environmental contamination.

11 (b) There is hereby created the Computer Equipment Disposal
12 and Recycling Commission consisting of 7 members appointed as
13 follows: 2 members appointed by the Governor, one of whom shall
14 serve as Chairperson of the Commission; one member appointed by
15 the Lieutenant Governor who shall serve as vice-chairperson;
16 one member appointed by the Speaker of the House of
17 Representatives; one member appointed by the Minority Leader of
18 the House of Representatives; one member appointed by the
19 President of the Senate; and one member appointed by the
20 Minority Leader of the Senate; all of whom shall serve without
21 compensation. The Commission may accept and expend for its
22 purposes any funds granted to the Commission by any agency of
23 State or federal government or through private donation dealing
24 exclusively with computer equipment disposal.

25 (c) The Commission shall have all of the following
26 objectives:

27 (1) To investigate problems and concerns related to the
28 disposal and recycling of computer equipment.

29 (2) To advise the General Assembly and State agencies
30 with respect to legislative, regulatory, or other actions
31 within the area of computer equipment disposal, and any
32 related subject matter (i.e. fax machines, printers,
33 etc.).

34 (3) To make recommendations regarding the development
35 and establishment of pilot programs and ongoing programs

1 for the recycling and proper disposal of computer
2 equipment.

3 (d) The Commission shall issue a report of its findings and
4 recommendations in relation to the objectives listed in
5 subsection (c) of this Section to the Governor, the General
6 Assembly, and the Director of the Environmental Protection
7 Agency on or before May 31, 2006. In preparing its report, the
8 Commission shall seek input from and consult with business
9 organizations, trade organizations, trade associations, solid
10 waste agencies, and environmental organizations with expertise
11 in computer equipment disposal and recycling.

12 (e) Beginning on May 31, 2007, the Commission shall
13 evaluate the implementation of programs by the State relating
14 to computer equipment disposal and recycling, and shall issue a
15 report of its finding and recommendations to the Governor, the
16 General Assembly, and the Director of the Environmental
17 Protection Agency on or before December 31, 2008.

18 (f) The Commission, upon issuing the report described in
19 subsection (e) of this Section, is dissolved.

20 (Source: P.A. 94-518, eff. 8-10-05; revised 9-22-05.)

21 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

22 Sec. 42. Civil penalties.

23 (a) Except as provided in this Section, any person that
24 violates any provision of this Act or any regulation adopted by
25 the Board, or any permit or term or condition thereof, or that
26 violates any order of the Board pursuant to this Act, shall be
27 liable for a civil penalty of not to exceed \$50,000 for the
28 violation and an additional civil penalty of not to exceed
29 \$10,000 for each day during which the violation continues; such
30 penalties may, upon order of the Board or a court of competent
31 jurisdiction, be made payable to the Environmental Protection
32 Trust Fund, to be used in accordance with the provisions of the
33 Environmental Protection Trust Fund Act.

34 (b) Notwithstanding the provisions of subsection (a) of
35 this Section:

1 (1) Any person that violates Section 12(f) of this Act
2 or any NPDES permit or term or condition thereof, or any
3 filing requirement, regulation or order relating to the
4 NPDES permit program, shall be liable to a civil penalty of
5 not to exceed \$10,000 per day of violation.

6 (2) Any person that violates Section 12(g) of this Act
7 or any UIC permit or term or condition thereof, or any
8 filing requirement, regulation or order relating to the
9 State UIC program for all wells, except Class II wells as
10 defined by the Board under this Act, shall be liable to a
11 civil penalty not to exceed \$2,500 per day of violation;
12 provided, however, that any person who commits such
13 violations relating to the State UIC program for Class II
14 wells, as defined by the Board under this Act, shall be
15 liable to a civil penalty of not to exceed \$10,000 for the
16 violation and an additional civil penalty of not to exceed
17 \$1,000 for each day during which the violation continues.

18 (3) Any person that violates Sections 21(f), 21(g),
19 21(h) or 21(i) of this Act, or any RCRA permit or term or
20 condition thereof, or any filing requirement, regulation
21 or order relating to the State RCRA program, shall be
22 liable to a civil penalty of not to exceed \$25,000 per day
23 of violation.

24 (4) In an administrative citation action under Section
25 31.1 of this Act, any person found to have violated any
26 provision of subsection (o) of Section 21 of this Act shall
27 pay a civil penalty of \$500 for each violation of each such
28 provision, plus any hearing costs incurred by the Board and
29 the Agency. Such penalties shall be made payable to the
30 Environmental Protection Trust Fund, to be used in
31 accordance with the provisions of the Environmental
32 Protection Trust Fund Act; except that if a unit of local
33 government issued the administrative citation, 50% of the
34 civil penalty shall be payable to the unit of local
35 government.

36 (4-5) In an administrative citation action under

1 Section 31.1 of this Act, any person found to have violated
2 any provision of subsection (p) of Section 21 of this Act
3 shall pay a civil penalty of \$1,500 for each violation of
4 each such provision, plus any hearing costs incurred by the
5 Board and the Agency, except that the civil penalty amount
6 shall be \$3,000 for each violation of any provision of
7 subsection (p) of Section 21 that is the person's second or
8 subsequent adjudication violation of that provision. The
9 penalties shall be deposited into the Environmental
10 Protection Trust Fund, to be used in accordance with the
11 provisions of the Environmental Protection Trust Fund Act;
12 except that if a unit of local government issued the
13 administrative citation, 50% of the civil penalty shall be
14 payable to the unit of local government.

15 (5) Any person who violates subsection 6 of Section
16 39.5 of this Act or any CAAPP permit, or term or condition
17 thereof, or any fee or filing requirement, or any duty to
18 allow or carry out inspection, entry or monitoring
19 activities, or any regulation or order relating to the
20 CAAPP shall be liable for a civil penalty not to exceed
21 \$10,000 per day of violation.

22 (b.5) In lieu of the penalties set forth in subsections (a)
23 and (b) of this Section, any person who fails to file, in a
24 timely manner, toxic chemical release forms with the Agency
25 pursuant to Section 25b-2 of this Act shall be liable for a
26 civil penalty of \$100 per day for each day the forms are late,
27 not to exceed a maximum total penalty of \$6,000. This daily
28 penalty shall begin accruing on the thirty-first day after the
29 date that the person receives the warning notice issued by the
30 Agency pursuant to Section 25b-6 of this Act; and the penalty
31 shall be paid to the Agency. The daily accrual of penalties
32 shall cease as of January 1 of the following year. All
33 penalties collected by the Agency pursuant to this subsection
34 shall be deposited into the Environmental Protection Permit and
35 Inspection Fund.

36 (c) Any person that violates this Act, any rule or

1 regulation adopted under this Act, any permit or term or
2 condition of a permit, or any Board order and causes the death
3 of fish or aquatic life shall, in addition to the other
4 penalties provided by this Act, be liable to pay to the State
5 an additional sum for the reasonable value of the fish or
6 aquatic life destroyed. Any money so recovered shall be placed
7 in the Wildlife and Fish Fund in the State Treasury.

8 (d) The penalties provided for in this Section may be
9 recovered in a civil action.

10 (e) The State's Attorney of the county in which the
11 violation occurred, or the Attorney General, may, at the
12 request of the Agency or on his own motion, institute a civil
13 action for an injunction, prohibitory or mandatory, to restrain
14 violations of this Act, any rule or regulation adopted under
15 this Act, any permit or term or condition of a permit, or any
16 Board order, or to require such other actions as may be
17 necessary to address violations of this Act, any rule or
18 regulation adopted under this Act, any permit or term or
19 condition of a permit, or any Board order.

20 (f) The State's Attorney of the county in which the
21 violation occurred, or the Attorney General, shall bring such
22 actions in the name of the people of the State of Illinois.
23 Without limiting any other authority which may exist for the
24 awarding of attorney's fees and costs, the Board or a court of
25 competent jurisdiction may award costs and reasonable
26 attorney's fees, including the reasonable costs of expert
27 witnesses and consultants, to the State's Attorney or the
28 Attorney General in a case where he has prevailed against a
29 person who has committed a wilful, knowing or repeated
30 violation of this Act, any rule or regulation adopted under
31 this Act, any permit or term or condition of a permit, or any
32 Board order.

33 Any funds collected under this subsection (f) in which the
34 Attorney General has prevailed shall be deposited in the
35 Hazardous Waste Fund created in Section 22.2 of this Act. Any
36 funds collected under this subsection (f) in which a State's

1 Attorney has prevailed shall be retained by the county in which
2 he serves.

3 (g) All final orders imposing civil penalties pursuant to
4 this Section shall prescribe the time for payment of such
5 penalties. If any such penalty is not paid within the time
6 prescribed, interest on such penalty at the rate set forth in
7 subsection (a) of Section 1003 of the Illinois Income Tax Act,
8 shall be paid for the period from the date payment is due until
9 the date payment is received. However, if the time for payment
10 is stayed during the pendency of an appeal, interest shall not
11 accrue during such stay.

12 (h) In determining the appropriate civil penalty to be
13 imposed under subdivisions (a), (b) (1), (b) (2), (b) (3), or
14 (b) (5) of this Section, the Board is authorized to consider any
15 matters of record in mitigation or aggravation of penalty,
16 including but not limited to the following factors:

17 (1) the duration and gravity of the violation;

18 (2) the presence or absence of due diligence on the
19 part of the respondent in attempting to comply with
20 requirements of this Act and regulations thereunder or to
21 secure relief therefrom as provided by this Act;

22 (3) any economic benefits accrued by the respondent
23 because of delay in compliance with requirements, in which
24 case the economic benefits shall be determined by the
25 lowest cost alternative for achieving compliance;

26 (4) the amount of monetary penalty which will serve to
27 deter further violations by the respondent and to otherwise
28 aid in enhancing voluntary compliance with this Act by the
29 respondent and other persons similarly subject to the Act;

30 (5) the number, proximity in time, and gravity of
31 previously adjudicated violations of this Act by the
32 respondent;

33 (6) whether the respondent voluntarily self-disclosed,
34 in accordance with subsection (i) of this Section, the
35 non-compliance to the Agency; and

36 (7) whether the respondent has agreed to undertake a

1 "supplemental environmental project," which means an
2 environmentally beneficial project that a respondent
3 agrees to undertake in settlement of an enforcement action
4 brought under this Act, but which the respondent is not
5 otherwise legally required to perform.

6 In determining the appropriate civil penalty to be imposed
7 under subsection (a) or paragraph (1), (2), (3), or (5) of
8 subsection (b) of this Section, the Board shall ensure, in all
9 cases, that the penalty is at least as great as the economic
10 benefits, if any, accrued by the respondent as a result of the
11 violation, unless the Board finds that imposition of such
12 penalty would result in an arbitrary or unreasonable financial
13 hardship. However, such civil penalty may be off-set in whole
14 or in part pursuant to a supplemental environmental project
15 agreed to by the complainant and the respondent.

16 (i) A person who voluntarily self-discloses non-compliance
17 to the Agency, of which the Agency had been unaware, is
18 entitled to a 100% reduction in the portion of the penalty that
19 is not based on the economic benefit of non-compliance if the
20 person can establish the following:

21 (1) that the non-compliance was discovered through an
22 environmental audit or a compliance management system
23 documented by the regulated entity as reflecting the
24 regulated entity's due diligence in preventing, detecting,
25 and correcting violations;

26 (2) that the non-compliance was disclosed in writing
27 within 30 days of the date on which the person discovered
28 it;

29 (3) that the non-compliance was discovered and
30 disclosed prior to:

31 (i) the commencement of an Agency inspection,
32 investigation, or request for information;

33 (ii) notice of a citizen suit;

34 (iii) the filing of a complaint by a citizen, the
35 Illinois Attorney General, or the State's Attorney of
36 the county in which the violation occurred;

1 (iv) the reporting of the non-compliance by an
2 employee of the person without that person's
3 knowledge; or

4 (v) imminent discovery of the non-compliance by
5 the Agency;

6 (4) that the non-compliance is being corrected and any
7 environmental harm is being remediated in a timely fashion;

8 (5) that the person agrees to prevent a recurrence of
9 the non-compliance;

10 (6) that no related non-compliance events have
11 occurred in the past 3 years at the same facility or in the
12 past 5 years as part of a pattern at multiple facilities
13 owned or operated by the person;

14 (7) that the non-compliance did not result in serious
15 actual harm or present an imminent and substantial
16 endangerment to human health or the environment or violate
17 the specific terms of any judicial or administrative order
18 or consent agreement;

19 (8) that the person cooperates as reasonably requested
20 by the Agency after the disclosure; and

21 (9) that the non-compliance was identified voluntarily
22 and not through a monitoring, sampling, or auditing
23 procedure that is required by statute, rule, permit,
24 judicial or administrative order, or consent agreement.

25 If a person can establish all of the elements under this
26 subsection except the element set forth in paragraph (1) of
27 this subsection, the person is entitled to a 75% reduction in
28 the portion of the penalty that is not based upon the economic
29 benefit of non-compliance.

30 (j) In addition to an other remedy or penalty that may
31 apply, whether civil or criminal, any person who violates
32 Section 22.52 of this Act shall be liable for an additional
33 civil penalty of up to 3 times the gross amount of any
34 pecuniary gain resulting from the violation.

35 (Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04;
36 93-831, eff. 7-28-04; 94-272, eff. 7-19-05; 94-580, eff.

1 8-12-05; revised 8-19-05.)

2 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

3 Sec. 55.8. Tire retailers.

4 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used
5 tires at retail or offering new or used tires for retail sale
6 in this State shall:

7 (1) beginning on June 20, 2003 (the effective date of
8 Public Act 93-32), collect from retail customers a fee of
9 \$2 per new or ~~and~~ used tire sold and delivered in this
10 State, to be paid to the Department of Revenue and
11 deposited into the Used Tire Management Fund, less a
12 collection allowance of 10 cents per tire to be retained by
13 the retail seller and a collection allowance of 10 cents
14 per tire to be retained by the Department of Revenue and
15 paid into the General Revenue Fund;

16 (1.5) beginning on July 1, 2003, collect from retail
17 customers an additional 50 cents per new or used tire sold
18 and delivered in this State. The money collected from this
19 fee shall be deposited into the Emergency Public Health
20 Fund. This fee shall no longer be collected beginning on
21 January 1, 2008;~~;~~

22 (2) accept for recycling used tires from customers, at
23 the point of transfer, in a quantity equal to the number of
24 new tires purchased; and

25 (3) post in a conspicuous place a written notice at
26 least 8.5 by 11 inches in size that includes the universal
27 recycling symbol and the following statements: "DO NOT put
28 used tires in the trash."; "Recycle your used tires."; and
29 "State law requires us to accept used tires for recycling,
30 in exchange for new tires purchased."

31 (b) A person who accepts used tires for recycling under
32 subsection (a) shall not allow the tires to accumulate for
33 periods of more than 90 days.

34 (c) The requirements of subsection (a) of this Section do
35 not apply to mail order sales nor shall the retail sale of a

1 motor vehicle be considered to be the sale of tires at retail
2 or offering of tires for retail sale. Instead of filing
3 returns, retailers of tires may remit the tire user fee of
4 \$1.00 per tire to their suppliers of tires if the supplier of
5 tires is a registered retailer of tires and agrees or otherwise
6 arranges to collect and remit the tire fee to the Department of
7 Revenue, notwithstanding the fact that the sale of the tire is
8 a sale for resale and not a sale at retail. A tire supplier who
9 enters into such an arrangement with a tire retailer shall be
10 liable for the tax on all tires sold to the tire retailer and
11 must (i) provide the tire retailer with a receipt that
12 separately reflects the tire tax collected from the retailer on
13 each transaction and (ii) accept used tires for recycling from
14 the retailer's customers. The tire supplier shall be entitled
15 to the collection allowance of 10 cents per tire.

16 The retailer of the tires must maintain in its books and
17 records evidence that the appropriate fee was paid to the tire
18 supplier and that the tire supplier has agreed to remit the fee
19 to the Department of Revenue for each tire sold by the
20 retailer. Otherwise, the tire retailer shall be directly liable
21 for the fee on all tires sold at retail. Tire retailers paying
22 the fee to their suppliers are not entitled to the collection
23 allowance of 10 cents per tire.

24 (d) The requirements of subsection (a) of this Section
25 shall apply exclusively to tires to be used for vehicles
26 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
27 tires, special mobile equipment, and implements of husbandry.

28 (e) The requirements of paragraph (1) of subsection (a) do
29 not apply to the sale of reprocessed tires. For purposes of
30 this Section, "reprocessed tire" means a used tire that has
31 been recapped, retreaded, or regrooved and that has not been
32 placed on a vehicle wheel rim.

33 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
34 10-13-03.)

1 Sec. 57.7. Leaking underground storage tanks; site
2 investigation and corrective action.

3 (a) Site investigation.

4 (1) For any site investigation activities required by
5 statute or rule, the owner or operator shall submit to the
6 Agency for approval a site investigation plan designed to
7 determine the nature, concentration, direction of
8 movement, rate of movement, and extent of the contamination
9 as well as the significant physical features of the site
10 and surrounding area that may affect contaminant transport
11 and risk to human health and safety and the environment.

12 (2) Any owner or operator intending to seek payment
13 from the Fund shall submit to the Agency for approval a
14 site investigation budget that includes, but is not limited
15 to, an accounting of all costs associated with the
16 implementation and completion of the site investigation
17 plan.

18 (3) Remediation objectives for the applicable
19 indicator contaminants shall be determined using the
20 tiered approach to corrective action objectives rules
21 adopted by the Board pursuant to this Title and Title XVII
22 of this Act. For the purposes of this Title, "Contaminant
23 of Concern" or "Regulated Substance of Concern" in the
24 rules means the applicable indicator contaminants set
25 forth in subsection (d) of this Section and the rules
26 adopted thereunder.

27 (4) Upon the Agency's approval of a site investigation
28 plan, or as otherwise directed by the Agency, the owner or
29 operator shall conduct a site investigation in accordance
30 with the plan.

31 (5) Within 30 days after completing the site
32 investigation, the owner or operator shall submit to the
33 Agency for approval a site investigation completion
34 report. At a minimum the report shall include all of the
35 following:

36 (A) Executive summary.

1 (B) Site history.

2 (C) Site-specific sampling methods and results.

3 (D) Documentation of all field activities,
4 including quality assurance.

5 (E) Documentation regarding the development of
6 proposed remediation objectives.

7 (F) Interpretation of results.

8 (G) Conclusions.

9 (b) Corrective action.

10 (1) If the site investigation confirms none of the
11 applicable indicator contaminants exceed the proposed
12 remediation objectives, within 30 days after completing
13 the site investigation the owner or operator shall submit
14 to the Agency for approval a corrective action completion
15 report in accordance with this Section.

16 (2) If any of the applicable indicator contaminants
17 exceed the remediation objectives approved for the site,
18 within 30 days after the Agency approves the site
19 investigation completion report the owner or operator
20 shall submit to the Agency for approval a corrective action
21 plan designed to mitigate any threat to human health, human
22 safety, or the environment resulting from the underground
23 storage tank release. The plan shall describe the selected
24 remedy and evaluate its ability and effectiveness to
25 achieve the remediation objectives approved for the site.
26 At a minimum, the report shall include all of the
27 following:

28 (A) Executive summary.

29 (B) Statement of remediation objectives.

30 (C) Remedial technologies selected.

31 (D) Confirmation sampling plan.

32 (E) Current and projected future use of the
33 property.

34 (F) Applicable preventive, engineering, and
35 institutional controls including long-term
36 reliability, operating, and maintenance plans, and

1 monitoring procedures.

2 (G) A schedule for implementation and completion
3 of the plan.

4 (3) Any owner or operator intending to seek payment
5 from the Fund shall submit to the Agency for approval a
6 corrective action budget that includes, but is not limited
7 to, an accounting of all costs associated with the
8 implementation and completion of the corrective action
9 plan.

10 (4) Upon the Agency's approval of a corrective action
11 plan, or as otherwise directed by the Agency, the owner or
12 operator shall proceed with corrective action in
13 accordance with the plan.

14 (5) Within 30 days after the completion of a corrective
15 action plan that achieves applicable remediation
16 objectives the owner or operator shall submit to the Agency
17 for approval a corrective action completion report. The
18 report shall demonstrate whether corrective action was
19 completed in accordance with the approved corrective
20 action plan and whether the remediation objectives
21 approved for the site, as well as any other requirements of
22 the plan, have been achieved.

23 (6) If within 4 years after the approval of any
24 corrective action plan the applicable remediation
25 objectives have not been achieved and the owner or operator
26 has not submitted a corrective action completion report,
27 the owner or operator must submit a status report for
28 Agency review. The status report must include, but is not
29 limited to, a description of the remediation activities
30 taken to date, the effectiveness of the method of
31 remediation being used, the likelihood of meeting the
32 applicable remediation objectives using the current method
33 of remediation, and the date the applicable remediation
34 objectives are expected to be achieved.

35 (7) If the Agency determines any approved corrective
36 action plan will not achieve applicable remediation

1 objectives within a reasonable time, based upon the method
2 of remediation and site specific circumstances, the Agency
3 may require the owner or operator to submit to the Agency
4 for approval a revised corrective action plan. If the owner
5 or operator intends to seek payment from the Fund, the
6 owner or operator must also submit a revised budget.

7 ~~or Licensed Professional Geologist or Licensed Professional~~
8 ~~Geologist or Licensed Professional Geologist or Licensed~~
9 ~~Professional Geologist or Licensed Professional Geologist or~~
10 ~~Licensed Professional Geologist or Licensed Professional~~
11 ~~Geologist or Licensed Professional Geologist or Licensed~~
12 ~~Professional Geologist or Licensed Professional Geologist~~

13 (c) Agency review and approval.

14 (1) Agency approval of any plan and associated budget,
15 as described in this subsection (c), shall be considered
16 final approval for purposes of seeking and obtaining
17 payment from the Underground Storage Tank Fund if the costs
18 associated with the completion of any such plan are less
19 than or equal to the amounts approved in such budget.

20 (2) In the event the Agency fails to approve,
21 disapprove, or modify any plan or report submitted pursuant
22 to this Title in writing within 120 days of the receipt by
23 the Agency, the plan or report shall be considered to be
24 rejected by operation of law for purposes of this Title and
25 rejected for purposes of payment from the Underground
26 Storage Tank Fund.

27 (A) For purposes of those plans as identified in
28 paragraph (5) of this subsection (c), the Agency's
29 review may be an audit procedure. Such review or audit
30 shall be consistent with the procedure for such review
31 or audit as promulgated by the Board under Section
32 57.14. The Agency has the authority to establish an
33 auditing program to verify compliance of such plans
34 with the provisions of this Title.

35 (B) For purposes of corrective action plans
36 submitted pursuant to subsection (b) of this Section

1 for which payment from the Fund is not being sought,
2 the Agency need not take action on such plan until 120
3 days after it receives the corrective action
4 completion report required under subsection (b) of
5 this Section. In the event the Agency approved the
6 plan, it shall proceed under the provisions of this
7 subsection (c).

8 (3) In approving any plan submitted pursuant to
9 subsection (a) or (b) of this Section, the Agency shall
10 determine, by a procedure promulgated by the Board under
11 Section 57.14, that the costs associated with the plan are
12 reasonable, will be incurred in the performance of site
13 investigation or corrective action, and will not be used
14 for site investigation or corrective action activities in
15 excess of those required to meet the minimum requirements
16 of this Title.

17 (4) For any plan or report received after June 24,
18 ~~September 13,~~ 2002, any action by the Agency to disapprove
19 or modify a plan submitted pursuant to this Title shall be
20 provided to the owner or operator in writing within 120
21 days of the receipt by the Agency or, in the case of a site
22 investigation plan or corrective action plan for which
23 payment is not being sought, within 120 days of receipt of
24 the site investigation completion report or corrective
25 action completion report, respectively, and shall be
26 accompanied by:

27 (A) an explanation of the Sections of this Act
28 which may be violated if the plans were approved;

29 (B) an explanation of the provisions of the
30 regulations, promulgated under this Act, which may be
31 violated if the plan were approved;

32 (C) an explanation of the specific type of
33 information, if any, which the Agency deems the
34 applicant did not provide the Agency; and

35 (D) a statement of specific reasons why the Act and
36 the regulations might not be met if the plan were

1 approved.

2 Any action by the Agency to disapprove or modify a plan
3 or report or the rejection of any plan or report by
4 operation of law shall be subject to appeal to the Board in
5 accordance with the procedures of Section 40. If the owner
6 or operator elects to incorporate modifications required
7 by the Agency rather than appeal, an amended plan shall be
8 submitted to the Agency within 35 days of receipt of the
9 Agency's written notification.

10 (5) For purposes of this Title, the term "plan" shall
11 include:

12 (A) Any site investigation plan submitted pursuant
13 to subsection (a) of this Section;

14 (B) Any site investigation budget submitted
15 pursuant to subsection (a) of this Section;

16 (C) Any corrective action plan submitted pursuant
17 to subsection (b) of this Section; or

18 (D) Any corrective action plan budget submitted
19 pursuant to subsection (b) of this Section.

20 (d) For purposes of this Title, the term "indicator
21 contaminant" shall mean, unless and until the Board promulgates
22 regulations to the contrary, the following: (i) if an
23 underground storage tank contains gasoline, the indicator
24 parameter shall be BTEX and Benzene; (ii) if the tank contained
25 petroleum products consisting of middle distillate or heavy
26 ends, then the indicator parameter shall be determined by a
27 scan of PNA's taken from the location where contamination is
28 most likely to be present; and (iii) if the tank contained used
29 oil, then the indicator contaminant shall be those chemical
30 constituents which indicate the type of petroleum stored in an
31 underground storage tank. All references in this Title to
32 groundwater objectives shall mean Class I groundwater
33 standards or objectives as applicable.

34 (e) (1) Notwithstanding the provisions of this Section, an
35 owner or operator may proceed to conduct site investigation
36 or corrective action prior to the submittal or approval of

1 an otherwise required plan. If the owner or operator elects
2 to so proceed, an applicable plan shall be filed with the
3 Agency at any time. Such plan shall detail the steps taken
4 to determine the type of site investigation or corrective
5 action which was necessary at the site along with the site
6 investigation or corrective action taken or to be taken, in
7 addition to costs associated with activities to date and
8 anticipated costs.

9 (2) Upon receipt of a plan submitted after activities
10 have commenced at a site, the Agency shall proceed to
11 review in the same manner as required under this Title. In
12 the event the Agency disapproves all or part of the costs,
13 the owner or operator may appeal such decision to the
14 Board. The owner or operator shall not be eligible to be
15 reimbursed for such disapproved costs unless and until the
16 Board determines that such costs were eligible for payment.

17 (f) All investigations, plans, and reports conducted or
18 prepared under this Section shall be conducted or prepared
19 under the supervision of a licensed professional engineer and
20 in accordance with the requirements of this Title.

21 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;
22 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

23 (415 ILCS 5/57.8)

24 Sec. 57.8. Underground Storage Tank Fund; payment; options
25 for State payment; deferred correction election to commence
26 corrective action upon availability of funds. If an owner or
27 operator is eligible to access the Underground Storage Tank
28 Fund pursuant to an Office of State Fire Marshal
29 eligibility/deductible final determination letter issued in
30 accordance with Section 57.9, the owner or operator may submit
31 a complete application for final or partial payment to the
32 Agency for activities taken in response to a confirmed release.
33 An owner or operator may submit a request for partial or final
34 payment regarding a site no more frequently than once every 90
35 days.

1 (a) Payment after completion of corrective action
2 measures. The owner or operator may submit an application for
3 payment for activities performed at a site after completion of
4 the requirements of Sections 57.6 and 57.7, or after completion
5 of any other required activities at the underground storage
6 tank site.

7 (1) In the case of any approved plan and budget for
8 which payment is being sought, the Agency shall make a
9 payment determination within 120 days of receipt of the
10 application. Such determination shall be considered a
11 final decision. The Agency's review shall be limited to
12 generally accepted auditing and accounting practices. In
13 no case shall the Agency conduct additional review of any
14 plan which was completed within the budget, beyond auditing
15 for adherence to the corrective action measures in the
16 proposal. If the Agency fails to approve the payment
17 application within 120 days, such application shall be
18 deemed approved by operation of law and the Agency shall
19 proceed to reimburse the owner or operator the amount
20 requested in the payment application. However, in no event
21 shall the Agency reimburse the owner or operator an amount
22 greater than the amount approved in the plan.

23 (2) If sufficient funds are available in the
24 Underground Storage Tank Fund, the Agency shall, within 60
25 days, forward to the Office of the State Comptroller a
26 voucher in the amount approved under the payment
27 application.

28 (3) In the case of insufficient funds, the Agency shall
29 form a priority list for payment and shall notify persons
30 in such priority list monthly of the availability of funds
31 and when payment shall be made. Payment shall be made to
32 the owner or operator at such time as sufficient funds
33 become available for the costs associated with site
34 investigation and corrective action and costs expended for
35 activities performed where no proposal is required, if
36 applicable. Such priority list shall be available to any

1 owner or operator upon request. Priority for payment shall
2 be determined by the date the Agency receives a complete
3 request for partial or final payment. Upon receipt of
4 notification from the Agency that the requirements of this
5 Title have been met, the Comptroller shall make payment to
6 the owner or operator of the amount approved by the Agency,
7 if sufficient money exists in the Fund. If there is
8 insufficient money in the Fund, then payment shall not be
9 made. If the owner or operator appeals a final Agency
10 payment determination and it is determined that the owner
11 or operator is eligible for payment or additional payment,
12 the priority date for the payment or additional payment
13 shall be the same as the priority date assigned to the
14 original request for partial or final payment.

15 (4) Any deductible, as determined pursuant to the
16 Office of the State Fire Marshal's eligibility and
17 deductibility final determination in accordance with
18 Section 57.9, shall be subtracted from any payment invoice
19 paid to an eligible owner or operator. Only one deductible
20 shall apply per underground storage tank site.

21 (5) In the event that costs are or will be incurred in
22 addition to those approved by the Agency, or after payment,
23 the owner or operator may submit successive plans
24 containing amended budgets. The requirements of Section
25 57.7 shall apply to any amended plans.

26 (6) For purposes of this Section, a complete
27 application shall consist of:

28 (A) A certification from a Licensed Professional
29 Engineer or Licensed Professional Geologist as
30 required under this Title and acknowledged by the owner
31 or operator.

32 (B) A statement of the amounts approved in the
33 budget and the amounts actually sought for payment
34 along with a certified statement by the owner or
35 operator that the amounts so sought were expended in
36 conformance with the approved budget.

1 (C) A copy of the Office of the State Fire
2 Marshal's eligibility and deductibility determination.

3 (D) Proof that approval of the payment requested
4 will not result in the limitations set forth in
5 subsection (g) of this Section being exceeded.

6 (E) A federal taxpayer identification number and
7 legal status disclosure certification on a form
8 prescribed and provided by the Agency.

9 (b) Commencement of site investigation or corrective
10 action upon availability of funds. The Board shall adopt
11 regulations setting forth procedures based on risk to human
12 health or the environment under which the owner or operator who
13 has received approval for any budget plan submitted pursuant to
14 Section 57.7, and who is eligible for payment from the
15 Underground Storage Tank Fund pursuant to an Office of the
16 State Fire Marshal eligibility and deductibility
17 determination, may elect to defer site investigation or
18 corrective action activities until funds are available in an
19 amount equal to the amount approved in the budget. The
20 regulations shall establish criteria based on risk to human
21 health or the environment to be used for determining on a
22 site-by-site basis whether deferral is appropriate. The
23 regulations also shall establish the minimum investigatory
24 requirements for determining whether the risk based criteria
25 are present at a site considering deferral and procedures for
26 the notification of owners or operators of insufficient funds,
27 Agency review of request for deferral, notification of Agency
28 final decisions, returning deferred sites to active status, and
29 earmarking of funds for payment.

30 (c) When the owner or operator requests indemnification for
31 payment of costs incurred as a result of a release of petroleum
32 from an underground storage tank, if the owner or operator has
33 satisfied the requirements of subsection (a) of this Section,
34 the Agency shall forward a copy of the request to the Attorney
35 General. The Attorney General shall review and approve the
36 request for indemnification if:

1 (1) there is a legally enforceable judgment entered
 2 against the owner or operator and such judgment was entered
 3 due to harm caused by a release of petroleum from an
 4 underground storage tank and such judgment was not entered
 5 as a result of fraud; or

6 (2) a settlement with a third party due to a release of
 7 petroleum from an underground storage tank is reasonable.

8 (d) Notwithstanding any other provision of this Title, the
 9 Agency shall not approve payment to an owner or operator from
 10 the Fund for costs of corrective action or indemnification
 11 incurred during a calendar year in excess of the following
 12 aggregate amounts based on the number of petroleum underground
 13 storage tanks owned or operated by such owner or operator in
 14 Illinois.

Amount	Number of Tanks
\$2,000,000	fewer than 101
\$3,000,000	101 or more

18 (1) Costs incurred in excess of the aggregate amounts
 19 set forth in paragraph (1) of this subsection shall not be
 20 eligible for payment in subsequent years.

21 (2) For purposes of this subsection, requests
 22 submitted by any of the agencies, departments, boards,
 23 committees or commissions of the State of Illinois shall be
 24 acted upon as claims from a single owner or operator.

25 (3) For purposes of this subsection, owner or operator
 26 includes (i) any subsidiary, parent, or joint stock company
 27 of the owner or operator and (ii) any company owned by any
 28 parent, subsidiary, or joint stock company of the owner or
 29 operator.

30 (e) Costs of corrective action or indemnification incurred
 31 by an owner or operator which have been paid to an owner or
 32 operator under a policy of insurance, another written
 33 agreement, or a court order are not eligible for payment under
 34 this Section. An owner or operator who receives payment under a
 35 policy of insurance, another written agreement, or a court
 36 order shall reimburse the State to the extent such payment

1 covers costs for which payment was received from the Fund. Any
2 monies received by the State under this subsection (e) shall be
3 deposited into the Fund.

4 (f) (Blank.)

5 (g) The Agency shall not approve any payment from the Fund
6 to pay an owner or operator:

7 (1) for costs of corrective action incurred by such
8 owner or operator in an amount in excess of \$1,500,000 per
9 occurrence; and

10 (2) for costs of indemnification of such owner or
11 operator in an amount in excess of \$1,500,000 per
12 occurrence.

13 (h) Payment of any amount from the Fund for corrective
14 action or indemnification shall be subject to the State
15 acquiring by subrogation the rights of any owner, operator, or
16 other person to recover the costs of corrective action or
17 indemnification for which the Fund has compensated such owner,
18 operator, or person from the person responsible or liable for
19 the release.

20 (i) If the Agency refuses to pay or authorizes only a
21 partial payment, the affected owner or operator may petition
22 the Board for a hearing in the manner provided for the review
23 of permit decisions in Section 40 of this Act.

24 (j) Costs of corrective action or indemnification incurred
25 by an owner or operator prior to July 28, 1989, shall not be
26 eligible for payment or reimbursement under this Section.

27 (k) The Agency shall not pay costs of corrective action or
28 indemnification incurred before providing notification of the
29 release of petroleum in accordance with the provisions of this
30 Title.

31 (l) Corrective action does not include legal defense costs.
32 Legal defense costs include legal costs for seeking payment
33 under this Title unless the owner or operator prevails before
34 the Board in which case the Board may authorize payment of
35 legal fees.

36 (m) The Agency may apportion payment of costs for plans

1 submitted under Section 57.7 if:

2 (1) the owner or operator was deemed eligible to access
3 the Fund for payment of corrective action costs for some,
4 but not all, of the underground storage tanks at the site;
5 and

6 (2) the owner or operator failed to justify all costs
7 attributable to each underground storage tank at the site.

8 (n) The Agency shall not pay costs associated with a
9 corrective action plan incurred after the Agency provides
10 notification to the owner or operator pursuant to item (7) of
11 subsection (b) of Section 57.7 that a revised corrective action
12 plan is required. Costs associated with any subsequently
13 approved corrective action plan shall be eligible for
14 reimbursement if they meet the requirements of this Title.

15 (Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02;
16 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

17 (415 ILCS 5/57.13)

18 Sec. 57.13. Underground Storage Tank Program; transition.

19 (a) If a release is reported to the proper State authority
20 on or after June 24 ~~September 13~~, 2002, the owner or operator
21 shall comply with the requirements of this Title.

22 (b) If a release is reported to the proper State authority
23 prior to June 24 ~~September 13~~, 2002, the owner or operator of
24 an underground storage tank may elect to proceed in accordance
25 with the requirements of this Title by submitting a written
26 statement to the Agency of such election. If the owner or
27 operator elects to proceed under the requirements of this Title
28 all costs incurred in connection with the incident prior to
29 notification shall be reimbursable in the same manner as was
30 allowable under the then existing law. Completion of corrective
31 action shall then follow the provisions of this Title.

32 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;
33 revised 9-9-02.)

34 (415 ILCS 5/58.3)

1 Sec. 58.3. Site Investigation and Remedial Activities
2 Program; Brownfields Redevelopment Fund.

3 (a) The General Assembly hereby establishes by this Title a
4 Site Investigation and Remedial Activities Program for sites
5 subject to this Title. This program shall be administered by
6 the Illinois Environmental Protection Agency under this Title
7 XVII and rules adopted by the Illinois Pollution Control Board.

8 (b) (1) The General Assembly hereby creates within the
9 State Treasury a special fund to be known as the
10 Brownfields Redevelopment Fund, consisting of 2 programs
11 to be known as the "Municipal Brownfields Redevelopment
12 Grant Program" and the "Brownfields Redevelopment Loan
13 Program", which shall be used and administered by the
14 Agency as provided in Sections 58.13 and 58.15 of this Act
15 and the rules adopted under those Sections. The Brownfields
16 Redevelopment Fund ("Fund") shall contain moneys
17 transferred from the Response Contractors Indemnification
18 Fund and other moneys made available for deposit into the
19 Fund.

20 (2) The State Treasurer, ex officio, shall be the
21 custodian of the Fund, and the Comptroller shall direct
22 payments from the Fund upon vouchers properly certified by
23 the Agency. The Treasurer shall credit to the Fund interest
24 earned on moneys contained in the Fund. The Agency shall
25 have the authority to accept, receive, and administer on
26 behalf of the State any grants, gifts, loans,
27 reimbursements or payments for services, or other moneys
28 made available to the State from any source for purposes of
29 the Fund. Those moneys shall be deposited into the Fund,
30 unless otherwise required by the Environmental Protection
31 Act or by federal law.

32 (3) Pursuant to appropriation, all moneys in the Fund
33 shall be used by the Agency for the purposes set forth in
34 subdivision (b)(4) of this Section and Sections 58.13 and
35 58.15 of this Act and to cover the Agency's costs of
36 program development and administration under those

1 Sections.

2 (4) The Agency shall have the power to enter into
3 intergovernmental agreements with the federal government
4 or the State, or any instrumentality thereof, for purposes
5 of capitalizing the Brownfields Redevelopment Fund. Moneys
6 on deposit in the Brownfields Redevelopment Fund may be
7 used for the creation of reserve funds or pledged funds
8 that secure the obligations of repayment of loans made
9 pursuant to Section 58.15 of this Act. For the purpose of
10 obtaining capital for deposit into the Brownfields
11 Redevelopment Fund, the Agency may also enter into
12 agreements with financial institutions and other persons
13 for the purpose of selling loans and developing a secondary
14 market for such loans. The Agency shall have the power to
15 create and establish such reserve funds and accounts as may
16 be necessary or desirable to accomplish its purposes under
17 this subsection and to allocate its available moneys into
18 such funds and accounts. Investment earnings on moneys held
19 in the Brownfields Redevelopment Fund, including any
20 reserve fund or pledged fund, shall be deposited into the
21 Brownfields Redevelopment Fund.

22 (5) The Agency is authorized to administer funds made
23 available to the Agency under federal law, including but
24 not limited to the Small Business Liability Relief and
25 Brownfields Revitalization ~~Revitalization~~ Act ~~of 2002~~,
26 related to brownfields cleanup and reuse in accordance with
27 that law and this Title.

28 (Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02; 92-715,
29 eff. 7-23-02; revised 10-17-05.)

30 (415 ILCS 5/58.7)

31 Sec. 58.7. Review and approvals.

32 (a) Requirements. All plans and reports that are submitted
33 pursuant to this Title shall be submitted for review or
34 approval in accordance with this Section.

35 (b) Review and evaluation by the Agency.

1 (1) Except for sites excluded under subdivision (a) (2)
2 of Section 58.1, the Agency shall, subject to available
3 resources, agree to provide review and evaluation services
4 for activities carried out pursuant to this Title for which
5 the RA requested the services in writing. As a condition
6 for providing such services, the Agency may require that
7 the RA for a site:

8 (A) Conform with the procedures of this Title;

9 (B) Allow for or otherwise arrange site visits or
10 other site evaluation by the Agency when so requested;

11 (C) Agree to perform the Remedial Action Plan as
12 approved under this Title;

13 (D) Agree to pay any reasonable costs incurred and
14 documented by the Agency in providing such services;

15 (E) Make an advance partial payment to the Agency
16 for such anticipated services in an amount, acceptable
17 to the Agency, but not to exceed \$5,000 or one-half of
18 the total anticipated costs of the Agency, whichever
19 sum is less; and

20 (F) Demonstrate, if necessary, authority to act on
21 behalf of or in lieu of the owner or operator.

22 (2) Any moneys received by the State for costs incurred
23 by the Agency in performing review or evaluation services
24 for actions conducted pursuant to this Title shall be
25 deposited in the Hazardous Waste Fund.

26 (3) An RA requesting services under subdivision (b) (1)
27 of this Section may, at any time, notify the Agency, in
28 writing, that Agency services previously requested are no
29 longer wanted. Within 180 days after receipt of the notice,
30 the Agency shall provide the RA with a final invoice for
31 services provided until the date of such notifications.

32 (4) The Agency may invoice or otherwise request or
33 demand payment from a RA for costs incurred by the Agency
34 in performing review or evaluation services for actions by
35 the RA at sites only if:

36 (A) The Agency has incurred costs in performing

1 response actions, other than review or evaluation
2 services, due to the failure of the RA to take response
3 action in accordance with a notice issued pursuant to
4 this Act;

5 (B) The RA has agreed in writing to the payment of
6 such costs;

7 (C) The RA has been ordered to pay such costs by
8 the Board or a court of competent jurisdiction pursuant
9 to this Act; or

10 (D) The RA has requested or has consented to Agency
11 review or evaluation services under subdivision (b)
12 (1) of this Section.

13 (5) The Agency may, subject to available resources,
14 agree to provide review and evaluation services for
15 response actions if there is a written agreement among
16 parties to a legal action or if a notice to perform a
17 response action has been issued by the Agency.

18 (c) Review and evaluation by a Licensed Professional
19 Engineer or Licensed Professional Geologist. A RA may elect to
20 contract with a Licensed Professional Engineer or, in the case
21 of a site investigation report only, a Licensed Professional
22 Geologist, who will perform review and evaluation services on
23 behalf of and under the direction of the Agency relative to the
24 site activities.

25 (1) Prior to entering into the contract with the
26 RELPEG, the RA shall notify the Agency of the RELPEG to be
27 selected. The Agency and the RA shall discuss the potential
28 terms of the contract.

29 (2) At a minimum, the contract with the RELPEG shall
30 provide that the RELPEG will submit any reports directly to
31 the Agency, will take his or her directions for work
32 assignments from the Agency, and will perform the assigned
33 work on behalf of the Agency.

34 (3) Reasonable costs incurred by the Agency shall be
35 paid by the RA directly to the Agency in accordance with
36 the terms of the review and evaluation services agreement

1 entered into under subdivision (b) (1) of Section 58.7.

2 (4) In no event shall the RELPEG acting on behalf of
3 the Agency be an employee of the RA or the owner or
4 operator of the site or be an employee of any other person
5 the RA has contracted to provide services relative to the
6 site.

7 (d) Review and approval. All reviews required under this
8 Title shall be carried out by the Agency or a RELPEG, both
9 under the direction of a Licensed Professional Engineer or, in
10 the case of the review of a site investigation only, a Licensed
11 Professional Geologist.

12 (1) All review activities conducted by the Agency or a
13 RELPEG shall be carried out in conformance with this Title
14 and rules promulgated under Section 58.11.

15 (2) Subject to the limitations in subsection (c) and
16 this subsection (d), the specific plans, reports, and
17 activities that the Agency or a RELPEG may review include:

18 (A) Site Investigation Reports and related
19 activities;

20 (B) Remediation Objectives Reports;

21 (C) Remedial Action Plans and related activities;

22 and

23 (D) Remedial Action Completion Reports and related
24 activities.

25 (3) Only the Agency shall have the authority to
26 approve, disapprove, or approve with conditions a plan or
27 report as a result of the review process including those
28 plans and reports reviewed by a RELPEG. If the Agency
29 disapproves a plan or report or approves a plan or report
30 with conditions, the written notification required by
31 subdivision (d) (4) of this Section shall contain the
32 following information, as applicable:

33 (A) An explanation of the Sections of this Title
34 that may be violated if the plan or report was
35 approved;

36 (B) An explanation of the provisions of the rules

1 promulgated under this Title that may be violated if
2 the plan or report was approved;

3 (C) An explanation of the specific type of
4 information, if any, that the Agency deems the
5 applicant did not provide the Agency;

6 (D) A statement of specific reasons why the Title
7 and regulations might not be met if the plan or report
8 were approved; and

9 (E) An explanation of the reasons for conditions if
10 conditions are required.

11 (4) Upon approving, disapproving, or approving with
12 conditions a plan or report, the Agency shall notify the RA
13 in writing of its decision. In the case of approval or
14 approval with conditions of a Remedial Action Completion
15 Report, the Agency shall prepare a No Further Remediation
16 Letter that meets the requirements of Section 58.10 and
17 send a copy of the letter to the RA.

18 (5) All reviews undertaken by the Agency or a RELPEG
19 shall be completed and the decisions communicated to the RA
20 within 60 days of the request for review or approval. The
21 RA may waive the deadline upon a request from the Agency.
22 If the Agency disapproves or approves with conditions a
23 plan or report or fails to issue a final decision within
24 the 60 day period and the RA has not agreed to a waiver of
25 the deadline, the RA may, within 35 days, file an appeal to
26 the Board. Appeals to the Board shall be in the manner
27 provided for the review of permit decisions in Section 40
28 of this Act.

29 (e) Standard of review. In making determinations, the
30 following factors, and additional factors as may be adopted by
31 the Board in accordance with Section 58.11, shall be considered
32 by the Agency when reviewing or approving plans, reports, and
33 related activities, or the RELPEG, when reviewing plans,
34 reports, and related activities:

35 (1) Site Investigation Reports and related activities:
36 Whether investigations have been conducted and the results

1 compiled in accordance with the appropriate procedures and
2 whether the interpretations and conclusions reached are
3 supported by the information gathered. In making the
4 determination, the following factors shall be considered:

5 (A) The adequacy of the description of the site and
6 site characteristics that were used to evaluate the
7 site;

8 (B) The adequacy of the investigation of potential
9 pathways and risks to receptors identified at the site;
10 and

11 (C) The appropriateness of the sampling and
12 analysis used.

13 (2) Remediation Objectives Reports: Whether the
14 remediation objectives are consistent with the
15 requirements of the applicable method for selecting or
16 determining remediation objectives under Section 58.5. In
17 making the determination, the following factors shall be
18 considered:

19 (A) If the objectives were based on the
20 determination of area background levels under
21 subsection (b) of Section 58.5, whether the review of
22 current and historic conditions at or in the immediate
23 vicinity of the site has been thorough and whether the
24 site sampling and analysis has been performed in a
25 manner resulting in accurate determinations;

26 (B) If the objectives were calculated on the basis
27 of predetermined equations using site specific data,
28 whether the calculations were accurately performed and
29 whether the site specific data reflect actual site
30 conditions; and

31 (C) If the objectives were determined using a site
32 specific risk assessment procedure, whether the
33 procedure used is nationally recognized and accepted,
34 whether the calculations were accurately performed,
35 and whether the site specific data reflect actual site
36 conditions.

1 (3) Remedial Action Plans and related activities:
2 Whether the plan will result in compliance with this Title,
3 and rules adopted under it and attainment of the applicable
4 remediation objectives. In making the determination, the
5 following factors shall be considered:

6 (A) The likelihood that the plan will result in the
7 attainment of the applicable remediation objectives;

8 (B) Whether the activities proposed are consistent
9 with generally accepted engineering practices; and

10 (C) The management of risk relative to any
11 remaining contamination, including but not limited to,
12 provisions for the long-term enforcement, operation,
13 and maintenance of institutional and engineering
14 controls, if relied on.

15 (4) Remedial Action Completion Reports and related
16 activities: Whether the remedial activities have been
17 completed in accordance with the approved Remedial Action
18 Plan and whether the applicable remediation objectives
19 have been attained.

20 (f) All plans and reports submitted for review shall
21 include a Licensed Professional Engineer's certification that
22 all investigations and remedial activities were carried out
23 under his or her direction and, to the best of his or her
24 knowledge and belief, the work described in the plan or report
25 has been completed in accordance with generally accepted
26 engineering practices, and the information presented is
27 accurate and complete. In the case of a site investigation
28 report prepared or supervised by a Licensed Professional
29 Geologist, the required certification may be made by the
30 Licensed Professional Geologist (rather than a Licensed
31 Professional Engineer) and based upon generally accepted
32 principles of professional geology.

33 (g) In accordance with Section 58.11, the Agency shall
34 propose and the Board shall adopt rules to carry out the
35 purposes of this Section. At a minimum, the rules shall detail
36 the types of services the Agency may provide in response to

1 requests under subdivision (b) (1) of this Section and the
2 recordkeeping it will utilize in documenting to the RA the
3 costs incurred by the Agency in providing such services.

4 (h) Public participation.

5 (1) The Agency shall develop guidance to assist RA's in
6 the implementation of a community relations plan to address
7 activity at sites undergoing remedial action pursuant to
8 this Title.

9 (2) The RA may elect to enter into a services agreement
10 with the Agency for Agency assistance in community outreach
11 efforts.

12 (3) The Agency shall maintain a registry listing those
13 sites undergoing remedial action pursuant to this Title.

14 (4) Notwithstanding any provisions of this Section,
15 the RA of a site undergoing remedial activity pursuant to
16 this Title may elect to initiate a community outreach
17 effort for the site.

18 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;
19 revised 9-9-02.)

20 Section 560. The Fireworks Use Act is amended by changing
21 Sections 1 and 5 as follows:

22 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

23 Sec. 1. Definitions. As used in this Act, the following
24 words shall have the following meanings:

25 "1.3G fireworks" means those fireworks used for
26 professional outdoor displays and classified as fireworks
27 UN0333, UN0334, or UN0335 by the United States Department of
28 Transportation under 49 C.F.R. 172.101.

29 "Consumer distributor" means any person who distributes,
30 offers for sale, sells, or exchanges for consideration consumer
31 fireworks in Illinois to another distributor or directly to any
32 retailer or person for resale.

33 "Consumer fireworks" means those fireworks that must
34 comply with the construction, chemical composition, and

1 labeling regulations of the U.S. Consumer Products Safety
2 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
3 classified as fireworks UN0336 or UN0337 by the United States
4 Department of Transportation under 49 C.F.R. 172.101.
5 "Consumer fireworks" shall not include snake or glow worm
6 pellets; smoke devices; trick noisemakers known as "party
7 poppers", "booby traps", "snappers", "trick matches",
8 "cigarette loads", and "auto burglar alarms"; sparklers; toy
9 pistols, toy canes, toy guns, or other devices in which paper
10 or plastic caps containing twenty-five hundredths grains or
11 less of explosive compound are used, provided they are so
12 constructed that the hand cannot come in contact with the cap
13 when in place for the explosion; and toy pistol paper or
14 plastic caps that contain less than twenty hundredths grains of
15 explosive mixture; the sale and use of which shall be permitted
16 at all times.

17 "Consumer fireworks display" or "consumer display" means
18 the detonation, ignition, or deflagration of consumer
19 fireworks to produce a visual or audible effect.

20 "Consumer operator" means an adult individual who is
21 responsible for the safety, setup, and discharge of the
22 consumer fireworks display and who has completed the training
23 required in Section 2.2 of this Act.

24 "Consumer retailer" means any person who offers for sale,
25 sells, or exchanges for consideration consumer fireworks in
26 Illinois directly to any person with a consumer display permit.

27 "Display fireworks" means 1.3G or special effects
28 fireworks or as further defined in the Pyrotechnic Distributor
29 and Operator Licensing Act.

30 "Flame effect" means the detonation, ignition, or
31 deflagration of flammable gases, liquids, or special materials
32 to produce a thermal, physical, visual, or audible effect
33 before the public, invitees, or licensees, regardless of
34 whether admission is charged, in accordance with National Fire
35 Protection Association 160 guidelines, and as may be further
36 defined in the Pyrotechnic Distributor and Operator Licensing

1 Act.

2 "Lead pyrotechnic operator" means an individual who is
3 responsible for the safety, setup, and discharge of the
4 pyrotechnic display and who is licensed pursuant to the
5 Pyrotechnic Distributor and Operator Licensing Act.

6 "Person" means an individual, firm, corporation,
7 association, partnership, company, consortium, joint venture,
8 or commercial entity.

9 "Pyrotechnic display" means the detonation, ignition, or
10 deflagration of display fireworks or flame effects to produce
11 visual or audible effects of a exhibitional nature before the
12 public, invitees, or licensees, regardless of whether
13 admission is charged, and as may be further defined in the
14 Pyrotechnic Distributor and Operator Licensing Act.

15 "Special effects fireworks" means pyrotechnic devices used
16 for special effects by professionals in the performing arts in
17 conjunction with theatrical, musical, or other productions
18 that are similar to consumer fireworks in chemical compositions
19 and construction, but are not intended for consumer use and are
20 not labeled as such or identified as "intended for indoor use".
21 "Special effects fireworks" are classified as fireworks UN0431
22 or UN0432 by the United States Department of Transportation
23 under 49 C.F.R. 172.101.

24 (Source: P.A. 94-658, eff. 1-1-06; revised 11-21-05.)

25 (425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

26 Sec. 5. ~~(a)~~ Any person, firm, co-partnership, or
27 corporation violating the provisions of this Act shall be
28 guilty of a Class A misdemeanor.

29 (Source: P.A. 94-658, eff. 1-1-06; revised 9-21-05.)

30 Section 565. The Public Building Egress Act is amended by
31 changing Section 1.5 as follows:

32 (425 ILCS 55/1.5)

33 Sec. 1.5. Stairwell door access.

1 (a) Stairwell enclosures in buildings greater than 4
2 stories shall comply with one of the following requirements:

3 (1) no stairwell enclosure door shall be locked at any
4 time in order to provide re-entry from the stair enclosure
5 to the interior of the building; or

6 (2) stairwell enclosure doors that are locked shall be
7 equipped with an electronic lock release system that is
8 activated upon loss of power, manually by a single switch
9 accessible to building management or firefighting
10 personnel, and automatically by activation of the
11 building's fire alarm system.

12 A telephone or other two-way communications system
13 connected to an approved constantly attended location shall be
14 provided on not less than every fifth floor in each stairway
15 where the doors to the stairway are locked. If this option is
16 selected, the building must comply with these requirements by
17 January 1, 2006.

18 (b) Regardless of which option is selected under subsection
19 (a) of this Section, stairwell enclosure doors at the main
20 egress level of the building shall remain unlocked from the
21 stairwell enclosure side at all times.

22 (c) Building owners that select the option under paragraph
23 (2) of subsection (a) of this Section must comply with the
24 following requirements during the time necessary to install a
25 lock release system and the two-way communication system:

26 (1) re-entry into the building interior shall be
27 possible at all times on the highest story or second
28 highest story, whichever allows access to another exit
29 stair;

30 (2) there shall not be more than 4 stories intervening
31 between stairwell enclosure doors that provides access to
32 another exit stair;

33 (3) doors allowing re-entry shall be identified as such
34 on the stair side of the door;

35 (4) doors not allowing re-entry shall be provided with
36 a sign on the stair side indicating the location of the

1 nearest exit, in each direction of travel that allows
2 re-entry; and

3 (5) the information required to be posted on the door
4 under paragraphs (3) and (4) of this subsection (c), shall
5 be posted at eye level and at the bottom of the door.

6 (d) Nothing in this Section applies to any stairwell
7 enclosure door that opens directly into a dwelling unit,
8 provided the dwelling unit door has a self-closer, latch, and
9 no self-locking hardware. Where all doors in the stairwell meet
10 these criteria, the stairwell shall be provided with either a
11 two-way communication system or readily operable windows on
12 each landing or intermediate landing.

13 (e) Except as otherwise provided in subsection (f) ~~(e)~~, a
14 home rule unit may not regulate stairwell door access in a
15 manner less restrictive than the regulation by the State of
16 stairwell door access under this Act. This subsection (e) is a
17 limitation under subsection (i) of Section 6 of Article VII of
18 the Illinois Constitution on the concurrent exercise by home
19 rule units of powers and functions exercised by the State.

20 (f) ~~(e)~~ This Section does not apply in a home rule
21 municipality that, on or before January 1, 2005, has passed an
22 ordinance regulating building access from stairwell enclosures
23 in buildings that are more than 4 stories in height.

24 (Source: P.A. 94-630, eff. 1-1-06; revised 10-11-05.)

25 Section 570. The Gasoline Storage Act is amended by
26 changing Section 2 as follows:

27 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

28 Sec. 2. Jurisdiction; regulation of tanks.

29 (1) (a) Except as otherwise provided in this Act, the
30 jurisdiction of the Office of the State Fire Marshal under this
31 Act shall be concurrent with that of municipalities and other
32 political subdivisions. The Office of the State Fire Marshal
33 has power to promulgate, pursuant to the Illinois
34 Administrative Procedure Act, reasonable rules and regulations

1 governing the keeping, storage, transportation, sale or use of
2 gasoline and volatile oils. Nothing in this Act shall relieve
3 any person, corporation, or other entity from complying with
4 any zoning ordinance of a municipality or home rule unit
5 enacted pursuant to Section 11-13-1 of the Illinois Municipal
6 Code or any ordinance enacted pursuant to Section 11-8-4 of the
7 Illinois Municipal Code.

8 (b) The rulemaking power shall include the power to
9 promulgate rules providing for the issuance and revocation of
10 permits allowing the self service dispensing of motor fuels as
11 such term is defined in the Motor Fuel Tax Law in retail
12 service stations or any other place of business where motor
13 fuels are dispensed into the fuel tanks of motor vehicles,
14 internal combustion engines or portable containers. Such rules
15 shall specify the requirements that must be met both prior and
16 subsequent to the issuance of such permits in order to insure
17 the safety and welfare of the general public. The operation of
18 such service stations without a permit shall be unlawful. The
19 Office of the State Fire Marshal shall revoke such permit if
20 the self service operation of such a service station is found
21 to pose a significant risk to the safety and welfare of the
22 general public.

23 (c) However, except in any county with a population of
24 1,000,000 or more, the Office of the State Fire Marshal shall
25 not have the authority to prohibit the operation of a service
26 station solely on the basis that it is an unattended
27 self-service station which utilizes key or card operated
28 self-service motor fuel dispensing devices. Nothing in this
29 paragraph shall prohibit the Office of the State Fire Marshal
30 from adopting reasonable rules and regulations governing the
31 safety of self-service motor fuel dispensing devices.

32 (d) The State Fire Marshal shall not prohibit the
33 dispensing or delivery of flammable or combustible motor
34 vehicle fuels directly into the fuel tanks of vehicles from
35 tank trucks, tank wagons, or other portable tanks. The State
36 Fire Marshal shall adopt rules (i) for the issuance of permits

1 for the dispensing of motor vehicle fuels in the manner
2 described in this paragraph (d), (ii) that establish fees for
3 permits and inspections, and provide for those fees to be
4 deposited into the Fire Prevention Fund, (iii) that require the
5 dispensing of motor fuel in the manner described in this
6 paragraph (d) to meet conditions consistent with nationally
7 recognized standards such as those of the National Fire
8 Protection Association, and (iv) that restrict the dispensing
9 of motor vehicle fuels in the manner described in this
10 paragraph (d) to the following:

11 (A) agriculture sites for agricultural purposes,

12 (B) construction sites for refueling construction
13 equipment used at the construction site,

14 (C) sites used for the parking, operation, or
15 maintenance of a commercial vehicle fleet, but only if the
16 site is located in a county with 3,000,000 or more
17 inhabitants or a county contiguous to a county with
18 3,000,000 or more inhabitants and the site is not normally
19 accessible to the public, and

20 (D) sites used for the refueling of police, fire, or
21 emergency medical services vehicles or other vehicles that
22 are owned, leased, or operated by (or operated under
23 contract with) the State, a unit of local government, or a
24 school district, or any agency of the State and that are
25 not normally accessible to the public.

26 (2) (a) The Office of the State Fire Marshal shall adopt
27 rules and regulations regarding underground storage tanks and
28 associated piping and no municipality or other political
29 subdivision shall adopt or enforce any ordinances or
30 regulations regarding such underground tanks and piping other
31 than those which are identical to the rules and regulations of
32 the Office of the State Fire Marshal. It is declared to be the
33 law of this State, pursuant to paragraphs (h) and (i) of
34 Section 6 of Article VII of the Illinois Constitution, that the
35 establishment and enforcement of standards regarding
36 underground storage tanks and associated piping within the

1 jurisdiction of the Office of the State Fire Marshal is an
2 exclusive State function which may not be exercised
3 concurrently by a home rule unit except as expressly permitted
4 in this Act.

5 (b) The Office of the State Fire Marshal may enter into
6 written contracts with municipalities of over 500,000 in
7 population to enforce the rules and regulations adopted under
8 this subsection.

9 (3) (a) The Office of the State Fire Marshal shall have
10 authority over underground storage tanks which contain, have
11 contained, or are designed to contain petroleum, hazardous
12 substances and regulated substances as those terms are used in
13 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
14 (P.L. 98-616), as amended by the Superfund Amendments and
15 Reauthorization Act of 1986 (P.L. 99-499). The Office shall
16 have the power with regard to underground storage tanks to
17 require any person who tests, installs, repairs, replaces,
18 relines, or removes any underground storage tank system
19 containing, formerly containing, or which is designed to
20 contain petroleum or other regulated substances, to obtain a
21 permit to install, repair, replace, reline, or remove the
22 particular tank system, and to pay a fee set by the Office for
23 a permit to install, repair, replace, reline, upgrade, test, or
24 remove any portion of an underground storage tank system. All
25 persons who do repairs above grade level for themselves need
26 not pay a fee or be certified. All fees received by the Office
27 from certification and permits shall be deposited in the Fire
28 Prevention Fund for the exclusive use of the Office in
29 administering the Underground Storage Tank program.

30 (b) (i) Within 120 days after the promulgation of
31 regulations or amendments thereto by the Administrator of the
32 United States Environmental Protection Agency to implement
33 Section 9003 of Subtitle I of the Hazardous and Solid Waste
34 Amendments of 1984 (P.L. 98-616) of the Resource Conservation
35 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the
36 Office of the State Fire Marshal shall adopt regulations or

1 amendments thereto which are identical in substance. The
2 rulemaking provisions of Section 5-35 of the Illinois
3 Administrative Procedure Act shall not apply to regulations or
4 amendments thereto adopted pursuant to this subparagraph (i).

5 (ii) The Office of the State Fire Marshal may adopt
6 additional regulations relating to an underground storage tank
7 program that are not inconsistent with and at least as
8 stringent as Section 9003 of Subtitle I of the Hazardous and
9 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource
10 Conservation and Recovery Act of 1976 (P.L. 94-580), as
11 amended, or regulations adopted thereunder. Except as provided
12 otherwise in subparagraph (i) of this paragraph (b), the Office
13 of the State Fire Marshal shall not adopt regulations relating
14 to corrective action at underground storage tanks. Regulations
15 adopted pursuant to this subsection shall be adopted in
16 accordance with the procedures for rulemaking in Section 5-35
17 of the Illinois Administrative Procedure Act.

18 (c) The Office of the State Fire Marshal shall require any
19 person, corporation or other entity who tests an underground
20 tank or its piping or cathodic protection for another to report
21 the results of such test to the Office.

22 (d) In accordance with constitutional limitations, the
23 Office shall have authority to enter at all reasonable times
24 upon any private or public property for the purpose of:

25 (i) Inspecting and investigating to ascertain possible
26 violations of this Act, of regulations thereunder or of
27 permits or terms or conditions thereof; or

28 (ii) In accordance with the provisions of this Act,
29 taking whatever emergency action, that is necessary or
30 appropriate, to assure that the public health or safety is
31 not threatened whenever there is a release or a substantial
32 threat of a release of petroleum or a regulated substance
33 from an underground storage tank.

34 (e) The Office of the State Fire Marshal may issue an
35 Administrative Order to any person who it reasonably believes
36 has violated the rules and regulations governing underground

1 storage tanks, including the installation, repair, leak
2 detection, cathodic protection tank testing, removal or
3 release notification. Such an order shall be served by
4 registered or certified mail or in person. Any person served
5 with such an order may appeal such order by submitting in
6 writing any such appeal to the Office within 10 days of the
7 date of receipt of such order. The Office shall conduct an
8 administrative hearing governed by the Illinois Administrative
9 Procedure Act and enter an order to sustain, modify or revoke
10 such order. Any appeal from such order shall be to the circuit
11 court of the county in which the violation took place and shall
12 be governed by the Administrative Review Law.

13 (f) The Office of the State Fire Marshal shall not require
14 the removal of an underground tank system taken out of
15 operation before January 2, 1974, except in the case in which
16 the office of the State Fire Marshal has determined that a
17 release from the underground tank system poses a current or
18 potential threat to human health and the environment. In that
19 case, and upon receipt of an Order from the Office of the State
20 Fire Marshal, the owner or operator of the nonoperational
21 underground tank system shall assess the excavation zone and
22 close the system in accordance with regulations promulgated by
23 the Office of the State Fire Marshal.

24 (4) (a) The Office of the State Fire Marshal shall adopt
25 rules and regulations regarding aboveground storage tanks and
26 associated piping and no municipality or other political
27 subdivision shall adopt or enforce any ordinances or
28 regulations regarding such aboveground tanks and piping other
29 than those which are identical to the rules and regulations of
30 the Office of the State Fire Marshal unless, in the interest of
31 fire safety, the Office of the State Fire Marshal delegates
32 such authority to municipalities, political subdivisions or
33 home rule units. It is declared to be the law of this State,
34 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
35 of the Illinois Constitution, that the establishment of
36 standards regarding aboveground storage tanks and associated

1 piping within the jurisdiction of the Office of the State Fire
2 Marshal is an exclusive State function which may not be
3 exercised concurrently by a home rule unit except as expressly
4 permitted in this Act.

5 (b) The Office of the State Fire Marshal shall enforce its
6 rules and regulations concerning aboveground storage tanks and
7 associated piping; however, municipalities may enforce any of
8 their zoning ordinances or zoning regulations regarding
9 aboveground tanks. The Office of the State Fire Marshal may
10 issue an administrative order to any owner of an aboveground
11 storage tank and associated piping it reasonably believes to be
12 in violation of such rules and regulations to remedy or remove
13 any such violation. Such an order shall be served by registered
14 or certified mail or in person. Any person served with such an
15 order may appeal such order by submitting in writing any such
16 appeal to the Office within 10 days of the date of receipt of
17 such order. The Office shall conduct an administrative hearing
18 governed by the Illinois Administrative Procedure Act and enter
19 an order to sustain, modify or revoke such order. Any appeal
20 from such order shall be to the circuit court of the county in
21 which the violation took place and shall be governed by the
22 Administrative Review Law.

23 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;
24 revised 10-9-03.)

25 Section 575. The Firearm Owners Identification Card Act is
26 amended by changing Sections 1.1, 3, and 3.1 as follows:

27 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

28 Sec. 1.1. For purposes of this Act:

29 "Counterfeit" means to copy or imitate, without legal
30 authority, with intent to deceive.

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

34 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) any pneumatic gun, spring gun, paint ball gun or
5 B-B gun which either expels a single globular projectile
6 not exceeding .18 inch in diameter and which has a maximum
7 muzzle velocity of less than 700 feet per second or
8 breakable paint balls containing washable marking colors;

9 (2) any device used exclusively for signalling or
10 safety and required or recommended by the United States
11 Coast Guard or the Interstate Commerce Commission;

12 (3) any device used exclusively for the firing of stud
13 cartridges, explosive rivets or similar industrial
14 ammunition; and

15 (4) an antique firearm (other than a machine-gun)
16 which, although designed as a weapon, the Department of
17 State Police finds by reason of the date of its
18 manufacture, value, design, and other characteristics is
19 primarily a collector's item and is not likely to be used
20 as a weapon.

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

24 (1) any ammunition exclusively designed for use with a
25 device used exclusively for signalling or safety and
26 required or recommended by the United States Coast Guard or
27 the Interstate Commerce Commission; and

28 (2) any ammunition designed exclusively for use with a
29 stud or rivet driver or other similar industrial
30 ammunition.

31 "Gun show" means an event or function:

32 (1) at which the sale and transfer of firearms is the
33 regular and normal course of business and where 50 or more
34 firearms are displayed, offered, or exhibited for sale,
35 transfer, or exchange; or

36 (2) at which not less than 10 gun show vendors display,

1 offer, or exhibit for sale, sell, transfer, or exchange
2 firearms.

3 "Gun show" includes the entire premises provided for an
4 event or function, including parking areas for the event or
5 function, that is sponsored to facilitate the purchase, sale,
6 transfer, or exchange of firearms as described in this Section.

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

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

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

19 "Sanctioned competitive shooting event" means a shooting
20 contest officially recognized by a national or state shooting
21 sport association, and includes any sight-in or practice
22 conducted in conjunction with the event.

23 "Stun gun or taser" has the meaning ascribed to it in
24 Section 24-1 of the Criminal Code of 1961.

25 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
26 8-19-05.)

27 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

28 Sec. 3. (a) Except as provided in Section 3a, no person may
29 knowingly transfer, or cause to be transferred, any firearm,
30 firearm ammunition, stun gun, or taser to any person within
31 this State unless the transferee with whom he deals displays a
32 currently valid Firearm Owner's Identification Card which has
33 previously been issued in his name by the Department of State
34 Police under the provisions of this Act. In addition, all
35 firearm, stun gun, and taser transfers by federally licensed

1 firearm dealers are subject to Section 3.1.

2 (a-5) Any person who is not a federally licensed firearm
3 dealer and who desires to transfer or sell a firearm while that
4 person is on the grounds of a gun show must, before selling or
5 transferring the firearm, request the Department of State
6 Police to conduct a background check on the prospective
7 recipient of the firearm in accordance with Section 3.1.

8 (b) Any person within this State who transfers or causes to
9 be transferred any firearm, stun gun, or taser shall keep a
10 record of such transfer for a period of 10 years from the date
11 of transfer. Such record shall contain the date of the
12 transfer; the description, serial number or other information
13 identifying the firearm, stun gun, or taser if no serial number
14 is available; and, if the transfer was completed within this
15 State, the transferee's Firearm Owner's Identification Card
16 number. On or after January 1, 2006, the record shall contain
17 the date of application for transfer of the firearm. On demand
18 of a peace officer such transferor shall produce for inspection
19 such record of transfer. If the transfer or sale took place at
20 a gun show, the record shall include the unique identification
21 number. Failure to record the unique identification number is a
22 petty offense.

23 (b-5) Any resident may purchase ammunition from a person
24 outside of Illinois. Any resident purchasing ammunition
25 outside the State of Illinois must provide the seller with a
26 copy of his or her valid Firearm Owner's Identification Card
27 and either his or her Illinois driver's license or Illinois
28 State Identification Card prior to the shipment of the
29 ammunition. The ammunition may be shipped only to an address on
30 either of those 2 documents.

31 (c) The provisions of this Section regarding the transfer
32 of firearm ammunition shall not apply to those persons
33 specified in paragraph (b) of Section 2 of this Act.

34 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
35 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

1 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

2 Sec. 3.1. Dial up system.

3 (a) The Department of State Police shall provide a dial up
4 telephone system or utilize other existing technology which
5 shall be used by any federally licensed firearm dealer, gun
6 show promoter, or gun show vendor who is to transfer a firearm,
7 stun gun, or taser under the provisions of this Act. The
8 Department of State Police may utilize existing technology
9 which allows the caller to be charged a fee not to exceed \$2.
10 Fees collected by the Department of State Police shall be
11 deposited in the State Police Services Fund and used to provide
12 the service.

13 (b) Upon receiving a request from a federally licensed
14 firearm dealer, gun show promoter, or gun show vendor, the
15 Department of State Police shall immediately approve, or within
16 the time period established by Section 24-3 of the Criminal
17 Code of 1961 regarding the delivery of firearms, stun guns, and
18 tasers notify the inquiring dealer, gun show promoter, or gun
19 show vendor of any objection that would disqualify the
20 transferee from acquiring or possessing a firearm, stun gun, or
21 taser. In conducting the inquiry, the Department of State
22 Police shall initiate and complete an automated search of its
23 criminal history record information files and those of the
24 Federal Bureau of Investigation, including the National
25 Instant Criminal Background Check System, and of the files of
26 the Department of Human Services relating to mental health and
27 developmental disabilities to obtain any felony conviction or
28 patient hospitalization information which would disqualify a
29 person from obtaining or require revocation of a currently
30 valid Firearm Owner's Identification Card.

31 (c) If receipt of a firearm would not violate Section 24-3
32 of the Criminal Code of 1961, federal law, or this Act the
33 Department of State Police shall:

34 (1) assign a unique identification number to the
35 transfer; and

36 (2) provide the licensee, gun show promoter, or gun

1 show vendor with the number.

2 (d) Approvals issued by the Department of State Police for
3 the purchase of a firearm are valid for 30 days from the date
4 of issue.

5 (e) The Department of State Police must act as the Illinois
6 Point of Contact for the National Instant Criminal Background
7 Check System.

8 (f) The Department of State Police shall promulgate rules
9 not inconsistent with this Section to implement this system.

10 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
11 8-19-05.)

12 Section 580. The Humane Care for Animals Act is amended by
13 changing Sections 4.01, 4.04, and 16 as follows:

14 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

15 Sec. 4.01. Animals in entertainment. This Section does not
16 apply when the only animals involved are dogs. (Section 26-5 of
17 the Criminal Code of 1961, rather than this Section, applies
18 when the only animals involved are dogs.)

19 (a) No person may own, capture, breed, train, or lease any
20 animal which he or she knows or should know is intended for use
21 in any show, exhibition, program, or other activity featuring
22 or otherwise involving a fight between such animal and any
23 other animal or human, or the intentional killing of any animal
24 for the purpose of sport, wagering, or entertainment.

25 (b) No person shall promote, conduct, carry on, advertise,
26 collect money for or in any other manner assist or aid in the
27 presentation for purposes of sport, wagering, or
28 entertainment, any show, exhibition, program, or other
29 activity involving a fight between 2 or more animals or any
30 animal and human, or the intentional killing of any animal.

31 (c) No person shall sell or offer for sale, ship,
32 transport, or otherwise move, or deliver or receive any animal
33 which he or she knows or should know has been captured, bred,
34 or trained, or will be used, to fight another animal or human

1 or be intentionally killed, for the purpose of sport, wagering,
2 or entertainment.

3 (d) No person shall manufacture for sale, shipment,
4 transportation or delivery any device or equipment which that
5 person knows or should know is intended for use in any show,
6 exhibition, program, or other activity featuring or otherwise
7 involving a fight between 2 or more animals, or any human and
8 animal, or the intentional killing of any animal for purposes
9 of sport, wagering or entertainment.

10 (e) No person shall own, possess, sell or offer for sale,
11 ship, transport, or otherwise move any equipment or device
12 which such person knows or should know is intended for use in
13 connection with any show, exhibition, program, or activity
14 featuring or otherwise involving a fight between 2 or more
15 animals, or any animal and human, or the intentional killing of
16 any animal for purposes of sport, wagering or entertainment.

17 (f) No person shall make available any site, structure, or
18 facility, whether enclosed or not, which he or she knows or
19 should know is intended to be used for the purpose of
20 conducting any show, exhibition, program, or other activity
21 involving a fight between 2 or more animals, or any animal and
22 human, or the intentional killing of any animal.

23 (g) No person shall attend or otherwise patronize any show,
24 exhibition, program, or other activity featuring or otherwise
25 involving a fight between 2 or more animals, or any animal and
26 human, or the intentional killing of any animal for the
27 purposes of sport, wagering or entertainment.

28 (h) (Blank).

29 (i) Any animals or equipment involved in a violation of
30 this Section shall be immediately seized and impounded under
31 Section 12 by the Department when located at any show,
32 exhibition, program, or other activity featuring or otherwise
33 involving an animal fight for the purposes of sport, wagering,
34 or entertainment.

35 (j) Any vehicle or conveyance other than a common carrier
36 that is used in violation of this Section shall be seized,

1 held, and offered for sale at public auction by the sheriff's
2 department of the proper jurisdiction, and the proceeds from
3 the sale shall be remitted to the general fund of the county
4 where the violation took place.

5 (k) Any veterinarian in this State who is presented with an
6 animal for treatment of injuries or wounds resulting from
7 fighting where there is a reasonable possibility that the
8 animal was engaged in or utilized for a fighting event for the
9 purposes of sport, wagering, or entertainment shall file a
10 report with the Department and cooperate by furnishing the
11 owners' names, dates, and descriptions of the animal or animals
12 involved. Any veterinarian who in good faith complies with the
13 requirements of this subsection has immunity from any
14 liability, civil, criminal, or otherwise, that may result from
15 his or her actions. For the purposes of any proceedings, civil
16 or criminal, the good faith of the veterinarian shall be
17 rebuttably presumed.

18 (l) No person shall solicit a minor to violate this
19 Section.

20 (m) The penalties for violations of this Section shall be
21 as follows:

22 (1) A person convicted of violating subsection (a),
23 (b), or (c) of this Section or any rule, regulation, or
24 order of the Department pursuant thereto is guilty of a
25 Class A misdemeanor for the first offense. A second or
26 subsequent offense involving the violation of subsection
27 (a), (b), or (c) of this Section or any rule, regulation,
28 or order of the Department pursuant thereto is a Class 4
29 felony.

30 (2) A person convicted of violating subsection (d),
31 (e), or (f) of this Section or any rule, regulation, or
32 order of the Department pursuant thereto is guilty of a
33 Class A misdemeanor for the first offense. A second or
34 subsequent violation is a Class 4 felony.

35 (3) A person convicted of violating subsection (g) of
36 this Section or any rule, regulation, or order of the

1 Department pursuant thereto is guilty of a Class C
2 misdemeanor.

3 (4) A person convicted of violating subsection (1) of
4 this Section is guilty of a Class A misdemeanor.

5 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
6 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

7 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

8 Sec. 4.04. Injuring or killing police animals, service
9 animals, or search and rescue dogs prohibited. It shall be
10 unlawful for any person to willfully or maliciously torture,
11 mutilate, injure, disable, poison, or kill (i) any animal used
12 by a law enforcement department or agency in the performance of
13 the functions or duties of the department or agency or when
14 placed in confinement off duty, (ii) any service animal, (iii)
15 any search and rescue dog, or (iv) any law enforcement,
16 service, or search and rescue animal in training. However, a
17 police officer or veterinarian may perform euthanasia in
18 emergency situations when delay would cause the animal undue
19 suffering and pain.

20 A person convicted of violating this Section is guilty of a
21 Class 4 felony ~~A misdemeanor~~ if the animal is not killed or
22 totally disabled; if the animal is killed or totally disabled,
23 the person is guilty of a Class 3 ~~Class 4~~ felony.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02;
25 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03;
26 revised 10-3-02.)

27 (510 ILCS 70/16) (from Ch. 8, par. 716)

28 Sec. 16. Miscellaneous violations; injunctions;
29 forfeiture.

30 (a) (Blank).

31 (b) (Blank). ~~4 felony 3~~

32 (c) Any person convicted of any act of abuse or neglect for
33 which no other penalty is specified in this Act, or of
34 violating any other provision of this Act or any rule,

1 regulation, or order of the Department pursuant thereto for
2 which no other penalty is specified in this Act, is guilty of a
3 Class B misdemeanor for the first violation. A second or
4 subsequent violation is a Class 4 felony, with every day that a
5 violation continues constituting a separate offense.

6 (d) (Blank).

7 (e) (Blank).

8 (f) The Department may enjoin a person from a continuing
9 violation of this Act.

10 (g) (Blank).

11 (h) (Blank).

12 (i) In addition to any other penalty provided by law, upon
13 conviction for violating Section 3, 3.01, 3.02, or 3.03 the
14 court may order the convicted person to forfeit to an animal
15 control or animal shelter the animal or animals that are the
16 basis of the conviction. Upon an order of forfeiture, the
17 convicted person is deemed to have permanently relinquished all
18 rights to the animal or animals that are the basis of the
19 conviction. The forfeited animal or animals shall be adopted or
20 humanely euthanized. In no event may the convicted person or
21 anyone residing in his or her household be permitted to adopt
22 the forfeited animal or animals. The court, additionally, may
23 order that the convicted person and persons dwelling in the
24 same household as the convicted person who conspired, aided, or
25 abetted in the unlawful act that was the basis of the
26 conviction, or who knew or should have known of the unlawful
27 act, may not own, harbor, or have custody or control of any
28 other animals for a period of time that the court deems
29 reasonable.

30 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;
31 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02;
32 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff.
33 7-11-02; 92-723, eff. 1-1-03; revised 10-3-02.)

34 Section 585. The Fish and Aquatic Life Code is amended by
35 changing Section 20-35 as follows:

1 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

2 Sec. 20-35. Offenses.

3 (a) Except as prescribed in Section 5-25 and unless
4 otherwise provided in this Code, any person who is found guilty
5 of violating any of the provisions of this Code, including
6 administrative rules, is guilty of a petty offense.

7 Any person who violates any of the provisions of Section
8 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
9 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10, 15-15,
10 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60, 15-65, 15-75,
11 15-80, 15-85, 15-90, 15-95, 15-100, 15-105, 15-110, 15-115,
12 15-120, 15-130, 15-140, 20-70, 20-75, 20-80, 20-85 (except
13 subsections (b), (c), (d), (e), (f), and (g)), 25-10, 25-15, or
14 25-20 of this Code, including administrative rules relating to
15 those Sections, is guilty of a Class B misdemeanor.

16 Any person who violates any of the provisions of Section
17 1-200, 1-205, 10-55, 10-80, 10-100(b), 15-35, or 20-120 of this
18 Code, including administrative rules relating to those
19 Sections, is guilty of a Class A misdemeanor.

20 Any person who violates any of the provisions of this Code,
21 including administrative rules, during the 5 years following
22 the revocation of his or her license, permit, or privileges
23 under Section 20-105 is guilty of a Class A misdemeanor.

24 Any person who violates Section 5-25 of this Code,
25 including administrative rules, is guilty of a Class 3 felony.

26 (b)(1) It is unlawful for any person to take or attempt to
27 take aquatic life from any aquatic life farm except with the
28 consent of the owner of the aquatic life farm. Any person
29 possessing fishing tackle on the premises of an aquatic life
30 farm is presumed to be fishing. The presumption may be rebutted
31 by clear and convincing evidence. All fishing tackle,
32 apparatus, and vehicles used in the violation of this
33 subsection (b) shall be confiscated by the arresting officer.
34 Except as otherwise provided in this subsection, the seizure
35 and confiscation procedures set forth in Section 1-215 of this

1 Code shall apply. If the confiscated property is determined by
2 the circuit court to have been used in the violation of this
3 subsection (b), the confiscated property shall be sold at
4 public auction by the county sheriff of the county where the
5 violation occurred. The proceeds of the sale shall be deposited
6 in the county general fund; provided that the auction may be
7 stayed by an appropriate court order.

8 (2) A violation of paragraph (1) of this subsection (b) is
9 a Class A misdemeanor for a first offense and a Class 4 felony
10 for a second or subsequent offense.

11 (c) (1) It is unlawful for any person to trespass or fish on
12 an aquatic life farm located on a strip mine lake or other body
13 of water used for aquatic life farming operations, or within a
14 200 foot buffer zone surrounding cages or netpens that are
15 clearly delineated by buoys of a posted aquatic life farm, by
16 swimming, scuba diving, or snorkeling in, around, or under the
17 aquatic life farm or by operating a watercraft over, around, or
18 in the aquatic life farm without the consent of the owner of
19 the aquatic life farm.

20 (2) A violation of paragraph (1) of this subsection (c) is
21 a Class B misdemeanor for a first offense and a Class A
22 misdemeanor for a second or subsequent offense. All fishing
23 tackle, apparatus, and watercraft used in a second or
24 subsequent violation of this subsection (c) shall be
25 confiscated by the arresting officer. Except as otherwise
26 provided in this subsection, the seizure and confiscation
27 procedures set forth in Section 1-215 of this Code shall apply.
28 If the confiscated property is determined by the circuit court
29 to have been used in a violation of this subsection (c), the
30 confiscated property shall be sold at public auction by the
31 county sheriff of the county where the violation occurred. The
32 proceeds of the sale shall be deposited in the county general
33 fund; provided that the auction may be stayed by an appropriate
34 court order.

35 (d) Offenses committed by minors under the direct control
36 or with the consent of a parent or guardian may subject the

1 parent or guardian to the penalties prescribed in this Section
2 or as otherwise provided in this Code.

3 (e) In addition to any fines imposed under this Section, or
4 as otherwise provided in this Code, any person found guilty of
5 unlawfully taking or possessing any aquatic life protected by
6 this Code shall be assessed a civil penalty for that aquatic
7 life in accordance with the values prescribed in Section 5-25
8 of this Code. This civil penalty shall be imposed at the time
9 of the conviction by the Circuit Court for the county where the
10 offense was committed. Except as otherwise provided for in
11 subsections (b) and (c) of this Section, all penalties provided
12 for in this Section shall be remitted to the Department in
13 accordance with the provisions of Section 1-180 of this Code.

14 (Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06;
15 revised 8-19-05.)

16 Section 590. The Wildlife Code is amended by changing
17 Sections 2.2, 2.25, and 3.23 as follows:

18 (520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

19 Sec. 2.2. This Act shall apply only to the wild birds and
20 parts of wild birds (their nests and eggs), and wild mammals
21 and parts of wild mammals, which shall include their green
22 hides, in the State of Illinois, or which may be brought into
23 the State, that are hereby defined as follows:

24 All birds, both game and non-game (except the House
25 Sparrow, *Passer domesticus*; European Starling, *Sturnus*
26 *vulgaris*; and Rock Dove or Domestic Pigeon, *Columba livia*).
27 GAME BIRDS-Ruffed grouse, *Bonasa umbellus*; Sharp-tailed
28 grouse, *Pediocetes phasianellus*; Bobwhite quail, *Colinus*
29 *virginianus*; Hungarian Partridge, *Perdix perdix*; Chukar
30 Partridge, *Alectoris graeca*; Ring-necked Pheasant, *Phasianus*
31 *colchicus*; Greater Prairie Chicken, *Tympanuchus cupido*; Wild
32 Turkey, *Meleagris gallopavo*. MIGRATORY GAME BIRDS-Waterfowl
33 including brant, wild ducks, geese and swans, *Anatidae*; rails,
34 gallinules and coots, *Rallidae*; snipe, *Gallinago gallinago*;

1 woodcock, *Scolopax minor*; pigeons, including doves and wild
2 pigeons (except domestic pigeons), Columbidae; and crows,
3 Corvidae. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons,
4 Gaviidae; grebes, Podicipedidae; pelicans, Pelecanidae;
5 cormorants, Phalacrocoracidae; herons, bitterns and egrets,
6 Ardeidae; ibises and spoonbills, Threskiornithidae; storks,
7 Ciconiidae; vultures, Cathartidae ~~Carthartidae~~; kites, hawks
8 and eagles, Accipitridae; ospreys, Pandionidae; falcons,
9 including the Peregrine Falcon, Falconidae; cranes, Gruidae;
10 rails and gallinules, Rallidae; all shorebirds of the families
11 Charadriidae, Scolopacidae, Recurvirostridae and
12 Phalaropodidae; jaegers, Stercorariidae; gulls and terns,
13 Laridae; cuckoos, Cuculidae; owls, Tytonidae and Strigidae;
14 whip-poor-wills and nighthawks, Caprimulgidae; swifts,
15 Apodidae; hummingbirds, Trochilidae, Kingfishers, Alcedinidae;
16 woodpeckers, Picidae; kingbirds and flycatchers, Tyrannidae;
17 larks, Alaudidae; swallows and martins, Hirundinidae; crows,
18 magpies and jays, Corvidae; chickadees and titmice, Paridae;
19 nuthatches, Sittidae; creepers, Certhiidae; wrens,
20 Troglodytidae; mockingbirds, catbirds and thrashers, Mimidae;
21 robins, bluebirds and thrushes, Turdidae; gnatcatchers and
22 kinglets, Sylviidae; pipits, Motacillidae; waxwings,
23 Bombycillidae; shrikes, Laniidae; vireos, Vireonidae;
24 warblers, Parulidae; European Tree Sparrow, *Passer montanus*;
25 blackbirds, meadowlarks and orioles, Icteridae; tanagers,
26 thraupidae; cardinals, grosbeaks, finches, towhees,
27 dickcissels, sparrows, juncos, buntings and longspurs,
28 Fringillidae. GAME MAMMALS-Woodchuck, *Marmota monax*; Gray
29 squirrel, *Sciurus carolinensis*; Fox squirrel, *Sciurus niger*;
30 White-tailed jackrabbit, *Lepus townsendii*; Eastern cottontail,
31 *Sylvilagus floridanus*; Swamp rabbit, *Sylvilagus aquaticus*;
32 White-tailed deer, *Odocoileus virginianus*. FUR-BEARING
33 MAMMALS-Muskrat, *Ondatra zibethicus*; Beaver, *Castor*
34 *canadensis*; Raccoon, *Procyon lotor*; Opossum, *Didelphis*
35 *marsupialis*; Least weasel, *Mustela rixosa*; Long-tailed weasel,
36 *Mustela frenata*; Mink, *Mustela vison*; River otter, *Lutra*

1 canadensis; Striped skunk, *Mephitis mephitis*; Badger, *Taxidea*
2 *taxus*; Red fox, *Vulpes vulpes*; Gray fox, *Urocyon*
3 *cinereoagenteus* ~~*cinereoagenteus*~~; Coyote, *Canis latrans*;
4 Bobcat, *Lynx rufus*. OTHER MAMMALS-Flying squirrel, *Glaucomys*
5 *volans*; Red squirrel, *Tamiasciurus hudsonicus*; Eastern
6 Woodrat, *Neotoma floridana*; Golden Mouse, *Ochrotomys nuttalli*;
7 Rice Rat, *Oryzomys palustris*; Bats, *Vespertilionidae*.

8 It shall be unlawful for any person at any time to take,
9 possess, sell, or offer for sale, any of these wild birds (dead
10 or alive) and parts of wild birds (including their nests and
11 eggs), wild mammals (dead or alive) and parts of wild mammals,
12 including their green hides contrary to the provisions of this
13 Act. However, nothing in this Act shall prohibit bona-fide
14 public or state scientific, educational or zoological
15 institutions from receiving, holding and displaying wildlife
16 specimens that were salvaged or legally obtained.

17 It shall be unlawful for any person to bring into the State
18 of Illinois for the purpose of holding, releasing, propagating
19 or selling any other living wild animal not covered by this Act
20 without first obtaining a permit from the Director. The permit
21 shall be granted only upon satisfactory proof that the specific
22 animals intended to be imported are free of communicable
23 disease at the time of importation, will not become a nuisance,
24 and will not cause damage to any existing wild or domestic
25 species. Application for this permit shall be filed with the
26 Director not less than 30 days in advance of the proposed date
27 of importation. The Director may incorporate in the permit any
28 restrictions as he may deem appropriate. These provisions shall
29 not apply to any animal imported into this State for the
30 purpose of being confined and exhibited in any zoo or other
31 public display of animals nor to any other animals or groups of
32 animals that the Department of Natural Resources may exempt by
33 administrative rule.

34 It shall be unlawful for any person to take any other
35 living wild animal not covered by this Act without the
36 permission of the landowner or tenant.

1 (Source: P.A. 89-445, eff. 2-7-96; revised 10-11-05.)

2 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

3 Sec. 2.25. It shall be unlawful for any person to take deer
4 except (i) with a shotgun, handgun, or muzzleloading rifle or
5 (ii) as provided by administrative rule, with a bow and arrow,
6 or crossbow device for handicapped persons as defined in
7 Section 2.33, during the open season of not more than 14 days
8 which will be set annually by the Director between the dates of
9 November 1st and December 31st, both inclusive. For the
10 purposes of this Section, legal handguns include any centerfire
11 handguns of .30 caliber or larger with a minimum barrel length
12 of 4 inches. The only legal ammunition for a centerfire handgun
13 is a cartridge of .30 caliber or larger with a capability of at
14 least 500 foot pounds of energy at the muzzle. Full metal
15 jacket bullets may not be used to harvest deer.

16 The Department shall make administrative rules concerning
17 management restrictions applicable to the firearm and bow and
18 arrow season.

19 It shall be unlawful for any person to take deer except
20 with a bow and arrow, or crossbow device for handicapped
21 persons (as defined in Section 2.33), during the open season
22 for bow and arrow set annually by the Director between the
23 dates of September 1st and January 31st, both inclusive.

24 It shall be unlawful for any person to take deer except
25 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
26 crossbow device for handicapped persons as defined in Section
27 2.33, during the open season for muzzleloading rifles set
28 annually by the Director.

29 The Director shall cause an administrative rule setting
30 forth the prescribed rules and regulations, including bag and
31 possession limits and those counties of the State where open
32 seasons are established, to be published in accordance with
33 Sections 1.3 and 1.13 of this Act.

34 The Department may establish separate harvest periods for
35 the purpose of managing or eradicating disease that has been

1 found in the deer herd. This season shall be restricted to gun
2 or bow and arrow hunting only. The Department shall publicly
3 announce, via statewide news release, the season dates and
4 shooting hours, the counties and sites open to hunting, permit
5 requirements, application dates, hunting rules, legal weapons,
6 and reporting requirements.

7 The Department is authorized to establish a separate
8 harvest period at specific sites within the State for the
9 purpose of harvesting surplus deer that cannot be taken during
10 the regular season provided for the taking of deer. This season
11 shall be restricted to gun or bow and arrow hunting only and
12 shall be established during the period of September 1st to
13 February 15th, both inclusive. The Department shall publish
14 suitable prescribed rules and regulations established by
15 administrative rule pertaining to management restrictions
16 applicable to this special harvest program.

17 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
18 revised 9-15-03.)

19 (520 ILCS 5/3.23) (from Ch. 61, par. 3.23)

20 Sec. 3.23. Before any person shall hold, possess or engage
21 in the raising of game mammals, game birds or migratory game
22 birds protected by this Act, he shall procure a permit from the
23 Department to do so. Any person desiring to possess, propagate,
24 hold in captivity but not offer for sale any species protected
25 by this Act may do so by acquiring either a Class A
26 Noncommercial bird breeders permit or a Class A Noncommercial
27 game breeders permit. Any person desiring to possess,
28 propagate, to hold in captivity, to sell alive, for propagation
29 or hunting purposes, sell dressed for food purposes any species
30 protected by this Act may do so by acquiring a Class B
31 Commercial bird breeders permit or a Class B Commercial/game
32 breeders permit.

33 No person shall breed, raise, sell or offer to sell ferrets
34 without first obtaining from the Department either a Class A
35 noncommercial game breeder permit or a Class B commercial game

1 breeder permit; such permit shall not, however, authorize the
2 use or sale of ferrets for taking any of the wild birds or wild
3 mammals protected by this Act.

4 Except for a Class A noncommercial ferret permit which
5 shall be issued free of charge, the fee for a Class A permit
6 shall be \$10. The fee for a Class B permit shall be \$20. Both
7 Class A and Class B permits shall expire on March 31 of each
8 year.

9 Holders of wild game or bird breeder's permits may import
10 game mammals, game birds or migratory game birds into the State
11 of Illinois but may release the same only with the permission
12 of the Director.

13 Bobwhite quail and male pheasants raised in Illinois from
14 eggs originating in Illinois and reared under the provisions of
15 this Act may be released and harvested by hunting during the
16 open season provided by the regulations under Sections 2.6 and
17 2.7 of this Act. Hen pheasants raised in Illinois from eggs
18 originating in Illinois and reared under the provisions of this
19 Act may be released but may be harvested only as provided by
20 the regulations under Sections 2.34 and 3.28 of this Act.

21 Licensed breeders who hold Class B permits may sell live
22 hand-reared pheasants, bobwhite quail and chukar partridges to
23 organized field trial clubs, or to individuals operating dog
24 training grounds designated by the Department, to be used for
25 field trial purposes and such pheasants, bobwhite quail and
26 chukar partridges may be killed by shooting in connection
27 therewith on areas approved by the Department.

28 Tags or decals on containers, of a type not removable
29 without breaking or mutilating the tag or decal, shall be used
30 to designate the carcasses of game mammals, game birds or
31 migratory game birds raised in captivity, as provided in this
32 Section, and all game imported legally from any source outside
33 the State of Illinois shall be so designated with irremovable
34 tags or decals. If such tag or decal is not provided for in the
35 State of origin the consignor shall obtain such tags or decals
36 from the Department to identify such carcasses. Upon the

1 application and payment of a fee of 10 cents for such tag or
2 decal, the Department shall furnish permittees with such tags
3 or decals, except that the Department shall only furnish any
4 permittee with sufficient tags or decals for the number of game
5 mammals, game birds or migratory game birds, or parts of
6 carcasses thereof, as may from time to time have been disposed
7 of by the permittee. One of such tags shall be securely affixed
8 to one of the legs of each game mammal, except deer, where a
9 tag shall be affixed to each leg, game bird or migratory game
10 bird before removing such game mammal, game bird or migratory
11 game bird from the premises of the permittee, and such tags
12 shall remain upon the leg or legs of such mammal, game bird or
13 migratory bird until prepared for consumption. Class B permit
14 holders who sell such species dressed for food purposes shall
15 affix such tags to one of the legs of each game mammal, except
16 deer, where a tag must be secured to each leg, game bird or
17 migratory game bird or shall secure such decals on the
18 containers in which the carcasses are transported before
19 removing such species from the premises of the permittees.

20 Nothing in this Section shall be construed to give any such
21 permittee authority to take game mammals, game birds or
22 migratory game birds in their wild state contrary to other
23 provisions of this Act, or to remove such permittee from
24 responsibility for the observance of any Federal laws, rules or
25 regulations which may apply to such game mammals, game birds or
26 migratory game birds.

27 When any wild birds or wild mammals raised in captivity, or
28 parts thereof, are transported or offered for shipment by the
29 holder of a permit, issued under the provisions of Sections 1.6
30 and 1.7 hereof, or by a licensed breeder from outside the
31 State, such shipment shall be plainly tagged or with decals if
32 in containers so as to show the contents thereof, the name of
33 the shipper, his place of residence, the place from where the
34 shipment is made, its destination, name of consignee and the
35 number, date and type of permit under which shipment is
36 offered.

1 Game and game bird breeders shall keep records of the
2 acquisition, sale or disposition of each game mammal or game
3 bird so raised or propagated, showing the date of such
4 transaction, the name and address of the person acquiring or
5 receiving such game mammal or game bird, and shall furnish such
6 person with a certificate of purchase showing the number and
7 kinds of game mammals or game birds so disposed of, the date of
8 transaction, the name of the person receiving, collecting, or
9 buying such game mammals or game birds, and such other
10 information as the Department may require. Such records and
11 certificates of purchase or disposition shall be immediately
12 presented to officers or authorized employees of the
13 Department, any Sheriff, Deputy Sheriff, or other peace officer
14 when request is made for same.

15 Failure to produce such records of certificates of purchase
16 or disposition shall be prima facie evidence that such game
17 mammals or game birds are contraband within the State of
18 Illinois. Records shall be maintained from the date of
19 acquisition until 2 years after the date of disposition or
20 sale.

21 Duly organized clubs and associations approved by the
22 Department and engaged in the raising, for release only and
23 without profit, any of the game mammals and game birds
24 protected by this Act are exempt from the provisions of this
25 Section.

26 No person shall release, hold, possess, or engage in
27 raising San Juan (sometimes called European) rabbits or
28 finnraccoons (sometimes called raccoon dogs) (*Nyctereutes*
29 *procyonoides*) in this State and no permit shall be issued
30 therefor.

31 No person shall release, or propagate for the release any
32 Nutria (*Myocastor coypus*), and monk parakeet (*Myiopsitta*
33 ~~*Mycopsitta*~~ *monachus*), in this State at any time.

34 (Source: P.A. 86-920; revised 10-13-05.)

35 Section 595. The Illinois Open Land Trust Act is amended by

1 changing Section 10 as follows:

2 (525 ILCS 33/10)

3 Sec. 10. Definitions. As used in this Act:

4 "Conservation and recreation purposes" means activities
5 that are consistent with the protection and preservation of
6 open lands, natural areas, wetlands, prairies, forests,
7 watersheds, resource-rich areas, greenways, and fish and
8 wildlife habitats, including multiple use such as hunting,
9 fishing, trapping, and other recreational uses.

10 "Conservation easement" means a nonpossessory interest in
11 real property imposing limitations or affirmative obligations
12 the purposes of which include retaining or protecting natural,
13 scenic, or open-space values of real property, assuring its
14 availability for forest, recreational, or open-space use,
15 protecting natural resources, maintaining or enhancing air or
16 water quality, or preserving the natural, historical,
17 architectural, archaeological ~~archaeological~~, or cultural
18 aspects of real property. A conservation easement may be
19 released at any time by mutual consent of the parties.

20 "Department" means the Department of Natural Resources.

21 "Natural area" means an area of land that either retains or
22 has recovered to a substantial degree its original natural or
23 primeval character, though it need not be completely
24 undisturbed, or has floral, faunal, ecological, geological, or
25 archaeological features of scientific, educational, scenic, or
26 esthetic interest.

27 "Open space" means those undeveloped or minimally
28 developed lands that conserve and protect valuable natural
29 features or processes.

30 "Real property" means land, including improvements
31 existing on the land.

32 "Units of local government" means counties, townships,
33 municipalities, park districts, conservation districts, forest
34 preserve districts, river conservancy districts, and any other
35 units of local government empowered to expend public funds for

1 the acquisition and development of land for public outdoor
2 park, recreation, or conservation purposes.

3 (Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

4 Section 600. The Illinois Highway Code is amended by
5 changing Sections 4-508, 5-701.2, and 6-201.21 as follows:

6 (605 ILCS 5/4-508) (from Ch. 121, par. 4-508)

7 Sec. 4-508. (a) Except as provided in paragraphs (c) and
8 (d) of this Section, and subject to the written approval of the
9 Governor, the Department may dispose of, by public sale, at
10 auction or by sealed bids, any land, rights or other
11 properties, real or personal, acquired for but no longer needed
12 for highway purposes or remnants ~~remnants~~ acquired under the
13 provisions of Section 4-501, provided that no such sale may be
14 made for less than the fair appraised value of such land,
15 rights, or property.

16 (b) Except as provided in paragraphs (c) and (d) of this
17 Section, and subject to the written approval of the Governor,
18 the Department may exchange any land, rights or property no
19 longer needed for highway purposes, or remnants ~~remnants~~,
20 acquired under the provisions of Section 4-501 of this Code for
21 equivalent interests in land, rights or property needed for
22 highway purposes. Where such interests are not of equivalent
23 value cash may be paid or received for the difference in value.

24 (c) If at the time any property previously determined by
25 the Department to be needed for highway purposes is declared no
26 longer needed for such purposes, and the person from whom such
27 property was acquired still owns and has continuously owned
28 land abutting such property since the acquisition by the
29 Department, the Department before making any disposition of
30 that property shall first offer in writing that property to the
31 person from whom such property was acquired at the current
32 appraised value of the property. If the offer is accepted in
33 writing within 60 days of the date of the written offer, the
34 Department, subject to the written approval of the Governor, is

1 authorized to dispose of such property to the person from whom
2 such property was acquired upon payment of the appraised value.
3 If the offer is not accepted in writing within 60 days of the
4 date of the written offer, all rights under this paragraph
5 shall terminate.

6 (d) If the Department enters into or currently has a
7 written contract with another highway authority for the
8 transfer of jurisdiction of any highway or portion thereof, the
9 Department is authorized to convey, without compensation, any
10 land, dedications, easements, access rights, or any interest in
11 the real estate that it holds to that specific highway or
12 portion thereof to the highway authority that is accepting or
13 has accepted jurisdiction. However, no part of the transferred
14 property can be vacated or disposed of without the approval of
15 the Department, which may require compensation for non-public
16 use.

17 (e) Except as provided in paragraph (c) of this Section, if
18 the Department obtains or obtained fee simple title to, or any
19 lesser interest, in any land, right, or other property and must
20 comply with subdivision (f)(3) of Section 6 of Title I of the
21 Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460
22 1-8(f)(3)), the Historic Bridge Program established under
23 Title 23, United States Code, Section 144, subsection (o) (23
24 U.S.C. 144(o)), the National Historic Preservation Act (16
25 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989,
26 or the Illinois State Agency Historic Resources Preservation
27 Act, the Department, subject to the written approval of the
28 Governor and concurrence of the grantee, is authorized to
29 convey the title or interest in the land, right, or other
30 property to another governmental agency, or a not-for-profit
31 organization that will use the property for purposes consistent
32 with the appropriate law.

33 The Department may retain rights to protect the public
34 interest.

35 (Source: P.A. 90-573, eff. 2-6-98; 90-755, eff. 1-1-99; 91-357,
36 eff. 7-29-99; revised 10-17-05.)

1 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

2 Sec. 5-701.2. Any county board, with the approval of the
3 Department, may also use motor fuel tax money allotted to it
4 for construction of State highways within the county.

5 (Source: Laws 1959, p. 196; revised 1-21-04.)

6 (605 ILCS 5/6-201.21)

7 Sec. 6-201.21. Special services; disaster relief. Subject
8 to Section 30-117 of the Township Code, the highway
9 commissioner has authority to provide for orderly collection
10 and disposal of brush and leaves that have been properly placed
11 for collection along the road district rights-of-way in
12 accordance with local guidelines in those townships or counties
13 that regulate by ordinance open burning of brush or leaves.
14 Further, the highway commissioner has authority to provide
15 necessary relief services following the occurrence of an event
16 that has been declared a disaster by State or local officials.
17 The highway commissioner has purchasing authority, subject to
18 Section 6-201.6, and contractual authority as defined in ~~ef~~
19 Section 6-201.7 of this Code.

20 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;
21 revised 12-4-03.)

22 Section 605. The Illinois Vehicle Code is amended by
23 changing Sections 3-412, 3-413, 3-621, 3-622, 3-623, 3-625,
24 3-704, 3-806.3, 3-806.4, 6-107, 6-206, 6-206.1, 6-208, 6-411,
25 6-500, 6-508, 11-1201, 11-1414, 12-215, 12-603.1, 12-613, and
26 15-301 and by setting forth, renumbering, and changing multiple
27 versions of Sections 3-648, 3-653, and 3-654 as follows:

28 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

29 Sec. 3-412. Registration plates and registration stickers
30 to be furnished by the Secretary of State.

31 (a) The Secretary of State upon registering a vehicle
32 subject to annual registration for the first time shall issue

1 or shall cause to be issued to the owner one registration plate
2 for a motorcycle, trailer, semitrailer, motorized pedalcycle
3 or truck-tractor, 2 registration plates for other motor
4 vehicles and, where applicable, current registration stickers
5 for motor vehicles of the first division. The provisions of
6 this Section may be made applicable to such vehicles of the
7 second division, as the Secretary of State may, from time to
8 time, in his discretion designate. On subsequent annual
9 registrations during the term of the registration plate as
10 provided in Section 3-414.1, the Secretary shall issue or cause
11 to be issued registration stickers as evidence of current
12 registration. However, the issuance of annual registration
13 stickers to vehicles registered under the provisions of
14 Sections 3-402.1 and 3-405.3 of this Code may not be required
15 if the Secretary deems the issuance unnecessary.

16 (b) Every registration plate shall have displayed upon it
17 the registration number assigned to the vehicle for which it is
18 issued, the name of this State, which may be abbreviated, the
19 year number for which it was issued, which may be abbreviated,
20 the phrase "Land of Lincoln" (except as otherwise provided in
21 this Code), and such other letters or numbers as the Secretary
22 may prescribe. However, for apportionment plates issued to
23 vehicles registered under Section 3-402.1 and fleet plates
24 issued to vehicles registered under Section 3-405.3, the phrase
25 "Land of Lincoln" may be omitted to allow for the word
26 "apportioned", the word "fleet", or other similar language to
27 be displayed. Registration plates issued to a vehicle
28 registered as a fleet vehicle may display a designation
29 determined by the Secretary.

30 The Secretary may in his discretion prescribe that letters
31 be used as prefixes only on registration plates issued to
32 vehicles of the first division which are registered under this
33 Code and only as suffixes on registration plates issued to
34 other vehicles. Every registration sticker issued as evidence
35 of current registration shall designate the year number for
36 which it is issued and such other letters or numbers as the

1 Secretary may prescribe and shall be of a contrasting color
2 with the registration plates and registration stickers of the
3 previous year.

4 (c) Each registration plate and the required letters and
5 numerals thereon, except the year number for which issued,
6 shall be of sufficient size to be plainly readable from a
7 distance of 100 feet during daylight, and shall be coated with
8 reflectorizing material. The dimensions of the plate issued to
9 vehicles of the first division shall be 6 by 12 inches.

10 (d) The Secretary of State shall issue for every passenger
11 motor vehicle rented without a driver the same type of
12 registration plates as the type of plates issued for a private
13 passenger vehicle.

14 (e) The Secretary of State shall issue for every passenger
15 car used as a taxicab or livery, distinctive registration
16 plates.

17 (f) The Secretary of State shall issue for every motorcycle
18 distinctive registration plates distinguishing between
19 motorcycles having 150 or more cubic centimeters piston
20 displacement, or having less than 150 cubic centimeter piston
21 displacement.

22 (g) Registration plates issued to vehicles for-hire may
23 display a designation as determined by the Secretary that such
24 vehicles are for-hire.

25 (h) The Secretary of State shall issue distinctive
26 registration plates for electric vehicles.

27 (i) The Secretary of State shall issue for every public and
28 private ambulance registration plates identifying the vehicle
29 as an ambulance. The Secretary shall forward to the Department
30 of Public Aid registration information for the purpose of
31 verification of claims filed with the Department by ambulance
32 owners for payment for services to public assistance
33 recipients.

34 (j) The Secretary of State shall issue for every public and
35 private medical carrier or rescue vehicle livery registration
36 plates displaying numbers within ranges of numbers reserved

1 respectively for medical carriers and rescue vehicles. The
2 Secretary shall forward to the Department of Public Aid
3 registration information for the purpose of verification of
4 claims filed with the Department by owners of medical carriers
5 or rescue vehicles for payment for services to public
6 assistance recipients.

7 (k) The Secretary of State shall issue distinctive license
8 plates or distinctive license plate stickers for every vehicle
9 exempted from subsection (a) of Section 12-503 by subsection
10 (g-5) of that Section.

11 (Source: P.A. 94-239, eff. 1-1-06; 94-564, eff. 8-12-05;
12 revised 8-19-05.)

13 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

14 Sec. 3-413. Display of registration plates, registration
15 stickers and drive-away permits.

16 (a) Registration plates issued for a motor vehicle other
17 than a motorcycle, trailer, semitrailer, truck-tractor,
18 apportioned bus, or apportioned truck shall be attached
19 thereto, one in the front and one in the rear. The registration
20 plate issued for a motorcycle, trailer or semitrailer required
21 to be registered hereunder and any apportionment plate issued
22 to a bus under the provisions of this Code shall be attached to
23 the rear thereof. The registration plate issued for a
24 truck-tractor or an apportioned truck required to be registered
25 hereunder shall be attached to the front thereof.

26 (b) Every registration plate shall at all times be securely
27 fastened in a horizontal position to the vehicle for which it
28 is issued so as to prevent the plate from swinging and at a
29 height of not less than 5 inches from the ground, measuring
30 from the bottom of such plate, in a place and position to be
31 clearly visible and shall be maintained in a condition to be
32 clearly legible, free from any materials that would obstruct
33 the visibility of the plate, including, but not limited to,
34 glass covers and tinted plastic covers. Clear plastic covers
35 are permissible as long as they remain clear and do not

1 obstruct the visibility of the plates. Registration stickers
2 issued as evidence of renewed annual registration shall be
3 attached to registration plates as required by the Secretary of
4 State, and be clearly visible at all times.

5 (c) Every drive-away permit issued pursuant to this Code
6 shall be firmly attached to the motor vehicle in the manner
7 prescribed by the Secretary of State. If a drive-away permit is
8 affixed to a motor vehicle in any other manner the permit shall
9 be void and of no effect.

10 (d) The Illinois prorated decal issued to a foreign
11 registered vehicle part of a fleet prorated or apportioned with
12 Illinois, shall be displayed on a registration plate and
13 displayed on the front of such vehicle in the same manner as an
14 Illinois registration plate.

15 (e) The registration plate issued for a camper body mounted
16 on a truck displaying registration plates shall be attached to
17 the rear of the camper body.

18 (f) No person shall operate a vehicle, nor permit the
19 operation of a vehicle, upon which is displayed an Illinois
20 registration plate, plates or registration stickers after the
21 termination of the registration period for which issued or
22 after the expiration date set pursuant to Sections 3-414 and
23 3-414.1 of this Code.

24 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;
25 revised 10-2-02.)

26 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

27 Sec. 3-621. The Secretary, upon receipt of an application,
28 made in the form prescribed by the Secretary of State, may
29 issue to members of the Illinois National Guard, and to
30 Illinois residents who are either former members of the
31 Illinois National Guard or the surviving spouses of Illinois
32 National Guard members, special registration plates. The
33 special plates issued pursuant to this Section shall be affixed
34 only to passenger vehicles of the first division, motorcycles,
35 or motor vehicles of the second division weighing not more than

1 8,000 pounds subject to the staggered registration system.

2 The design and color of such plates shall be wholly within
3 the discretion of the Secretary of State.

4 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised
5 8-23-02.)

6 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

7 Sec. 3-622. The Secretary, upon receipt of an application
8 made in the form prescribed by the Secretary of State, may
9 issue to members of the United States Armed Forces Reserves who
10 reside in Illinois, and to Illinois residents who are either
11 former members of the United States Armed Forces Reserves or
12 the surviving spouses of United States Armed Forces Reserve
13 members who resided in Illinois, special registration plates.
14 The special plates issued pursuant to this Section shall be
15 affixed only to passenger vehicles of the first division,
16 motorcycles, or motor vehicles of the second division weighing
17 not more than 8,000 pounds subject to the staggered
18 registration system. The design and color of such plates shall
19 be wholly within the discretion of the Secretary of State.

20 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;
21 revised 8-23-02.)

22 (625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

23 Sec. 3-623. Purple Heart Plates. The Secretary, upon
24 receipt of an application made in the form prescribed by the
25 Secretary of State, may issue to recipients awarded the Purple
26 Heart by a branch of the armed forces of the United States who
27 reside in Illinois, special registration plates. The
28 Secretary, upon receipt of the proper application
29 ~~applications~~, may also issue these special registration plates
30 to an Illinois resident who is the surviving spouse of a person
31 who ~~was killed in a foreign war and~~ was awarded the Purple
32 Heart by a branch of the armed forces of the United States. The
33 special plates issued pursuant to this Section should be
34 affixed only to passenger vehicles of the 1st division,

1 including motorcycles, or motor vehicles of the 2nd division
2 weighing not more than 8,000 pounds.

3 The design and color of such plates shall be wholly within
4 the discretion of the Secretary of State. Appropriate
5 documentation, as determined by the Secretary, and the
6 appropriate registration fee shall accompany the application.
7 However, for an individual who has been issued Purple Heart
8 plates for a vehicle and who has been approved for benefits
9 under the Senior Citizens and Disabled Persons Property Tax
10 Relief and Pharmaceutical Assistance Act, the annual fee for
11 the registration of the vehicle shall be as provided in Section
12 3-806.3 of this Code.

13 (Source: P.A. 93-846, eff. 7-30-04; 94-93, eff. 1-1-06; 94-343,
14 eff. 1-1-06; revised 10-20-05.)

15 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

16 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon
17 receipt of an application made in the form prescribed by the
18 Secretary of State, may issue special registration plates to
19 any Illinois resident who, while a member of the armed forces
20 of the United States, participated in the battle of Pearl
21 Harbor on December 7, 1941, or to the widowed spouse of any
22 Illinois resident who, while a member of the armed forces of
23 the United States, participated in the battle of Pearl Harbor
24 on December 7, 1941, provided that the widowed spouse was
25 married to the battle of Pearl Harbor participant at the time
26 of the participant's death and is a single person at the time
27 of application. The special plates issued pursuant to this
28 Section should be affixed only to passenger vehicles of the 1st
29 division, motorcycles, or motor vehicles of the 2nd division
30 weighing not more than 8,000 pounds.

31 The design and color of such plates shall be wholly within
32 the discretion of the Secretary of State. Appropriate
33 documentation, as determined by the Secretary, and the
34 appropriate registration fee shall accompany the application.

35 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;

1 revised 8-23-02.)

2 (625 ILCS 5/3-648)

3 Sec. 3-648. Education license plates.

4 (a) The Secretary, upon receipt of an application made in
5 the form prescribed by the Secretary, may issue special
6 registration plates designated as Education license plates.
7 The special plates issued under this Section shall be affixed
8 only to passenger vehicles of the first division and motor
9 vehicles of the second division weighing not more than 8,000
10 pounds. Plates issued under this Section shall expire according
11 to the multi-year procedure established by Section 3-414.1 of
12 this Code.

13 (b) The design and color of the plates shall be determined
14 by a contest that every elementary school pupil in the State of
15 Illinois is eligible to enter. The designs submitted for the
16 contest shall be judged on September 30, 2002, and the winning
17 design shall be selected by a committee composed of the
18 Secretary, the Director of State Police, 2 members of the
19 Senate, one member chosen by the President of the Senate and
20 one member chosen by the Senate Minority Leader, and 2 members
21 of the House of Representatives, one member chosen by the
22 Speaker of the House and one member chosen by the House
23 Minority Leader. The Secretary may allow the plates to be
24 issued as vanity or personalized plates under Section 3-405.1
25 of the Code. The Secretary shall prescribe stickers or decals
26 as provided under Section 3-412 of this Code.

27 (c) An applicant for the special plate shall be charged a
28 \$40 fee for original issuance, in addition to the appropriate
29 registration fee. Of this \$40 additional original issuance fee,
30 \$15 shall be deposited into the Secretary of State Special
31 License Plate Fund, to be used by the Secretary to help defray
32 the administrative processing costs, and \$25 shall be deposited
33 into the Illinois Future Teacher Corps Scholarship Fund. For
34 each registration renewal period, a \$40 fee, in addition to the
35 appropriate registration fee, shall be charged. Of this \$40

1 additional renewal fee, \$2 shall be deposited into the
2 Secretary of State Special License Plate Fund and \$38 shall be
3 deposited into the Illinois Future Teacher Corps Scholarship
4 Fund. Each fiscal year, once deposits from the additional
5 original issuance and renewal fees into the Secretary of State
6 Special License Plate Fund have reached \$500,000, all the
7 amounts received for the additional fees for the balance of the
8 fiscal year shall be deposited into the Illinois Future Teacher
9 Corps Scholarship Fund.

10 (d) The Illinois Future Teacher Corps Scholarship Fund is
11 created as a special fund in the State treasury. Ninety-five
12 percent of the moneys in the Illinois Future Teacher Corps
13 Scholarship Fund shall be appropriated to the Illinois Student
14 Assistance Commission for scholarships under Section 52 of the
15 Higher Education Student Assistance Act, and 5% of the moneys
16 in the Illinois Future Teacher Corps Scholarship Fund shall be
17 appropriated to the State Board of Education for grants to the
18 Golden Apple Foundation for Excellence in Teaching, a
19 recognized charitable organization that meets the requirements
20 of Title 26, Section 501(c)(3) of the United States Code.

21 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;
22 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

23 (625 ILCS 5/3-653)

24 Sec. 3-653. Pet Friendly license plates.

25 (a) The Secretary, upon receipt of an application made in
26 the form prescribed by the Secretary, may issue special
27 registration plates designated as Pet Friendly license plates.
28 The special plates issued under this Section shall be affixed
29 only to passenger vehicles of the first division, motor
30 vehicles of the second division weighing not more than 8,000
31 pounds, and recreational vehicles as defined in Section 1-169
32 of this Code. Plates issued under this Section shall expire
33 according to the multi-year procedure established by Section
34 3-414.1 of this Code.

35 (b) The design and color of the plates is wholly within the

1 discretion of the Secretary, except that the phrase "I am pet
2 friendly" shall be on the plates. The Secretary may allow the
3 plates to be issued as vanity plates or personalized plates
4 under Section 3-405.1 of the Code. The Secretary shall
5 prescribe stickers or decals as provided under Section 3-412 of
6 this Code.

7 (c) An applicant for the special plate shall be charged a
8 \$40 fee for original issuance in addition to the appropriate
9 registration fee. Of this additional fee, \$25 shall be
10 deposited into the Pet Population Control Fund and \$15 shall be
11 deposited into the Secretary of State Special License Plate
12 Fund, to be used by the Secretary to help defray the
13 administrative processing costs.

14 For each registration renewal period, a \$27 fee, in
15 addition to the appropriate registration fee, shall be charged.
16 Of this additional fee, \$25 shall be deposited into the Pet
17 Population Control Fund and \$2 shall be deposited into the
18 Secretary of State Special License Plate Fund.

19 (Source: P.A. 94-639, eff. 8-22-05.)

20 (625 ILCS 5/3-654)

21 Sec. 3-654. Illinois Public Broadcasting System Stations
22 special license plates.

23 (a) The Secretary, upon receipt of all applicable fees and
24 applications made in the form prescribed by the Secretary, may
25 issue special registration plates designated as Illinois
26 Public Broadcasting System Stations special license plates.
27 The special plates issued under this Section shall be affixed
28 only to passenger vehicles of the first division or motor
29 vehicles of the second division weighing not more than 8,000
30 pounds. Plates issued under this Section shall expire according
31 to the multi-year procedure established by Section 3-414.1 of
32 this Code.

33 (b) The design and color of the special plates shall be
34 wholly within the discretion of the Secretary. The Secretary
35 may, in his or her discretion, allow the plates to be issued as

1 vanity or personalized plates in accordance with Section
2 3-405.1 of this Code. The plates are not required to designate
3 "Land of Lincoln", as prescribed in subsection (b) of Section
4 3-412 of this Code. The Secretary, in his or her discretion,
5 shall approve and prescribe stickers or decals as provided
6 under Section 3-412.

7 (c) An applicant for the special plate shall be charged a
8 \$40 fee for original issuance in addition to the appropriate
9 registration fee. Of this fee, \$25 shall be deposited into the
10 Public Broadcasting Fund and \$15 shall be deposited into the
11 Secretary of State Special License Plate Fund, to be used by
12 the Secretary to help defray the administrative processing
13 costs.

14 For each registration renewal period, a \$27 fee, in
15 addition to the appropriate registration fee, shall be charged.
16 Of this fee, \$25 shall be deposited into the Public
17 Broadcasting Fund and \$2 shall be deposited into the Secretary
18 of State Special License Plate Fund.

19 (d) The Public Broadcasting Fund is created as a special
20 fund in the State treasury. Subject to appropriation by the
21 General Assembly and approval by the Secretary, the Secretary
22 shall pay all moneys in the Public Broadcasting Fund to the
23 various Public Broadcasting System stations in Illinois for
24 operating costs.

25 (Source: P.A. 92-695, eff. 1-1-03.)

26 (625 ILCS 5/3-655)

27 Sec. 3-655 ~~3-648~~. Hospice license plates.

28 (a) The Secretary, upon receipt of an application made in
29 the form prescribed by the Secretary, may issue special
30 registration plates designated as Hospice license plates. The
31 special plates issued under this Section shall be affixed only
32 to passenger vehicles of the first division and motor vehicles
33 of the second division weighing not more than 8,000 pounds.
34 Plates issued under this Section shall expire according to the
35 multi-year procedure established by Section 3-414.1 of this

1 Code.

2 (b) The color of the plates is wholly within the discretion
3 of the Secretary. The design of the plates shall include the
4 word "Hospice" above drawings of two lilies and a butterfly.
5 The Secretary may allow the plates to be issued as vanity
6 plates or personalized under Section 3-405.1 of the Code. The
7 Secretary shall prescribe stickers or decals as provided under
8 Section 3-412 of this Code.

9 (c) An applicant for the special plate shall be charged a
10 \$25 fee for original issuance in addition to the appropriate
11 registration fee. Of this fee, \$10 shall be deposited into the
12 Hospice Fund and \$15 shall be deposited into the Secretary of
13 State Special License Plate Fund, to be used by the Secretary
14 to help defray the administrative processing costs.

15 For each registration renewal period, a \$25 fee, in
16 addition to the appropriate registration fee, shall be charged.
17 Of this fee, \$23 shall be deposited into the Hospice Fund and
18 \$2 shall be deposited into the Secretary of State Special
19 License Plate Fund.

20 (d) The Hospice Fund is created as a special fund in the
21 State treasury. All money in the Hospice Fund shall be paid,
22 subject to appropriation by the General Assembly and approval
23 by the Secretary, to the Department of Public Health for
24 distribution as grants for hospice services as defined in the
25 Hospice Program Licensing Act. The Director of Public Health
26 shall adopt rules for the distribution of these grants.

27 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

28 (625 ILCS 5/3-656)

29 Sec. 3-656 ~~3-653~~. Lewis and Clark Bicentennial license
30 plates.

31 (a) In addition to any other special license plate, the
32 Secretary, upon receipt of all applicable fees and applications
33 made in the form prescribed by the Secretary of State, may
34 issue special registration plates designated as Lewis and Clark
35 Bicentennial license plates to residents of Illinois. The

1 special plate issued under this Section shall be affixed only
2 to passenger vehicles of the first division, motor vehicles of
3 the second division weighing not more than 8,000 pounds, and
4 recreational vehicles as defined by Section 1-169 of this Code.
5 Plates issued under this Section shall expire according to the
6 staggered multi-year procedure established by Section 3-414.1
7 of this Code.

8 (b) The Secretary of State shall confer with the Governor's
9 Illinois Lewis and Clark Bicentennial Commission regarding the
10 design, color, and format of the plates. The Secretary may, in
11 his or her discretion, allow the plates to be issued as vanity
12 or personalized plates in accordance with Section 3-405.1 of
13 this Code. The plates are not required to designate "Land Of
14 Lincoln", as prescribed in subsection (b) of Section 3-412 of
15 this Code. The Secretary, in his or her discretion, shall
16 approve and prescribe stickers or decals as provided under
17 Section 3-412.

18 (c) An applicant shall be charged a \$40 fee for original
19 issuance in addition to the applicable registration fee. Of
20 this additional fee, \$15 shall be deposited into the Secretary
21 of State Special License Plate Fund and \$25 shall be deposited
22 into the Lewis and Clark Bicentennial Fund. For each
23 registration renewal period, a \$27 fee, in addition to the
24 appropriate registration fee, shall be charged. Of this
25 additional fee, \$2 shall be deposited into the Secretary of
26 State Special License Plate Fund and \$25 shall be deposited
27 into the Lewis and Clark Bicentennial Fund.

28 (d) The Secretary of State shall issue special license
29 plates under this Section on and before September 1, 2008. The
30 Secretary may not issue special plates under this Section after
31 September 1, 2008.

32 (e) The Lewis and Clark Bicentennial Fund is created as a
33 special fund in the State treasury. All moneys in the Lewis and
34 Clark Bicentennial Fund shall, subject to appropriation by the
35 General Assembly and approval by the Secretary, be used by the
36 Department of Commerce and Economic Opportunity ~~Community~~

1 ~~Affairs~~ to promote tourism and education related to the Lewis
2 and Clark Expedition and for historic preservation purposes
3 related to the Expedition.

4 The State Treasurer shall transfer any moneys remaining in
5 the Lewis and Clark Bicentennial Fund on September 1, 2009 and
6 any moneys received for deposit into that Fund on or after
7 September 1, 2009 into the Secretary of State Special License
8 Plate Fund.

9 (Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

10 (625 ILCS 5/3-657)

11 Sec. 3-657 ~~3-654~~. Park District Youth Program license
12 plates.

13 (a) In addition to any other special license plate, the
14 Secretary, upon receipt of all applicable fees and applications
15 made in the form prescribed by the Secretary of State, may
16 issue Park District Youth Program license plates. The special
17 Park District Youth Program plate issued under this Section
18 shall be affixed only to passenger vehicles of the first
19 division and motor vehicles of the second division weighing not
20 more than 8,000 pounds. Plates issued under this Section shall
21 expire according to the staggered multi-year procedure
22 established by Section 3-414.1 of this Code.

23 (b) The design, color, and format of the plates shall be
24 wholly within the discretion of the Secretary of State.
25 Appropriate documentation, as determined by the Secretary,
26 must accompany each application. The Secretary, in his or her
27 discretion, shall approve and prescribe stickers or decals as
28 provided under Section 3-412.

29 (c) An applicant for the special plate shall be charged a
30 \$40 fee for original issuance in addition to the appropriate
31 registration fee. Of this fee, \$25 shall be deposited into the
32 Park District Youth Program Fund and \$15 shall be deposited
33 into the Secretary of State Special License Plate Fund, to be
34 used by the Secretary to help defray the administrative
35 processing costs.

1 For each registration renewal period, a \$27 fee, in
2 addition to the appropriate registration fee, shall be charged.
3 Of this fee, \$25 shall be deposited into the Park District
4 Youth Program Fund and \$2 shall be deposited into the Secretary
5 of State Special License Plate Fund.

6 (d) The Park District Youth Program Fund is created as a
7 special fund in the State treasury. All money in the Park
8 District Youth Program Fund shall be paid, subject to
9 appropriation by the General Assembly and approval by the
10 Secretary, as grants to the Illinois Association of Park
11 Districts, a not-for-profit corporation, for grants to park
12 districts and recreation agencies providing innovative after
13 school programming for Illinois youth.

14 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

15 (625 ILCS 5/3-658)

16 Sec. 3-658 ~~3-654~~. Professional Sports Teams license
17 plates.

18 (a) The Secretary, upon receipt of an application made in
19 the form prescribed by the Secretary, may issue special
20 registration plates designated as Professional Sports Teams
21 license plates. The special plates issued under this Section
22 shall be affixed only to passenger vehicles of the first
23 division and motor vehicles of the second division weighing not
24 more than 8,000 pounds. Plates issued under this Section shall
25 expire according to the multi-year procedure established by
26 Section 3-414.1 of this Code.

27 (b) The design and color of the plates is wholly within the
28 discretion of the Secretary, except that the plates shall,
29 subject to the permission of the applicable team owner, display
30 the logo of the Chicago Bears, the Chicago Bulls, the Chicago
31 Blackhawks ~~Black-Hawks~~, the Chicago Cubs, the Chicago White
32 Sox, the St. Louis Rams, or the St. Louis Cardinals, at the
33 applicant's option. The Secretary may allow the plates to be
34 issued as vanity or personalized plates under Section 3-405.1
35 of the Code. The Secretary shall prescribe stickers or decals

1 as provided under Section 3-412 of this Code.

2 (c) An applicant for the special plate shall be charged a
3 \$40 fee for original issuance in addition to the appropriate
4 registration fee. Of this fee, \$25 shall be deposited into the
5 Professional Sports Teams Education Fund and \$15 shall be
6 deposited into the Secretary of State Special License Plate
7 Fund, to be used by the Secretary to help defray the
8 administrative processing costs.

9 For each registration renewal period, a \$27 fee, in
10 addition to the appropriate registration fee, shall be charged.
11 Of this fee, \$25 shall be deposited into the Professional
12 Sports Teams Education Fund and \$2 shall be deposited into the
13 Secretary of State Special License Plate Fund.

14 (d) The Professional Sports Teams Education Fund is created
15 as a special fund in the State treasury. All moneys in the
16 Professional Sports Teams Education Fund shall, subject to
17 appropriation by the General Assembly and approval by the
18 Secretary, be deposited every 6 months into the Common School
19 Fund.

20 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

21 (625 ILCS 5/3-659)

22 Sec. 3-659 ~~3-654~~. Pan Hellenic license plates.

23 (a) The Secretary, upon receipt of all applicable fees and
24 applications made in the form prescribed by the Secretary, may
25 issue special registration plates designated as Pan Hellenic
26 license plates. The special plates issued under this Section
27 shall be affixed only to passenger vehicles of the first
28 division or motor vehicles of the second division weighing not
29 more than 8,000 pounds. Plates issued under this Section shall
30 expire according to the multi-year procedure established by
31 Section 3-414.1 of this Code.

32 (b) The design and color of the special plates shall be
33 wholly within the discretion of the Secretary, except that an
34 emblem of a Pan Hellenic eligible member shall be on the plate.
35 Appropriate documentation, as determined by the Secretary,

1 shall accompany each application. The Secretary may, in his or
2 her discretion, allow the plates to be issued as vanity or
3 personalized plates in accordance with Section 3-405.1 of this
4 Code. The plates are not required to designate "Land of
5 Lincoln" as prescribed in subsection (b) of Section 3-412 of
6 this Code. The Secretary, in his or her discretion, may
7 prescribe rules governing the requirements and approval of the
8 special plates.

9 (c) An applicant for the special plate shall be charged a
10 \$40 fee for original issuance in addition to the appropriate
11 registration fee. Of this fee, \$25 shall be deposited into the
12 Illinois Pan Hellenic Trust Fund and \$15 shall be deposited
13 into the Secretary of State Special License Plate Fund, to be
14 used by the Secretary to help defray the administrative
15 processing costs. For each registration renewal period, a \$27
16 fee, in addition to the appropriate registration fee, shall be
17 charged. Of this fee, \$25 shall be deposited into the Illinois
18 Pan Hellenic Trust Fund and \$2 shall be deposited into the
19 Secretary of State Special License Plate Fund.

20 (d) The Illinois Pan Hellenic Trust Fund is created as a
21 special fund in the State Treasury. The State Treasurer shall
22 create separate accounts within the Illinois Pan Hellenic Trust
23 Fund for each eligible member for which Pan Hellenic license
24 plates have been issued. Moneys in the Illinois Pan Hellenic
25 Trust Fund shall be allocated to each account in proportion to
26 the number of plates sold in regard to each fraternity or
27 sorority. All moneys in the Illinois Pan Hellenic Trust Fund
28 shall be distributed, subject to appropriation by the General
29 Assembly and approval by the Secretary, as grants to the
30 Illinois Alpha Kappa Alpha Charitable Foundation, Illinois
31 Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta
32 Charitable Foundation, Illinois Sigma Gamma Rho Charitable
33 Foundation, Illinois Alpha Phi Alpha Charitable Foundation,
34 Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa
35 Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma
36 Charitable Foundation, or Illinois Iota Phi Theta Charitable

1 Foundation for charitable purposes sponsored by the
2 African-American fraternity or sorority.

3 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

4 (625 ILCS 5/3-661)

5 Sec. 3-661 ~~3-653~~. Illinois Route 66 license plates.

6 (a) The Secretary, upon receipt of all applicable fees and
7 applications made in the form prescribed by the Secretary, may
8 issue special registration plates designated as Illinois Route
9 66 license plates. The special plates issued under this Section
10 shall be affixed only to passenger vehicles of the first
11 division or motor vehicles of the second division weighing not
12 more than 8,000 pounds. Plates issued under this Section shall
13 expire according to the multi-year procedure established by
14 Section 3-414.1 of this Code.

15 (b) The design and color of the special plates shall be
16 wholly within the discretion of the Secretary. The Secretary
17 may, in his or her discretion, allow the plates to be issued as
18 vanity or personalized plates in accordance with Section
19 3-405.1 of this Code. The plates are not required to designate
20 "Land of Lincoln", as prescribed in subsection (b) of Section
21 3-412 of this Code. The Secretary, in his or her discretion,
22 shall approve and prescribe stickers or decals as provided
23 under Section 3-412.

24 (c) An applicant for the special plate shall be charged a
25 \$40 fee for original issuance in addition to the appropriate
26 registration fee. Of this fee, \$25 shall be deposited into the
27 Illinois Route 66 Heritage Project Fund and \$15 shall be
28 deposited into the Secretary of State Special License Plate
29 Fund, to be used by the Secretary to help defray the
30 administrative processing costs.

31 For each registration renewal period, a \$27 fee, in
32 addition to the appropriate registration fee, shall be charged.
33 Of this fee, \$25 shall be deposited into the Illinois Route 66
34 Heritage Project Fund and \$2 shall be deposited into the
35 Secretary of State Special License Plate Fund.

1 (d) The Illinois Route 66 Heritage Project Fund is created
2 as a special fund in the State treasury. Subject to
3 appropriation by the General Assembly and approval by the
4 Secretary, Illinois Route 66 Heritage Project, Inc. shall use
5 all moneys in the Illinois Route 66 Heritage Project Fund for
6 the development of tourism, through education and
7 interpretation, preservation, and promotion of the former U.S.
8 Route 66 in Illinois.

9 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

10 (625 ILCS 5/3-662)

11 Sec. 3-662 ~~3-654~~. Stop Neuroblastoma license plates.

12 (a) The Secretary, upon receipt of an application made in
13 the form prescribed by the Secretary, may issue special
14 registration plates designated as Stop Neuroblastoma license
15 plates. The special plates issued under this Section shall be
16 affixed only to passenger vehicles of the first division and
17 motor vehicles of the second division weighing not more than
18 8,000 pounds. Plates issued under this Section shall expire
19 according to the multi-year procedure established by Section
20 3-414.1 of this Code.

21 (b) The design and color of the plates is wholly within the
22 discretion of the Secretary, except that the following phrases
23 shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop
24 Cancer". The Secretary may allow the plates to be issued as
25 vanity plates or personalized under Section 3-405.1 of this
26 Code. The Secretary shall prescribe stickers or decals as
27 provided under Section 3-412 of this Code.

28 (c) An applicant for the special plate shall be charged a
29 \$25 fee for original issuance in addition to the appropriate
30 registration fee. Of this fee, \$10 shall be deposited into the
31 Stop Neuroblastoma Fund and \$15 shall be deposited into the
32 Secretary of State Special License Plate Fund, to be used by
33 the Secretary to help defray the administrative processing
34 costs.

35 For each registration renewal period, a \$25 fee, in

1 addition to the appropriate registration fee, shall be charged.
2 Of this fee, \$23 shall be deposited into the Stop Neuroblastoma
3 Fund and \$2 shall be deposited into the Secretary of State
4 Special License Plate Fund.

5 (d) The Stop Neuroblastoma Fund is created as a special
6 fund in the State treasury. All money in the Stop Neuroblastoma
7 Fund shall be paid, subject to appropriation by the General
8 Assembly and approval by the Secretary, as grants to the
9 American Cancer Society for neuroblastoma and cancer research,
10 education, screening, and treatment.

11 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

12 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

13 Sec. 3-704. Authority of Secretary of State to suspend or
14 revoke a registration or certificate of title; authority to
15 suspend or revoke the registration of a vehicle.

16 (a) The Secretary of State may suspend or revoke the
17 registration of a vehicle or a certificate of title,
18 registration card, registration sticker, registration plate,
19 disability parking decal or device, or any nonresident or other
20 permit in any of the following events:

21 1. When the Secretary of State is satisfied that such
22 registration or that such certificate, card, plate,
23 registration sticker or permit was fraudulently or
24 erroneously issued;

25 2. When a registered vehicle has been dismantled or
26 wrecked or is not properly equipped;

27 3. When the Secretary of State determines that any
28 required fees have not been paid to the Secretary of State,
29 to the Illinois Commerce Commission, or to the Illinois
30 Department of Revenue under the Motor Fuel Tax Law, and the
31 same are not paid upon reasonable notice and demand;

32 4. When a registration card, registration plate,
33 registration sticker or permit is knowingly displayed upon
34 a vehicle other than the one for which issued;

35 5. When the Secretary of State determines that the

1 owner has committed any offense under this Chapter
2 involving the registration or the certificate, card,
3 plate, registration sticker or permit to be suspended or
4 revoked;

5 6. When the Secretary of State determines that a
6 vehicle registered not-for-hire is used or operated
7 for-hire unlawfully, or used or operated for purposes other
8 than those authorized;

9 7. When the Secretary of State determines that an owner
10 of a for-hire motor vehicle has failed to give proof of
11 financial responsibility as required by this Act;

12 8. When the Secretary determines that the vehicle is
13 not subject to or eligible for a registration;

14 9. When the Secretary determines that the owner of a
15 vehicle registered under the mileage weight tax option
16 fails to maintain the records specified by law, or fails to
17 file the reports required by law, or that such vehicle is
18 not equipped with an operable and operating speedometer or
19 odometer;

20 10. When the Secretary of State is so authorized under
21 any other provision of law;

22 11. When the Secretary of State determines that the
23 holder of a disability parking decal or device has
24 committed any offense under Chapter 11 of this Code
25 involving the use of a disability parking decal or device.

26 (b) The Secretary of State may suspend or revoke the
27 registration of a vehicle as follows:

28 1. When the Secretary of State determines that the
29 owner of a vehicle has not paid a civil penalty or a
30 settlement agreement arising from the violation of rules
31 adopted under the Illinois Motor Carrier Safety Law or the
32 Illinois Hazardous Materials Transportation Act or that a
33 vehicle, regardless of ownership, was the subject of
34 violations of these rules that resulted in a civil penalty
35 or settlement agreement which remains unpaid.

36 2. When the Secretary of State determines that a

1 vehicle registered for a gross weight of more than 16,000
2 pounds within an affected area is not in compliance with
3 the provisions of Section 13-109.1 of the Illinois Vehicle
4 Code.

5 (Source: P.A. 94-239, eff. 1-1-06; 94-619, eff. 1-1-06; revised
6 8-29-05.)

7 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

8 Sec. 3-806.3. Senior Citizens. Commencing with the 2004
9 registration year and extending through the 2005 registration
10 year, the registration fee paid by any vehicle owner who has
11 claimed and received a grant under the Senior Citizens and
12 Disabled Persons Property Tax Relief and Pharmaceutical
13 Assistance Act or who is the spouse of such a person shall be
14 \$24 instead of the fee otherwise provided in this Code for
15 passenger cars displaying standard multi-year registration
16 plates issued under Section 3-414.1, motor vehicles displaying
17 special registration plates issued under Section 3-616, 3-621,
18 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
19 3-647, 3-650, or 3-651, motor vehicles registered at 8,000
20 pounds or less under Section 3-815(a), and recreational
21 vehicles registered at 8,000 pounds or less under Section
22 3-815(b). Widows and widowers of claimants shall also be
23 entitled to this reduced registration fee for the registration
24 year in which the claimant was eligible.

25 Commencing with the 2006 registration year, the
26 registration fee paid by any vehicle owner who has been
27 approved for benefits under the Senior Citizens and Disabled
28 Persons Property Tax Relief and Pharmaceutical Assistance Act
29 or who is the spouse of such a person shall be \$24 instead of
30 the fee otherwise provided in this Code for passenger cars
31 displaying standard multi-year registration plates issued
32 under Section 3-414.1, motor vehicles displaying special
33 registration plates issued under Section 3-616, 3-621, 3-622,
34 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,
35 3-650, or 3-651, motor vehicles registered at 8,000 pounds or

1 less under Section 3-815(a), and recreational vehicles
2 registered at 8,000 pounds or less under Section 3-815(b).
3 Widows and widowers of claimants shall also be entitled to this
4 reduced registration fee for the registration year in which the
5 claimant was eligible.

6 Commencing with the 2006 registration year, the
7 registration fee paid by any vehicle owner who has claimed and
8 received a grant under the Senior Citizens and Disabled Persons
9 Property Tax Relief and Pharmaceutical Assistance Act or who is
10 the spouse of such a person shall be \$24 instead of the fee
11 otherwise provided in this Code for passenger cars displaying
12 standard multi-year registration plates issued under Section
13 3-414.1, motor vehicles displaying special registration plates
14 issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624,
15 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, ~~or~~
16 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or
17 less under Section 3-815(a), and recreational vehicles
18 registered at 8,000 pounds or less under Section 3-815(b).
19 Widows and widowers of claimants shall also be entitled to this
20 reduced registration fee for the registration year in which the
21 claimant was eligible.

22 No more than one reduced registration fee under this
23 Section shall be allowed during any 12 month period based on
24 the primary eligibility of any individual, whether such reduced
25 registration fee is allowed to the individual or to the spouse,
26 widow or widower of such individual. This Section does not
27 apply to the fee paid in addition to the registration fee for
28 motor vehicles displaying vanity or special license plates.

29 (Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03;
30 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05;
31 revised 1-17-05.)

32 (625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

33 Sec. 3-806.4. Gold Star recipients. Commencing with the
34 1991 registration year and through the 2006 registration year,
35 upon proper application, the Secretary of State shall issue one

1 pair of registration plates to any Illinois resident, who as
2 the surviving widow or widower, or in the absence thereof, as
3 the surviving parent, is awarded the Gold Star by the United
4 States in recognition of spouses or children who served in the
5 Armed Forces of the United States and lost their lives while in
6 service whether in peacetime or war. Commencing with the 2007
7 registration year, upon proper application, the Secretary of
8 State shall issue one pair of registration plates to any
9 Illinois resident, who as the surviving widow, widower, or
10 parent, is awarded the Gold Star by the United States in
11 recognition of spouses or children who served in the Armed
12 Forces of the United States and lost their lives while in
13 service whether in peacetime or war. If the parent no longer
14 survives, the Secretary of State shall issue the plates to a
15 surviving sibling, of the person who served in the Armed
16 Forces, who is an Illinois resident. No more than one set of
17 plates shall be issued for each Gold Star awarded, and only one
18 surviving parent, or in the absence of a surviving parent, only
19 one surviving sibling shall be issued a set of registration
20 plates, except for those surviving parents who, as recipients
21 of the Gold Star, have legally separated or divorced, in which
22 case each surviving parent shall be allowed one set of
23 registration plates. Registration plates issued under this
24 Section shall be for first division vehicles and second
25 division vehicles of 8,000 pounds or less. Through the 2006
26 registration year, an applicant shall be charged a \$15 fee for
27 the original issuance in addition to the appropriate
28 registration fee which shall be deposited into the Road Fund to
29 help defray the administrative processing costs. Beginning
30 with the 2007 registration year, an applicant shall be charged
31 only the appropriate registration fee.

32 (Source: P.A. 93-140, eff. 1-1-04; 94-311, eff. 1-1-06; 94-343,
33 eff. 1-1-06; revised 8-19-05.)

34 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

35 Sec. 6-107. Graduated license.

1 (a) The purpose of the Graduated Licensing Program is to
2 develop safe and mature driving habits in young, inexperienced
3 drivers and reduce or prevent motor vehicle accidents,
4 fatalities, and injuries by:

5 (1) providing for an increase in the time of practice
6 period before granting permission to obtain a driver's
7 license;

8 (2) strengthening driver licensing and testing
9 standards for persons under the age of 21 years;

10 (3) sanctioning driving privileges of drivers under
11 age 21 who have committed serious traffic violations or
12 other specified offenses; and

13 (4) setting stricter standards to promote the public's
14 health and safety.

15 (b) The application of any person under the age of 18
16 years, and not legally emancipated by marriage, for a drivers
17 license or permit to operate a motor vehicle issued under the
18 laws of this State, shall be accompanied by the written consent
19 of either parent of the applicant; otherwise by the guardian
20 having custody of the applicant, or in the event there is no
21 parent or guardian, then by another responsible adult.

22 No graduated driver's license shall be issued to any
23 applicant under 18 years of age, unless the applicant is at
24 least 16 years of age and has:

25 (1) Held a valid instruction permit for a minimum of 3
26 months.

27 (2) Passed an approved driver education course and
28 submits proof of having passed the course as may be
29 required.

30 (3) certification by the parent, legal guardian, or
31 responsible adult that the applicant has had a minimum of
32 25 hours of behind-the-wheel practice time and is
33 sufficiently prepared and able to safely operate a motor
34 vehicle.

35 (c) No graduated driver's license or permit shall be issued
36 to any applicant under 18 years of age who has committed the

1 offense of operating a motor vehicle without a valid license or
2 permit in violation of Section 6-101 of this Code and no
3 graduated driver's license or permit shall be issued to any
4 applicant under 18 years of age who has committed an offense
5 that would otherwise result in a mandatory revocation of a
6 license or permit as provided in Section 6-205 of this Code or
7 who has been either convicted of or adjudicated a delinquent
8 based upon a violation of the Cannabis Control Act, the
9 Illinois Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act while that individual was
11 in actual physical control of a motor vehicle. For purposes of
12 this Section, any person placed on probation under Section 10
13 of the Cannabis Control Act, Section 410 of the Illinois
14 Controlled Substances Act, or Section 70 of the Methamphetamine
15 Control and Community Protection Act shall not be considered
16 convicted. Any person found guilty of this offense, while in
17 actual physical control of a motor vehicle, shall have an entry
18 made in the court record by the judge that this offense did
19 occur while the person was in actual physical control of a
20 motor vehicle and order the clerk of the court to report the
21 violation to the Secretary of State as such.

22 (d) No graduated driver's license shall be issued for 6
23 months to any applicant under the age of 18 years who has been
24 convicted of any offense defined as a serious traffic violation
25 in this Code or a similar provision of a local ordinance.

26 (e) No graduated driver's license holder under the age of
27 18 years shall operate any motor vehicle, except a motor driven
28 cycle or motorcycle, with more than one passenger in the front
29 seat of the motor vehicle and no more passengers in the back
30 seats than the number of available seat safety belts as set
31 forth in Section 12-603 of this Code.

32 (f) No graduated driver's license holder under the age of
33 18 shall operate a motor vehicle unless each driver and
34 passenger under the age of 19 is wearing a properly adjusted
35 and fastened seat safety belt and each child under the age of 8
36 is protected as required under the Child Passenger Protection

1 Act.

2 (g) If a graduated driver's license holder is under the age
3 of 18 when he or she receives the license, for the first 6
4 months he or she holds the license or until he or she reaches
5 the age of 18, whichever occurs sooner, the graduated license
6 holder may not operate a motor vehicle with more than one
7 passenger in the vehicle who is under the age of 20, unless any
8 additional passenger or passengers are siblings,
9 step-siblings, children, or stepchildren of the driver.

10 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
11 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; revised
12 8-19-05.)

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke
15 license or permit; Right to a hearing.

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No
26 revocation or suspension shall be entered more than 6
27 months after the date of last conviction;

28 3. Has been repeatedly involved as a driver in motor
29 vehicle collisions or has been repeatedly convicted of
30 offenses against laws and ordinances regulating the
31 movement of traffic, to a degree that indicates lack of
32 ability to exercise ordinary and reasonable care in the
33 safe operation of a motor vehicle or disrespect for the
34 traffic laws and the safety of other persons upon the
35 highway;

1 4. Has by the unlawful operation of a motor vehicle
2 caused or contributed to an accident resulting in death or
3 injury requiring immediate professional treatment in a
4 medical facility or doctor's office to any person, except
5 that any suspension or revocation imposed by the Secretary
6 of State under the provisions of this subsection shall
7 start no later than 6 months after being convicted of
8 violating a law or ordinance regulating the movement of
9 traffic, which violation is related to the accident, or
10 shall start not more than one year after the date of the
11 accident, whichever date 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 under
22 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;

27 10. Has possessed, displayed, or attempted to
28 fraudulently use any license, identification card, or
29 permit not issued to the person;

30 11. Has operated a motor vehicle upon a highway of this
31 State when the person's driving privilege or privilege to
32 obtain a driver's license or permit was revoked or
33 suspended unless the operation was authorized by a judicial
34 driving permit, probationary license to drive, or a
35 restricted driving permit issued under this Code;

36 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

5 13. Has operated a motor vehicle upon a highway of this
6 State when the person's driver's license or permit was
7 invalid under the provisions of Sections 6-107.1 and 6-110;

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
10 of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of the
12 Criminal Code of 1961 relating to criminal trespass to
13 vehicles in which case, the suspension shall be for one
14 year;

15 16. Has been convicted of violating Section 11-204 of
16 this Code relating to fleeing from a peace officer;

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the person
19 has not sought a hearing as provided for in Section
20 11-501.1;

21 18. Has, since issuance of a driver's license or
22 permit, been adjudged to be afflicted with or suffering
23 from any mental disability or disease;

24 19. Has committed a violation of paragraph (a) or (b)
25 of Section 6-101 relating to driving without a driver's
26 license;

27 20. Has been convicted of violating Section 6-104
28 relating to classification of driver's license;

29 21. Has been convicted of violating Section 11-402 of
30 this Code relating to leaving the scene of an accident
31 resulting in damage to a vehicle in excess of \$1,000, in
32 which case the suspension shall be for one year;

33 22. Has used a motor vehicle in violating paragraph
34 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
35 the Criminal Code of 1961 relating to unlawful use of
36 weapons, in which case the suspension shall be for one

1 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 of or
9 for a traffic related offense that is the same as or
10 similar to an offense specified under Section 6-205 or
11 6-206 of this Code;

12 25. Has permitted any form of identification to be used
13 by another in the application process in order to obtain or
14 attempt to obtain a license, identification card, or
15 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. Has violated Section 6-16 of the Liquor Control Act
20 of 1934;

21 28. Has been convicted of the illegal possession, while
22 operating or in actual physical control, as a driver, of a
23 motor vehicle, of any controlled substance prohibited
24 under the Illinois Controlled Substances Act, any cannabis
25 prohibited under the Cannabis Control Act, or any
26 methamphetamine prohibited under the Methamphetamine
27 Control and Community Protection Act, in which case the
28 person's driving privileges shall be suspended for one
29 year, and any driver who is convicted of a second or
30 subsequent offense, within 5 years of a previous
31 conviction, for the illegal possession, while operating or
32 in actual physical control, as a driver, of a motor
33 vehicle, of any controlled substance prohibited under the
34 Illinois Controlled Substances Act, any cannabis
35 prohibited under the Cannabis Control Act, or any
36 methamphetamine prohibited under the Methamphetamine

1 Control and Community Protection Act shall be suspended for
2 5 years. Any defendant found guilty of this offense while
3 operating a motor vehicle, shall have an entry made in the
4 court record by the presiding judge that this offense did
5 occur while the defendant was operating a motor vehicle and
6 order the clerk of the court to report the violation to the
7 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: criminal
11 sexual assault, predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 abuse, aggravated criminal sexual abuse, juvenile pimping,
14 soliciting for a juvenile prostitute and the manufacture,
15 sale or delivery of controlled substances or instruments
16 used for illegal drug use or abuse in which case the
17 driver's driving privileges shall be suspended for one
18 year;

19 30. Has been convicted a second or subsequent time for
20 any combination of the offenses named in paragraph 29 of
21 this subsection, in which case the person's driving
22 privileges shall be suspended for 5 years;

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful
27 use or consumption of cannabis as listed in the Cannabis
28 Control Act, a controlled substance as listed in the
29 Illinois Controlled Substances Act, or an intoxicating
30 compound as listed in the Use of Intoxicating Compounds
31 Act, in which case the penalty shall be as prescribed in
32 Section 6-208.1;

33 32. Has been convicted of Section 24-1.2 of the
34 Criminal Code of 1961 relating to the aggravated discharge
35 of a firearm if the offender was located in a motor vehicle
36 at the time the firearm was discharged, in which case the

1 suspension shall be for 3 years;

2 33. Has as a driver, who was less than 21 years of age
3 on the date of the offense, been convicted a first time of
4 a violation of paragraph (a) of Section 11-502 of this Code
5 or a similar provision of a local ordinance;

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code;

10 36. Is under the age of 21 years at the time of arrest
11 and has been convicted of not less than 2 offenses against
12 traffic regulations governing the movement of vehicles
13 committed within any 24 month period. No revocation or
14 suspension shall be entered more than 6 months after the
15 date of last conviction;

16 37. Has committed a violation of subsection (c) of
17 Section 11-907 of this Code;

18 38. Has been convicted of a violation of Section 6-20
19 of the Liquor Control Act of 1934 or a similar provision of
20 a local ordinance;

21 39. Has committed a second or subsequent violation of
22 Section 11-1201 of this Code;

23 40. Has committed a violation of subsection (a-1) of
24 Section 11-908 of this Code; or

25 41. Has committed a second or subsequent violation of
26 Section 11-605.1 of this Code within 2 years of the date of
27 the previous violation, in which case the suspension shall
28 be for 90 days.

29 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
30 and 27 of this subsection, license means any driver's license,
31 any traffic ticket issued when the person's driver's license is
32 deposited in lieu of bail, a suspension notice issued by the
33 Secretary of State, a duplicate or corrected driver's license,
34 a probationary driver's license or a temporary driver's
35 license.

36 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the
2 Secretary of State may rescind or withhold the entry of the
3 order of suspension or revocation, as the case may be, provided
4 that a certified copy of a stay order of a court is filed with
5 the Secretary of State. If the conviction is affirmed on
6 appeal, the date of the conviction shall relate back to the
7 time the original judgment of conviction was entered and the 6
8 month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license or
10 permit of any person as authorized in this Section, the
11 Secretary of State shall immediately notify the person in
12 writing of the revocation or suspension. The notice to be
13 deposited in the United States mail, postage prepaid, to
14 the last known address of the person.

15 2. If the Secretary of State suspends the driver's
16 license of a person under subsection 2 of paragraph (a) of
17 this Section, a person's privilege to operate a vehicle as
18 an occupation shall not be suspended, provided an affidavit
19 is properly completed, the appropriate fee received, and a
20 permit issued prior to the effective date of the
21 suspension, unless 5 offenses were committed, at least 2 of
22 which occurred while operating a commercial vehicle in
23 connection with the driver's regular occupation. All other
24 driving privileges shall be suspended by the Secretary of
25 State. Any driver prior to operating a vehicle for
26 occupational purposes only must submit the affidavit on
27 forms to be provided by the Secretary of State setting
28 forth the facts of the person's occupation. The affidavit
29 shall also state the number of offenses committed while
30 operating a vehicle in connection with the driver's regular
31 occupation. The affidavit shall be accompanied by the
32 driver's license. Upon receipt of a properly completed
33 affidavit, the Secretary of State shall issue the driver a
34 permit to operate a vehicle in connection with the driver's
35 regular occupation only. Unless the permit is issued by the
36 Secretary of State prior to the date of suspension, the

1 privilege to drive any motor vehicle shall be suspended as
2 set forth in the notice that was mailed under this Section.
3 If an affidavit is received subsequent to the effective
4 date of this suspension, a permit may be issued for the
5 remainder of the suspension period.

6 The provisions of this subparagraph shall not apply to
7 any driver required to possess a CDL for the purpose of
8 operating a commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section
11 6-302 and upon conviction thereof shall have all driving
12 privileges revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118
14 of this Code, the Secretary of State shall either rescind
15 or continue an order of revocation or shall substitute an
16 order of suspension; or, good cause appearing therefor,
17 rescind, continue, change, or extend the order of
18 suspension. If the Secretary of State does not rescind the
19 order, the Secretary may upon application, to relieve undue
20 hardship, issue a restricted driving permit granting the
21 privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of
23 employment or within the scope of his employment related
24 duties, or to allow transportation for the petitioner, or a
25 household member of the petitioner's family, to receive
26 necessary medical care and if the professional evaluation
27 indicates, provide transportation for alcohol remedial or
28 rehabilitative activity, or for the petitioner to attend
29 classes, as a student, in an accredited educational
30 institution; if the petitioner is able to demonstrate that
31 no alternative means of transportation is reasonably
32 available and the petitioner will not endanger the public
33 safety or welfare.

34 If a person's license or permit has been revoked or
35 suspended due to 2 or more convictions of violating Section
36 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense, arising out of
2 separate occurrences, that person, if issued a restricted
3 driving permit, may not operate a vehicle unless it has
4 been equipped with an ignition interlock device as defined
5 in Section 1-129.1.

6 If a person's license or permit has been revoked or
7 suspended 2 or more times within a 10 year period due to a
8 single conviction of violating Section 11-501 of this Code
9 or a similar provision of a local ordinance or a similar
10 out-of-state offense, and a statutory summary suspension
11 under Section 11-501.1, or 2 or more statutory summary
12 suspensions, or combination of 2 offenses, or of an offense
13 and a statutory summary suspension, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1. The person must pay to the Secretary of
18 State DUI Administration Fund an amount not to exceed \$20
19 per month. The Secretary shall establish by rule the amount
20 and the procedures, terms, and conditions relating to these
21 fees. If the restricted driving permit was issued for
22 employment purposes, then this provision does not apply to
23 the operation of an occupational vehicle owned or leased by
24 that person's employer. In each case the Secretary may
25 issue a restricted driving permit for a period deemed
26 appropriate, except that all permits shall expire within
27 one year from the date of issuance. The Secretary may not,
28 however, issue a restricted driving permit to any person
29 whose current revocation is the result of a second or
30 subsequent conviction for a violation of Section 11-501 of
31 this Code or a similar provision of a local ordinance
32 relating to the offense of operating or being in physical
33 control of a motor vehicle while under the influence of
34 alcohol, other drug or drugs, intoxicating compound or
35 compounds, or any similar out-of-state offense, or any
36 combination of those offenses, until the expiration of at

1 least one year from the date of the revocation. A
2 restricted driving permit issued under this Section shall
3 be subject to cancellation, revocation, and suspension by
4 the Secretary of State in like manner and for like cause as
5 a driver's license issued under this Code may be cancelled,
6 revoked, or suspended; except that a conviction upon one or
7 more offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause for
9 the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may, as a
11 condition to the issuance of a restricted driving permit,
12 require the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of State
14 is authorized to cancel a restricted driving permit if the
15 permit holder does not successfully complete the program.

16 (c-5) The Secretary of State may, as a condition of the
17 reissuance of a driver's license or permit to an applicant
18 whose driver's license or permit has been suspended before he
19 or she reached the age of 18 years pursuant to any of the
20 provisions of this Section, require the applicant to
21 participate in a driver remedial education course and be
22 retested under Section 6-109 of this Code.

23 (d) This Section is subject to the provisions of the
24 Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose
27 driving privileges have been suspended or revoked under any
28 provisions of this Code.

29 (f) In accordance with 49 C.F.R. 384, the Secretary of
30 State may not issue a restricted driving permit for the
31 operation of a commercial motor vehicle to a person holding a
32 CDL whose driving privileges have been revoked under any
33 provisions of this Code.

34 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
35 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
36 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

1 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

2 Sec. 6-206.1. Judicial Driving Permit. Declaration of
3 Policy. It is hereby declared a policy of the State of Illinois
4 that the driver who is impaired by alcohol, other drug or
5 drugs, or intoxicating compound or compounds is a threat to the
6 public safety and welfare. Therefore, to provide a deterrent to
7 such practice and to remove problem drivers from the highway, a
8 statutory summary driver's license suspension is appropriate.
9 It is also recognized that driving is a privilege and
10 therefore, that in some cases the granting of limited driving
11 privileges, where consistent with public safety, is warranted
12 during the period of suspension in the form of a judicial
13 driving permit to drive for the purpose of employment,
14 receiving drug treatment or medical care, and educational
15 pursuits, where no alternative means of transportation is
16 available.

17 The following procedures shall apply whenever a first
18 offender is arrested for any offense as defined in Section
19 11-501 or a similar provision of a local ordinance:

20 (a) Subsequent to a notification of a statutory summary
21 suspension of driving privileges as provided in Section
22 11-501.1, the first offender as defined in Section 11-500 may
23 petition the circuit court of venue for a Judicial Driving
24 Permit, hereinafter referred as a JDP, to relieve undue
25 hardship. The court may issue a court order, pursuant to the
26 criteria contained in this Section, directing the Secretary of
27 State to issue such a JDP to the petitioner. A JDP shall not
28 become effective prior to the 31st day of the original
29 statutory summary suspension and shall always be subject to the
30 following criteria:

31 1. If ordered for the purposes of employment, the JDP
32 shall be only for the purpose of providing the petitioner
33 the privilege of driving a motor vehicle between the
34 petitioner's residence and the petitioner's place of
35 employment and return; or within the scope of the

1 petitioner's employment related duties, shall be effective
2 only during and limited to those specific times and routes
3 actually required to commute or perform the petitioner's
4 employment related duties.

5 2. The court, by a court order, may also direct the
6 Secretary of State to issue a JDP to allow transportation
7 for the petitioner, or a household member of the
8 petitioner's family, to receive alcohol, drug, or
9 intoxicating compound treatment or medical care, if the
10 petitioner is able to demonstrate that no alternative means
11 of transportation is reasonably available. Such JDP shall
12 be effective only during the specific times actually
13 required to commute.

14 3. The court, by a court order, may also direct the
15 Secretary of State to issue a JDP to allow transportation
16 by the petitioner for educational purposes upon
17 demonstrating that there are no alternative means of
18 transportation reasonably available to accomplish those
19 educational purposes. Such JDP shall be only for the
20 purpose of providing transportation to and from the
21 petitioner's residence and the petitioner's place of
22 educational activity, and only during the specific times
23 and routes actually required to commute or perform the
24 petitioner's educational requirement.

25 4. The Court shall not issue an order granting a JDP
26 to:

27 (i) Any person unless and until the court, after
28 considering the results of a current professional
29 evaluation of the person's alcohol or other drug use by
30 an agency pursuant to Section 15-10 of the Alcoholism
31 and Other Drug Abuse and Dependency Act and other
32 appropriate investigation of the person, is satisfied
33 that granting the privilege of driving a motor vehicle
34 on the highways will not endanger the public safety or
35 welfare.

36 (ii) Any person who has been convicted of reckless

1 homicide within the previous 5 years.

2 (iii) Any person whose privilege to operate a motor
3 vehicle was invalid at the time of arrest for the
4 current violation of Section 11-501, or a similar
5 provision of a local ordinance, except in cases where
6 the cause for a driver's license suspension has been
7 removed at the time a JDP is effective. In any case,
8 should the Secretary of State enter a suspension or
9 revocation of driving privileges pursuant to the
10 provisions of this Code while the JDP is in effect or
11 pending, the Secretary shall take the prescribed
12 action and provide a notice to the person and the court
13 ordering the issuance of the JDP that all driving
14 privileges, including those provided by the issuance
15 of the JDP, have been withdrawn.

16 (iv) Any person under the age of 18 years.

17 (v) Any person for the operation of a commercial
18 motor vehicle if the person's CDL driving privileges
19 have been suspended under any provision of this Code in
20 accordance with 49 C.F.R. Part 384.

21 (b) Prior to ordering the issuance of a JDP the Court
22 should consider at least, but not be limited to, the following
23 issues:

24 1. Whether the person is employed and no other means of
25 commuting to the place of employment is available or that
26 the person must drive as a condition of employment. The
27 employer shall certify the hours of employment and the need
28 and parameters necessary for driving as a condition to
29 employment.

30 2. Whether the person must drive to secure alcohol or
31 other medical treatment for himself or a family member.

32 3. Whether the person must drive for educational
33 purposes. The educational institution shall certify the
34 person's enrollment in and academic schedule at the
35 institution.

36 4. Whether the person has been repeatedly convicted of

1 traffic violations or involved in motor vehicle accidents
2 to a degree which indicates disrespect for public safety.

3 5. Whether the person has been convicted of a traffic
4 violation in connection with a traffic accident resulting
5 in the death of any person within the last 5 years.

6 6. Whether the person is likely to obey the limited
7 provisions of the JDP.

8 7. Whether the person has any additional traffic
9 violations pending in any court.

10 For purposes of this Section, programs conducting
11 professional evaluations of a person's alcohol, other drug, or
12 intoxicating compound use must report, to the court of venue,
13 using a form prescribed by the Secretary of State. A copy of
14 such evaluations shall be sent to the Secretary of State by the
15 court. However, the evaluation information shall be privileged
16 and only available to courts and to the Secretary of State, but
17 shall not be admissible in the subsequent trial on the
18 underlying charge.

19 (c) The scope of any court order issued for a JDP under
20 this Section shall be limited to the operation of a motor
21 vehicle as provided for in subsection (a) of this Section and
22 shall specify the petitioner's residence, place of employment
23 or location of educational institution, and the scope of job
24 related duties, if relevant. The JDP shall also specify days of
25 the week and specific hours of the day when the petitioner is
26 able to exercise the limited privilege of operating a motor
27 vehicle.

28 (c-1) If the petitioner is issued a citation for a
29 violation of Section 6-303 during the period of a statutory
30 summary suspension entered under Section 11-501.1 of this Code,
31 or if the petitioner is charged with a violation of Section
32 11-501 or a similar provision of a local ordinance or a similar
33 out of state offense which occurs after the current violation
34 of Section 11-501 or a similar provision of a local ordinance,
35 the court may not grant the petitioner a JDP unless the
36 petitioner is acquitted or the citation or complaint is

1 otherwise dismissed.

2 If the petitioner is issued a citation for a violation of
3 Section 6-303 or a violation of Section 11-501 or a similar
4 provision of a local ordinance or a similar out of state
5 offense during the term of the JDP, the officer issuing the
6 citation, or the law enforcement agency employing that officer,
7 shall confiscate the JDP and immediately send the JDP and
8 notice of the citation to the court that ordered the issuance
9 of the JDP. Within 10 days of receipt, the issuing court, upon
10 notice to the petitioner, shall conduct a hearing to consider
11 cancellation of the JDP. If the court enters an order of
12 cancellation, the court shall forward the order to the
13 Secretary of State, and the Secretary shall cancel the JDP and
14 notify the petitioner of the cancellation. If, however, the
15 petitioner is convicted of the offense before the JDP has been
16 cancelled, the court of venue shall send notice of conviction
17 to the court that ordered issuance of the JDP. The court
18 receiving the notice shall immediately enter an order of
19 cancellation and forward the order to the Secretary of State.
20 The Secretary shall cancel the JDP and notify the petitioner of
21 the cancellation.

22 If the petitioner is issued a citation for any other
23 traffic related offense during the term of the JDP, the officer
24 issuing the citation, or the law enforcement agency employing
25 that officer, shall send notice of the citation to the court
26 that ordered issuance of the JDP. Upon receipt and notice to
27 the petitioner and an opportunity for a hearing, the court
28 shall determine whether the violation constitutes grounds for
29 cancellation of the JDP. If the court enters an order of
30 cancellation, the court shall forward the order to the
31 Secretary of State, and the Secretary shall cancel the JDP and
32 shall notify the petitioner of the cancellation.

33 (d) The Secretary of State shall, upon receiving a court
34 order from the court of venue, issue a JDP to a successful
35 Petitioner under this Section. Such court order form shall also
36 contain a notification, which shall be sent to the Secretary of

1 State, providing the name, driver's license number and legal
2 address of the successful petitioner, and the full and detailed
3 description of the limitations of the JDP. This information
4 shall be available only to the courts, police officers, and the
5 Secretary of State, except during the actual period the JDP is
6 valid, during which time it shall be a public record. The
7 Secretary of State shall design and furnish to the courts an
8 official court order form to be used by the courts when
9 directing the Secretary of State to issue a JDP.

10 Any submitted court order that contains insufficient data
11 or fails to comply with this Code shall not be utilized for JDP
12 issuance or entered to the driver record but shall be returned
13 to the issuing court indicating why the JDP cannot be so
14 entered. A notice of this action shall also be sent to the JDP
15 petitioner by the Secretary of State.

16 (e) The circuit court of venue may conduct the judicial
17 hearing, as provided in Section 2-118.1, and the JDP hearing
18 provided in this Section, concurrently. Such concurrent
19 hearing shall proceed in the court in the same manner as in
20 other civil proceedings.

21 (f) The circuit court of venue may, as a condition of the
22 issuance of a JDP, prohibit the person from operating a motor
23 vehicle not equipped with an ignition interlock device.

24 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
25 revised 8-19-05.)

26 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

27 Sec. 6-208. Period of Suspension - Application After
28 Revocation.

29 (a) Except as otherwise provided by this Code or any other
30 law of this State, the Secretary of State shall not suspend a
31 driver's license, permit or privilege to drive a motor vehicle
32 on the highways for a period of more than one year.

33 (b) Any person whose license, permit or privilege to drive
34 a motor vehicle on the highways has been revoked shall not be
35 entitled to have such license, permit or privilege renewed or

1 restored. However, such person may, except as provided under
2 subsection (d) of Section 6-205, make application for a license
3 pursuant to Section 6-106 (i) if the revocation was for a cause
4 which has been removed or (ii) as provided in the following
5 subparagraphs:

6 1. Except as provided in subparagraphs 2, 3, and 4, the
7 person may make application for a license after the
8 expiration of one year from the effective date of the
9 revocation or, in the case of a violation of paragraph (b)
10 of Section 11-401 of this Code or a similar provision of a
11 local ordinance, after the expiration of 3 years from the
12 effective date of the revocation or, in the case of a
13 violation of Section 9-3 of the Criminal Code of 1961 or a
14 similar provision of a law of another state relating to the
15 offense of reckless homicide or a violation of subparagraph
16 (F) of paragraph 1 of subsection (d) of Section 11-501 of
17 this Code relating to aggravated driving under the
18 influence of alcohol, other drug or drugs, intoxicating
19 compound or compounds, or any combination thereof, if the
20 violation was the proximate cause of a death, after the
21 expiration of 2 years from the effective date of the
22 revocation or after the expiration of 24 months from the
23 date of release from a period of imprisonment as provided
24 in Section 6-103 of this Code, whichever is later.

25 2. If such person is convicted of committing a second
26 violation within a 20 year period of:

27 (A) Section 11-501 of this Code, or a similar
28 provision of a local ordinance; or

29 (B) Paragraph (b) of Section 11-401 of this Code,
30 or a similar provision of a local ordinance; or

31 (C) Section 9-3 of the Criminal Code of 1961, as
32 amended, relating to the offense of reckless homicide;
33 or

34 (D) any combination of the above offenses
35 committed at different instances;

36 then such person may not make application for a license

1 until after the expiration of 5 years from the effective
2 date of the most recent revocation. The 20 year period
3 shall be computed by using the dates the offenses were
4 committed and shall also include similar out-of-state
5 offenses.

6 3. However, except as provided in subparagraph 4, if
7 such person is convicted of committing a third, or
8 subsequent, violation or any combination of the above
9 offenses, including similar out-of-state offenses,
10 contained in subparagraph 2, then such person may not make
11 application for a license until after the expiration of 10
12 years from the effective date of the most recent
13 revocation.

14 4. The person may not make application for a license if
15 the person is convicted of committing a fourth or
16 subsequent violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance, Section 11-401 of
18 this Code, Section 9-3 of the Criminal Code of 1961, or a
19 combination of these offenses or similar provisions of
20 local ordinances or similar out-of-state offenses.

21 Notwithstanding any other provision of this Code, all
22 persons referred to in this paragraph (b) may not have their
23 privileges restored until the Secretary receives payment of the
24 required reinstatement fee pursuant to subsection (b) of
25 Section 6-118.

26 In no event shall the Secretary issue such license unless
27 and until such person has had a hearing pursuant to this Code
28 and the appropriate administrative rules and the Secretary is
29 satisfied, after a review or investigation of such person, that
30 to grant the privilege of driving a motor vehicle on the
31 highways will not endanger the public safety or welfare.

32 (c) (Blank).

33 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;
34 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.
35 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

1 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

2 Sec. 6-411. Qualifications of Driver Training Instructors.

3 In order to qualify for a license as an instructor for a
4 driving school, an applicant must:

5 (a) Be of good moral character;

6 (b) Authorize an investigation to include a fingerprint
7 based background check to determine if the applicant has ever
8 been convicted of a crime and if so, the disposition of those
9 convictions; this authorization shall indicate the scope of the
10 inquiry and the agencies which may be contacted. Upon this
11 authorization the Secretary of State may request and receive
12 information and assistance from any federal, state or local
13 governmental agency as part of the authorized investigation.
14 Each applicant shall submit ~~have~~ his or her fingerprints
15 ~~submitted~~ to the Department of State Police in the form and
16 manner prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint records
18 now and hereafter filed in the Department of State Police and
19 Federal Bureau of Investigation criminal history records
20 ~~record information~~ databases. The Department of State Police
21 shall charge a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The applicant shall be required to pay all related fingerprint
25 fees including, but not limited to, the amounts established by
26 the Department of State Police and the Federal Bureau of
27 Investigation to process fingerprint based criminal background
28 investigations. The Department of State Police shall provide
29 information concerning any criminal convictions, and their
30 disposition, brought against the applicant upon request of the
31 Secretary of State when the request is made in the form and
32 manner required by the Department of State Police. Unless
33 otherwise prohibited by law, the information derived from this
34 investigation including the source of this information, and any
35 conclusions or recommendations derived from this information
36 by the Secretary of State shall be provided to the applicant,

1 or his designee, upon request to the Secretary of State, prior
2 to any final action by the Secretary of State on the
3 application. Any criminal convictions and their disposition
4 information obtained by the Secretary of State shall be
5 confidential and may not be transmitted outside the Office of
6 the Secretary of State, except as required herein, and may not
7 be transmitted to anyone within the Office of the Secretary of
8 State except as needed for the purpose of evaluating the
9 applicant. The information obtained from this investigation
10 may be maintained by the Secretary of State or any agency to
11 which such information was transmitted. Only information and
12 standards which bear a reasonable and rational relation to the
13 performance of a driver training instructor shall be used by
14 the Secretary of State. Any employee of the Secretary of State
15 who gives or causes to be given away any confidential
16 information concerning any criminal charges and their
17 disposition of an applicant shall be guilty of a Class A
18 misdemeanor unless release of such information is authorized by
19 this Section;

20 (c) Pass such examination as the Secretary of State shall
21 require on (1) traffic laws, (2) safe driving practices, (3)
22 operation of motor vehicles, and (4) qualifications of teacher;

23 (d) Be physically able to operate safely a motor vehicle
24 and to train others in the operation of motor vehicles. An
25 instructors license application must be accompanied by a
26 medical examination report completed by a competent physician
27 licensed to practice in the State of Illinois;

28 (e) Hold a valid Illinois drivers license;

29 (f) Have graduated from an accredited high school after at
30 least 4 years of high school education or the equivalent; and

31 (g) Pay to the Secretary of State an application and
32 license fee of \$70.

33 If a driver training school class room instructor teaches
34 an approved driver education course, as defined in Section
35 1-103 of this Code, to students under 18 years of age, he or
36 she shall furnish to the Secretary of State a certificate

1 issued by the State Board of Education that the said instructor
2 is qualified and meets the minimum educational standards for
3 teaching driver education courses in the local public or
4 parochial school systems, except that no State Board of
5 Education certification shall be required of any instructor who
6 teaches exclusively in a commercial driving school. On and
7 after July 1, 1986, the existing rules and regulations of the
8 State Board of Education concerning commercial driving schools
9 shall continue to remain in effect but shall be administered by
10 the Secretary of State until such time as the Secretary of
11 State shall amend or repeal the rules in accordance with The
12 Illinois Administrative Procedure Act. Upon request, the
13 Secretary of State shall issue a certificate of completion to a
14 student under 18 years of age who has completed an approved
15 driver education course at a commercial driving school.

16 (Source: P.A. 93-408, eff. 1-1-04; 93-418, eff. 1-1-04; revised
17 9-15-03.)

18 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

19 Sec. 6-500. Definitions of words and phrases.
20 Notwithstanding the definitions set forth elsewhere in this
21 Code, for purposes of the Uniform Commercial Driver's License
22 Act (UCDLA), the words and phrases listed below have the
23 meanings ascribed to them as follows:

24 (1) Alcohol. "Alcohol" means any substance containing any
25 form of alcohol, including but not limited to ethanol,
26 methanol, propanol, and isopropanol.

27 (2) Alcohol concentration. "Alcohol concentration" means:

28 (A) the number of grams of alcohol per 210 liters of
29 breath; or

30 (B) the number of grams of alcohol per 100 milliliters
31 of blood; or

32 (C) the number of grams of alcohol per 67 milliliters
33 of urine.

34 Alcohol tests administered within 2 hours of the driver
35 being "stopped or detained" shall be considered that driver's

1 "alcohol concentration" for the purposes of enforcing this
2 UCCLA.

3 (3) (Blank).

4 (4) (Blank).

5 (5) (Blank).

6 (6) Commercial Motor Vehicle.

7 (A) "Commercial motor vehicle" or "CMV" means a motor
8 vehicle, except those referred to in subdivision (B),
9 designed to transport passengers or property if:

10 (i) the vehicle has a GVWR of 26,001 pounds or more
11 or such a lesser GVWR as subsequently determined by
12 federal regulations or the Secretary of State; or any
13 combination of vehicles with a GCWR of 26,001 pounds or
14 more, provided the GVWR of any vehicle or vehicles
15 being towed is 10,001 pounds or more; or

16 (ii) the vehicle is designed to transport 16 or
17 more persons; or

18 (iii) the vehicle is transporting hazardous
19 materials and is required to be placarded in accordance
20 with 49 C.F.R. Part 172, subpart F.

21 (B) Pursuant to the interpretation of the Commercial
22 Motor Vehicle Safety Act of 1986 by the Federal Highway
23 Administration, the definition of "commercial motor
24 vehicle" does not include:

25 (i) recreational vehicles, when operated primarily
26 for personal use;

27 (ii) United States Department of Defense vehicles
28 being operated by non-civilian personnel. This
29 includes any operator on active military duty; members
30 of the Reserves; National Guard; personnel on
31 part-time training; and National Guard military
32 technicians (civilians who are required to wear
33 military uniforms and are subject to the Code of
34 Military Justice); or

35 (iii) firefighting and other emergency equipment
36 (including, without limitation, equipment owned or

1 operated by a HazMat or technical rescue team
2 authorized by a county board under Section 5-1127 of
3 the Counties Code), with audible and visual signals,
4 owned or operated by or for a governmental entity,
5 which is necessary to the preservation of life or
6 property or the execution of emergency governmental
7 functions which are normally not subject to general
8 traffic rules and regulations.

9 (7) Controlled Substance. "Controlled substance" shall
10 have the same meaning as defined in Section 102 of the Illinois
11 Controlled Substances Act, and shall also include cannabis as
12 defined in Section 3 of the Cannabis Control Act.

13 (8) Conviction. "Conviction" means an unvacated
14 adjudication of guilt or a determination that a person has
15 violated or failed to comply with the law in a court of
16 original jurisdiction or an authorized administrative
17 tribunal; an unvacated forfeiture of bail or collateral
18 deposited to secure the person's appearance in court; the
19 payment of a fine or court cost regardless of whether the
20 imposition of sentence is deferred and ultimately a judgment
21 dismissing the underlying charge is entered; or a violation of
22 a condition of release without bail, regardless of whether or
23 not the penalty is rebated, suspended or probated.

24 (9) (Blank).

25 (10) (Blank).

26 (11) (Blank).

27 (12) (Blank).

28 (13) Driver. "Driver" means any person who drives,
29 operates, or is in physical control of a commercial motor
30 vehicle, any person who is required to hold a CDL, or any
31 person who is a holder of a CDL while operating a
32 non-commercial motor vehicle.

33 (14) Employee. "Employee" means a person who is employed as
34 a commercial motor vehicle driver. A person who is
35 self-employed as a commercial motor vehicle driver must comply
36 with the requirements of this UCCLA pertaining to employees. An

1 owner-operator on a long-term lease shall be considered an
2 employee.

3 (15) Employer. "Employer" means a person (including the
4 United States, a State or a local authority) who owns or leases
5 a commercial motor vehicle or assigns employees to operate such
6 a vehicle. A person who is self-employed as a commercial motor
7 vehicle driver must comply with the requirements of this UCDLA.

8 (16) (Blank).

9 (16.5) Fatality. "Fatality" means the death of a person as
10 a result of a motor vehicle accident.

11 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
12 sovereign jurisdiction that does not fall within the definition
13 of "State".

14 (18) (Blank).

15 (19) (Blank).

16 (20) Hazardous Material. Upon a finding by the United
17 States Secretary of Transportation, in his or her discretion,
18 under 49 App. U.S.C. 5103(a), that the transportation of a
19 particular quantity and form of material in commerce may pose
20 an unreasonable risk to health and safety or property, he or
21 she shall designate the quantity and form of material or group
22 or class of the materials as a hazardous material. The
23 materials so designated may include but are not limited to
24 explosives, radioactive materials, etiologic agents, flammable
25 liquids or solids, combustible liquids or solids, poisons,
26 oxidizing or corrosive materials, and compressed gases.

27 (20.5) Imminent Hazard. "Imminent hazard" means the
28 existence of a condition that presents a substantial likelihood
29 that death, serious illness, severe personal injury, or a
30 substantial endangerment to health, property, or the
31 environment may occur before the reasonably foreseeable
32 completion date of a formal proceeding begun to lessen the risk
33 of that death, illness, injury or endangerment.

34 (21) Long-term lease. "Long-term lease" means a lease of a
35 commercial motor vehicle by the owner-lessor to a lessee, for a
36 period of more than 29 days.

1 (22) Motor Vehicle. "Motor vehicle" means every vehicle
2 which is self-propelled, and every vehicle which is propelled
3 by electric power obtained from over head trolley wires but not
4 operated upon rails, except vehicles moved solely by human
5 power and motorized wheel chairs.

6 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
7 combination of motor vehicles not defined by the term
8 "commercial motor vehicle" or "CMV" in this Section.

9 (23) Non-resident CDL. "Non-resident CDL" means a
10 commercial driver's license issued by a state under either of
11 the following two conditions:

12 (i) to an individual domiciled in a foreign country
13 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
14 of the Federal Motor Carrier Safety Administration.

15 (ii) to an individual domiciled in another state
16 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
17 of the Federal Motor Carrier Safety Administration.

18 (24) (Blank).

19 (25) (Blank).

20 (25.5) Railroad-Highway Grade Crossing Violation.
21 "Railroad-highway grade crossing violation" means a violation,
22 while operating a commercial motor vehicle, of any of the
23 following:

24 (A) Section 11-1201, 11-1202, or 11-1425 of this
25 Code.

26 (B) Any other similar law or local ordinance of any
27 state relating to railroad-highway grade crossing.

28 (25.7) School Bus. "School bus" means a commercial motor
29 vehicle used to transport pre-primary, primary, or secondary
30 school students from home to school, from school to home, or to
31 and from school-sponsored events. "School bus" does not include
32 a bus used as a common carrier.

33 (26) Serious Traffic Violation. "Serious traffic
34 violation" means:

35 (A) a conviction when operating a commercial motor
36 vehicle, or when operating a non-CMV while holding a CDL,

1 of:

2 (i) a violation relating to excessive speeding,
3 involving a single speeding charge of 15 miles per hour
4 or more above the legal speed limit; or

5 (ii) a violation relating to reckless driving; or

6 (iii) a violation of any State law or local
7 ordinance relating to motor vehicle traffic control
8 (other than parking violations) arising in connection
9 with a fatal traffic accident; or

10 (iv) a violation of Section 6-501, relating to
11 having multiple driver's licenses; or

12 (v) a violation of paragraph (a) of Section 6-507,
13 relating to the requirement to have a valid CDL; or

14 (vi) a violation relating to improper or erratic
15 traffic lane changes; or

16 (vii) a violation relating to following another
17 vehicle too closely; or

18 (B) any other similar violation of a law or local
19 ordinance of any state relating to motor vehicle traffic
20 control, other than a parking violation, which the
21 Secretary of State determines by administrative rule to be
22 serious.

23 (27) State. "State" means a state of the United States, the
24 District of Columbia and any province or territory of Canada.

25 (28) (Blank).

26 (29) (Blank).

27 (30) (Blank).

28 (31) (Blank).

29 (Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06;
30 revised 8-19-05.)

31 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

32 Sec. 6-508. Commercial Driver's License (CDL) -
33 qualification standards.

34 (a) Testing.

35 (1) General. No person shall be issued an original or

1 renewal CDL unless that person is domiciled in this State.
2 The Secretary shall cause to be administered such tests as
3 the Secretary deems necessary to meet the requirements of
4 49 C.F.R. Part 383, subparts G and H.

5 (2) Third party testing. The Secretary of state may
6 authorize a "third party tester", pursuant to 49 C.F.R.
7 Part 383.75, to administer the skills test or tests
8 specified by Federal Highway Administration pursuant to
9 the Commercial Motor Vehicle Safety Act of 1986 and any
10 appropriate federal rule.

11 (b) Waiver of Skills Test. The Secretary of State may waive
12 the skills test specified in this Section for a commercial
13 driver license applicant who meets the requirements of 49
14 C.F.R. Part 383.77 and Part 383.123.

15 (c) Limitations on issuance of a CDL. A CDL, or a
16 commercial driver instruction permit, shall not be issued to a
17 person while the person is subject to a disqualification from
18 driving a commercial motor vehicle, or unless otherwise
19 permitted by this Code, while the person's driver's license is
20 suspended, revoked or cancelled in any state, or any territory
21 or province of Canada; nor may a CDL be issued to a person who
22 has a CDL issued by any other state, or foreign jurisdiction,
23 unless the person first surrenders all such licenses. No CDL
24 shall be issued to or renewed for a person who does not meet
25 the requirement of 49 CFR 391.41(b)(11). The requirement may be
26 met with the aid of a hearing aid.

27 (c-1) The Secretary may issue a CDL with a school bus
28 driver endorsement to allow a person to drive the type of bus
29 described in subsection (d-5) of Section 6-104 of this Code.
30 The CDL with a school bus driver endorsement may be issued only
31 to a person meeting the following requirements:

32 (1) the person has submitted his or her fingerprints to
33 the Department of State Police in the form and manner
34 prescribed by the Department of State Police. These
35 fingerprints shall be checked against the fingerprint
36 records now and hereafter filed in the Department of State

1 Police and Federal Bureau of Investigation criminal
2 history records databases;

3 (2) the person has passed a written test, administered
4 by the Secretary of State, on charter bus operation,
5 charter bus safety, and certain special traffic laws
6 relating to school buses determined by the Secretary of
7 State to be relevant to charter buses, and submitted to a
8 review of the applicant's driving habits by the Secretary
9 of State at the time the written test is given;

10 (3) the person has demonstrated physical fitness to
11 operate school buses by submitting the results of a medical
12 examination, including tests for drug use; and

13 (4) the person has not been convicted of committing or
14 attempting to commit any one or more of the following
15 offenses: (i) those offenses defined in Sections 9-1,
16 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
17 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
18 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
19 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
20 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
21 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
22 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
23 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
24 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
25 subsection (b), clause (1), of Section 12-4 of the Criminal
26 Code of 1961; (ii) those offenses defined in the Cannabis
27 Control Act except those offenses defined in subsections
28 (a) and (b) of Section 4, and subsection (a) of Section 5
29 of the Cannabis Control Act; (iii) those offenses defined
30 in the Illinois Controlled Substances Act; (iv) those
31 offenses defined in the Methamphetamine Control and
32 Community Protection Act; (v) any offense committed or
33 attempted in any other state or against the laws of the
34 United States, which if committed or attempted in this
35 State would be punishable as one or more of the foregoing
36 offenses; (vi) the offenses defined in Sections 4.1 and 5.1

1 of the Wrongs to Children Act; and (vii) those offenses
2 defined in Section 6-16 of the Liquor Control Act of 1934.

3 The Department of State Police shall charge a fee for
4 conducting the criminal history records check, which shall be
5 deposited into the State Police Services Fund and may not
6 exceed the actual cost of the records check.

7 (c-2) The Secretary shall issue a CDL with a school bus
8 endorsement to allow a person to drive a school bus as defined
9 in this Section. The CDL shall be issued according to the
10 requirements outlined in 49 C.F.R. 383. A person may not
11 operate a school bus as defined in this Section without a
12 school bus endorsement. The Secretary of State may adopt rules
13 consistent with Federal guidelines to implement this
14 subsection (c-2).

15 (d) Commercial driver instruction permit. A commercial
16 driver instruction permit may be issued to any person holding a
17 valid Illinois driver's license if such person successfully
18 passes such tests as the Secretary determines to be necessary.
19 A commercial driver instruction permit shall not be issued to a
20 person who does not meet the requirements of 49 CFR 391.41
21 (b)(11), except for the renewal of a commercial driver
22 instruction permit for a person who possesses a commercial
23 instruction permit prior to the effective date of this
24 amendatory Act of 1999.

25 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307,
26 eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

27 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

28 Sec. 11-1201. Obedience to signal indicating approach of
29 train.

30 (a) Whenever any person driving a vehicle approaches a
31 railroad grade crossing where the driver is not always required
32 to stop, the person must exercise due care and caution as the
33 existence of a railroad track across a highway is a warning of
34 danger, and under any of the circumstances stated in this
35 Section, the driver shall stop within 50 feet but not less than

1 15 feet from the nearest rail of the railroad and shall not
2 proceed until the tracks are clear and he or she can do so
3 safely. The foregoing requirements shall apply when:

4 1. A clearly visible electric or mechanical signal
5 device gives warning of the immediate approach of a
6 railroad train;

7 2. A crossing gate is lowered or a human flagman gives
8 or continues to give a signal of the approach or passage of
9 a railroad train;

10 3. A railroad train approaching a highway crossing
11 emits a warning signal and such railroad train, by reason
12 of its speed or nearness to such crossing, is an immediate
13 hazard;

14 4. An approaching railroad train is plainly visible and
15 is in hazardous proximity to such crossing;

16 5. A railroad train is approaching so closely that an
17 immediate hazard is created.

18 (a-5) Whenever a person driving a vehicle approaches a
19 railroad grade crossing where the driver is not always required
20 to stop but must slow down, the person must exercise due care
21 and caution as the existence of a railroad track across a
22 highway is a warning of danger, and under any of the
23 circumstances stated in this Section, the driver shall slow
24 down within 50 feet but not less than 15 feet from the nearest
25 rail of the railroad and shall not proceed until he or she
26 checks that the tracks are clear of an approaching train.

27 (b) No person shall drive any vehicle through, around or
28 under any crossing gate or barrier at a railroad crossing while
29 such gate or barrier is closed or is being opened or closed.

30 (c) The Department, and local authorities with the approval
31 of the Department, are hereby authorized to designate
32 particularly dangerous highway grade crossings of railroads
33 and to erect stop signs thereat. When such stop signs are
34 erected the driver of any vehicle shall stop within 50 feet but
35 not less than 15 feet from the nearest rail of such railroad
36 and shall proceed only upon exercising due care.

1 (d) At any railroad grade crossing provided with railroad
2 crossbuck signs, without automatic, electric, or mechanical
3 signal devices, crossing gates, or a human flagman giving a
4 signal of the approach or passage of a train, the driver of a
5 vehicle shall in obedience to the railroad crossbuck sign,
6 yield the right-of-way and slow down to a speed reasonable for
7 the existing conditions and shall stop, if required for safety,
8 at a clearly marked stopped line, or if no stop line, within 50
9 feet but not less than 15 feet from the nearest rail of the
10 railroad and shall not proceed until he or she can do so
11 safely. If a driver is involved in a collision at a railroad
12 crossing or interferes with the movement of a train after
13 driving past the railroad crossbuck sign, the collision or
14 interference is prima facie evidence of the driver's failure to
15 yield right-of-way.

16 (d-1) No person shall, while driving a commercial motor
17 vehicle, fail to negotiate a railroad-highway grade railroad
18 crossing because of insufficient undercarriage clearance.

19 (d-5) (Blank).

20 (e) It is unlawful to violate any part of this Section.

21 (1) A violation of this Section is a petty offense for
22 which a fine of \$250 shall be imposed for a first
23 violation, and a fine of \$500 shall be imposed for a second
24 or subsequent violation. The court may impose 25 hours of
25 community service in place of the \$250 fine for the first
26 violation.

27 (2) For a second or subsequent violation, the Secretary
28 of State may suspend the driving privileges of the offender
29 for a minimum of 6 months.

30 (f) Corporate authorities of municipal corporations
31 regulating operators of vehicles that fail to obey signals
32 indicating the presence, approach, passage, or departure of a
33 train shall impose fines as established in subsection (e) of
34 this Section.

35 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; 92-651,
36 eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff. 8-22-02;

1 revised 8-26-02.)

2 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

3 Sec. 11-1414. Approaching, overtaking, and passing school
4 bus.

5 (a) The driver of a vehicle shall stop such vehicle before
6 meeting or overtaking, from either direction, any school bus
7 stopped at any location for the purpose of receiving or
8 discharging pupils. Such stop is required before reaching the
9 school bus when there is in operation on the school bus the
10 visual signals as specified in Sections 12-803 and 12-805 of
11 this Code. The driver of the vehicle shall not proceed until
12 the school bus resumes motion or the driver of the vehicle is
13 signaled by the school bus driver to proceed or the visual
14 signals are no longer actuated.

15 (b) The stop signal arm required by Section 12-803 of this
16 Code shall be extended after the school bus has come to a
17 complete stop for the purpose of loading or discharging pupils
18 and shall be closed before the school bus is placed in motion
19 again. The stop signal arm shall not be extended at any other
20 time.

21 (c) The alternately flashing red signal lamps of an 8-lamp
22 flashing signal system required by Section 12-805 of this Code
23 shall be actuated after the school bus has come to a complete
24 stop for the purpose of loading or discharging pupils and shall
25 be turned off before the school bus is placed in motion again.
26 The red signal lamps shall not be actuated at any other time
27 except as provided in paragraph (d) of this Section.

28 (d) The alternately flashing amber signal lamps of an
29 8-lamp flashing signal system required by Section 12-805 of
30 this Code shall be actuated continuously during not less than
31 the last 100 feet traveled by the school bus before stopping
32 for the purpose of loading or discharging pupils within an
33 urban area and during not less than the last 200 feet traveled
34 by the school bus outside an urban area. The amber signal lamps
35 shall remain actuated until the school bus is stopped. The

1 amber signal lamps shall not be actuated at any other time.

2 (d-5) The alternately flashing head lamps permitted by
3 Section 12-805 of this Code may be operated while the
4 alternately flashing red or amber signal lamps required by that
5 Section are actuated.

6 (e) The driver of a vehicle upon a highway having 4 or more
7 lanes which permits at least 2 lanes of traffic to travel in
8 opposite directions need not stop such vehicle upon meeting a
9 school bus which is stopped in the opposing roadway; and need
10 not stop such vehicle when driving upon a controlled access
11 highway when passing a school bus traveling in either direction
12 that is stopped in a loading zone adjacent to the surfaced or
13 improved part of the controlled access highway where
14 pedestrians are not permitted to cross.

15 (f) Beginning with the effective date of this amendatory
16 Act of 1985, the Secretary of State shall suspend for a period
17 of 3 months the driving privileges of any person convicted of a
18 violation of subsection (a) of this Section or a similar
19 provision of a local ordinance; the Secretary shall suspend for
20 a period of one year the driving privileges of any person
21 convicted of a second or subsequent violation of subsection (a)
22 of this Section or a similar provision of a local ordinance if
23 the second or subsequent violation occurs within 5 years of a
24 prior conviction for the same offense. In addition to the
25 suspensions authorized by this Section, any person convicted of
26 violating this Section or a similar provision of a local
27 ordinance shall be subject to a mandatory fine of \$150 or, upon
28 a second or subsequent violation, \$500. The Secretary may also
29 grant, for the duration of any suspension issued under this
30 subsection, a restricted driving permit granting the privilege
31 of driving a motor vehicle between the driver's residence and
32 place of employment or within other proper limits that the
33 Secretary of State shall find necessary to avoid any undue
34 hardship. A restricted driving permit issued hereunder shall be
35 subject to cancellation, revocation and suspension by the
36 Secretary of State in like manner and for like cause as a

1 driver's license may be cancelled, revoked or suspended; except
2 that a conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be deemed
4 sufficient cause for the revocation, suspension or
5 cancellation of the restricted driving permit. The Secretary of
6 State may, as a condition to the issuance of a restricted
7 driving permit, require the applicant to participate in a
8 designated driver remedial or rehabilitative program. Any
9 conviction for a violation of this subsection shall be included
10 as an offense for the purposes of determining suspension action
11 under any other provision of this Code, provided however, that
12 the penalties provided under this subsection shall be imposed
13 unless those penalties imposed under other applicable
14 provisions are greater.

15 The owner of any vehicle alleged to have violated paragraph
16 (a) of this Section shall, upon appropriate demand by the
17 State's Attorney or other authorized prosecutor acting in
18 response to a signed complaint, provide a written statement or
19 deposition identifying the operator of the vehicle if such
20 operator was not the owner at the time of the alleged
21 violation. Failure to supply such information shall be
22 construed to be the same as a violation of paragraph (a) and
23 shall be subject to the same penalties herein provided. In the
24 event the owner has assigned control for the use of the vehicle
25 to another, the person to whom control was assigned shall
26 comply with the provisions of this paragraph and be subject to
27 the same penalties as herein provided.

28 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;
29 revised 8-12-03.)

30 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

31 Sec. 12-215. Oscillating, rotating or flashing lights on
32 motor vehicles. Except as otherwise provided in this Code:

33 (a) The use of red or white oscillating, rotating or
34 flashing lights, whether lighted or unlighted, is prohibited
35 except on:

1 1. Law enforcement vehicles of State, Federal or local
2 authorities;

3 2. A vehicle operated by a police officer or county
4 coroner and designated or authorized by local authorities,
5 in writing, as a law enforcement vehicle; however, such
6 designation or authorization must be carried in the
7 vehicle;

8 2.1. A vehicle operated by a fire chief who has
9 completed an emergency vehicle operation training course
10 approved by the Office of the State Fire Marshal and
11 designated or authorized by local authorities, in writing,
12 as a fire department, fire protection district, or township
13 fire department vehicle; however, the designation or
14 authorization must be carried in the vehicle, and the
15 lights may be visible or activated only when responding to
16 a bona fide emergency;

17 3. Vehicles of local fire departments and State or
18 federal firefighting vehicles;

19 4. Vehicles which are designed and used exclusively as
20 ambulances or rescue vehicles; furthermore, such lights
21 shall not be lighted except when responding to an emergency
22 call for and while actually conveying the sick or injured;

23 5. Tow trucks licensed in a state that requires such
24 lights; furthermore, such lights shall not be lighted on
25 any such tow truck while the tow truck is operating in the
26 State of Illinois;

27 6. Vehicles of the Illinois Emergency Management
28 Agency, vehicles of the Illinois Department of Public
29 Health, and vehicles of the Department of Nuclear Safety;

30 7. Vehicles operated by a local or county emergency
31 management services agency as defined in the Illinois
32 Emergency Management Agency Act;

33 8. School buses operating alternately flashing head
34 lamps as permitted under Section 12-805 of this Code; and

35 9. Vehicles that are equipped and used exclusively as
36 organ transplant vehicles when used in combination with

1 blue oscillating, rotating, or flashing lights;
2 furthermore, these lights shall be lighted only when the
3 transportation is declared an emergency by a member of the
4 transplant team or a representative of the organ
5 procurement organization.

6 (b) The use of amber oscillating, rotating or flashing
7 lights, whether lighted or unlighted, is prohibited except on:

8 1. Second division vehicles designed and used for
9 towing or hoisting vehicles; furthermore, such lights
10 shall not be lighted except as required in this paragraph
11 1; such lights shall be lighted when such vehicles are
12 actually being used at the scene of an accident or
13 disablement; if the towing vehicle is equipped with a flat
14 bed that supports all wheels of the vehicle being
15 transported, the lights shall not be lighted while the
16 vehicle is engaged in towing on a highway; if the towing
17 vehicle is not equipped with a flat bed that supports all
18 wheels of a vehicle being transported, the lights shall be
19 lighted while the towing vehicle is engaged in towing on a
20 highway during all times when the use of headlights is
21 required under Section 12-201 of this Code;

22 2. Motor vehicles or equipment of the State of
23 Illinois, local authorities and contractors; furthermore,
24 such lights shall not be lighted except while such vehicles
25 are engaged in maintenance or construction operations
26 within the limits of construction projects;

27 3. Vehicles or equipment used by engineering or survey
28 crews; furthermore, such lights shall not be lighted except
29 while such vehicles are actually engaged in work on a
30 highway;

31 4. Vehicles of public utilities, municipalities, or
32 other construction, maintenance or automotive service
33 vehicles except that such lights shall be lighted only as a
34 means for indicating the presence of a vehicular traffic
35 hazard requiring unusual care in approaching, overtaking
36 or passing while such vehicles are engaged in maintenance,

1 service or construction on a highway;

2 5. Oversized vehicle or load; however, such lights
3 shall only be lighted when moving under permit issued by
4 the Department under Section 15-301 of this Code;

5 6. The front and rear of motorized equipment owned and
6 operated by the State of Illinois or any political
7 subdivision thereof, which is designed and used for removal
8 of snow and ice from highways;

9 (6.1) The front and rear of motorized equipment or
10 vehicles that (i) are not owned by the State of Illinois or
11 any political subdivision of the State, (ii) are designed
12 and used for removal of snow and ice from highways and
13 parking lots, and (iii) are equipped with a snow plow that
14 is 12 feet in width; these lights may not be lighted except
15 when the motorized equipment or vehicle is actually being
16 used for those purposes on behalf of a unit of government;

17 7. Fleet safety vehicles registered in another state,
18 furthermore, such lights shall not be lighted except as
19 provided for in Section 12-212 of this Code;

20 8. Such other vehicles as may be authorized by local
21 authorities;

22 9. Law enforcement vehicles of State or local
23 authorities when used in combination with red oscillating,
24 rotating or flashing lights;

25 9.5. Propane delivery trucks;

26 10. Vehicles used for collecting or delivering mail for
27 the United States Postal Service provided that such lights
28 shall not be lighted except when such vehicles are actually
29 being used for such purposes;

30 11. Any vehicle displaying a slow-moving vehicle
31 emblem as provided in Section 12-205.1;

32 12. All trucks equipped with self-compactors or
33 roll-off hoists and roll-on containers for garbage or
34 refuse hauling. Such lights shall not be lighted except
35 when such vehicles are actually being used for such
36 purposes;

1 13. Vehicles used by a security company, alarm
2 responder, or control agency;

3 14. Security vehicles of the Department of Human
4 Services; however, the lights shall not be lighted except
5 when being used for security related purposes under the
6 direction of the superintendent of the facility where the
7 vehicle is located; and

8 15. Vehicles of union representatives, except that the
9 lights shall be lighted only while the vehicle is within
10 the limits of a construction project.

11 (c) The use of blue oscillating, rotating or flashing
12 lights, whether lighted or unlighted, is prohibited except on:

13 1. Rescue squad vehicles not owned by a fire department
14 and vehicles owned or operated by a:

15 voluntary firefighter;

16 paid firefighter;

17 part-paid firefighter;

18 call firefighter;

19 member of the board of trustees of a fire
20 protection district;

21 paid or unpaid member of a rescue squad;

22 paid or unpaid member of a voluntary ambulance
23 unit; or

24 paid or unpaid members of a local or county
25 emergency management services agency as defined in the
26 Illinois Emergency Management Agency Act, designated
27 or authorized by local authorities, in writing, and
28 carrying that designation or authorization in the
29 vehicle.

30 However, such lights are not to be lighted except when
31 responding to a bona fide emergency.

32 Any person using these lights in accordance with this
33 subdivision (c)1 must carry on his or her person an
34 identification card or letter identifying the bona fide
35 member of a fire department, fire protection district,
36 rescue squad, ambulance unit, or emergency management

1 services agency that owns or operates that vehicle. The
2 card or letter must include:

3 (A) the name of the fire department, fire
4 protection district, rescue squad, ambulance unit, or
5 emergency management services agency;

6 (B) the member's position within the fire
7 department, fire protection district, rescue squad,
8 ambulance unit, or emergency management services
9 agency;

10 (C) the member's term of service; and

11 (D) the name of a person within the fire
12 department, fire protection district, rescue squad,
13 ambulance unit, or emergency management services
14 agency to contact to verify the information provided.

15 2. Police department vehicles in cities having a
16 population of 500,000 or more inhabitants.

17 3. Law enforcement vehicles of State or local
18 authorities when used in combination with red oscillating,
19 rotating or flashing lights.

20 4. Vehicles of local fire departments and State or
21 federal firefighting vehicles when used in combination
22 with red oscillating, rotating or flashing lights.

23 5. Vehicles which are designed and used exclusively as
24 ambulances or rescue vehicles when used in combination with
25 red oscillating, rotating or flashing lights; furthermore,
26 such lights shall not be lighted except when responding to
27 an emergency call.

28 6. Vehicles that are equipped and used exclusively as
29 organ transport vehicles when used in combination with red
30 oscillating, rotating, or flashing lights; furthermore,
31 these lights shall only be lighted when the transportation
32 is declared an emergency by a member of the transplant team
33 or a representative of the organ procurement organization.

34 7. Vehicles of the Illinois Emergency Management
35 Agency, vehicles of the Illinois Department of Public
36 Health, and vehicles of the Department of Nuclear Safety,

1 when used in combination with red oscillating, rotating, or
2 flashing lights.

3 8. Vehicles operated by a local or county emergency
4 management services agency as defined in the Illinois
5 Emergency Management Agency Act, when used in combination
6 with red oscillating, rotating, or flashing lights.

7 (c-1) In addition to the blue oscillating, rotating, or
8 flashing lights permitted under subsection (c), and
9 notwithstanding subsection (a), a vehicle operated by a
10 voluntary firefighter, a voluntary member of a rescue squad, or
11 a member of a voluntary ambulance unit may be equipped with
12 flashing white headlights and blue grill lights, which may be
13 used only in responding to an emergency call.

14 (c-2) In addition to the blue oscillating, rotating, or
15 flashing lights permitted under subsection (c), and
16 notwithstanding subsection (a), a vehicle operated by a paid or
17 unpaid member of a local or county emergency management
18 services agency as defined in the Illinois Emergency Management
19 Agency Act, may be equipped with white oscillating, rotating,
20 or flashing lights to be used in combination with blue
21 oscillating, rotating, or flashing lights, if authorization by
22 local authorities is in writing and carried in the vehicle.

23 (d) The use of a combination of amber and white
24 oscillating, rotating or flashing lights, whether lighted or
25 unlighted, is prohibited except motor vehicles or equipment of
26 the State of Illinois, local authorities, contractors, and
27 union representatives may be so equipped; furthermore, such
28 lights shall not be lighted on vehicles of the State of
29 Illinois, local authorities, and contractors except while such
30 vehicles are engaged in highway maintenance or construction
31 operations within the limits of highway construction projects,
32 and shall not be lighted on the vehicles of union
33 representatives except when those vehicles are within the
34 limits of a construction project.

35 (e) All oscillating, rotating or flashing lights referred
36 to in this Section shall be of sufficient intensity, when

1 illuminated, to be visible at 500 feet in normal sunlight.

2 (f) Nothing in this Section shall prohibit a manufacturer
3 of oscillating, rotating or flashing lights or his
4 representative from temporarily mounting such lights on a
5 vehicle for demonstration purposes only.

6 (g) Any person violating the provisions of subsections (a),
7 (b), (c) or (d) of this Section who without lawful authority
8 stops or detains or attempts to stop or detain another person
9 shall be guilty of a Class 4 felony.

10 (h) Except as provided in subsection (g) above, any person
11 violating the provisions of subsections (a) or (c) of this
12 Section shall be guilty of a Class A misdemeanor.

13 (Source: P.A. 93-181, eff. 1-1-04; 93-725, eff. 1-1-05; 93-794,
14 eff. 7-22-04; 93-829, eff. 7-28-04; 94-143, eff. 1-1-06;
15 94-270, eff. 1-1-06; 94-331, eff. 1-1-06; revised 8-19-05.)

16 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

17 Sec. 12-603.1. Driver and passenger required to use safety
18 belts, exceptions and penalty.

19 (a) Each driver and front seat passenger of a motor vehicle
20 operated on a street or highway in this State shall wear a
21 properly adjusted and fastened seat safety belt; except that, a
22 child less than 8 years of age shall be protected as required
23 pursuant to the Child Passenger Protection Act. Each driver
24 under the age of 18 years and each of the driver's passengers
25 under the age of 19 years of a motor vehicle operated on a
26 street or highway in this State shall wear a properly adjusted
27 and fastened seat safety belt. Each driver of a motor vehicle
28 transporting a child 8 years of age or more, but less than 16
29 years of age, shall secure the child in a properly adjusted and
30 fastened seat safety belt as required under the Child Passenger
31 Protection Act.

32 (b) Paragraph (a) shall not apply to any of the following:

33 1. A driver or passenger frequently stopping and
34 leaving the vehicle or delivering property from the
35 vehicle, if the speed of the vehicle between stops does not

1 exceed 15 miles per hour.

2 2. A driver or passenger possessing a written statement
3 from a physician that such person is unable, for medical or
4 physical reasons, to wear a seat safety belt.

5 3. A driver or passenger possessing an official
6 certificate or license endorsement issued by the
7 appropriate agency in another state or country indicating
8 that the driver is unable for medical, physical, or other
9 valid reasons to wear a seat safety belt.

10 4. A driver operating a motor vehicle in reverse.

11 5. A motor vehicle with a model year prior to 1965.

12 6. A motorcycle or motor driven cycle.

13 7. A motorized pedalcycle.

14 8. A motor vehicle which is not required to be equipped
15 with seat safety belts under federal law.

16 9. A motor vehicle operated by a rural letter carrier
17 of the United States postal service while performing duties
18 as a rural letter carrier.

19 (c) Failure to wear a seat safety belt in violation of this
20 Section shall not be considered evidence of negligence, shall
21 not limit the liability of an insurer, and shall not diminish
22 any recovery for damages arising out of the ownership,
23 maintenance, or operation of a motor vehicle.

24 (d) A violation of this Section shall be a petty offense
25 and subject to a fine not to exceed \$25.

26 (e) (Blank).

27 (f) A law enforcement officer may not search or inspect a
28 motor vehicle, its contents, the driver, or a passenger solely
29 because of a violation of this Section.

30 (Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241,
31 eff. 1-1-06; revised 8-19-05.)

32 (625 ILCS 5/12-613)

33 Sec. 12-613. Possession and use of radar or laser jamming
34 devices prohibited.

35 (a) Except as provided in subsection (b), a person may not

1 operate or be in actual physical control of a motor vehicle
2 while the motor vehicle is equipped with any instrument
3 designed to interfere with microwaves or lasers at frequencies
4 used by police radar for the purpose of monitoring vehicular
5 speed.

6 (b) A person operating a motor vehicle who possesses within
7 the vehicle a radar or laser jamming device that is contained
8 in a locked opaque box or similar container, or that is not in
9 the passenger compartment of the vehicle, and that is not in
10 operation, is not in violation of this Section.

11 (c) Any person found guilty of violating this Section is
12 guilty of a petty offense. A minimum fine of \$50 shall be
13 imposed for a first offense and a minimum fine of \$100 for a
14 second or subsequent offense.

15 (d) The radar or laser jamming device or mechanism shall be
16 seized by the law enforcement officer at the time of the
17 violation. This Section does not authorize the permanent
18 forfeiture to the State of any radar or laser jamming device or
19 mechanism. The device or mechanism shall be taken and held for
20 the period when needed as evidence. When no longer needed for
21 evidence, the defendant may petition the court for the return
22 of the device or mechanism. The defendant, however, must prove
23 to the court by a preponderance of the evidence that the device
24 or mechanism will be used only for a legitimate and lawful
25 purpose.

26 (e) ~~(d)~~ A law enforcement officer may not stop or search
27 any motor vehicle or the driver of any motor vehicle solely on
28 the basis of a violation or suspected violation of this
29 Section.

30 (Source: P.A. 94-594, eff. 1-1-06; revised 8-29-05.)

31 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

32 Sec. 15-301. Permits for excess size and weight.

33 (a) The Department with respect to highways under its
34 jurisdiction and local authorities with respect to highways
35 under their jurisdiction may, in their discretion, upon

1 application and good cause being shown therefor, issue a
2 special permit authorizing the applicant to operate or move a
3 vehicle or combination of vehicles of a size or weight of
4 vehicle or load exceeding the maximum specified in this Act or
5 otherwise not in conformity with this Act upon any highway
6 under the jurisdiction of the party granting such permit and
7 for the maintenance of which the party is responsible.
8 Applications and permits other than those in written or printed
9 form may only be accepted from and issued to the company or
10 individual making the movement. Except for an application to
11 move directly across a highway, it shall be the duty of the
12 applicant to establish in the application that the load to be
13 moved by such vehicle or combination is composed of a single
14 nondivisible object that cannot reasonably be dismantled or
15 disassembled. For the purpose of over length movements, more
16 than one object may be carried side by side as long as the
17 height, width, and weight laws are not exceeded and the cause
18 for the over length is not due to multiple objects. For the
19 purpose of over height movements, more than one object may be
20 carried as long as the cause for the over height is not due to
21 multiple objects and the length, width, and weight laws are not
22 exceeded. For the purpose of an over width movement, more than
23 one object may be carried as long as the cause for the over
24 width is not due to multiple objects and length, height, and
25 weight laws are not exceeded. No state or local agency shall
26 authorize the issuance of excess size or weight permits for
27 vehicles and loads that are divisible and that can be carried,
28 when divided, within the existing size or weight maximums
29 specified in this Chapter. Any excess size or weight permit
30 issued in violation of the provisions of this Section shall be
31 void at issue and any movement made thereunder shall not be
32 authorized under the terms of the void permit. In any
33 prosecution for a violation of this Chapter when the
34 authorization of an excess size or weight permit is at issue,
35 it is the burden of the defendant to establish that the permit
36 was valid because the load to be moved could not reasonably be

1 dismantled or disassembled, or was otherwise nondivisible.

2 (b) The application for any such permit shall: (1) state
3 whether such permit is requested for a single trip or for
4 limited continuous operation; (2) state if the applicant is an
5 authorized carrier under the Illinois Motor Carrier of Property
6 Law, if so, his certificate, registration or permit number
7 issued by the Illinois Commerce Commission; (3) specifically
8 describe and identify the vehicle or vehicles and load to be
9 operated or moved except that for vehicles or vehicle
10 combinations registered by the Department as provided in
11 Section 15-319 of this Chapter, only the Illinois Department of
12 Transportation's (IDT) registration number or classification
13 need be given; (4) state the routing requested including the
14 points of origin and destination, and may identify and include
15 a request for routing to the nearest certified scale in
16 accordance with the Department's rules and regulations,
17 provided the applicant has approval to travel on local roads;
18 and (5) state if the vehicles or loads are being transported
19 for hire. No permits for the movement of a vehicle or load for
20 hire shall be issued to any applicant who is required under the
21 Illinois Motor Carrier of Property Law to have a certificate,
22 registration or permit and does not have such certificate,
23 registration or permit.

24 (c) The Department or local authority when not inconsistent
25 with traffic safety is authorized to issue or withhold such
26 permit at its discretion; or, if such permit is issued at its
27 discretion to prescribe the route or routes to be traveled, to
28 limit the number of trips, to establish seasonal or other time
29 limitations within which the vehicles described may be operated
30 on the highways indicated, or otherwise to limit or prescribe
31 conditions of operations of such vehicle or vehicles, when
32 necessary to assure against undue damage to the road
33 foundations, surfaces or structures, and may require such
34 undertaking or other security as may be deemed necessary to
35 compensate for any injury to any roadway or road structure. The
36 Department shall maintain a daily record of each permit issued

1 along with the fee and the stipulated dimensions, weights,
2 conditions and restrictions authorized and this record shall be
3 presumed correct in any case of questions or dispute. The
4 Department shall install an automatic device for recording
5 applications received and permits issued by telephone. In
6 making application by telephone, the Department and applicant
7 waive all objections to the recording of the conversation.

8 (d) The Department shall, upon application in writing from
9 any local authority, issue an annual permit authorizing the
10 local authority to move oversize highway construction,
11 transportation, utility and maintenance equipment over roads
12 under the jurisdiction of the Department. The permit shall be
13 applicable only to equipment and vehicles owned by or
14 registered in the name of the local authority, and no fee shall
15 be charged for the issuance of such permits.

16 (e) As an exception to paragraph (a) of this Section, the
17 Department and local authorities, with respect to highways
18 under their respective jurisdictions, in their discretion and
19 upon application in writing may issue a special permit for
20 limited continuous operation, authorizing the applicant to
21 move loads of agricultural commodities on a 2 axle single
22 vehicle registered by the Secretary of State with axle loads
23 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
24 Secretary of State with axle loads not to exceed 20%, and on a
25 5 axle vehicle registered by the Secretary of State not to
26 exceed 10% above those provided in Section 15-111. The total
27 gross weight of the vehicle, however, may not exceed the
28 maximum gross weight of the registration class of the vehicle
29 allowed under Section 3-815 or 3-818 of this Code.

30 As used in this Section, "agricultural commodities" means:

31 (1) cultivated plants or agricultural produce grown
32 including, but is not limited to, corn, soybeans, wheat,
33 oats, grain sorghum, canola, and rice;

34 (2) livestock, including but not limited to hogs,
35 equine, sheep, and poultry;

36 (3) ensilage; and

1 (4) fruits and vegetables.

2 Permits may be issued for a period not to exceed 40 days
3 and moves may be made of a distance not to exceed 50 miles from
4 a field, an on-farm grain storage facility, a warehouse as
5 defined in the Illinois Grain Code, or a livestock management
6 facility as defined in the Livestock Management Facilities Act
7 over any highway except the National System of Interstate and
8 Defense Highways. The operator of the vehicle, however, must
9 abide by posted bridge and posted highway weight limits. All
10 implements of husbandry operating under this Section between
11 sunset and sunrise shall be equipped as prescribed in Section
12 12-205.1.

13 (e-1) Upon a declaration by the Governor that an emergency
14 harvest situation exists, a special permit issued by the
15 Department under this Section shall not be required from
16 September 1 through December 31 during harvest season
17 emergencies, provided that the weight does not exceed 20% above
18 the limits provided in Section 15-111. All other restrictions
19 that apply to permits issued under this Section shall apply
20 during the declared time period. With respect to highways under
21 the jurisdiction of local authorities, the local authorities
22 may, at their discretion, waive special permit requirements
23 during harvest season emergencies. This permit exemption shall
24 apply to all vehicles eligible to obtain permits under this
25 Section, including commercial vehicles in use during the
26 declared time period.

27 (f) The form and content of the permit shall be determined
28 by the Department with respect to highways under its
29 jurisdiction and by local authorities with respect to highways
30 under their jurisdiction. Every permit shall be in written form
31 and carried in the vehicle or combination of vehicles to which
32 it refers and shall be open to inspection by any police officer
33 or authorized agent of any authority granting the permit and no
34 person shall violate any of the terms or conditions of such
35 special permit. Violation of the terms and conditions of the
36 permit shall not be deemed a revocation of the permit; however,

1 any vehicle and load found to be off the route prescribed in
2 the permit shall be held to be operating without a permit. Any
3 off route vehicle and load shall be required to obtain a new
4 permit or permits, as necessary, to authorize the movement back
5 onto the original permit routing. No rule or regulation, nor
6 anything herein shall be construed to authorize any police
7 officer, court, or authorized agent of any authority granting
8 the permit to remove the permit from the possession of the
9 permittee unless the permittee is charged with a fraudulent
10 permit violation as provided in paragraph (i). However, upon
11 arrest for an offense of violation of permit, operating without
12 a permit when the vehicle is off route, or any size or weight
13 offense under this Chapter when the permittee plans to raise
14 the issuance of the permit as a defense, the permittee, or his
15 agent, must produce the permit at any court hearing concerning
16 the alleged offense.

17 If the permit designates and includes a routing to a
18 certified scale, the permittee, while enroute to the designated
19 scale, shall be deemed in compliance with the weight provisions
20 of the permit provided the axle or gross weights do not exceed
21 any of the permitted limits by more than the following amounts:

22	Single axle	2000 pounds
23	Tandem axle	3000 pounds
24	Gross	5000 pounds

25 (g) The Department is authorized to adopt, amend, and to
26 make available to interested persons a policy concerning
27 reasonable rules, limitations and conditions or provisions of
28 operation upon highways under its jurisdiction in addition to
29 those contained in this Section for the movement by special
30 permit of vehicles, combinations, or loads which cannot
31 reasonably be dismantled or disassembled, including
32 manufactured and modular home sections and portions thereof.
33 All rules, limitations and conditions or provisions adopted in
34 the policy shall have due regard for the safety of the
35 traveling public and the protection of the highway system and
36 shall have been promulgated in conformity with the provisions

1 of the Illinois Administrative Procedure Act. The requirements
2 of the policy for flagmen and escort vehicles shall be the same
3 for all moves of comparable size and weight. When escort
4 vehicles are required, they shall meet the following
5 requirements:

6 (1) All operators shall be 18 years of age or over and
7 properly licensed to operate the vehicle.

8 (2) Vehicles escorting oversized loads more than
9 12-feet wide must be equipped with a rotating or flashing
10 amber light mounted on top as specified under Section
11 12-215.

12 The Department shall establish reasonable rules and
13 regulations regarding liability insurance or self insurance
14 for vehicles with oversized loads promulgated under The
15 Illinois Administrative Procedure Act. Police vehicles may be
16 required for escort under circumstances as required by rules
17 and regulations of the Department.

18 (h) Violation of any rule, limitation or condition or
19 provision of any permit issued in accordance with the
20 provisions of this Section shall not render the entire permit
21 null and void but the violator shall be deemed guilty of
22 violation of permit and guilty of exceeding any size, weight or
23 load limitations in excess of those authorized by the permit.
24 The prescribed route or routes on the permit are not mere
25 rules, limitations, conditions, or provisions of the permit,
26 but are also the sole extent of the authorization granted by
27 the permit. If a vehicle and load are found to be off the route
28 or routes prescribed by any permit authorizing movement, the
29 vehicle and load are operating without a permit. Any off route
30 movement shall be subject to the size and weight maximums,
31 under the applicable provisions of this Chapter, as determined
32 by the type or class highway upon which the vehicle and load
33 are being operated.

34 (i) Whenever any vehicle is operated or movement made under
35 a fraudulent permit the permit shall be void, and the person,
36 firm, or corporation to whom such permit was granted, the

1 driver of such vehicle in addition to the person who issued
2 such permit and any accessory, shall be guilty of fraud and
3 either one or all persons may be prosecuted for such violation.
4 Any person, firm, or corporation committing such violation
5 shall be guilty of a Class 4 felony and the Department shall
6 not issue permits to the person, firm or corporation convicted
7 of such violation for a period of one year after the date of
8 conviction. Penalties for violations of this Section shall be
9 in addition to any penalties imposed for violation of other
10 Sections of this Act.

11 (j) Whenever any vehicle is operated or movement made in
12 violation of a permit issued in accordance with this Section,
13 the person to whom such permit was granted, or the driver of
14 such vehicle, is guilty of such violation and either, but not
15 both, persons may be prosecuted for such violation as stated in
16 this subsection (j). Any person, firm or corporation convicted
17 of such violation shall be guilty of a petty offense and shall
18 be fined for the first offense, not less than \$50 nor more than
19 \$200 and, for the second offense by the same person, firm or
20 corporation within a period of one year, not less than \$200 nor
21 more than \$300 and, for the third offense by the same person,
22 firm or corporation within a period of one year after the date
23 of the first offense, not less than \$300 nor more than \$500 and
24 the Department shall not issue permits to the person, firm or
25 corporation convicted of a third offense during a period of one
26 year after the date of conviction for such third offense.

27 (k) Whenever any vehicle is operated on local roads under
28 permits for excess width or length issued by local authorities,
29 such vehicle may be moved upon a State highway for a distance
30 not to exceed one-half mile without a permit for the purpose of
31 crossing the State highway.

32 (l) Notwithstanding any other provision of this Section,
33 the Department, with respect to highways under its
34 jurisdiction, and local authorities, with respect to highways
35 under their jurisdiction, may at their discretion authorize the
36 movement of a vehicle in violation of any size or weight

1 requirement, or both, that would not ordinarily be eligible for
2 a permit, when there is a showing of extreme necessity that the
3 vehicle and load should be moved without unnecessary delay.

4 For the purpose of this subsection, showing of extreme
5 necessity shall be limited to the following: shipments of
6 livestock, hazardous materials, liquid concrete being hauled
7 in a mobile cement mixer, or hot asphalt.

8 (m) Penalties for violations of this Section shall be in
9 addition to any penalties imposed for violating any other
10 Section of this Code.

11 (n) The Department with respect to highways under its
12 jurisdiction and local authorities with respect to highways
13 under their jurisdiction, in their discretion and upon
14 application in writing, may issue a special permit for
15 continuous limited operation, authorizing the applicant to
16 operate a tow-truck that exceeds the weight limits provided for
17 in subsection (d) of Section 15-111, provided:

18 (1) no rear single axle of the tow-truck exceeds 26,000
19 pounds;

20 (2) no rear tandem axle of the tow-truck exceeds 50,000
21 pounds;

22 (2.1) no triple rear axle on a manufactured recovery
23 unit exceeds 56,000 pounds;

24 (3) neither the disabled vehicle nor the disabled
25 combination of vehicles exceed the weight restrictions
26 imposed by this Chapter 15, or the weight limits imposed
27 under a permit issued by the Department prior to hookup;

28 (4) the tow-truck prior to hookup does not exceed the
29 weight restrictions imposed by this Chapter 15;

30 (5) during the tow operation the tow-truck does not
31 violate any weight restriction sign;

32 (6) the tow-truck is equipped with flashing, rotating,
33 or oscillating amber lights, visible for at least 500 feet
34 in all directions;

35 (7) the tow-truck is specifically designed and
36 licensed as a tow-truck;

1 (8) the tow-truck has a gross vehicle weight rating of
2 sufficient capacity to safely handle the load;

3 (9) the tow-truck is equipped with air brakes;

4 (10) the tow-truck is capable of utilizing the lighting
5 and braking systems of the disabled vehicle or combination
6 of vehicles;

7 (11) the tow commences at the initial point of wreck or
8 disablement and terminates at a point where the repairs are
9 actually to occur;

10 (12) the permit issued to the tow-truck is carried in
11 the tow-truck and exhibited on demand by a police officer;
12 and

13 (13) the movement shall be valid only on state routes
14 approved by the Department.

15 (o) The Department, with respect to highways under its
16 jurisdiction, and local authorities, with respect to highways
17 under their jurisdiction, in their discretion and upon
18 application in writing, may issue a special permit for
19 continuous limited operation, authorizing the applicant to
20 transport raw milk that exceeds the weight limits provided for
21 in subsections (b) and (f) of Section 15-111 of this Code,
22 provided:

23 (1) no single axle exceeds 20,000 pounds;

24 (2) no gross weight exceeds 80,000 pounds;

25 (3) permits issued by the State are good only for
26 federal and State highways and are not applicable to
27 interstate highways; and

28 (4) all road and bridge postings must be obeyed.

29 (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;
30 93-1023, eff. 8-25-04; revised 10-14-04.)

31 Section 610. The Clerks of Courts Act is amended by
32 changing Sections 27.1a and 27.3b as follows:

33 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

34 Sec. 27.1a. The fees of the clerks of the circuit court in

1 all counties having a population of not more than 500,000
2 inhabitants in the instances described in this Section shall be
3 as provided in this Section. In those instances where a minimum
4 and maximum fee is stated, the clerk of the circuit court must
5 charge the minimum fee listed and may charge up to the maximum
6 fee if the county board has by resolution increased the fee.
7 The fees shall be paid in advance and shall be as follows:

8 (a) Civil Cases.

9 The fee for filing a complaint, petition, or other
10 pleading initiating a civil action, with the following
11 exceptions, shall be a minimum of \$40 and a maximum of
12 \$160.

13 (A) When the amount of money or damages or the
14 value of personal property claimed does not exceed
15 \$250, \$10.

16 (B) When that amount exceeds \$250 but does not
17 exceed \$500, a minimum of \$10 and a maximum of \$20.

18 (C) When that amount exceeds \$500 but does not
19 exceed \$2500, a minimum of \$25 and a maximum of \$40.

20 (D) When that amount exceeds \$2500 but does not
21 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

22 (E) For the exercise of eminent domain, a minimum
23 of \$45 and a maximum of \$150. For each additional lot
24 or tract of land or right or interest therein subject
25 to be condemned, the damages in respect to which shall
26 require separate assessment by a jury, a minimum of \$45
27 and a maximum of \$150.

28 (a-1) Family.

29 For filing a petition under the Juvenile Court Act of
30 1987, \$25.

31 For filing a petition for a marriage license, \$10.

32 For performing a marriage in court, \$10.

33 For filing a petition under the Illinois Parentage Act
34 of 1984, \$40.

35 (b) Forcible Entry and Detainer.

36 In each forcible entry and detainer case when the

1 plaintiff seeks possession only or unites with his or her
2 claim for possession of the property a claim for rent or
3 damages or both in the amount of \$15,000 or less, a minimum
4 of \$10 and a maximum of \$50. When the plaintiff unites his
5 or her claim for possession with a claim for rent or
6 damages or both exceeding \$15,000, a minimum of \$40 and a
7 maximum of \$160.

8 (c) Counterclaim or Joining Third Party Defendant.

9 When any defendant files a counterclaim as part of his
10 or her answer or otherwise or joins another party as a
11 third party defendant, or both, the defendant shall pay a
12 fee for each counterclaim or third party action in an
13 amount equal to the fee he or she would have had to pay had
14 he or she brought a separate action for the relief sought
15 in the counterclaim or against the third party defendant,
16 less the amount of the appearance fee, if that has been
17 paid.

18 (d) Confession of Judgment.

19 In a confession of judgment when the amount does not
20 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
21 the amount exceeds \$1500, but does not exceed \$15,000, a
22 minimum of \$40 and a maximum of \$115. When the amount
23 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

24 (e) Appearance.

25 The fee for filing an appearance in each civil case
26 shall be a minimum of \$15 and a maximum of \$60, except as
27 follows:

28 (A) When the plaintiff in a forcible entry and
29 detainer case seeks possession only, a minimum of \$10
30 and a maximum of \$50.

31 (B) When the amount in the case does not exceed
32 \$1500, a minimum of \$10 and a maximum of \$30.

33 (C) When that amount exceeds \$1500 but does not
34 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

35 (f) Garnishment, Wage Deduction, and Citation.

36 In garnishment affidavit, wage deduction affidavit,

1 and citation petition when the amount does not exceed
2 \$1,000, a minimum of \$5 and a maximum of \$15; when the
3 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
4 of \$5 and a maximum of \$30; and when the amount exceeds
5 \$5,000, a minimum of \$5 and a maximum of \$50.

6 (g) Petition to Vacate or Modify.

7 (1) Petition to vacate or modify any final judgment or
8 order of court, except in forcible entry and detainer cases
9 and small claims cases or a petition to reopen an estate,
10 to modify, terminate, or enforce a judgment or order for
11 child or spousal support, or to modify, suspend, or
12 terminate an order for withholding, if filed before 30 days
13 after the entry of the judgment or order, a minimum of \$20
14 and a maximum of \$50.

15 (2) Petition to vacate or modify any final judgment or
16 order of court, except a petition to modify, terminate, or
17 enforce a judgment or order for child or spousal support or
18 to modify, suspend, or terminate an order for withholding,
19 if filed later than 30 days after the entry of the judgment
20 or order, a minimum of \$20 and a maximum of \$75.

21 (3) Petition to vacate order of bond forfeiture, a
22 minimum of \$10 and a maximum of \$40.

23 (h) Mailing.

24 When the clerk is required to mail, the fee will be a
25 minimum of \$2 and a maximum of \$10, plus the cost of
26 postage.

27 (i) Certified Copies.

28 Each certified copy of a judgment after the first,
29 except in small claims and forcible entry and detainer
30 cases, a minimum of \$2 and a maximum of \$10.

31 (j) Habeas Corpus.

32 For filing a petition for relief by habeas corpus, a
33 minimum of \$60 and a maximum of \$100.

34 (k) Certification, Authentication, and Reproduction.

35 (1) Each certification or authentication for taking
36 the acknowledgment of a deed or other instrument in writing

1 with the seal of office, a minimum of \$2 and a maximum of
2 \$6.

3 (2) Court appeals when original documents are
4 forwarded, under 100 pages, plus delivery and costs, a
5 minimum of \$20 and a maximum of \$60.

6 (3) Court appeals when original documents are
7 forwarded, over 100 pages, plus delivery and costs, a
8 minimum of \$50 and a maximum of \$150.

9 (4) Court appeals when original documents are
10 forwarded, over 200 pages, an additional fee of a minimum
11 of 20 cents and a maximum of 25 cents per page.

12 (5) For reproduction of any document contained in the
13 clerk's files:

14 (A) First page, a minimum of \$1 and a maximum of
15 \$2.

16 (B) Next 19 pages, 50 cents per page.

17 (C) All remaining pages, 25 cents per page.

18 (l) Remands.

19 In any cases remanded to the Circuit Court from the
20 Supreme Court or the Appellate Court for a new trial, the
21 clerk shall file the remanding order and reinstate the case
22 with either its original number or a new number. The Clerk
23 shall not charge any new or additional fee for the
24 reinstatement. Upon reinstatement the Clerk shall advise
25 the parties of the reinstatement. A party shall have the
26 same right to a jury trial on remand and reinstatement as
27 he or she had before the appeal, and no additional or new
28 fee or charge shall be made for a jury trial after remand.

29 (m) Record Search.

30 For each record search, within a division or municipal
31 district, the clerk shall be entitled to a search fee of a
32 minimum of \$4 and a maximum of \$6 for each year searched.

33 (n) Hard Copy.

34 For each page of hard copy print output, when case
35 records are maintained on an automated medium, the clerk
36 shall be entitled to a fee of a minimum of \$4 and a maximum

1 of \$6.

2 (o) Index Inquiry and Other Records.

3 No fee shall be charged for a single
4 plaintiff/defendant index inquiry or single case record
5 inquiry when this request is made in person and the records
6 are maintained in a current automated medium, and when no
7 hard copy print output is requested. The fees to be charged
8 for management records, multiple case records, and
9 multiple journal records may be specified by the Chief
10 Judge pursuant to the guidelines for access and
11 dissemination of information approved by the Supreme
12 Court.

13 (p) (Blank).

14 ~~a minimum of \$25 and a maximum of \$50~~

15 (q) Alias Summons.

16 For each alias summons or citation issued by the clerk,
17 a minimum of \$2 and a maximum of \$5.

18 (r) Other Fees.

19 Any fees not covered in this Section shall be set by
20 rule or administrative order of the Circuit Court with the
21 approval of the Administrative Office of the Illinois
22 Courts.

23 The clerk of the circuit court may provide additional
24 services for which there is no fee specified by statute in
25 connection with the operation of the clerk's office as may
26 be requested by the public and agreed to by the clerk and
27 approved by the chief judge of the circuit court. Any
28 charges for additional services shall be as agreed to
29 between the clerk and the party making the request and
30 approved by the chief judge of the circuit court. Nothing
31 in this subsection shall be construed to require any clerk
32 to provide any service not otherwise required by law.

33 (s) Jury Services.

34 The clerk shall be entitled to receive, in addition to
35 other fees allowed by law, the sum of a minimum of \$62.50
36 and a maximum of \$212.50, as a fee for the services of a

1 jury in every civil action not quasi-criminal in its nature
2 and not a proceeding for the exercise of the right of
3 eminent domain and in every other action wherein the right
4 of trial by jury is or may be given by law. The jury fee
5 shall be paid by the party demanding a jury at the time of
6 filing the jury demand. If the fee is not paid by either
7 party, no jury shall be called in the action or proceeding,
8 and the same shall be tried by the court without a jury.

9 (t) Voluntary Assignment.

10 For filing each deed of voluntary assignment, a minimum
11 of \$10 and a maximum of \$20; for recording the same, a
12 minimum of 25 cents and a maximum of 50 cents for each 100
13 words. Exceptions filed to claims presented to an assignee
14 of a debtor who has made a voluntary assignment for the
15 benefit of creditors shall be considered and treated, for
16 the purpose of taxing costs therein, as actions in which
17 the party or parties filing the exceptions shall be
18 considered as party or parties plaintiff, and the claimant
19 or claimants as party or parties defendant, and those
20 parties respectively shall pay to the clerk the same fees
21 as provided by this Section to be paid in other actions.

22 (u) Expungement Petition.

23 The clerk shall be entitled to receive a fee of a
24 minimum of \$15 and a maximum of \$60 for each expungement
25 petition filed and an additional fee of a minimum of \$2 and
26 a maximum of \$4 for each certified copy of an order to
27 expunge arrest records.

28 (v) Probate.

29 The clerk is entitled to receive the fees specified in
30 this subsection (v), which shall be paid in advance, except
31 that, for good cause shown, the court may suspend, reduce,
32 or release the costs payable under this subsection:

33 (1) For administration of the estate of a decedent
34 (whether testate or intestate) or of a missing person, a
35 minimum of \$50 and a maximum of \$150, plus the fees
36 specified in subsection (v) (3), except:

1 (A) When the value of the real and personal
2 property does not exceed \$15,000, the fee shall be a
3 minimum of \$25 and a maximum of \$40.

4 (B) When (i) proof of heirship alone is made, (ii)
5 a domestic or foreign will is admitted to probate
6 without administration (including proof of heirship),
7 or (iii) letters of office are issued for a particular
8 purpose without administration of the estate, the fee
9 shall be a minimum of \$10 and a maximum of \$40.

10 (C) For filing a petition to sell Real Estate, \$50.

11 (2) For administration of the estate of a ward, a
12 minimum of \$50 and a maximum of \$75, plus the fees
13 specified in subsection (v) (3), except:

14 (A) When the value of the real and personal
15 property does not exceed \$15,000, the fee shall be a
16 minimum of \$25 and a maximum of \$40.

17 (B) When (i) letters of office are issued to a
18 guardian of the person or persons, but not of the
19 estate or (ii) letters of office are issued in the
20 estate of a ward without administration of the estate,
21 including filing or joining in the filing of a tax
22 return or releasing a mortgage or consenting to the
23 marriage of the ward, the fee shall be a minimum of \$10
24 and a maximum of \$20.

25 (C) For filing a Petition to sell Real Estate, \$50.

26 (3) In addition to the fees payable under subsection
27 (v) (1) or (v) (2) of this Section, the following fees are
28 payable:

29 (A) For each account (other than one final account)
30 filed in the estate of a decedent, or ward, a minimum
31 of \$10 and a maximum of \$25.

32 (B) For filing a claim in an estate when the amount
33 claimed is \$150 or more but less than \$500, a minimum
34 of \$10 and a maximum of \$25; when the amount claimed is
35 \$500 or more but less than \$10,000, a minimum of \$10
36 and a maximum of \$40; when the amount claimed is

1 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
2 provided that the court in allowing a claim may add to
3 the amount allowed the filing fee paid by the claimant.

4 (C) For filing in an estate a claim, petition, or
5 supplemental proceeding based upon an action seeking
6 equitable relief including the construction or contest
7 of a will, enforcement of a contract to make a will,
8 and proceedings involving testamentary trusts or the
9 appointment of testamentary trustees, a minimum of \$40
10 and a maximum of \$60.

11 (D) For filing in an estate (i) the appearance of
12 any person for the purpose of consent or (ii) the
13 appearance of an executor, administrator,
14 administrator to collect, guardian, guardian ad litem,
15 or special administrator, no fee.

16 (E) Except as provided in subsection (v) (3) (D),
17 for filing the appearance of any person or persons, a
18 minimum of \$10 and a maximum of \$30.

19 (F) For each jury demand, a minimum of \$62.50 and a
20 maximum of \$137.50.

21 (G) For disposition of the collection of a judgment
22 or settlement of an action or claim for wrongful death
23 of a decedent or of any cause of action of a ward, when
24 there is no other administration of the estate, a
25 minimum of \$30 and a maximum of \$50, less any amount
26 paid under subsection (v) (1) (B) or (v) (2) (B) except
27 that if the amount involved does not exceed \$5,000, the
28 fee, including any amount paid under subsection
29 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
30 maximum of \$20.

31 (H) For each certified copy of letters of office,
32 of court order or other certification, a minimum of \$1
33 and a maximum of \$2, plus a minimum of 50 cents and a
34 maximum of \$1 per page in excess of 3 pages for the
35 document certified.

36 (I) For each exemplification, a minimum of \$1 and a

1 maximum of \$2, plus the fee for certification.

2 (4) The executor, administrator, guardian, petitioner,
3 or other interested person or his or her attorney shall pay
4 the cost of publication by the clerk directly to the
5 newspaper.

6 (5) The person on whose behalf a charge is incurred for
7 witness, court reporter, appraiser, or other miscellaneous
8 fee shall pay the same directly to the person entitled
9 thereto.

10 (6) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall pay
12 to the clerk all postage charges incurred by the clerk in
13 mailing petitions, orders, notices, or other documents
14 pursuant to the provisions of the Probate Act of 1975.

15 (w) Criminal and Quasi-Criminal Costs and Fees.

16 (1) The clerk shall be entitled to costs in all
17 criminal and quasi-criminal cases from each person
18 convicted or sentenced to supervision therein as follows:

19 (A) Felony complaints, a minimum of \$40 and a
20 maximum of \$100.

21 (B) Misdemeanor complaints, a minimum of \$25 and a
22 maximum of \$75.

23 (C) Business offense complaints, a minimum of \$25
24 and a maximum of \$75.

25 (D) Petty offense complaints, a minimum of \$25 and
26 a maximum of \$75.

27 (E) Minor traffic or ordinance violations, \$10.

28 (F) When court appearance required, \$15.

29 (G) Motions to vacate or amend final orders, a
30 minimum of \$20 and a maximum of \$40.

31 (H) Motions to vacate bond forfeiture orders, a
32 minimum of \$20 and a maximum of \$40.

33 (I) Motions to vacate ex parte judgments, whenever
34 filed, a minimum of \$20 and a maximum of \$40.

35 (J) Motions to vacate judgment on forfeitures,
36 whenever filed, a minimum of \$20 and a maximum of \$40.

1 (K) Motions to vacate "failure to appear" or
2 "failure to comply" notices sent to the Secretary of
3 State, a minimum of \$20 and a maximum of \$40.

4 (2) In counties having a population of not more than
5 500,000 inhabitants, when the violation complaint is
6 issued by a municipal police department, the clerk shall be
7 entitled to costs from each person convicted therein as
8 follows:

9 (A) Minor traffic or ordinance violations, \$10.

10 (B) When court appearance required, \$15.

11 (3) In ordinance violation cases punishable by fine
12 only, the clerk of the circuit court shall be entitled to
13 receive, unless the fee is excused upon a finding by the
14 court that the defendant is indigent, in addition to other
15 fees or costs allowed or imposed by law, the sum of a
16 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
17 services of a jury. The jury fee shall be paid by the
18 defendant at the time of filing his or her jury demand. If
19 the fee is not so paid by the defendant, no jury shall be
20 called, and the case shall be tried by the court without a
21 jury.

22 (x) Transcripts of Judgment.

23 For the filing of a transcript of judgment, the clerk
24 shall be entitled to the same fee as if it were the
25 commencement of a new suit.

26 (y) Change of Venue.

27 (1) For the filing of a change of case on a change of
28 venue, the clerk shall be entitled to the same fee as if it
29 were the commencement of a new suit.

30 (2) The fee for the preparation and certification of a
31 record on a change of venue to another jurisdiction, when
32 original documents are forwarded, a minimum of \$10 and a
33 maximum of \$40.

34 (z) Tax objection complaints.

35 For each tax objection complaint containing one or more
36 tax objections, regardless of the number of parcels

1 involved or the number of taxpayers joining on the
2 complaint, a minimum of \$10 and a maximum of \$50.

3 (aa) Tax Deeds.

4 (1) Petition for tax deed, if only one parcel is
5 involved, a minimum of \$45 and a maximum of \$200.

6 (2) For each additional parcel, add a fee of a minimum
7 of \$10 and a maximum of \$60.

8 (bb) Collections.

9 (1) For all collections made of others, except the
10 State and county and except in maintenance or child support
11 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
12 of the amount collected and turned over.

13 (2) Interest earned on any funds held by the clerk
14 shall be turned over to the county general fund as an
15 earning of the office.

16 (3) For any check, draft, or other bank instrument
17 returned to the clerk for non-sufficient funds, account
18 closed, or payment stopped, \$25.

19 (4) In child support and maintenance cases, the clerk,
20 if authorized by an ordinance of the county board, may
21 collect an annual fee of up to \$36 from the person making
22 payment for maintaining child support records and the
23 processing of support orders to the State of Illinois KIDS
24 system and the recording of payments issued by the State
25 Disbursement Unit for the official record of the Court.
26 This fee shall be in addition to and separate from amounts
27 ordered to be paid as maintenance or child support and
28 shall be deposited into a Separate Maintenance and Child
29 Support Collection Fund, of which the clerk shall be the
30 custodian, ex-officio, to be used by the clerk to maintain
31 child support orders and record all payments issued by the
32 State Disbursement Unit for the official record of the
33 Court. The clerk may recover from the person making the
34 maintenance or child support payment any additional cost
35 incurred in the collection of this annual fee.

36 The clerk shall also be entitled to a fee of \$5 for

1 certifications made to the Secretary of State as provided
 2 in Section 7-703 of the Family Financial Responsibility Law
 3 and these fees shall also be deposited into the Separate
 4 Maintenance and Child Support Collection Fund.

5 (cc) Corrections of Numbers.

6 For correction of the case number, case title, or
 7 attorney computer identification number, if required by
 8 rule of court, on any document filed in the clerk's office,
 9 to be charged against the party that filed the document, a
 10 minimum of \$10 and a maximum of \$25.

11 (dd) Exceptions.

12 (1) The fee requirements of this Section shall not
 13 apply to police departments or other law enforcement
 14 agencies. In this Section, "law enforcement agency" means
 15 an agency of the State or a unit of local government which
 16 is vested by law or ordinance with the duty to maintain
 17 public order and to enforce criminal laws or ordinances.
 18 "Law enforcement agency" also means the Attorney General or
 19 any state's attorney.

20 (2) No fee provided herein shall be charged to any unit
 21 of local government or school district.

22 (3) The fee requirements of this Section shall not
 23 apply to any action instituted under subsection (b) of
 24 Section 11-31-1 of the Illinois Municipal Code by a private
 25 owner or tenant of real property within 1200 feet of a
 26 dangerous or unsafe building seeking an order compelling
 27 the owner or owners of the building to take any of the
 28 actions authorized under that subsection.

29 (4) The fee requirements of this Section shall not
 30 apply to the filing of any commitment petition or petition
 31 for an order authorizing the administration of authorized
 32 involuntary treatment in the form of medication under the
 33 Mental Health and Developmental Disabilities Code.

34 (ee) Adoptions.

35 (1) For an adoption \$65

36 (2) Upon good cause shown, the court may waive the

1 adoption filing fee in a special needs adoption. The term
2 "special needs adoption" shall have the meaning ascribed to
3 it by the Illinois Department of Children and Family
4 Services.

5 (ff) Adoption exemptions.

6 No fee other than that set forth in subsection (ee)
7 shall be charged to any person in connection with an
8 adoption proceeding nor may any fee be charged for
9 proceedings for the appointment of a confidential
10 intermediary under the Adoption Act.

11 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
12 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
13 revised 9-5-03.)

14 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

15 Sec. 27.3b. The clerk of court may accept payment of fines,
16 penalties, or costs by credit card or debit card approved by
17 the clerk from an offender who has been convicted of or placed
18 on court supervision for a traffic offense, petty offense,
19 ordinance offense, or misdemeanor or who has been convicted of
20 a felony offense. The clerk of the circuit court may accept
21 credit card payments over the Internet for fines, penalties, or
22 costs from offenders on voluntary electronic pleas of guilty in
23 minor traffic and conservation offenses to satisfy the
24 requirement of written pleas of guilty as provided in Illinois
25 Supreme Court Rule 529. The clerk of the court may also accept
26 payment of statutory fees by a credit card or debit card. The
27 clerk of the court may also accept the credit card or debit
28 card for the cash deposit of bail bond fees.

29 The Clerk of the circuit court is authorized to enter into
30 contracts with credit card or debit card companies approved by
31 the clerk and to negotiate the payment of convenience and
32 administrative fees normally charged by those companies for
33 allowing the clerk of the circuit court to accept their credit
34 cards or debit cards in payment as authorized herein. The clerk
35 of the circuit court is authorized to enter into contracts with

1 third party fund guarantors, facilitators, and service
2 providers under which those entities may contract directly with
3 customers of the clerk of the circuit court and guarantee and
4 remit the payments to the clerk of the circuit court. Where the
5 offender pays fines, penalties, or costs by credit card or
6 debit card or through a third party fund guarantor,
7 facilitator, or service provider, or anyone paying statutory
8 fees of the circuit court clerk or the posting of cash bail,
9 the clerk shall collect a service fee of up to \$5 or the amount
10 charged to the clerk for use of its services by the credit card
11 or debit card issuer, third party fund guarantor, facilitator,
12 or service provider. This service fee shall be in addition to
13 any other fines, penalties, or costs. The clerk of the circuit
14 court is authorized to negotiate the assessment of convenience
15 and administrative fees by the third party fund guarantors,
16 facilitators, and service providers with the revenue earned by
17 the clerk of the circuit court to be remitted to the county
18 general revenue fund.

19 (Source: P.A. 93-391, eff. 1-1-04; 93-760, eff. 1-1-05; 93-836,
20 eff. 1-1-05; revised 10-14-04.)

21 Section 615. The Juvenile Court Act of 1987 is amended by
22 changing Sections 1-3, 2-23, 3-24, 4-21, 5-130, 5-805, 5-810,
23 and 5-915 as follows:

24 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

25 Sec. 1-3. Definitions. Terms used in this Act, unless the
26 context otherwise requires, have the following meanings
27 ascribed to them:

28 (1) "Adjudicatory hearing" means a hearing to determine
29 whether the allegations of a petition under Section 2-13, 3-15
30 or 4-12 that a minor under 18 years of age is abused, neglected
31 or dependent, or requires authoritative intervention, or
32 addicted, respectively, are supported by a preponderance of the
33 evidence or whether the allegations of a petition under Section
34 5-520 that a minor is delinquent are proved beyond a reasonable

1 doubt.

2 (2) "Adult" means a person 21 years of age or older.

3 (3) "Agency" means a public or private child care facility
4 legally authorized or licensed by this State for placement or
5 institutional care or for both placement and institutional
6 care.

7 (4) "Association" means any organization, public or
8 private, engaged in welfare functions which include services to
9 or on behalf of children but does not include "agency" as
10 herein defined.

11 (4.05) Whenever a "best interest" determination is
12 required, the following factors shall be considered in the
13 context of the child's age and developmental needs:

14 (a) the physical safety and welfare of the child, including
15 food, shelter, health, and clothing;

16 (b) the development of the child's identity;

17 (c) the child's background and ties, including familial,
18 cultural, and religious;

19 (d) the child's sense of attachments, including:

20 (i) where the child actually feels love, attachment,
21 and a sense of being valued (as opposed to where adults
22 believe the child should feel such love, attachment, and a
23 sense of being valued);

24 (ii) the child's sense of security;

25 (iii) the child's sense of familiarity;

26 (iv) continuity of affection for the child;

27 (v) the least disruptive placement alternative for the
28 child;

29 (e) the child's wishes and long-term goals;

30 (f) the child's community ties, including church, school,
31 and friends;

32 (g) the child's need for permanence which includes the
33 child's need for stability and continuity of relationships with
34 parent figures and with siblings and other relatives;

35 (h) the uniqueness of every family and child;

36 (i) the risks attendant to entering and being in substitute

1 care; and

2 (j) the preferences of the persons available to care for
3 the child.

4 (4.1) "Chronic truant" shall have the definition ascribed
5 to it in Section 26-2a of the School Code.

6 (5) "Court" means the circuit court in a session or
7 division assigned to hear proceedings under this Act.

8 (6) "Dispositional hearing" means a hearing to determine
9 whether a minor should be adjudged to be a ward of the court,
10 and to determine what order of disposition should be made in
11 respect to a minor adjudged to be a ward of the court.

12 (7) "Emancipated minor" means any minor 16 years of age or
13 over who has been completely or partially emancipated under the
14 ~~"Emancipation of Mature Minors Act", enacted by the~~
15 ~~Eighty-First General Assembly,~~ or under this Act.

16 (8) "Guardianship of the person" of a minor means the duty
17 and authority to act in the best interests of the minor,
18 subject to residual parental rights and responsibilities, to
19 make important decisions in matters having a permanent effect
20 on the life and development of the minor and to be concerned
21 with his or her general welfare. It includes but is not
22 necessarily limited to:

23 (a) the authority to consent to marriage, to enlistment
24 in the armed forces of the United States, or to a major
25 medical, psychiatric, and surgical treatment; to represent
26 the minor in legal actions; and to make other decisions of
27 substantial legal significance concerning the minor;

28 (b) the authority and duty of reasonable visitation,
29 except to the extent that these have been limited in the
30 best interests of the minor by court order;

31 (c) the rights and responsibilities of legal custody
32 except where legal custody has been vested in another
33 person or agency; and

34 (d) the power to consent to the adoption of the minor,
35 but only if expressly conferred on the guardian in
36 accordance with Section 2-29, 3-30, or 4-27.

1 (9) "Legal custody" means the relationship created by an
2 order of court in the best interests of the minor which imposes
3 on the custodian the responsibility of physical possession of a
4 minor and the duty to protect, train and discipline him and to
5 provide him with food, shelter, education and ordinary medical
6 care, except as these are limited by residual parental rights
7 and responsibilities and the rights and responsibilities of the
8 guardian of the person, if any.

9 (10) "Minor" means a person under the age of 21 years
10 subject to this Act.

11 (11) "Parent" means the father or mother of a child and
12 includes any adoptive parent. It also includes a man (i) whose
13 paternity is presumed or has been established under the law of
14 this or another jurisdiction or (ii) who has registered with
15 the Putative Father Registry in accordance with Section 12.1 of
16 the Adoption Act and whose paternity has not been ruled out
17 under the law of this or another jurisdiction. It does not
18 include a parent whose rights in respect to the minor have been
19 terminated in any manner provided by law.

20 (11.1) "Permanency goal" means a goal set by the court as
21 defined in subdivision (2) of Section 2-28.

22 (11.2) "Permanency hearing" means a hearing to set the
23 permanency goal and to review and determine (i) the
24 appropriateness of the services contained in the plan and
25 whether those services have been provided, (ii) whether
26 reasonable efforts have been made by all the parties to the
27 service plan to achieve the goal, and (iii) whether the plan
28 and goal have been achieved.

29 (12) "Petition" means the petition provided for in Section
30 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
31 thereunder in Section 3-15, 4-12 or 5-520.

32 (13) "Residual parental rights and responsibilities" means
33 those rights and responsibilities remaining with the parent
34 after the transfer of legal custody or guardianship of the
35 person, including, but not necessarily limited to, the right to
36 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of
2 this Section), the right to consent to adoption, the right to
3 determine the minor's religious affiliation, and the
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (15) "Station adjustment" means the informal handling of an
9 alleged offender by a juvenile police officer.

10 (16) "Ward of the court" means a minor who is so adjudged
11 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
12 requisite jurisdictional facts, and thus is subject to the
13 dispositional powers of the court under this Act.

14 (17) "Juvenile police officer" means a sworn police officer
15 who has completed a Basic Recruit Training Course, has been
16 assigned to the position of juvenile police officer by his or
17 her chief law enforcement officer and has completed the
18 necessary juvenile officers training as prescribed by the
19 Illinois Law Enforcement Training Standards Board, or in the
20 case of a State police officer, juvenile officer training
21 approved by the Director of the Department of State Police.

22 (18) "Secure child care facility" means any child care
23 facility licensed by the Department of Children and Family
24 Services to provide secure living arrangements for children
25 under 18 years of age who are subject to placement in
26 facilities under the Children and Family Services Act and who
27 are not subject to placement in facilities for whom standards
28 are established by the Department of Corrections under Section
29 3-15-2 of the Unified Code of Corrections. "Secure child care
30 facility" also means a facility that is designed and operated
31 to ensure that all entrances and exits from the facility, a
32 building, or a distinct part of the building are under the
33 exclusive control of the staff of the facility, whether or not
34 the child has the freedom of movement within the perimeter of
35 the facility, building, or distinct part of the building.

36 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,

1 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
2 91-357, eff. 7-29-99; revised 10-9-03.)

3 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

4 Sec. 2-23. Kinds of dispositional orders.

5 (1) The following kinds of orders of disposition may be
6 made in respect of wards of the court:

7 (a) A minor under 18 years of age found to be neglected
8 or abused under Section 2-3 or dependent under Section 2-4
9 may be (1) continued in the custody of his or her parents,
10 guardian or legal custodian; (2) placed in accordance with
11 Section 2-27; (3) restored to the custody of the parent,
12 parents, guardian, or legal custodian, provided the court
13 shall order the parent, parents, guardian, or legal
14 custodian to cooperate with the Department of Children and
15 Family Services and comply with the terms of an after-care
16 plan or risk the loss of custody of the child and the
17 possible termination of their parental rights; or (4)
18 ordered partially or completely emancipated in accordance
19 with the provisions of the Emancipation of ~~Mature~~ Minors
20 Act.

21 However, in any case in which a minor is found by the
22 court to be neglected or abused under Section 2-3 of this
23 Act, custody of the minor shall not be restored to any
24 parent, guardian or legal custodian whose acts or omissions
25 or both have been identified, pursuant to subsection (1) of
26 Section 2-21, as forming the basis for the court's finding
27 of abuse or neglect, until such time as a hearing is held
28 on the issue of the best interests of the minor and the
29 fitness of such parent, guardian or legal custodian to care
30 for the minor without endangering the minor's health or
31 safety, and the court enters an order that such parent,
32 guardian or legal custodian is fit to care for the minor.

33 (b) A minor under 18 years of age found to be dependent
34 under Section 2-4 may be (1) placed in accordance with
35 Section 2-27 or (2) ordered partially or completely

1 emancipated in accordance with the provisions of the
2 Emancipation of ~~Mature~~ Minors Act.

3 However, in any case in which a minor is found by the
4 court to be dependent under Section 2-4 of this Act,
5 custody of the minor shall not be restored to any parent,
6 guardian or legal custodian whose acts or omissions or both
7 have been identified, pursuant to subsection (1) of Section
8 2-21, as forming the basis for the court's finding of
9 dependency, until such time as a hearing is held on the
10 issue of the fitness of such parent, guardian or legal
11 custodian to care for the minor without endangering the
12 minor's health or safety, and the court enters an order
13 that such parent, guardian or legal custodian is fit to
14 care for the minor.

15 (c) When the court awards guardianship to the
16 Department of Children and Family Services, the court shall
17 order the parents to cooperate with the Department of
18 Children and Family Services, comply with the terms of the
19 service plans, and correct the conditions that require the
20 child to be in care, or risk termination of their parental
21 rights.

22 (2) Any order of disposition may provide for protective
23 supervision under Section 2-24 and may include an order of
24 protection under Section 2-25.

25 Unless the order of disposition expressly so provides, it
26 does not operate to close proceedings on the pending petition,
27 but is subject to modification, not inconsistent with Section
28 2-28, until final closing and discharge of the proceedings
29 under Section 2-31.

30 (3) The court also shall enter any other orders necessary
31 to fulfill the service plan, including, but not limited to, (i)
32 orders requiring parties to cooperate with services, (ii)
33 restraining orders controlling the conduct of any party likely
34 to frustrate the achievement of the goal, and (iii) visiting
35 orders. Unless otherwise specifically authorized by law, the
36 court is not empowered under this subsection (3) to order

1 specific placements, specific services, or specific service
2 providers to be included in the plan. If the court concludes
3 that the Department of Children and Family Services has abused
4 its discretion in setting the current service plan or
5 permanency goal for the minor, the court shall enter specific
6 findings in writing based on the evidence and shall enter an
7 order for the Department to develop and implement a new
8 permanency goal and service plan consistent with the court's
9 findings. The new service plan shall be filed with the court
10 and served on all parties. The court shall continue the matter
11 until the new service plan is filed.

12 (4) In addition to any other order of disposition, the
13 court may order any minor adjudicated neglected with respect to
14 his or her own injurious behavior to make restitution, in
15 monetary or non-monetary form, under the terms and conditions
16 of Section 5-5-6 of the Unified Code of Corrections, except
17 that the "presentence hearing" referred to therein shall be the
18 dispositional hearing for purposes of this Section. The parent,
19 guardian or legal custodian of the minor may pay some or all of
20 such restitution on the minor's behalf.

21 (5) Any order for disposition where the minor is committed
22 or placed in accordance with Section 2-27 shall provide for the
23 parents or guardian of the estate of such minor to pay to the
24 legal custodian or guardian of the person of the minor such
25 sums as are determined by the custodian or guardian of the
26 person of the minor as necessary for the minor's needs. Such
27 payments may not exceed the maximum amounts provided for by
28 Section 9.1 of the Children and Family Services Act.

29 (6) Whenever the order of disposition requires the minor to
30 attend school or participate in a program of training, the
31 truant officer or designated school official shall regularly
32 report to the court if the minor is a chronic or habitual
33 truant under Section 26-2a of the School Code.

34 (7) The court may terminate the parental rights of a parent
35 at the initial dispositional hearing if all of the conditions
36 in subsection (5) of Section 2-21 are met.

1 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,
2 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
3 eff. 7-30-98; revised 10-9-03.)

4 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

5 Sec. 3-24. Kinds of dispositional orders.

6 (1) The following kinds of orders of disposition may be
7 made in respect to wards of the court: A minor found to be
8 requiring authoritative intervention under Section 3-3 may be
9 (a) committed to the Department of Children and Family
10 Services, subject to Section 5 of the Children and Family
11 Services Act; (b) placed under supervision and released to his
12 or her parents, guardian or legal custodian; (c) placed in
13 accordance with Section 3-28 with or without also being placed
14 under supervision. Conditions of supervision may be modified or
15 terminated by the court if it deems that the best interests of
16 the minor and the public will be served thereby; (d) ordered
17 partially or completely emancipated in accordance with the
18 provisions of the Emancipation of ~~Mature~~ Minors Act; or (e)
19 subject to having his or her driver's license or driving
20 privilege suspended for such time as determined by the Court
21 but only until he or she attains 18 years of age.

22 (2) Any order of disposition may provide for protective
23 supervision under Section 3-25 and may include an order of
24 protection under Section 3-26.

25 (3) Unless the order of disposition expressly so provides,
26 it does not operate to close proceedings on the pending
27 petition, but is subject to modification until final closing
28 and discharge of the proceedings under Section 3-32.

29 (4) In addition to any other order of disposition, the
30 court may order any person found to be a minor requiring
31 authoritative intervention under Section 3-3 to make
32 restitution, in monetary or non-monetary form, under the terms
33 and conditions of Section 5-5-6 of the Unified Code of
34 Corrections, except that the "presentence hearing" referred to
35 therein shall be the dispositional hearing for purposes of this

1 Section. The parent, guardian or legal custodian of the minor
2 may pay some or all of such restitution on the minor's behalf.

3 (5) Any order for disposition where the minor is committed
4 or placed in accordance with Section 3-28 shall provide for the
5 parents or guardian of the estate of such minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. Such
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

11 (6) Whenever the order of disposition requires the minor to
12 attend school or participate in a program of training, the
13 truant officer or designated school official shall regularly
14 report to the court if the minor is a chronic or habitual
15 truant under Section 26-2a of the School Code.

16 (7) The court must impose upon a minor under an order of
17 continuance under supervision or an order of disposition under
18 this Article III, as a condition of the order, a fee of \$25 for
19 each month or partial month of supervision with a probation
20 officer. If the court determines the inability of the minor, or
21 the parent, guardian, or legal custodian of the minor to pay
22 the fee, the court may impose a lesser fee. The court may not
23 impose the fee on a minor who is made a ward of the State under
24 this Act. The fee may be imposed only upon a minor who is
25 actively supervised by the probation and court services
26 department. The fee must be collected by the clerk of the
27 circuit court. The clerk of the circuit court must pay all
28 monies collected from this fee to the county treasurer for
29 deposit into the probation and court services fund under
30 Section 15.1 of the Probation and Probation Officers Act.

31 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

32 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

33 Sec. 4-21. Kinds of dispositional orders.

34 (1) A minor found to be addicted under Section 4-3 may be
35 (a) committed to the Department of Children and Family

1 Services, subject to Section 5 of the Children and Family
2 Services Act; (b) placed under supervision and released to his
3 or her parents, guardian or legal custodian; (c) placed in
4 accordance with Section 4-25 with or without also being placed
5 under supervision. Conditions of supervision may be modified or
6 terminated by the court if it deems that the best interests of
7 the minor and the public will be served thereby; (d) required
8 to attend an approved alcohol or drug abuse treatment or
9 counseling program on an inpatient or outpatient basis instead
10 of or in addition to the disposition otherwise provided for in
11 this paragraph; (e) ordered partially or completely
12 emancipated in accordance with the provisions of the
13 Emancipation of ~~Mature~~ Minors Act; or (f) subject to having his
14 or her driver's license or driving privilege suspended for such
15 time as determined by the Court but only until he or she
16 attains 18 years of age. No disposition under this subsection
17 shall provide for the minor's placement in a secure facility.

18 (2) Any order of disposition may provide for protective
19 supervision under Section 4-22 and may include an order of
20 protection under Section 4-23.

21 (3) Unless the order of disposition expressly so provides,
22 it does not operate to close proceedings on the pending
23 petition, but is subject to modification until final closing
24 and discharge of the proceedings under Section 4-29.

25 (4) In addition to any other order of disposition, the
26 court may order any minor found to be addicted under this
27 Article as neglected with respect to his or her own injurious
28 behavior, to make restitution, in monetary or non-monetary
29 form, under the terms and conditions of Section 5-5-6 of the
30 Unified Code of Corrections, except that the "presentence
31 hearing" referred to therein shall be the dispositional hearing
32 for purposes of this Section. The parent, guardian or legal
33 custodian of the minor may pay some or all of such restitution
34 on the minor's behalf.

35 (5) Any order for disposition where the minor is placed in
36 accordance with Section 4-25 shall provide for the parents or

1 guardian of the estate of such minor to pay to the legal
2 custodian or guardian of the person of the minor such sums as
3 are determined by the custodian or guardian of the person of
4 the minor as necessary for the minor's needs. Such payments may
5 not exceed the maximum amounts provided for by Section 9.1 of
6 the Children and Family Services Act.

7 (6) Whenever the order of disposition requires the minor to
8 attend school or participate in a program of training, the
9 truant officer or designated school official shall regularly
10 report to the court if the minor is a chronic or habitual
11 truant under Section 26-2a of the School Code.

12 (7) The court must impose upon a minor under an order of
13 continuance under supervision or an order of disposition under
14 this Article IV, as a condition of the order, a fee of \$25 for
15 each month or partial month of supervision with a probation
16 officer. If the court determines the inability of the minor, or
17 the parent, guardian, or legal custodian of the minor to pay
18 the fee, the court may impose a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State under
20 this Act. The fee may be imposed only upon a minor who is
21 actively supervised by the probation and court services
22 department. The fee must be collected by the clerk of the
23 circuit court. The clerk of the circuit court must pay all
24 monies collected from this fee to the county treasurer for
25 deposit into the probation and court services fund under
26 Section 15.1 of the Probation and Probation Officers Act.

27 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

28 (705 ILCS 405/5-130)

29 Sec. 5-130. Excluded jurisdiction.

30 (1) (a) The definition of delinquent minor under Section
31 5-120 of this Article shall not apply to any minor who at the
32 time of an offense was at least 15 years of age and who is
33 charged with: (i) first degree murder, (ii) aggravated criminal
34 sexual assault, (iii) aggravated battery with a firearm where
35 the minor personally discharged a firearm as defined in Section

1 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when
2 the armed robbery was committed with a firearm, or (v)
3 aggravated vehicular hijacking when the hijacking was
4 committed with a firearm.

5 These charges and all other charges arising out of the same
6 incident shall be prosecuted under the criminal laws of this
7 State.

8 (b) (i) If before trial or plea an information or
9 indictment is filed that does not charge an offense specified
10 in paragraph (a) of this subsection (1) the State's Attorney
11 may proceed on any lesser charge or charges, but only in
12 Juvenile Court under the provisions of this Article. The
13 State's Attorney may proceed under the Criminal Code of 1961 on
14 a lesser charge if before trial the minor defendant knowingly
15 and with advice of counsel waives, in writing, his or her right
16 to have the matter proceed in Juvenile Court.

17 (ii) If before trial or plea an information or indictment
18 is filed that includes one or more charges specified in
19 paragraph (a) of this subsection (1) and additional charges
20 that are not specified in that paragraph, all of the charges
21 arising out of the same incident shall be prosecuted under the
22 Criminal Code of 1961.

23 (c) (i) If after trial or plea the minor is convicted of
24 any offense covered by paragraph (a) of this subsection (1),
25 then, in sentencing the minor, the court shall have available
26 any or all dispositions prescribed for that offense under
27 Chapter V of the Unified Code of Corrections.

28 (ii) If after trial or plea the court finds that the minor
29 committed an offense not covered by paragraph (a) of this
30 subsection (1), that finding shall not invalidate the verdict
31 or the prosecution of the minor under the criminal laws of the
32 State; however, unless the State requests a hearing for the
33 purpose of sentencing the minor under Chapter V of the Unified
34 Code of Corrections, the Court must proceed under Sections
35 5-705 and 5-710 of this Article. To request a hearing, the
36 State must file a written motion within 10 days following the

1 entry of a finding or the return of a verdict. Reasonable
2 notice of the motion shall be given to the minor or his or her
3 counsel. If the motion is made by the State, the court shall
4 conduct a hearing to determine if the minor should be sentenced
5 under Chapter V of the Unified Code of Corrections. In making
6 its determination, the court shall consider among other
7 matters: (a) whether there is evidence that the offense was
8 committed in an aggressive and premeditated manner; (b) the age
9 of the minor; (c) the previous history of the minor; (d)
10 whether there are facilities particularly available to the
11 Juvenile Court or the Department of Corrections, Juvenile
12 Division, for the treatment and rehabilitation of the minor;
13 (e) whether the security of the public requires sentencing
14 under Chapter V of the Unified Code of Corrections; and (f)
15 whether the minor possessed a deadly weapon when committing the
16 offense. The rules of evidence shall be the same as if at
17 trial. If after the hearing the court finds that the minor
18 should be sentenced under Chapter V of the Unified Code of
19 Corrections, then the court shall sentence the minor
20 accordingly having available to it any or all dispositions so
21 prescribed.

22 (2) (Blank). ~~or an offense under the Methamphetamine~~
23 ~~Control and Community Protection Act~~

24 (3) (a) The definition of delinquent minor under Section
25 5-120 of this Article shall not apply to any minor who at the
26 time of the offense was at least 15 years of age and who is
27 charged with a violation of the provisions of paragraph (1),
28 (3), (4), or (10) of subsection (a) of Section 24-1 of the
29 Criminal Code of 1961 while in school, regardless of the time
30 of day or the time of year, or on the real property comprising
31 any school, regardless of the time of day or the time of year.
32 School is defined, for purposes of this Section as any public
33 or private elementary or secondary school, community college,
34 college, or university. These charges and all other charges
35 arising out of the same incident shall be prosecuted under the
36 criminal laws of this State.

1 (b) (i) If before trial or plea an information or
2 indictment is filed that does not charge an offense specified
3 in paragraph (a) of this subsection (3) the State's Attorney
4 may proceed on any lesser charge or charges, but only in
5 Juvenile Court under the provisions of this Article. The
6 State's Attorney may proceed under the criminal laws of this
7 State on a lesser charge if before trial the minor defendant
8 knowingly and with advice of counsel waives, in writing, his or
9 her right to have the matter proceed in Juvenile Court.

10 (ii) If before trial or plea an information or indictment
11 is filed that includes one or more charges specified in
12 paragraph (a) of this subsection (3) and additional charges
13 that are not specified in that paragraph, all of the charges
14 arising out of the same incident shall be prosecuted under the
15 criminal laws of this State.

16 (c) (i) If after trial or plea the minor is convicted of
17 any offense covered by paragraph (a) of this subsection (3),
18 then, in sentencing the minor, the court shall have available
19 any or all dispositions prescribed for that offense under
20 Chapter V of the Unified Code of Corrections.

21 (ii) If after trial or plea the court finds that the minor
22 committed an offense not covered by paragraph (a) of this
23 subsection (3), that finding shall not invalidate the verdict
24 or the prosecution of the minor under the criminal laws of the
25 State; however, unless the State requests a hearing for the
26 purpose of sentencing the minor under Chapter V of the Unified
27 Code of Corrections, the Court must proceed under Sections
28 5-705 and 5-710 of this Article. To request a hearing, the
29 State must file a written motion within 10 days following the
30 entry of a finding or the return of a verdict. Reasonable
31 notice of the motion shall be given to the minor or his or her
32 counsel. If the motion is made by the State, the court shall
33 conduct a hearing to determine if the minor should be sentenced
34 under Chapter V of the Unified Code of Corrections. In making
35 its determination, the court shall consider among other
36 matters: (a) whether there is evidence that the offense was

1 committed in an aggressive and premeditated manner; (b) the age
2 of the minor; (c) the previous history of the minor; (d)
3 whether there are facilities particularly available to the
4 Juvenile Court or the Department of Corrections, Juvenile
5 Division, for the treatment and rehabilitation of the minor;
6 (e) whether the security of the public requires sentencing
7 under Chapter V of the Unified Code of Corrections; and (f)
8 whether the minor possessed a deadly weapon when committing the
9 offense. The rules of evidence shall be the same as if at
10 trial. If after the hearing the court finds that the minor
11 should be sentenced under Chapter V of the Unified Code of
12 Corrections, then the court shall sentence the minor
13 accordingly having available to it any or all dispositions so
14 prescribed.

15 (4) (a) The definition of delinquent minor under Section
16 5-120 of this Article shall not apply to any minor who at the
17 time of an offense was at least 13 years of age and who is
18 charged with first degree murder committed during the course of
19 either aggravated criminal sexual assault, criminal sexual
20 assault, or aggravated kidnaping. However, this subsection (4)
21 does not include a minor charged with first degree murder based
22 exclusively upon the accountability provisions of the Criminal
23 Code of 1961.

24 (b) (i) If before trial or plea an information or
25 indictment is filed that does not charge first degree murder
26 committed during the course of aggravated criminal sexual
27 assault, criminal sexual assault, or aggravated kidnaping, the
28 State's Attorney may proceed on any lesser charge or charges,
29 but only in Juvenile Court under the provisions of this
30 Article. The State's Attorney may proceed under the criminal
31 laws of this State on a lesser charge if before trial the minor
32 defendant knowingly and with advice of counsel waives, in
33 writing, his or her right to have the matter proceed in
34 Juvenile Court.

35 (ii) If before trial or plea an information or indictment
36 is filed that includes first degree murder committed during the

1 course of aggravated criminal sexual assault, criminal sexual
2 assault, or aggravated kidnaping, and additional charges that
3 are not specified in paragraph (a) of this subsection, all of
4 the charges arising out of the same incident shall be
5 prosecuted under the criminal laws of this State.

6 (c) (i) If after trial or plea the minor is convicted of
7 first degree murder committed during the course of aggravated
8 criminal sexual assault, criminal sexual assault, or
9 aggravated kidnaping, in sentencing the minor, the court shall
10 have available any or all dispositions prescribed for that
11 offense under Chapter V of the Unified Code of Corrections.

12 (ii) If the minor was not yet 15 years of age at the time of
13 the offense, and if after trial or plea the court finds that
14 the minor committed an offense other than first degree murder
15 committed during the course of either aggravated criminal
16 sexual assault, criminal sexual assault, or aggravated
17 kidnaping, the finding shall not invalidate the verdict or the
18 prosecution of the minor under the criminal laws of the State;
19 however, unless the State requests a hearing for the purpose of
20 sentencing the minor under Chapter V of the Unified Code of
21 Corrections, the Court must proceed under Sections 5-705 and
22 5-710 of this Article. To request a hearing, the State must
23 file a written motion within 10 days following the entry of a
24 finding or the return of a verdict. Reasonable notice of the
25 motion shall be given to the minor or his or her counsel. If
26 the motion is made by the State, the court shall conduct a
27 hearing to determine whether the minor should be sentenced
28 under Chapter V of the Unified Code of Corrections. In making
29 its determination, the court shall consider among other
30 matters: (a) whether there is evidence that the offense was
31 committed in an aggressive and premeditated manner; (b) the age
32 of the minor; (c) the previous delinquent history of the minor;
33 (d) whether there are facilities particularly available to the
34 Juvenile Court or the Department of Corrections, Juvenile
35 Division, for the treatment and rehabilitation of the minor;
36 (e) whether the best interest of the minor and the security of

1 the public require sentencing under Chapter V of the Unified
2 Code of Corrections; and (f) whether the minor possessed a
3 deadly weapon when committing the offense. The rules of
4 evidence shall be the same as if at trial. If after the hearing
5 the court finds that the minor should be sentenced under
6 Chapter V of the Unified Code of Corrections, then the court
7 shall sentence the minor accordingly having available to it any
8 or all dispositions so prescribed.

9 (5) (a) The definition of delinquent minor under Section
10 5-120 of this Article shall not apply to any minor who is
11 charged with a violation of subsection (a) of Section 31-6 or
12 Section 32-10 of the Criminal Code of 1961 when the minor is
13 subject to prosecution under the criminal laws of this State as
14 a result of the application of the provisions of Section 5-125,
15 or subsection (1) or (2) of this Section. These charges and all
16 other charges arising out of the same incident shall be
17 prosecuted under the criminal laws of this State.

18 (b) (i) If before trial or plea an information or
19 indictment is filed that does not charge an offense specified
20 in paragraph (a) of this subsection (5), the State's Attorney
21 may proceed on any lesser charge or charges, but only in
22 Juvenile Court under the provisions of this Article. The
23 State's Attorney may proceed under the criminal laws of this
24 State on a lesser charge if before trial the minor defendant
25 knowingly and with advice of counsel waives, in writing, his or
26 her right to have the matter proceed in Juvenile Court.

27 (ii) If before trial or plea an information or indictment
28 is filed that includes one or more charges specified in
29 paragraph (a) of this subsection (5) and additional charges
30 that are not specified in that paragraph, all of the charges
31 arising out of the same incident shall be prosecuted under the
32 criminal laws of this State.

33 (c) (i) If after trial or plea the minor is convicted of
34 any offense covered by paragraph (a) of this subsection (5),
35 then, in sentencing the minor, the court shall have available
36 any or all dispositions prescribed for that offense under

1 Chapter V of the Unified Code of Corrections.

2 (ii) If after trial or plea the court finds that the minor
3 committed an offense not covered by paragraph (a) of this
4 subsection (5), the conviction shall not invalidate the verdict
5 or the prosecution of the minor under the criminal laws of this
6 State; however, unless the State requests a hearing for the
7 purpose of sentencing the minor under Chapter V of the Unified
8 Code of Corrections, the Court must proceed under Sections
9 5-705 and 5-710 of this Article. To request a hearing, the
10 State must file a written motion within 10 days following the
11 entry of a finding or the return of a verdict. Reasonable
12 notice of the motion shall be given to the minor or his or her
13 counsel. If the motion is made by the State, the court shall
14 conduct a hearing to determine if whether the minor should be
15 sentenced under Chapter V of the Unified Code of Corrections.
16 In making its determination, the court shall consider among
17 other matters: (a) whether there is evidence that the offense
18 was committed in an aggressive and premeditated manner; (b) the
19 age of the minor; (c) the previous delinquent history of the
20 minor; (d) whether there are facilities particularly available
21 to the Juvenile Court or the Department of Corrections,
22 Juvenile Division, for the treatment and rehabilitation of the
23 minor; (e) whether the security of the public requires
24 sentencing under Chapter V of the Unified Code of Corrections;
25 and (f) whether the minor possessed a deadly weapon when
26 committing the offense. The rules of evidence shall be the same
27 as if at trial. If after the hearing the court finds that the
28 minor should be sentenced under Chapter V of the Unified Code
29 of Corrections, then the court shall sentence the minor
30 accordingly having available to it any or all dispositions so
31 prescribed.

32 (6) The definition of delinquent minor under Section 5-120
33 of this Article shall not apply to any minor who, pursuant to
34 subsection (1)~~7~~ or (3) or Section 5-805~~7~~ or 5-810, has
35 previously been placed under the jurisdiction of the criminal
36 court and has been convicted of a crime under an adult criminal

1 or penal statute. Such a minor shall be subject to prosecution
2 under the criminal laws of this State.

3 (7) The procedures set out in this Article for the
4 investigation, arrest and prosecution of juvenile offenders
5 shall not apply to minors who are excluded from jurisdiction of
6 the Juvenile Court, except that minors under 17 years of age
7 shall be kept separate from confined adults.

8 (8) Nothing in this Act prohibits or limits the prosecution
9 of any minor for an offense committed on or after his or her
10 17th birthday even though he or she is at the time of the
11 offense a ward of the court.

12 (9) If an original petition for adjudication of wardship
13 alleges the commission by a minor 13 years of age or over of an
14 act that constitutes a crime under the laws of this State, the
15 minor, with the consent of his or her counsel, may, at any time
16 before commencement of the adjudicatory hearing, file with the
17 court a motion that criminal prosecution be ordered and that
18 the petition be dismissed insofar as the act or acts involved
19 in the criminal proceedings are concerned. If such a motion is
20 filed as herein provided, the court shall enter its order
21 accordingly.

22 (10) If, prior to August 12, 2005 (the effective date of
23 Public Act 94-574) ~~this amendatory Act of the 94th General~~
24 ~~Assembly~~, a minor is charged with a violation of Section 401 of
25 the Illinois Controlled Substances Act under the criminal laws
26 of this State, other than a minor charged with a Class X felony
27 violation of the Illinois Controlled Substances Act or the
28 Methamphetamine Control and Community Protection Act, any
29 party including the minor or the court sua sponte may, before
30 trial, move for a hearing for the purpose of trying and
31 sentencing the minor as a delinquent minor. To request a
32 hearing, the party must file a motion prior to trial.
33 Reasonable notice of the motion shall be given to all parties.
34 On its own motion or upon the filing of a motion by one of the
35 parties including the minor, the court shall conduct a hearing
36 to determine whether the minor should be tried and sentenced as

1 a delinquent minor under this Article. In making its
2 determination, the court shall consider among other matters:

3 (a) The age of the minor;

4 (b) Any previous delinquent or criminal history of the
5 minor;

6 (c) Any previous abuse or neglect history of the minor;

7 (d) Any mental health or educational history of the minor,
8 or both; and

9 (e) Whether there is probable cause to support the charge,
10 whether the minor is charged through accountability, and
11 whether there is evidence the minor possessed a deadly weapon
12 or caused serious bodily harm during the offense.

13 Any material that is relevant and reliable shall be
14 admissible at the hearing. In all cases, the judge shall enter
15 an order permitting prosecution under the criminal laws of
16 Illinois unless the judge makes a finding based on a
17 preponderance of the evidence that the minor would be amenable
18 to the care, treatment, and training programs available through
19 the facilities of the juvenile court based on an evaluation of
20 the factors listed in this subsection (10).

21 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
22 revised 8-19-05.)

23 (705 ILCS 405/5-805)

24 Sec. 5-805. Transfer of jurisdiction.

25 (1) Mandatory transfers.

26 (a) If a petition alleges commission by a minor 15
27 years of age or older of an act that constitutes a forcible
28 felony under the laws of this State, and if a motion by the
29 State's Attorney to prosecute the minor under the criminal
30 laws of Illinois for the alleged forcible felony alleges
31 that (i) the minor has previously been adjudicated
32 delinquent or found guilty for commission of an act that
33 constitutes a felony under the laws of this State or any
34 other state and (ii) the act that constitutes the offense
35 was committed in furtherance of criminal activity by an

1 organized gang, the Juvenile Judge assigned to hear and
2 determine those motions shall, upon determining that there
3 is probable cause that both allegations are true, enter an
4 order permitting prosecution under the criminal laws of
5 Illinois.

6 (b) If a petition alleges commission by a minor 15
7 years of age or older of an act that constitutes a felony
8 under the laws of this State, and if a motion by a State's
9 Attorney to prosecute the minor under the criminal laws of
10 Illinois for the alleged felony alleges that (i) the minor
11 has previously been adjudicated delinquent or found guilty
12 for commission of an act that constitutes a forcible felony
13 under the laws of this State or any other state and (ii)
14 the act that constitutes the offense was committed in
15 furtherance of criminal activities by an organized gang,
16 the Juvenile Judge assigned to hear and determine those
17 motions shall, upon determining that there is probable
18 cause that both allegations are true, enter an order
19 permitting prosecution under the criminal laws of
20 Illinois.

21 (c) If a petition alleges commission by a minor 15
22 years of age or older of: (i) an act that constitutes an
23 offense enumerated in the presumptive transfer provisions
24 of subsection (2); and (ii) the minor has previously been
25 adjudicated delinquent or found guilty of a forcible
26 felony, the Juvenile Judge designated to hear and determine
27 those motions shall, upon determining that there is
28 probable cause that both allegations are true, enter an
29 order permitting prosecution under the criminal laws of
30 Illinois.

31 (d) If a petition alleges commission by a minor 15
32 years of age or older of an act that constitutes the
33 offense of aggravated discharge of a firearm committed in a
34 school, on the real property comprising a school, within
35 1,000 feet of the real property comprising a school, at a
36 school related activity, or on, boarding, or departing from

1 any conveyance owned, leased, or contracted by a school or
2 school district to transport students to or from school or
3 a school related activity, regardless of the time of day or
4 the time of year, the juvenile judge designated to hear and
5 determine those motions shall, upon determining that there
6 is probable cause that the allegations are true, enter an
7 order permitting prosecution under the criminal laws of
8 Illinois.

9 For purposes of this paragraph (d) of subsection (1):

10 "School" means a public or private elementary or
11 secondary school, community college, college, or
12 university.

13 "School related activity" means any sporting, social,
14 academic, or other activity for which students' attendance
15 or participation is sponsored, organized, or funded in
16 whole or in part by a school or school district.

17 (2) Presumptive transfer.

18 (a) If the State's Attorney files a petition, at any
19 time prior to commencement of the minor's trial, to permit
20 prosecution under the criminal laws and the petition
21 alleges the commission by a minor 15 years of age or older
22 of: (i) a Class X felony other than armed violence; (ii)
23 aggravated discharge of a firearm; (iii) armed violence
24 with a firearm when the predicate offense is a Class 1 or
25 Class 2 felony and the State's Attorney's motion to
26 transfer the case alleges that the offense committed is in
27 furtherance of the criminal activities of an organized
28 gang; (iv) armed violence with a firearm when the predicate
29 offense is a violation of the Illinois Controlled
30 Substances Act, a violation of the Cannabis Control Act, or
31 a violation of the Methamphetamine Control and Community
32 Protection Act; (v) armed violence when the weapon involved
33 was a machine gun or other weapon described in subsection
34 (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi)
35 an act in violation of Section 401 of the Illinois
36 Controlled Substances Act which is a Class X felony, while

1 in a school, regardless of the time of day or the time of
2 year, or on any conveyance owned, leased, or contracted by
3 a school to transport students to or from school or a
4 school related activity, or on residential property owned,
5 operated, or managed by a public housing agency or leased
6 by a public housing agency as part of a scattered site or
7 mixed-income development; or (vii) an act in violation of
8 Section 401 of the Illinois Controlled Substances Act and
9 the offense is alleged to have occurred while in a school
10 or on a public way within 1,000 feet of the real property
11 comprising any school, regardless of the time of day or the
12 time of year when the delivery or intended delivery of any
13 amount of the controlled substance is to a person under 17
14 years of age, (to qualify for a presumptive transfer under
15 paragraph (vi) or (vii) of this clause (2)(a), the
16 violation cannot be based upon subsection (b) of Section
17 407 of the Illinois Controlled Substances Act) and, if the
18 juvenile judge assigned to hear and determine motions to
19 transfer a case for prosecution in the criminal court
20 determines that there is probable cause to believe that the
21 allegations in the petition and motion are true, there is a
22 rebuttable presumption that the minor is not a fit and
23 proper subject to be dealt with under the Juvenile Justice
24 Reform Provisions of 1998 (Public Act 90-590), and that,
25 except as provided in paragraph (b), the case should be
26 transferred to the criminal court.

27 (b) The judge shall enter an order permitting
28 prosecution under the criminal laws of Illinois unless the
29 judge makes a finding based on clear and convincing
30 evidence that the minor would be amenable to the care,
31 treatment, and training programs available through the
32 facilities of the juvenile court based on an evaluation of
33 the following:

34 (i) the age of the minor;

35 (ii) the history of the minor, including:

36 (A) any previous delinquent or criminal

- 1 history of the minor,
- 2 (B) any previous abuse or neglect history of
- 3 the minor, and
- 4 (C) any mental health, physical or educational
- 5 history of the minor or combination of these
- 6 factors;
- 7 (iii) the circumstances of the offense, including:
- 8 (A) the seriousness of the offense,
- 9 (B) whether the minor is charged through
- 10 accountability,
- 11 (C) whether there is evidence the offense was
- 12 committed in an aggressive and premeditated
- 13 manner,
- 14 (D) whether there is evidence the offense
- 15 caused serious bodily harm,
- 16 (E) whether there is evidence the minor
- 17 possessed a deadly weapon;
- 18 (iv) the advantages of treatment within the
- 19 juvenile justice system including whether there are
- 20 facilities or programs, or both, particularly
- 21 available in the juvenile system;
- 22 (v) whether the security of the public requires
- 23 sentencing under Chapter V of the Unified Code of
- 24 Corrections:
- 25 (A) the minor's history of services, including
- 26 the minor's willingness to participate
- 27 meaningfully in available services;
- 28 (B) whether there is a reasonable likelihood
- 29 that the minor can be rehabilitated before the
- 30 expiration of the juvenile court's jurisdiction;
- 31 (C) the adequacy of the punishment or
- 32 services.

33 In considering these factors, the court shall give

34 greater weight to the seriousness of the alleged offense

35 and the minor's prior record of delinquency than to the

36 other factors listed in this subsection.

1 For purposes of clauses (2) (a) (vi) and (vii):

2 "School" means a public or private elementary or secondary
3 school, community college, college, or university.

4 "School related activity" means any sporting, social,
5 academic, or other activity for which students' attendance or
6 participation is sponsored, organized, or funded in whole or in
7 part by a school or school district.

8 (3) Discretionary transfer.

9 (a) If a petition alleges commission by a minor 13
10 years of age or over of an act that constitutes a crime
11 under the laws of this State and, on motion of the State's
12 Attorney to permit prosecution of the minor under the
13 criminal laws, a Juvenile Judge assigned by the Chief Judge
14 of the Circuit to hear and determine those motions, after
15 hearing but before commencement of the trial, finds that
16 there is probable cause to believe that the allegations in
17 the motion are true and that it is not in the best
18 interests of the public to proceed under this Act, the
19 court may enter an order permitting prosecution under the
20 criminal laws.

21 (b) In making its determination on the motion to permit
22 prosecution under the criminal laws, the court shall
23 consider among other matters:

24 (i) the age of the minor;

25 (ii) the history of the minor, including:

26 (A) any previous delinquent or criminal
27 history of the minor,

28 (B) any previous abuse or neglect history of
29 the minor, and

30 (C) any mental health, physical, or
31 educational history of the minor or combination of
32 these factors;

33 (iii) the circumstances of the offense, including:

34 (A) the seriousness of the offense,

35 (B) whether the minor is charged through
36 accountability,

1 (C) whether there is evidence the offense was
2 committed in an aggressive and premeditated
3 manner,

4 (D) whether there is evidence the offense
5 caused serious bodily harm,

6 (E) whether there is evidence the minor
7 possessed a deadly weapon;

8 (iv) the advantages of treatment within the
9 juvenile justice system including whether there are
10 facilities or programs, or both, particularly
11 available in the juvenile system;

12 (v) whether the security of the public requires
13 sentencing under Chapter V of the Unified Code of
14 Corrections:

15 (A) the minor's history of services, including
16 the minor's willingness to participate
17 meaningfully in available services;

18 (B) whether there is a reasonable likelihood
19 that the minor can be rehabilitated before the
20 expiration of the juvenile court's jurisdiction;

21 (C) the adequacy of the punishment or
22 services.

23 In considering these factors, the court shall give
24 greater weight to the seriousness of the alleged offense
25 and the minor's prior record of delinquency than to the
26 other factors listed in this subsection.

27 (4) The rules of evidence for this hearing shall be the
28 same as under Section 5-705 of this Act. A minor must be
29 represented in court by counsel before the hearing may be
30 commenced.

31 (5) If criminal proceedings are instituted, the petition
32 for adjudication of wardship shall be dismissed insofar as the
33 act or acts involved in the criminal proceedings. Taking of
34 evidence in a trial on petition for adjudication of wardship is
35 a bar to criminal proceedings based upon the conduct alleged in
36 the petition.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
2 revised 8-19-05.)

3 (705 ILCS 405/5-810)

4 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

5 (1) (a) If the State's Attorney files a petition, at any
6 time prior to commencement of the minor's trial, to designate
7 the proceeding as an extended jurisdiction juvenile
8 prosecution and the petition alleges the commission by a minor
9 13 years of age or older of any offense which would be a felony
10 if committed by an adult, and, if the juvenile judge assigned
11 to hear and determine petitions to designate the proceeding as
12 an extended jurisdiction juvenile prosecution determines that
13 there is probable cause to believe that the allegations in the
14 petition and motion are true, there is a rebuttable presumption
15 that the proceeding shall be designated as an extended
16 jurisdiction juvenile proceeding.

17 (b) The judge shall enter an order designating the
18 proceeding as an extended jurisdiction juvenile proceeding
19 unless the judge makes a finding based on clear and convincing
20 evidence that sentencing under the Chapter V of the Unified
21 Code of Corrections would not be appropriate for the minor
22 based on an evaluation of the following factors:

23 (i) the age of the minor;

24 (ii) the history of the minor, including:

25 (A) any previous delinquent or criminal history of
26 the minor,

27 (B) any previous abuse or neglect history of the
28 minor, and

29 (C) any mental health, physical and/or educational
30 history of the minor;

31 (iii) the circumstances of the offense, including:

32 (A) the seriousness of the offense,

33 (B) whether the minor is charged through
34 accountability,

35 (C) whether there is evidence the offense was

- 1 committed in an aggressive and premeditated manner,
- 2 (D) whether there is evidence the offense caused
- 3 serious bodily harm,
- 4 (E) whether there is evidence the minor possessed a
- 5 deadly weapon;
- 6 (iv) the advantages of treatment within the juvenile
- 7 justice system including whether there are facilities or
- 8 programs, or both, particularly available in the juvenile
- 9 system;
- 10 (v) whether the security of the public requires
- 11 sentencing under Chapter V of the Unified Code of
- 12 Corrections:
- 13 (A) the minor's history of services, including the
- 14 minor's willingness to participate meaningfully in
- 15 available services;
- 16 (B) whether there is a reasonable likelihood that
- 17 the minor can be rehabilitated before the expiration of
- 18 the juvenile court's jurisdiction;
- 19 (C) the adequacy of the punishment or services.

20 In considering these factors, the court shall give greater

21 weight to the seriousness of the alleged offense and the

22 minor's prior record of delinquency than to other factors

23 listed in this subsection.

24 (2) Procedures for extended jurisdiction juvenile

25 prosecutions. ~~(a)~~ The State's Attorney may file a written

26 motion for a proceeding to be designated as an extended

27 juvenile jurisdiction prior to commencement of trial. Notice of

28 the motion shall be in compliance with Section 5-530. When the

29 State's Attorney files a written motion that a proceeding be

30 designated an extended jurisdiction juvenile prosecution, the

31 court shall commence a hearing within 30 days of the filing of

32 the motion for designation, unless good cause is shown by the

33 prosecution or the minor as to why the hearing could not be

34 held within this time period. If the court finds good cause has

35 been demonstrated, then the hearing shall be held within 60

36 days of the filing of the motion. The hearings shall be open to

1 the public unless the judge finds that the hearing should be
2 closed for the protection of any party, victim or witness. If
3 the Juvenile Judge assigned to hear and determine a motion to
4 designate an extended jurisdiction juvenile prosecution
5 determines that there is probable cause to believe that the
6 allegations in the petition and motion are true the court shall
7 grant the motion for designation. Information used by the court
8 in its findings or stated in or offered in connection with this
9 Section may be by way of proffer based on reliable information
10 offered by the State or the minor. All evidence shall be
11 admissible if it is relevant and reliable regardless of whether
12 it would be admissible under the rules of evidence.

13 (3) Trial. A minor who is subject of an extended
14 jurisdiction juvenile prosecution has the right to trial by
15 jury. Any trial under this Section shall be open to the public.

16 (4) Sentencing. If an extended jurisdiction juvenile
17 prosecution under subsection ~~subsections~~ (1) results in a
18 guilty plea, a verdict of guilty, or a finding of guilt, the
19 court shall impose the following:

20 (i) one or more juvenile sentences under Section 5-710;

21 and

22 (ii) an adult criminal sentence in accordance with the
23 provisions of Chapter V of the Unified Code of Corrections,
24 the execution of which shall be stayed on the condition
25 that the offender not violate the provisions of the
26 juvenile sentence.

27 Any sentencing hearing under this Section shall be open to the
28 public.

29 (5) If, after an extended jurisdiction juvenile
30 prosecution trial, a minor is convicted of a lesser-included
31 offense or of an offense that the State's Attorney did not
32 designate as an extended jurisdiction juvenile prosecution,
33 the State's Attorney may file a written motion, within 10 days
34 of the finding of guilt, that the minor be sentenced as an
35 extended jurisdiction juvenile prosecution offender. The court
36 shall rule on this motion using the factors found in paragraph

1 (1) (b) of Section 5-805. If the court denies the State's
2 Attorney's motion for sentencing under the extended
3 jurisdiction juvenile prosecution provision, the court shall
4 proceed to sentence the minor under Section 5-710.

5 (6) When it appears that a minor convicted in an extended
6 jurisdiction juvenile prosecution under subsection (1) has
7 violated the conditions of his or her sentence, or is alleged
8 to have committed a new offense upon the filing of a petition
9 to revoke the stay, the court may, without notice, issue a
10 warrant for the arrest of the minor. After a hearing, if the
11 court finds by a preponderance of the evidence that the minor
12 committed a new offense, the court shall order execution of the
13 previously imposed adult criminal sentence. After a hearing, if
14 the court finds by a preponderance of the evidence that the
15 minor committed a violation of his or her sentence other than
16 by a new offense, the court may order execution of the
17 previously imposed adult criminal sentence or may continue him
18 or her on the existing juvenile sentence with or without
19 modifying or enlarging the conditions. Upon revocation of the
20 stay of the adult criminal sentence and imposition of that
21 sentence, the minor's extended jurisdiction juvenile status
22 shall be terminated. The on-going jurisdiction over the minor's
23 case shall be assumed by the adult criminal court and juvenile
24 court jurisdiction shall be terminated and a report of the
25 imposition of the adult sentence shall be sent to the
26 Department of State Police.

27 (7) Upon successful completion of the juvenile sentence the
28 court shall vacate the adult criminal sentence.

29 (8) Nothing in this Section precludes the State from filing
30 a motion for transfer under Section 5-805.

31 (Source: P.A. 94-574, eff. 8-12-05; revised 9-6-05.)

32 (705 ILCS 405/5-915)

33 Sec. 5-915. Expungement of juvenile law enforcement and
34 court records.

35 (1) Whenever any person has attained the age of 17 or

1 whenever all juvenile court proceedings relating to that person
2 have been terminated, whichever is later, the person may
3 petition the court to expunge law enforcement records relating
4 to incidents occurring before his or her 17th birthday or his
5 or her juvenile court records, or both, but only in the
6 following circumstances:

7 (a) the minor was arrested and no petition for
8 delinquency was filed with the clerk of the circuit court;
9 or

10 (b) the minor was charged with an offense and was found
11 not delinquent of that offense; or

12 (c) the minor was placed under supervision pursuant to
13 Section 5-615, and the order of supervision has since been
14 successfully terminated; or

15 (d) the minor was adjudicated for an offense which
16 would be a Class B misdemeanor, Class C misdemeanor, or a
17 petty or business offense if committed by an adult.

18 (2) Any person may petition the court to expunge all law
19 enforcement records relating to any incidents occurring before
20 his or her 17th birthday which did not result in proceedings in
21 criminal court and all juvenile court records with respect to
22 any adjudications except those based upon first degree murder
23 and sex offenses which would be felonies if committed by an
24 adult, if the person for whom expungement is sought has had no
25 convictions for any crime since his or her 17th birthday and:

26 (a) has attained the age of 21 years; or

27 (b) 5 years have elapsed since all juvenile court
28 proceedings relating to him or her have been terminated or
29 his or her commitment to the Department of Corrections,
30 Juvenile Division pursuant to this Act has been terminated;
31 whichever is later of (a) or (b).

32 (2.5) If a minor is arrested and no petition for
33 delinquency is filed with the clerk of the circuit court as
34 provided in paragraph (a) of subsection (1) at the time the
35 minor is released from custody, the youth officer, if
36 applicable, or other designated person from the arresting

1 agency, shall notify verbally and in writing to the minor or
2 the minor's parents or guardians that if the State's Attorney
3 does not file a petition for delinquency, the minor has a right
4 to petition to have his or her arrest record expunged when the
5 minor attains the age of 17 or when all juvenile court
6 proceedings relating to that minor have been terminated and
7 that unless a petition to expunge is filed, the minor shall
8 have an arrest record and shall provide the minor and the
9 minor's parents or guardians with an expungement information
10 packet, including a petition to expunge juvenile records
11 obtained from the clerk of the circuit court.

12 (2.6) If a minor is charged with an offense and is found
13 not delinquent of that offense; or if a minor is placed under
14 supervision under Section 5-615, and the order of supervision
15 is successfully terminated; or if a minor is adjudicated for an
16 offense that would be a Class B misdemeanor, a Class C
17 misdemeanor, or a business or petty offense if committed by an
18 adult; or if a minor has incidents occurring before his or her
19 17th birthday that have not resulted in proceedings in criminal
20 court, or resulted in proceedings in juvenile court, and the
21 adjudications were not based upon first degree murder or sex
22 offenses that would be felonies if committed by an adult; then
23 at the time of sentencing or dismissal of the case, the judge
24 shall inform the delinquent minor of his or her right to
25 petition for expungement as provided by law, and the clerk of
26 the circuit court shall provide an expungement information
27 packet to the delinquent minor, written in plain language,
28 including a petition for expungement, a sample of a completed
29 petition, expungement instructions that shall include
30 information informing the minor that (i) once the case is
31 expunged, it shall be treated as if it never occurred, (ii) he
32 or she may apply to have petition fees waived, (iii) once he or
33 she obtains an expungement, he or she may not be required to
34 disclose that he or she had a juvenile record, and (iv) he or
35 she may file the petition on his or her own or with the
36 assistance of an attorney. The failure of the judge to inform

1 the delinquent minor of his or her right to petition for
2 expungement as provided by law does not create a substantive
3 right, nor is that failure grounds for: (i) a reversal of an
4 adjudication of delinquency, (ii) a new trial; or (iii) an
5 appeal.

6 (2.7) For counties with a population over 3,000,000, the
7 clerk of the circuit court shall send a "Notification of a
8 Possible Right to Expungement" post card to the minor at the
9 address last received by the clerk of the circuit court on the
10 date that the minor attains the age of 17 based on the
11 birthdate provided to the court by the minor or his or her
12 guardian in cases under paragraphs (b), (c), and (d) of
13 subsection (1); and when the minor attains the age of 21 based
14 on the birthdate provided to the court by the minor or his or
15 her guardian in cases under subsection (2).

16 (2.8) The petition for expungement for subsection (1) shall
17 be substantially in the following form:

18 IN THE CIRCUIT COURT OF, ILLINOIS
19 JUDICIAL CIRCUIT

20 IN THE INTEREST OF) NO.
21)
22)
23)
24 (Name of Petitioner)

25 PETITION TO EXPUNGE JUVENILE RECORDS
26 (705 ILCS 405/5-915 (SUBSECTION 1))

27 (Please prepare a separate petition for each offense)

28 Now comes, petitioner, and respectfully requests
29 that this Honorable Court enter an order expunging all juvenile
30 law enforcement and court records of petitioner and in support
31 thereof states that: Petitioner has attained the age of 17,
32 his/her birth date being, or all Juvenile Court
33 proceedings terminated as of, whichever occurred later.
34 Petitioner was arrested on by the Police

1 Department for the offense of, and:

2 (Check One:)

3 () a. no petition was filed with the Clerk of the Circuit
4 Court.

5 () b. was charged with and was found not delinquent of
6 the offense.

7 () c. a petition was filed and the petition was dismissed
8 without a finding of delinquency on

9 () d. on placed under supervision pursuant to Section
10 5-615 of the Juvenile Court Act of 1987 and such order of
11 supervision successfully terminated on

12 () e. was adjudicated for the offense, which would have been a
13 Class B misdemeanor, a Class C misdemeanor, or a petty offense
14 or business offense if committed by an adult.

15 Petitioner has has not been arrested on charges in
16 this or any county other than the charges listed above. If
17 petitioner has been arrested on additional charges, please list
18 the charges below:

19 Charge(s):

20 Arresting Agency or Agencies:

21 Disposition/Result: (choose from a. through e., above):

22 WHEREFORE, the petitioner respectfully requests this Honorable
23 Court to (1) order all law enforcement agencies to expunge all
24 records of petitioner to this incident, and (2) to order the
25 Clerk of the Court to expunge all records concerning the
26 petitioner regarding this incident.

27
28 Petitioner (Signature)

29
30 Petitioner's Street Address

31
32 City, State, Zip Code

1
2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil
4 Procedure, 735 ILCS 5/1-109, I hereby certify that the
5 statements in this petition are true and correct, or on
6 information and belief I believe the same to be true.

7
8 Petitioner (Signature)

9 The Petition for Expungement for subsection (2) shall be
10 substantially in the following form:

11 IN THE CIRCUIT COURT OF, ILLINOIS
12 JUDICIAL CIRCUIT

13 IN THE INTEREST OF) NO.
14)
15)
16)
17 (Name of Petitioner)

18 PETITION TO EXPUNGE JUVENILE RECORDS
19 (705 ILCS 405/5-915 (SUBSECTION 2))

20 (Please prepare a separate petition for each offense)

21 Now comes, petitioner, and respectfully requests
22 that this Honorable Court enter an order expunging all Juvenile
23 Law Enforcement and Court records of petitioner and in support
24 thereof states that:

25 The incident for which the Petitioner seeks expungement
26 occurred before the Petitioner's 17th birthday and did not
27 result in proceedings in criminal court and the Petitioner has
28 not had any convictions for any crime since his/her 17th
29 birthday; and

30 The incident for which the Petitioner seeks expungement
31 occurred before the Petitioner's 17th birthday and the

1 adjudication was not based upon first-degree murder or sex
2 offenses which would be felonies if committed by an adult, and
3 the Petitioner has not had any convictions for any crime since
4 his/her 17th birthday.

5 Petitioner was arrested on by the Police
6 Department for the offense of, and:

7 (Check whichever one occurred the latest:)

8 () a. The Petitioner has attained the age of 21 years, his/her
9 birthday being; or

10 () b. 5 years have elapsed since all juvenile court
11 proceedings relating to the Petitioner have been terminated; or
12 the Petitioner's commitment to the Department of Corrections,
13 Juvenile Division, pursuant to the expungement of juvenile law
14 enforcement and court records provisions of the Juvenile Court
15 Act of 1987 has been terminated. Petitioner ...has ...has not
16 been arrested on charges in this or any other county other than
17 the charge listed above. If petitioner has been arrested on
18 additional charges, please list the charges below:

19 Charge(s):

20 Arresting Agency or Agencies:

21 Disposition/Result: (choose from a or b, above):

22 WHEREFORE, the petitioner respectfully requests this Honorable
23 Court to (1) order all law enforcement agencies to expunge all
24 records of petitioner related to this incident, and (2) to
25 order the Clerk of the Court to expunge all records concerning
26 the petitioner regarding this incident.

27
28 Petitioner (Signature)

29
30 Petitioner's Street Address

31
32 City, State, Zip Code

33

1 Petitioner's Telephone Number

2 Pursuant to the penalties of perjury under the Code of Civil
3 Procedure, 735 ILCS 5/1-109, I hereby certify that the
4 statements in this petition are true and correct, or on
5 information and belief I believe the same to be true.

6
7 Petitioner (Signature)

8 (3) The chief judge of the circuit in which an arrest was
9 made or a charge was brought or any judge of that circuit
10 designated by the chief judge may, upon verified petition of a
11 person who is the subject of an arrest or a juvenile court
12 proceeding under subsection (1) or (2) of this Section, order
13 the law enforcement records or official court file, or both, to
14 be expunged from the official records of the arresting
15 authority, the clerk of the circuit court and the Department of
16 State Police. The person whose records are to be expunged shall
17 petition the court using the appropriate form containing his or
18 her current address and shall promptly notify the clerk of the
19 circuit court of any change of address. Notice of the petition
20 shall be served upon the State's Attorney or prosecutor charged
21 with the duty of prosecuting the offense, the Department of
22 State Police, and the arresting agency or agencies by the clerk
23 of the circuit court. If an objection is filed within 90 days
24 of the notice of the petition, the clerk of the circuit court
25 shall set a date for hearing after the 90 day objection period.
26 At the hearing the court shall hear evidence on whether the
27 expungement should or should not be granted. Unless the State's
28 Attorney or prosecutor, the Department of State Police, or an
29 arresting agency objects to the expungement within 90 days of
30 the notice, the court may enter an order granting expungement.
31 The person whose records are to be expunged shall pay the clerk
32 of the circuit court a fee equivalent to the cost associated
33 with expungement of records by the clerk and the Department of
34 State Police. The clerk shall forward a certified copy of the
35 order to the Department of State Police, the appropriate

1 portion of the fee to the Department of State Police for
2 processing, and deliver a certified copy of the order to the
3 arresting agency. ▯

4 (3.1) The Notice of Expungement shall be in substantially
5 the following form:

6 IN THE CIRCUIT COURT OF, ILLINOIS
7 JUDICIAL CIRCUIT

8 IN THE INTEREST OF) NO.
9)
10)
11)
12 (Name of Petitioner)

13 NOTICE

14 TO: State's Attorney

15 TO: Arresting Agency

16
17

18

19

20

21

22 TO: Illinois State Police

23

24

25

26

27 ATTENTION: Expungement

28 You are hereby notified that on, at, in courtroom
29 ..., located at ..., before the Honorable ..., Judge, or any
30 judge sitting in his/her stead, I shall then and there present
31 a Petition to Expunge Juvenile records in the above-entitled
32 matter, at which time and place you may appear.

33
34 Petitioner's Signature

1
2

3 Petitioner's Street Address

4
5

6 City, State, Zip Code

7
8

9 Petitioner's Telephone Number

10 PROOF OF SERVICE

11 On the day of, 20..., I on oath state that I
12 served this notice and true and correct copies of the
13 above-checked documents by:

14 (Check One:)

15 delivering copies personally to each entity to whom they are
16 directed;

17 or

18 by mailing copies to each entity to whom they are directed by
19 depositing the same in the U.S. Mail, proper postage fully
20 prepaid, before the hour of 5:00 p.m., at the United States
21 Postal Depository located at

22
23

24 Signature

25 Clerk of the Circuit Court or Deputy Clerk

26 Printed Name of Delinquent Minor/Petitioner:

27 Address:

28 Telephone Number:

29 (3.2) The Order of Expungement shall be in substantially
30 the following form:

31 IN THE CIRCUIT COURT OF, ILLINOIS

32 JUDICIAL CIRCUIT

33 IN THE INTEREST OF) NO.

34)

35)

36)

37 (Name of Petitioner)

1 DOB

2 Arresting Agency/Agencies

3 ORDER OF EXPUNGEMENT

4 (705 ILCS 405/5-915 (SUBSECTION 3))

5 This matter having been heard on the petitioner's motion and
6 the court being fully advised in the premises does find that
7 the petitioner is indigent or has presented reasonable cause to
8 waive all costs in this matter, IT IS HEREBY ORDERED that:

9 () 1. Clerk of Court and Department of State Police costs
10 are hereby waived in this matter.

11 () 2. The Illinois State Police Bureau of Identification
12 and the following law enforcement agencies expunge all records
13 of petitioner relating to an arrest dated for the
14 offense of

15 Law Enforcement Agencies:

16

17

18 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
19 Court expunge all records regarding the above-captioned case.

20 ENTER:

21
22 JUDGE

23 DATED:

24 Name:

25 Attorney for:

26 Address: City/State/Zip:

27 Attorney Number:

28 (3.3) The Notice of Objection shall be in substantially the
29 following form:

30 IN THE CIRCUIT COURT OF, ILLINOIS

31 JUDICIAL CIRCUIT

32 IN THE INTEREST OF) NO.

33)

34)

35 )

1 (Name of Petitioner)

2 NOTICE OF OBJECTION

3 TO: (Attorney, Public Defender, Minor)

4

5

6 TO: (Illinois State Police)

7

8

9 TO: (Clerk of the Court)

10

11

12 TO: (Judge)

13

14

15 TO: (Arresting Agency/Agencies)

16

17

18 ATTENTION: You are hereby notified that an objection has been
19 filed by the following entity regarding the above-named minor's
20 petition for expungement of juvenile records:

- 21 () State's Attorney's Office;
- 22 () Prosecutor (other than State's Attorney's Office) charged
- 23 with the duty of prosecuting the offense sought to be expunged;
- 24 () Department of Illinois State Police; or
- 25 () Arresting Agency or Agencies.

26 The agency checked above respectfully requests that this case
27 be continued and set for hearing on whether the expungement
28 should or should not be granted.

29 DATED:

30 Name:

31 Attorney For:

32 Address:

33 City/State/Zip:

34 Telephone:

35 Attorney No.:

1 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

2 This matter has been set for hearing on the foregoing
3 objection, on in room, located at, before the
4 Honorable, Judge, or any judge sitting in his/her stead.
5 (Only one hearing shall be set, regardless of the number of
6 Notices of Objection received on the same case).

7 A copy of this completed Notice of Objection containing the
8 court date, time, and location, has been sent via regular U.S.
9 Mail to the following entities. (If more than one Notice of
10 Objection is received on the same case, each one must be
11 completed with the court date, time and location and mailed to
12 the following entities):

- 13 () Attorney, Public Defender or Minor;
14 () State's Attorney's Office;
15 () Prosecutor (other than State's Attorney's Office) charged
16 with the duty of prosecuting the offense sought to be expunged;
17 () Department of Illinois State Police; and
18 () Arresting agency or agencies.

19 Date:

20 Initials of Clerk completing this section:

21 (4) Upon entry of an order expunging records or files, the
22 offense, which the records or files concern shall be treated as
23 if it never occurred. Law enforcement officers and other public
24 offices and agencies shall properly reply on inquiry that no
25 record or file exists with respect to the person.

26 (5) Records which have not been expunged are sealed, and
27 may be obtained only under the provisions of Sections 5-901,
28 5-905 and 5-915.

29 (6) Nothing in this Section shall be construed to prohibit
30 the maintenance of information relating to an offense after
31 records or files concerning the offense have been expunged if
32 the information is kept in a manner that does not enable
33 identification of the offender. This information may only be
34 used for statistical and bona fide research purposes.

35 (7)(a) The State Appellate Defender shall establish,
36 maintain, and carry out, by December 31, 2004, a juvenile

1 expungement program to provide information and assistance to
2 minors eligible to have their juvenile records expunged.

3 (b) The State Appellate Defender shall develop brochures,
4 pamphlets, and other materials in printed form and through the
5 agency's World Wide Web site. The pamphlets and other materials
6 shall include at a minimum the following information:

7 (i) An explanation of the State's juvenile expungement
8 process;

9 (ii) The circumstances under which juvenile
10 expungement may occur;

11 (iii) The juvenile offenses that may be expunged;

12 (iv) The steps necessary to initiate and complete the
13 juvenile expungement process; and

14 (v) Directions on how to contact the State Appellate
15 Defender.

16 (c) The State Appellate Defender shall establish and
17 maintain a statewide toll-free telephone number that a person
18 may use to receive information or assistance concerning the
19 expungement of juvenile records. The State Appellate Defender
20 shall advertise the toll-free telephone number statewide. The
21 State Appellate Defender shall develop an expungement
22 information packet that may be sent to eligible persons seeking
23 expungement of their juvenile records, which may include, but
24 is not limited to, a pre-printed expungement petition with
25 instructions on how to complete the petition and a pamphlet
26 containing information that would assist individuals through
27 the juvenile expungement process.

28 (d) The State Appellate Defender shall compile a statewide
29 list of volunteer attorneys willing to assist eligible
30 individuals through the juvenile expungement process.

31 (e) This Section shall be implemented from funds
32 appropriated by the General Assembly to the State Appellate
33 Defender for this purpose. The State Appellate Defender shall
34 employ the necessary staff and adopt the necessary rules for
35 implementation of this Section.

36 (8) (a) Except with respect to law enforcement agencies, the

1 Department of Corrections, State's Attorneys, or other
2 prosecutors, an expunged juvenile record may not be considered
3 by any private or public entity in employment matters,
4 certification, licensing, revocation of certification or
5 licensure, or registration. Applications for employment must
6 contain specific language that states that the applicant is not
7 obligated to disclose expunged juvenile records of conviction
8 or arrest. Employers may not ask if an applicant has had a
9 juvenile record expunged. Effective January 1, 2005, the
10 Department of Labor shall develop a link on the Department's
11 website to inform employers that employers may not ask if an
12 applicant had a juvenile record expunged and that application
13 for employment must contain specific language that states that
14 the applicant is not obligated to disclose expunged juvenile
15 records of arrest or conviction.

16 (b) A person whose juvenile records have been expunged is
17 not entitled to remission of any fines, costs, or other money
18 paid as a consequence of expungement. This amendatory Act of
19 the 93rd General Assembly does not affect the right of the
20 victim of a crime to prosecute or defend a civil action for
21 damages.

22 (Source: P.A. 93-912, eff. 8-12-04; revised 10-14-04.)

23 Section 620. The Court of Claims Act is amended by changing
24 Section 26-1 as follows:

25 (705 ILCS 505/26-1) (from Ch. 37, par. 439.24-6.1)

26 Sec. 26-1. Except as otherwise provided herein, the maximum
27 contingent fee to be charged by an attorney practicing before
28 the Court shall not exceed 20 percent of the amount awarded,
29 which is in excess of the undisputed amount of the claim,
30 unless further fees shall be allowed by the Court. In cases
31 involving lapsed appropriations or lost warrants where there is
32 no dispute as to the liability of the respondent, the fee, if
33 any, for services rendered is to be fixed by the Court at a
34 nominal amount.

1 Nothing herein applies to awards made under the Line of
2 Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air~~
3 ~~Patrol Members, Paramedics and Firemen~~ Compensation Act or the
4 Illinois National Guardsman's ~~and Naval Militiaman's~~
5 Compensation Act or the "Illinois Uniform Conviction
6 Information Act", ~~enacted by the 85th General Assembly, as~~
7 ~~heretofore or hereafter amended.~~

8 (Source: P.A. 90-492, eff. 8-17-97; revised 11-15-04.)

9 Section 625. The Criminal Code of 1961 is amended changing
10 Sections 1-6, 2-6.6, 2-13, 9-3.3, 10-6, 11-9.3, 12-2, 12-2.6,
11 12-4, 12-20.5, 17-1, 21-3, 21-7, 24-1, 24-1.1, 24-1.6, 24-2,
12 24-3, 24-3.1, 29B-1, and 44-3, by renumbering and changing
13 Section 2-.5, and by setting forth and renumbering multiple
14 versions of Section 12-4.10 as follows:

15 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

16 Sec. 1-6. Place of trial.

17 (a) Generally.

18 Criminal actions shall be tried in the county where the
19 offense was committed, except as otherwise provided by law. The
20 State is not required to prove during trial that the alleged
21 offense occurred in any particular county in this State. When a
22 defendant contests the place of trial under this Section, all
23 proceedings regarding this issue shall be conducted under
24 Section 114-1 of the Code of Criminal Procedure of 1963. All
25 objections of improper place of trial are waived by a defendant
26 unless made before trial.

27 (b) Assailant and Victim in Different Counties.

28 If a person committing an offense upon the person of
29 another is located in one county and his victim is located in
30 another county at the time of the commission of the offense,
31 trial may be had in either of said counties.

32 (c) Death and Cause of Death in Different Places or
33 Undetermined.

34 If cause of death is inflicted in one county and death

1 ensues in another county, the offender may be tried in either
2 county. If neither the county in which the cause of death was
3 inflicted nor the county in which death ensued are known before
4 trial, the offender may be tried in the county where the body
5 was found.

6 (d) Offense Commenced Outside the State.

7 If the commission of an offense commenced outside the State
8 is consummated within this State, the offender shall be tried
9 in the county where the offense is consummated.

10 (e) Offenses Committed in Bordering Navigable Waters.

11 If an offense is committed on any of the navigable waters
12 bordering on this State, the offender may be tried in any
13 county adjacent to such navigable water.

14 (f) Offenses Committed while in Transit.

15 If an offense is committed upon any railroad car, vehicle,
16 watercraft or aircraft passing within this State, and it cannot
17 readily be determined in which county the offense was
18 committed, the offender may be tried in any county through
19 which such railroad car, vehicle, watercraft or aircraft has
20 passed.

21 (g) Theft.

22 A person who commits theft of property may be tried in any
23 county in which he exerted control over such property.

24 (h) Bigamy.

25 A person who commits the offense of bigamy may be tried in
26 any county where the bigamous marriage or bigamous cohabitation
27 has occurred.

28 (i) Kidnaping.

29 A person who commits the offense of kidnaping may be tried
30 in any county in which his victim has traveled or has been
31 confined during the course of the offense.

32 (j) Pandering.

33 A person who commits the offense of pandering may be tried
34 in any county in which the prostitution was practiced or in any
35 county in which any act in furtherance of the offense shall
36 have been committed.

1 (k) Treason.

2 A person who commits the offense of treason may be tried in
3 any county.

4 (l) Criminal Defamation.

5 If criminal defamation is spoken, printed or written in one
6 county and is received or circulated in another or other
7 counties, the offender shall be tried in the county where the
8 defamation is spoken, printed or written. If the defamation is
9 spoken, printed or written outside this state, or the offender
10 resides outside this state, the offender may be tried in any
11 county in this state in which the defamation was circulated or
12 received.

13 (m) Inchoate Offenses.

14 A person who commits an inchoate offense may be tried in
15 any county in which any act which is an element of the offense,
16 including the agreement in conspiracy, is committed.

17 (n) Accountability for Conduct of Another.

18 Where a person in one county solicits, aids, abets, agrees,
19 or attempts to aid another in the planning or commission of an
20 offense in another county, he may be tried for the offense in
21 either county.

22 (o) Child Abduction.

23 A person who commits the offense of child abduction may be
24 tried in any county in which his victim has traveled, been
25 detained, concealed or removed to during the course of the
26 offense. Notwithstanding the foregoing, unless for good cause
27 shown, the preferred place of trial shall be the county of the
28 residence of the lawful custodian.

29 (p) A person who commits the offense of narcotics
30 racketeering may be tried in any county where cannabis or a
31 controlled substance which is the basis for the charge of
32 narcotics racketeering was used; acquired; transferred or
33 distributed to, from or through; or any county where any act
34 was performed to further the use; acquisition, transfer or
35 distribution of said cannabis or controlled substance; any
36 money, property, property interest, or any other asset

1 generated by narcotics activities was acquired, used, sold,
2 transferred or distributed to, from or through; or, any
3 enterprise interest obtained as a result of narcotics
4 racketeering was acquired, used, transferred or distributed
5 to, from or through, or where any activity was conducted by the
6 enterprise or any conduct to further the interests of such an
7 enterprise.

8 (q) A person who commits the offense of money laundering
9 may be tried in any county where any part of a financial
10 transaction in criminally derived property took place or in any
11 county where any money or monetary instrument which is the
12 basis for the offense was acquired, used, sold, transferred or
13 distributed to, from or through.

14 (r) A person who commits the offense of cannabis
15 trafficking or controlled substance trafficking may be tried in
16 any county.

17 (s) A person who commits the offense of online sale of
18 stolen property, online theft by deception, or electronic
19 fencing may be tried in any county where any one or more
20 elements of the offense took place, regardless of whether the
21 element of the offense was the result of acts by the accused,
22 the victim or by another person, and regardless of whether the
23 defendant was ever physically present within the boundaries of
24 the county.

25 (t) ~~(s)~~ A person who commits the offense of identity theft
26 or aggravated identity theft may be tried in any one of the
27 following counties in which: (1) the offense occurred; (2) the
28 information used to commit the offense was illegally used; or
29 (3) the victim resides.

30 If a person is charged with more than one violation of
31 identity theft or aggravated identity theft and those
32 violations may be tried in more than one county, any of those
33 counties is a proper venue for all of the violations.

34 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; revised
35 8-19-05.)

1 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

2 Sec. 2-0.5 ~~2-.5~~. Definitions. For the purposes of this
3 Code, the words and phrases described in this Article have the
4 meanings designated in this Article, except when a particular
5 context clearly requires a different meaning.

6 (Source: Laws 1961, p. 1983; revised 1-22-04.)

7 (720 ILCS 5/2-6.6)

8 Sec. 2-6.6. Emergency management worker. "Emergency
9 management worker" shall include the following:

10 (a) any person, paid or unpaid, who is a member of a
11 local or county emergency services and disaster agency as
12 defined by the Illinois Emergency Management Agency Act, or
13 who is an employee of the Illinois Emergency Management
14 Agency or the Federal Emergency Management Agency~~;~~;

15 (b) any employee or volunteer of the American Red
16 Cross~~;~~;

17 (c) any employee of a federal, State, county~~l~~ or local
18 government agency assisting an emergency services and
19 disaster agency, the Illinois Emergency Management Agency,
20 or the Federal Emergency Management Agency through mutual
21 aid or as otherwise requested or directed in time of
22 disaster or emergency~~;~~; and

23 (d) any person volunteering or directed to assist an
24 emergency services and disaster agency, the Illinois
25 Emergency Management Agency, or the Federal Emergency
26 Management Agency.

27 (Source: P.A. 94-243, eff. 1-1-06; 94-323, eff. 1-1-06; revised
28 9-27-05.)

29 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

30 Sec. 2-13. "Peace officer". "Peace officer" means any
31 person who by virtue of his office or public employment is
32 vested by law with a duty to maintain public order or to make
33 arrests for offenses, whether that duty extends to all offenses
34 or is limited to specific offenses.

1 For purposes of Sections concerning unlawful use of
2 weapons, for the purposes of assisting an Illinois peace
3 officer in an arrest, or when the commission of a felony under
4 Illinois law is directly observed by the person, then officers,
5 agents or employees of the federal government commissioned by
6 federal statute to make arrests for violations of federal
7 criminal laws shall be considered "peace officers" under this
8 Code, including, but not limited to all criminal investigators
9 of:

10 (1) The United States Department of Justice, The Federal
11 Bureau of Investigation, The Drug Enforcement Agency and The
12 Department of Immigration and Naturalization;

13 (2) The United States Department of the Treasury, The
14 Secret Service, The Bureau of Alcohol, Tobacco and Firearms and
15 The Customs Service;

16 (3) The United States Internal Revenue Service;

17 (4) The United States General Services Administration;

18 (5) The United States Postal Service; and

19 (6) all United States Marshals ~~Marshalls~~ or Deputy United
20 States Marshals ~~Marshalls~~ whose duties involve the enforcement
21 of federal criminal laws.

22 (Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

23 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

24 Sec. 9-3.3. Drug-induced homicide.

25 (a) A person who violates Section 401 of the Illinois
26 Controlled Substances Act or Section 55 of the Methamphetamine
27 Control and Community Protection Act by unlawfully delivering a
28 controlled substance to another, and any person's death is
29 caused by the injection, inhalation or ingestion of any amount
30 of that controlled substance, commits the offense of
31 drug-induced homicide.

32 (b) Sentence. Drug-induced homicide is a Class X felony.

33 (c) A person who commits drug-induced homicide by violating
34 subsection (a) or subsection (c) of Section 401 of the Illinois
35 Controlled Substances Act or Section 55 of the Methamphetamine

1 Control and Community Protection Act commits a Class X felony
2 for which the defendant shall in addition to a sentence
3 authorized by law, be sentenced to a term of imprisonment of
4 not less than 15 years and not more than 30 years or an
5 extended term of not less than 30 years and not more than 60
6 years.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-560, eff. 1-1-06;
8 revised 8-19-05.)

9 (720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

10 Sec. 10-6. Harboring a runaway.

11 (a) Any person, other than an agency or association
12 providing crisis intervention services as defined in Section
13 3-5 of the Juvenile Court Act of 1987, or an operator of a
14 youth emergency shelter as defined in Section 2.21 of the Child
15 Care Act of 1969, who, without the knowledge and consent of the
16 minor's parent or guardian, knowingly gives shelter to a minor,
17 other than a mature minor who has been emancipated under the
18 Emancipation of ~~Mature~~ Minors Act, for more than 48 hours
19 without the consent of the minor's parent or guardian, and
20 without notifying the local law enforcement authorities of the
21 minor's name and the fact that the minor is being provided
22 shelter commits the offense of harboring a runaway.

23 (b) Any person who commits the offense of harboring a
24 runaway is guilty of a Class A misdemeanor.

25 (Source: P.A. 86-278; 86-386; revised 10-9-03.)

26 (720 ILCS 5/11-9.3)

27 Sec. 11-9.3. Presence within school zone by child sex
28 offenders prohibited.

29 (a) It is unlawful for a child sex offender to knowingly be
30 present in any school building, on real property comprising any
31 school, or in any conveyance owned, leased, or contracted by a
32 school to transport students to or from school or a school
33 related activity when persons under the age of 18 are present
34 in the building, on the grounds or in the conveyance, unless

1 the offender is a parent or guardian of a student attending the
2 school and the parent or guardian is: (i) attending a
3 conference at the school with school personnel to discuss the
4 progress of his or her child academically or socially, (ii)
5 participating in child review conferences in which evaluation
6 and placement decisions may be made with respect to his or her
7 child regarding special education services, or (iii) attending
8 conferences to discuss other student issues concerning his or
9 her child such as retention and promotion and notifies the
10 principal of the school of his or her presence at the school or
11 unless the offender has permission to be present from the
12 superintendent or the school board or in the case of a private
13 school from the principal. In the case of a public school, if
14 permission is granted, the superintendent or school board
15 president must inform the principal of the school where the sex
16 offender will be present. Notification includes the nature of
17 the sex offender's visit and the hours in which the sex
18 offender will be present in the school. The sex offender is
19 responsible for notifying the principal's office when he or she
20 arrives on school property and when he or she departs from
21 school property. If the sex offender is to be present in the
22 vicinity of children, the sex offender has the duty to remain
23 under the direct supervision of a school official. A child sex
24 offender who violates this provision is guilty of a Class 4
25 felony.

26 Nothing in this Section shall be construed to infringe upon
27 the constitutional right of a child sex offender to be present
28 in a school building that is used as a polling place for the
29 purpose of voting.

30 (1) (Blank; or)

31 (2) (Blank.)

32 (b) It is unlawful for a child sex offender to knowingly
33 loiter within 500 feet of a school building or real property
34 comprising any school while persons under the age of 18 are
35 present in the building or on the grounds, unless the offender
36 is a parent or guardian of a student attending the school and

1 the parent or guardian is: (i) attending a conference at the
2 school with school personnel to discuss the progress of his or
3 her child academically or socially, (ii) participating in child
4 review conferences in which evaluation and placement decisions
5 may be made with respect to his or her child regarding special
6 education services, or (iii) attending conferences to discuss
7 other student issues concerning his or her child such as
8 retention and promotion and notifies the principal of the
9 school of his or her presence at the school or has permission
10 to be present from the superintendent or the school board or in
11 the case of a private school from the principal. In the case of
12 a public school, if permission is granted, the superintendent
13 or school board president must inform the principal of the
14 school where the sex offender will be present. Notification
15 includes the nature of the sex offender's visit and the hours
16 in which the sex offender will be present in the school. The
17 sex offender is responsible for notifying the principal's
18 office when he or she arrives on school property and when he or
19 she departs from school property. If the sex offender is to be
20 present in the vicinity of children, the sex offender has the
21 duty to remain under the direct supervision of a school
22 official. A child sex offender who violates this provision is
23 guilty of a Class 4 felony.

24 (1) (Blank; or)

25 (2) (Blank.)

26 (b-5) It is unlawful for a child sex offender to knowingly
27 reside within 500 feet of a school building or the real
28 property comprising any school that persons under the age of 18
29 attend. Nothing in this subsection (b-5) prohibits a child sex
30 offender from residing within 500 feet of a school building or
31 the real property comprising any school that persons under 18
32 attend if the property is owned by the child sex offender and
33 was purchased before the effective date of this amendatory Act
34 of the 91st General Assembly.

35 (c) Definitions. In this Section:

36 (1) "Child sex offender" means any person who:

1 (i) has been charged under Illinois law, or any
2 substantially similar federal law or law of another
3 state, with a sex offense set forth in paragraph (2) of
4 this subsection (c) or the attempt to commit an
5 included sex offense, and:

6 (A) is convicted of such offense or an attempt
7 to commit such offense; or

8 (B) is found not guilty by reason of insanity
9 of such offense or an attempt to commit such
10 offense; or

11 (C) is found not guilty by reason of insanity
12 pursuant to subsection (c) of Section 104-25 of the
13 Code of Criminal Procedure of 1963 of such offense
14 or an attempt to commit such offense; or

15 (D) is the subject of a finding not resulting
16 in an acquittal at a hearing conducted pursuant to
17 subsection (a) of Section 104-25 of the Code of
18 Criminal Procedure of 1963 for the alleged
19 commission or attempted commission of such
20 offense; or

21 (E) is found not guilty by reason of insanity
22 following a hearing conducted pursuant to a
23 federal law or the law of another state
24 substantially similar to subsection (c) of Section
25 104-25 of the Code of Criminal Procedure of 1963 of
26 such offense or of the attempted commission of such
27 offense; or

28 (F) is the subject of a finding not resulting
29 in an acquittal at a hearing conducted pursuant to
30 a federal law or the law of another state
31 substantially similar to subsection (a) of Section
32 104-25 of the Code of Criminal Procedure of 1963
33 for the alleged violation or attempted commission
34 of such offense; or

35 (ii) is certified as a sexually dangerous person
36 pursuant to the Illinois Sexually Dangerous Persons

1 Act, or any substantially similar federal law or the
2 law of another state, when any conduct giving rise to
3 such certification is committed or attempted against a
4 person less than 18 years of age; or

5 (iii) is subject to the provisions of Section 2 of
6 the Interstate Agreements on Sexually Dangerous
7 Persons Act.

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same
10 time, shall be counted for the purpose of this Section as
11 one conviction. Any conviction set aside pursuant to law is
12 not a conviction for purposes of this Section.

13 (2) Except as otherwise provided in paragraph (2.5),
14 "sex offense" means:

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961: 10-7 (aiding and abetting
17 child abduction under Section 10-5(b)(10)),
18 10-5(b)(10) (child luring), 11-6 (indecent
19 solicitation of a child), 11-6.5 (indecent
20 solicitation of an adult), 11-9 (public indecency when
21 committed in a school, on the real property comprising
22 a school, or on a conveyance, owned, leased, or
23 contracted by a school to transport students to or from
24 school or a school related activity), 11-9.1 (sexual
25 exploitation of a child), 11-15.1 (soliciting for a
26 juvenile prostitute), 11-17.1 (keeping a place of
27 juvenile prostitution), 11-18.1 (patronizing a
28 juvenile prostitute), 11-19.1 (juvenile pimping),
29 11-19.2 (exploitation of a child), 11-20.1 (child
30 pornography), 11-21 (harmful material), 12-14.1
31 (predatory criminal sexual assault of a child), 12-33
32 (ritualized abuse of a child), 11-20 (obscenity) (when
33 that offense was committed in any school, on real
34 property comprising any school, in any conveyance
35 owned, leased, or contracted by a school to transport
36 students to or from school or a school related

1 activity). An attempt to commit any of these offenses.

2 (ii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age: 12-13 (criminal sexual
5 assault), 12-14 (aggravated criminal sexual assault),
6 12-15 (criminal sexual abuse), 12-16 (aggravated
7 criminal sexual abuse). An attempt to commit any of
8 these offenses.

9 (iii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age and the defendant is not a
12 parent of the victim:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 clause (2)(i) of subsection (c) of this Section.

21 (2.5) For the purposes of subsection (b-5) only, a sex
22 offense means:

23 (i) A violation of any of the following Sections of
24 the Criminal Code of 1961:

25 10-5(b)(10) (child luring), 10-7 (aiding and
26 abetting child abduction under Section
27 10-5(b)(10)), 11-6 (indecent solicitation of a
28 child), 11-6.5 (indecent solicitation of an
29 adult), 11-15.1 (soliciting for a juvenile
30 prostitute), 11-17.1 (keeping a place of juvenile
31 prostitution), 11-18.1 (patronizing a juvenile
32 prostitute), 11-19.1 (juvenile pimping), 11-19.2
33 (exploitation of a child), 11-20.1 (child
34 pornography), 12-14.1 (predatory criminal sexual
35 assault of a child), or 12-33 (ritualized abuse of
36 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, when the victim is a
4 person under 18 years of age: 12-13 (criminal sexual
5 assault), 12-14 (aggravated criminal sexual assault),
6 12-16 (aggravated criminal sexual abuse), and
7 subsection (a) of Section 12-15 (criminal sexual
8 abuse). An attempt to commit any of these offenses.

9 (iii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age and the defendant is not a
12 parent of the victim:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint).

17 An attempt to commit any of these offenses.

18 (iv) A violation of any former law of this State
19 substantially equivalent to any offense listed in this
20 paragraph (2.5) of this subsection.

21 (3) A conviction for an offense of federal law or the
22 law of another state that is substantially equivalent to
23 any offense listed in paragraph (2) of subsection (c) of
24 this Section shall constitute a conviction for the purpose
25 of this Article. A finding or adjudication as a sexually
26 dangerous person under any federal law or law of another
27 state that is substantially equivalent to the Sexually
28 Dangerous Persons Act shall constitute an adjudication for
29 the purposes of this Section.

30 (4) "School" means a public or private pre-school,
31 elementary, or secondary school.

32 (5) "Loiter" means:

33 (i) Standing, sitting idly, whether or not the
34 person is in a vehicle or remaining in or around school
35 property.

36 (ii) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around school
2 property, for the purpose of committing or attempting
3 to commit a sex offense.

4 (iii) Entering or remaining in a building in or
5 around school property, other than the offender's
6 residence.

7 (6) "School official" means the principal, a teacher,
8 or any other certified employee of the school, the
9 superintendent of schools or a member of the school board.

10 (d) Sentence. A person who violates this Section is guilty
11 of a Class 4 felony.

12 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
13 94-170, eff. 7-11-05; revised 8-19-05.)

14 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

15 Sec. 12-2. Aggravated assault.

16 (a) A person commits an aggravated assault, when, in
17 committing an assault, he:

18 (1) Uses a deadly weapon or any device manufactured and
19 designed to be substantially similar in appearance to a
20 firearm, other than by discharging a firearm in the
21 direction of another person, a peace officer, a person
22 summoned or directed by a peace officer, a correctional
23 officer or a fireman or in the direction of a vehicle
24 occupied by another person, a peace officer, a person
25 summoned or directed by a peace officer, a correctional
26 officer or a fireman while the officer or fireman is
27 engaged in the execution of any of his official duties, or
28 to prevent the officer or fireman from performing his
29 official duties, or in retaliation for the officer or
30 fireman performing his official duties;

31 (2) Is hooded, robed or masked in such manner as to
32 conceal his identity or any device manufactured and
33 designed to be substantially similar in appearance to a
34 firearm;

35 (3) Knows the individual assaulted to be a teacher or

1 other person employed in any school and such teacher or
2 other employee is upon the grounds of a school or grounds
3 adjacent thereto, or is in any part of a building used for
4 school purposes;

5 (4) Knows the individual assaulted to be a supervisor,
6 director, instructor or other person employed in any park
7 district and such supervisor, director, instructor or
8 other employee is upon the grounds of the park or grounds
9 adjacent thereto, or is in any part of a building used for
10 park purposes;

11 (5) Knows the individual assaulted to be a caseworker,
12 investigator, or other person employed by the State
13 Department of Public Aid, a County Department of Public
14 Aid, or the Department of Human Services (acting as
15 successor to the Illinois Department of Public Aid under
16 the Department of Human Services Act) and such caseworker,
17 investigator, or other person is upon the grounds of a
18 public aid office or grounds adjacent thereto, or is in any
19 part of a building used for public aid purposes, or upon
20 the grounds of a home of a public aid applicant, recipient
21 or any other person being interviewed or investigated in
22 the employees' discharge of his duties, or on grounds
23 adjacent thereto, or is in any part of a building in which
24 the applicant, recipient, or other such person resides or
25 is located;

26 (6) Knows the individual assaulted to be a peace
27 officer, or a community policing volunteer, or a fireman
28 while the officer or fireman is engaged in the execution of
29 any of his official duties, or to prevent the officer,
30 community policing volunteer, or fireman from performing
31 his official duties, or in retaliation for the officer,
32 community policing volunteer, or fireman performing his
33 official duties, and the assault is committed other than by
34 the discharge of a firearm in the direction of the officer
35 or fireman or in the direction of a vehicle occupied by the
36 officer or fireman;

1 (7) Knows the individual assaulted to be an emergency
2 medical technician - ambulance, emergency medical
3 technician - intermediate, emergency medical technician -
4 paramedic, ambulance driver or other medical assistance or
5 first aid personnel engaged in the execution of any of his
6 official duties, or to prevent the emergency medical
7 technician - ambulance, emergency medical technician -
8 intermediate, emergency medical technician - paramedic,
9 ambulance driver, or other medical assistance or first aid
10 personnel from performing his official duties, or in
11 retaliation for the emergency medical technician -
12 ambulance, emergency medical technician - intermediate,
13 emergency medical technician - paramedic, ambulance
14 driver, or other medical assistance or first aid personnel
15 performing his official duties;

16 (8) Knows the individual assaulted to be the driver,
17 operator, employee or passenger of any transportation
18 facility or system engaged in the business of
19 transportation of the public for hire and the individual
20 assaulted is then performing in such capacity or then using
21 such public transportation as a passenger or using any area
22 of any description designated by the transportation
23 facility or system as a vehicle boarding, departure, or
24 transfer location;

25 (9) Or the individual assaulted is on or about a public
26 way, public property, or public place of accommodation or
27 amusement;

28 (9.5) Is, or the individual assaulted is, in or about a
29 publicly or privately owned sports or entertainment arena,
30 stadium, community or convention hall, special event
31 center, amusement facility, or a special event center in a
32 public park during any 24-hour period when a professional
33 sporting event, National Collegiate Athletic Association
34 (NCAA)-sanctioned sporting event, United States Olympic
35 Committee-sanctioned sporting event, or International
36 Olympic Committee-sanctioned sporting event is taking

1 place in this venue;

2 (10) Knows the individual assaulted to be an employee
3 of the State of Illinois, a municipal corporation therein
4 or a political subdivision thereof, engaged in the
5 performance of his authorized duties as such employee;

6 (11) Knowingly and without legal justification,
7 commits an assault on a physically handicapped person;

8 (12) Knowingly and without legal justification,
9 commits an assault on a person 60 years of age or older;

10 (13) Discharges a firearm;

11 (14) Knows the individual assaulted to be a
12 correctional officer, while the officer is engaged in the
13 execution of any of his or her official duties, or to
14 prevent the officer from performing his or her official
15 duties, or in retaliation for the officer performing his or
16 her official duties;

17 (15) Knows the individual assaulted to be a
18 correctional employee or an employee of the Department of
19 Human Services supervising or controlling sexually
20 dangerous persons or sexually violent persons, while the
21 employee is engaged in the execution of any of his or her
22 official duties, or to prevent the employee from performing
23 his or her official duties, or in retaliation for the
24 employee performing his or her official duties, and the
25 assault is committed other than by the discharge of a
26 firearm in the direction of the employee or in the
27 direction of a vehicle occupied by the employee;

28 (16) Knows the individual assaulted to be an employee
29 of a police or sheriff's department engaged in the
30 performance of his or her official duties as such employee;

31 ~~or~~

32 (17) Knows the individual assaulted to be a sports
33 official or coach at any level of competition and the act
34 causing the assault to the sports official or coach
35 occurred within an athletic facility or an indoor or
36 outdoor playing field or within the immediate vicinity of

1 the athletic facility or an indoor or outdoor playing field
2 at which the sports official or coach was an active
3 participant in the athletic contest held at the athletic
4 facility. For the purposes of this paragraph (17), "sports
5 official" means a person at an athletic contest who
6 enforces the rules of the contest, such as an umpire or
7 referee; and "coach" means a person recognized as a coach
8 by the sanctioning authority that conducted the athletic
9 contest; or.

10 (18) Knows the individual assaulted to be an emergency
11 management worker, while the emergency management worker
12 is engaged in the execution of any of his or her official
13 duties, or to prevent the emergency management worker from
14 performing his or her official duties, or in retaliation
15 for the emergency management worker performing his or her
16 official duties, and the assault is committed other than by
17 the discharge of a firearm in the direction of the
18 emergency management worker or in the direction of a
19 vehicle occupied by the emergency management worker.

20 (a-5) A person commits an aggravated assault when he or she
21 knowingly and without lawful justification shines or flashes a
22 laser gunsight or other laser device that is attached or
23 affixed to a firearm, or used in concert with a firearm, so
24 that the laser beam strikes near or in the immediate vicinity
25 of any person.

26 (b) Sentence.

27 Aggravated assault as defined in paragraphs (1) through (5)
28 and (8) through (12) and (17) of subsection (a) of this Section
29 is a Class A misdemeanor. Aggravated assault as defined in
30 paragraphs (13), (14), and (15) of subsection (a) of this
31 Section and as defined in subsection (a-5) of this Section is a
32 Class 4 felony. Aggravated assault as defined in paragraphs
33 (6), (7), (16), and (18) of subsection (a) of this Section is a
34 Class A misdemeanor if a firearm is not used in the commission
35 of the assault. Aggravated assault as defined in paragraphs
36 (6), (7), (16), and (18) of subsection (a) of this Section is a

1 Class 4 felony if a firearm is used in the commission of the
2 assault.

3 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
4 eff. 1-1-06; revised 8-19-05.)

5 (720 ILCS 5/12-2.6)

6 Sec. 12-2.6. Use of a dangerous place for the commission of
7 a controlled substance or cannabis offense.

8 (a) A person commits the offense of use of a dangerous
9 place for the commission of a controlled substance or cannabis
10 offense when that person knowingly exercises control over any
11 place with the intent to use that place to manufacture,
12 produce, deliver, or possess with intent to deliver a
13 controlled or counterfeit substance or controlled substance
14 analog in violation of Section 401 of the Illinois Controlled
15 Substances Act or to manufacture, produce, deliver, or possess
16 with intent to deliver cannabis in violation of Section 5, 5.1,
17 5.2, 7, or 8 of the Cannabis Control Act and:

18 (1) the place, by virtue of the presence of the
19 substance or substances used or intended to be used to
20 manufacture a controlled or counterfeit substance,
21 controlled substance analog, or cannabis, presents a
22 substantial risk of injury to any person from fire,
23 explosion, or exposure to toxic or noxious chemicals or
24 gas; or

25 (2) the place used or intended to be used to
26 manufacture, produce, deliver, or possess with intent to
27 deliver a controlled or counterfeit substance, controlled
28 substance analog, or cannabis has located within it or
29 surrounding it devices, weapons, chemicals, or explosives
30 designed, hidden, or arranged in a manner that would cause
31 a person to be exposed to a substantial risk of great
32 bodily harm.

33 (b) It may be inferred that a place was intended to be used
34 to manufacture a controlled or counterfeit substance or
35 controlled substance analog if a substance containing a

1 controlled or counterfeit substance or controlled substance
2 analog or a substance containing a chemical important to the
3 manufacture of a controlled or counterfeit substance or
4 controlled substance analog is found at the place of the
5 alleged illegal controlled substance manufacturing in close
6 proximity to equipment or a chemical used for facilitating the
7 manufacture of the controlled or counterfeit substance or
8 controlled substance analog that is alleged to have been
9 intended to be manufactured.

10 (c) As used in this Section, "place" means a premises
11 ~~premise~~, conveyance, or location that offers seclusion,
12 shelter, means, or facilitation for manufacturing, producing,
13 possessing, or possessing with intent to deliver a controlled
14 or counterfeit substance, controlled substance analog, or
15 cannabis.

16 (d) Use of a dangerous place for the commission of a
17 controlled substance or cannabis offense is a Class 1 felony.

18 (Source: P.A. 93-516, eff. 1-1-04; revised 1-25-05.)

19 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

20 Sec. 12-4. Aggravated Battery.

21 (a) A person who, in committing a battery, intentionally or
22 knowingly causes great bodily harm, or permanent disability or
23 disfigurement commits aggravated battery.

24 (b) In committing a battery, a person commits aggravated
25 battery if he or she:

26 (1) Uses a deadly weapon other than by the discharge of
27 a firearm;

28 (2) Is hooded, robed or masked, in such manner as to
29 conceal his identity;

30 (3) Knows the individual harmed to be a teacher or
31 other person employed in any school and such teacher or
32 other employee is upon the grounds of a school or grounds
33 adjacent thereto, or is in any part of a building used for
34 school purposes;

35 (4) (Blank);

1 (5) (Blank);

2 (6) Knows the individual harmed to be a community
3 policing volunteer while such volunteer is engaged in the
4 execution of any official duties, or to prevent the
5 volunteer from performing official duties, or in
6 retaliation for the volunteer performing official duties,
7 and the battery is committed other than by the discharge of
8 a firearm;

9 (7) Knows the individual harmed to be an emergency
10 medical technician - ambulance, emergency medical
11 technician - intermediate, emergency medical technician -
12 paramedic, ambulance driver, other medical assistance,
13 first aid personnel, or hospital personnel engaged in the
14 performance of any of his or her official duties, or to
15 prevent the emergency medical technician - ambulance,
16 emergency medical technician - intermediate, emergency
17 medical technician - paramedic, ambulance driver, other
18 medical assistance, first aid personnel, or hospital
19 personnel from performing official duties, or in
20 retaliation for performing official duties;

21 (8) Is, or the person battered is, on or about a public
22 way, public property or public place of accommodation or
23 amusement;

24 (8.5) Is, or the person battered is, on a publicly or
25 privately owned sports or entertainment arena, stadium,
26 community or convention hall, special event center,
27 amusement facility, or a special event center in a public
28 park during any 24-hour period when a professional sporting
29 event, National Collegiate Athletic Association
30 (NCAA)-sanctioned sporting event, United States Olympic
31 Committee-sanctioned sporting event, or International
32 Olympic Committee-sanctioned sporting event is taking
33 place in this venue;

34 (9) Knows the individual harmed to be the driver,
35 operator, employee or passenger of any transportation
36 facility or system engaged in the business of

1 transportation of the public for hire and the individual
2 assaulted is then performing in such capacity or then using
3 such public transportation as a passenger or using any area
4 of any description designated by the transportation
5 facility or system as a vehicle boarding, departure, or
6 transfer location;

7 (10) Knows the individual harmed to be an individual of
8 60 years of age or older;

9 (11) Knows the individual harmed is pregnant;

10 (12) Knows the individual harmed to be a judge whom the
11 person intended to harm as a result of the judge's
12 performance of his or her official duties as a judge;

13 (13) (Blank);

14 (14) Knows the individual harmed to be a person who is
15 physically handicapped;

16 (15) Knowingly and without legal justification and by
17 any means causes bodily harm to a merchant who detains the
18 person for an alleged commission of retail theft under
19 Section 16A-5 of this Code. In this item (15), "merchant"
20 has the meaning ascribed to it in Section 16A-2.4 of this
21 Code;

22 (16) Is, or the person battered is, in any building or
23 other structure used to provide shelter or other services
24 to victims or to the dependent children of victims of
25 domestic violence pursuant to the Illinois Domestic
26 Violence Act of 1986 or the Domestic Violence Shelters Act,
27 or the person battered is within 500 feet of such a
28 building or other structure while going to or from such a
29 building or other structure. "Domestic violence" has the
30 meaning ascribed to it in Section 103 of the Illinois
31 Domestic Violence Act of 1986. "Building or other structure
32 used to provide shelter" has the meaning ascribed to
33 "shelter" in Section 1 of the Domestic Violence Shelters
34 Act;

35 (17) (Blank); ~~or~~

36 (18) Knows the individual harmed to be an officer or

1 employee of the State of Illinois, a unit of local
2 government, or school district engaged in the performance
3 of his or her authorized duties as such officer or
4 employee; or-

5 (19) ~~(18)~~ Knows the individual harmed to be an
6 emergency management worker engaged in the performance of
7 any of his or her official duties, or to prevent the
8 emergency management worker from performing official
9 duties, or in retaliation for the emergency management
10 worker performing official duties.

11 For the purpose of paragraph (14) of subsection (b) of this
12 Section, a physically handicapped person is a person who
13 suffers from a permanent and disabling physical
14 characteristic, resulting from disease, injury, functional
15 disorder or congenital condition.

16 (c) A person who administers to an individual or causes him
17 to take, without his consent or by threat or deception, and for
18 other than medical purposes, any intoxicating, poisonous,
19 stupefying, narcotic, anesthetic, or controlled substance
20 commits aggravated battery.

21 (d) A person who knowingly gives to another person any food
22 that contains any substance or object that is intended to cause
23 physical injury if eaten, commits aggravated battery.

24 (d-3) A person commits aggravated battery when he or she
25 knowingly and without lawful justification shines or flashes a
26 laser gunsight or other laser device that is attached or
27 affixed to a firearm, or used in concert with a firearm, so
28 that the laser beam strikes upon or against the person of
29 another.

30 (d-5) An inmate of a penal institution or a sexually
31 dangerous person or a sexually violent person in the custody of
32 the Department of Human Services who causes or attempts to
33 cause a correctional employee of the penal institution or an
34 employee of the Department of Human Services to come into
35 contact with blood, seminal fluid, urine, or feces, by
36 throwing, tossing, or expelling that fluid or material commits

1 aggravated battery. For purposes of this subsection (d-5),
2 "correctional employee" means a person who is employed by a
3 penal institution.

4 (e) Sentence.

5 (1) Except as otherwise provided in paragraphs (2) and
6 (3), aggravated battery is a Class 3 felony.

7 (2) Aggravated battery that does not cause great bodily
8 harm or permanent disability or disfigurement is a Class 2
9 felony when the person knows the individual harmed to be a
10 peace officer, a community policing volunteer, a
11 correctional institution employee, an employee of the
12 Department of Human Services supervising or controlling
13 sexually dangerous persons or sexually violent persons, or
14 a fireman while such officer, volunteer, employee, or
15 fireman is engaged in the execution of any official duties
16 including arrest or attempted arrest, or to prevent the
17 officer, volunteer, employee, or fireman from performing
18 official duties, or in retaliation for the officer,
19 volunteer, employee, or fireman performing official
20 duties, and the battery is committed other than by the
21 discharge of a firearm.

22 (3) Aggravated battery that causes great bodily harm or
23 permanent disability or disfigurement in violation of
24 subsection (a) is a Class 1 felony when the person knows
25 the individual harmed to be a peace officer, a community
26 policing volunteer, a correctional institution employee,
27 an employee of the Department of Human Services supervising
28 or controlling sexually dangerous persons or sexually
29 violent persons, or a fireman while such officer,
30 volunteer, employee, or fireman is engaged in the execution
31 of any official duties including arrest or attempted
32 arrest, or to prevent the officer, volunteer, employee, or
33 fireman from performing official duties, or in retaliation
34 for the officer, volunteer, employee, or fireman
35 performing official duties, and the battery is committed
36 other than by the discharge of a firearm.

1 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
2 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
3 94-482, eff. 1-1-06; revised 8-19-05.)

4 (720 ILCS 5/12-4.10)

5 Sec. 12-4.10. (Repealed).

6 (Source: P.A. 93-340, eff. 7-24-03. Repealed by P.A. 94-556,
7 eff. 9-11-05.)

8 (720 ILCS 5/12-4.12)

9 Sec. 12-4.12 ~~12-4.10~~. (Repealed).

10 (Source: P.A. 93-111, eff. 7-8-03. Repealed by P.A. 94-556,
11 eff. 9-11-05.)

12 (720 ILCS 5/12-20.5)

13 Sec. 12-20.5. Dismembering a human body.

14 (a) A person commits the offense of dismembering a human
15 body when he or she knowingly dismembers, severs, separates,
16 dissects, or mutilates any body part of a deceased's body.

17 (b) This Section does not apply to:

18 (1) an anatomical gift made in accordance with the
19 Illinois Uniform ~~Uniform~~ Anatomical Gift Act;

20 (2) the removal and use of a human cornea in accordance
21 with the Illinois Anatomical Gift ~~Corneal Transplant~~ Act;

22 (3) the purchase or sale of drugs, reagents, or other
23 substances made from human body parts, for the use in
24 medical or scientific research, treatment, or diagnosis;

25 (4) persons employed by a county medical examiner's
26 office or coroner's office acting within the scope of their
27 employment while performing an autopsy;

28 (5) the acts of a licensed funeral director or embalmer
29 while performing acts authorized by the Funeral Directors
30 and Embalmers Licensing Code;

31 (6) the acts of emergency medical personnel or
32 physicians performed in good faith and according to the
33 usual and customary standards of medical practice in an

1 attempt to resuscitate a life; or

2 (7) physicians licensed to practice medicine in all of
3 its branches or holding a visiting professor, physician, or
4 resident permit under the Medical Practice Act of 1987,
5 performing acts in accordance with usual and customary
6 standards of medical practice, or a currently enrolled
7 student in an accredited medical school in furtherance of
8 his or her education at the accredited medical school.

9 (c) It is not a defense to a violation of this Section that
10 the decedent died due to natural, accidental, or suicidal
11 causes.

12 (d) Sentence. Dismembering a human body is a Class X
13 felony.

14 (Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

15 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

16 Sec. 17-1. Deceptive practices.

17 (A) Definitions.

18 As used in this Section:

19 (i) ~~A~~ "Financial institution" means any bank, savings
20 and loan association, credit union, or other depository of
21 money, or medium of savings and collective investment.

22 (ii) An "account holder" is any person, having a
23 checking account or savings account in a financial
24 institution.

25 (iii) To act with the "intent to defraud" means to act
26 wilfully, and with the specific intent to deceive or cheat,
27 for the purpose of causing financial loss to another, or to
28 bring some financial gain to oneself. It is not necessary
29 to establish that any person was actually defrauded or
30 deceived.

31 (B) General Deception.

32 A person commits a deceptive practice when, with intent to
33 defraud, the person does any of the following:

34 (a) He or she causes another, by deception or threat,

1 to execute a document disposing of property or a document
2 by which a pecuniary obligation is incurred. ~~or~~

3 (b) Being an officer, manager or other person
4 participating in the direction of a financial institution,
5 he or she knowingly receives or permits the receipt of a
6 deposit or other investment, knowing that the institution
7 is insolvent. ~~or~~

8 (c) He or she knowingly makes or directs another to
9 make a false or deceptive statement addressed to the public
10 for the purpose of promoting the sale of property or
11 services. ~~or~~

12 (d) With intent to obtain control over property or to
13 pay for property, labor or services of another, or in
14 satisfaction of an obligation for payment of tax under the
15 Retailers' Occupation Tax Act or any other tax due to the
16 State of Illinois, he or she issues or delivers a check or
17 other order upon a real or fictitious depository for the
18 payment of money, knowing that it will not be paid by the
19 depository. Failure to have sufficient funds or credit with
20 the depository when the check or other order is issued or
21 delivered, or when such check or other order is presented
22 for payment and dishonored on each of 2 occasions at least
23 7 days apart, is prima facie evidence that the offender
24 knows that it will not be paid by the depository, and that
25 he or she has the intent to defraud. In this paragraph (d),
26 "property" includes rental property (real or personal).

27 (e) He or she issues or delivers a check or other order
28 upon a real or fictitious depository in an amount exceeding
29 \$150 in payment of an amount owed on any credit transaction
30 for property, labor or services, or in payment of the
31 entire amount owed on any credit transaction for property,
32 labor or services, knowing that it will not be paid by the
33 depository, and thereafter fails to provide funds or credit
34 with the depository in the face amount of the check or
35 order within 7 ~~seven~~ days of receiving actual notice from
36 the depository or payee of the dishonor of the check or

1 order.

2 Sentence.

3 A person convicted of a deceptive practice under paragraph
4 ~~paragraphs~~ (a), (b), (c), (d), or ~~through~~ (e) of this
5 subsection (B), except as otherwise provided by this Section,
6 is guilty of a Class A misdemeanor.

7 A person convicted of a deceptive practice in violation of
8 paragraph (d) a second or subsequent time shall be guilty of a
9 Class 4 felony.

10 A person convicted of deceptive practices in violation of
11 paragraph (d), when the value of the property so obtained, in a
12 single transaction, or in separate transactions within a 90 day
13 period, exceeds \$150, shall be guilty of a Class 4 felony. In
14 the case of a prosecution for separate transactions totaling
15 more than \$150 within a 90 day period, such separate
16 transactions shall be alleged in a single charge and provided
17 in a single prosecution.

18 (C) Deception on a Bank or Other Financial Institution.

19 (1) False Statements.

20 ~~1~~ Any person who, with the intent to defraud, makes or
21 causes to be made, any false statement in writing in order to
22 obtain an account with a bank or other financial institution,
23 or to obtain credit from a bank or other financial institution,
24 knowing such writing to be false, and with the intent that it
25 be relied upon, is guilty of a Class A misdemeanor.

26 For purposes of this subsection (C), a false statement
27 shall mean any false statement representing identity, address,
28 or employment, or the identity, address or employment of any
29 person, firm or corporation.

30 (2) Possession of Stolen or Fraudulently Obtained Checks.

31 ~~2~~ Any person who possesses, with the intent to obtain
32 access to funds of another person held in a real or fictitious
33 deposit account at a financial institution, makes a false
34 statement or a misrepresentation to the financial institution,
35 or possesses, transfers, negotiates, or presents for payment a

1 check, draft, or other item purported to direct the financial
2 institution to withdraw or pay funds out of the account
3 holder's deposit account with knowledge that such possession,
4 transfer, negotiation, or presentment is not authorized by the
5 account holder or the issuing financial institution is guilty
6 of a Class A misdemeanor. A person shall be deemed to have been
7 authorized to possess, transfer, negotiate, or present for
8 payment such item if the person was otherwise entitled by law
9 to withdraw or recover funds from the account in question and
10 followed the requisite procedures under the law. In the event
11 that the account holder, upon discovery of the withdrawal or
12 payment, claims that the withdrawal or payment was not
13 authorized, the financial institution may require the account
14 holder to submit an affidavit to that effect on a form
15 satisfactory to the financial institution before the financial
16 institution may be required to credit the account in an amount
17 equal to the amount or amounts that were withdrawn or paid
18 without authorization.

19 Any person who, within any 12 month period, violates this
20 Section with respect to 3 or more checks or orders for the
21 payment of money at the same time or consecutively, each the
22 property of a different account holder or financial
23 institution, is guilty of a Class 4 felony.

24 (3) Possession of Implements of Check Fraud.

25 Any person who possesses, with the intent to defraud~~7~~ and
26 without the authority of the account holder or financial
27 institution, any check imprinter, signature imprinter, or
28 "certified" stamp is guilty of a Class A misdemeanor.

29 A person who within any 12 month period violates this
30 subsection (C) as to possession of 3 or more such devices at
31 the same time or consecutively, is guilty of a Class 4 felony.

32 (4) Possession of Identification Card.

33 ~~4)~~ Any person~~7~~ who, with the intent to defraud, possesses
34 any check guarantee card or key card or identification card for
35 cash dispensing machines without the authority of the account
36 holder or financial institution~~7~~ is guilty of a Class A

1 misdemeanor.

2 A person who, within any 12 month period, violates this
3 Section at the same time or consecutively with respect to 3 or
4 more cards, each the property of different account holders, is
5 guilty of a Class 4 felony.

6 A person convicted under this Section, when the value of
7 property so obtained, in a single transaction, or in separate
8 transactions within any 90 day period, exceeds \$150 shall be
9 guilty of a Class 4 felony.

10 (Source: P.A. 92-633, eff. 1-1-03; 92-646, eff. 1-1-03; revised
11 10-3-02.)

12 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

13 Sec. 21-3. Criminal trespass to real property.

14 (a) Except as provided in subsection (a-5), whoever:

15 (1) knowingly and without lawful authority enters or
16 remains within or on a building; or

17 (2) enters upon the land of another, after receiving,
18 prior to such entry, notice from the owner or occupant that
19 such entry is forbidden; or

20 (3) remains upon the land of another, after receiving
21 notice from the owner or occupant to depart; or

22 (3.5) presents false documents or falsely represents
23 his or her identity orally to the owner or occupant of a
24 building or land in order to obtain permission from the
25 owner or occupant to enter or remain in the building or on
26 the land;

27 commits a Class B misdemeanor.

28 For purposes of item (1) of this subsection, this Section
29 shall not apply to being in a building which is open to the
30 public while the building is open to the public during its
31 normal hours of operation; nor shall this Section apply to a
32 person who enters a public building under the reasonable belief
33 that the building is still open to the public.

34 (a-5) Except as otherwise provided in this subsection,
35 whoever enters upon any of the following areas in or on a motor

1 vehicle (including an off-road vehicle, motorcycle, moped, or
2 any other powered two-wheel vehicle) after receiving, prior to
3 that entry, notice from the owner or occupant that the entry is
4 forbidden or remains upon or in the area after receiving notice
5 from the owner or occupant to depart commits a Class A
6 misdemeanor:

7 (1) A field that is used for growing crops or that is
8 capable of being used for growing crops.

9 (2) An enclosed area containing livestock.

10 (3) An orchard.

11 (4) A barn or other agricultural building containing
12 livestock.

13 (b) A person has received notice from the owner or occupant
14 within the meaning of Subsection (a) if he has been notified
15 personally, either orally or in writing including a valid court
16 order as defined by subsection (7) of Section 112A-3 of the
17 Code of Criminal Procedure of 1963 granting remedy (2) of
18 subsection (b) of Section 112A-14 of that Code, or if a printed
19 or written notice forbidding such entry has been conspicuously
20 posted or exhibited at the main entrance to such land or the
21 forbidden part thereof.

22 (c) This Section does not apply to any person, whether a
23 migrant worker or otherwise, living on the land with permission
24 of the owner or of his agent having apparent authority to hire
25 workers on such land and assign them living quarters or a place
26 of accommodations for living thereon, nor to anyone living on
27 such land at the request of, or by occupancy, leasing or other
28 agreement or arrangement with the owner or his agent, nor to
29 anyone invited by such migrant worker or other person so living
30 on such land to visit him at the place he is so living upon the
31 land.

32 (d) A person shall be exempt from prosecution under this
33 Section if he beautifies unoccupied and abandoned residential
34 and industrial properties located within any municipality. For
35 the purpose of this subsection, "unoccupied and abandoned
36 residential and industrial property" means any real estate (1)

1 in which the taxes have not been paid for a period of at least 2
2 years; and (2) which has been left unoccupied and abandoned for
3 a period of at least one year; and "beautifies" means to
4 landscape, clean up litter, or to repair dilapidated conditions
5 on or to board up windows and doors.

6 (e) No person shall be liable in any civil action for money
7 damages to the owner of unoccupied and abandoned residential
8 and industrial property which that person beautifies pursuant
9 to subsection (d) of this Section.

10 (f) This Section does not prohibit a person from entering a
11 building or upon the land of another for emergency purposes.
12 For purposes of this subsection (f), "emergency" means a
13 condition or circumstance in which an individual is or is
14 reasonably believed by the person to be in imminent danger of
15 serious bodily harm or in which property is or is reasonably
16 believed to be in imminent danger of damage or destruction.

17 (g) Paragraph (3.5) of subsection (a) does not apply to a
18 peace officer or other official of a unit of government who
19 enters a building or land in the performance of his or her
20 official duties.

21 (h) ~~(g)~~ A person may be liable in any civil action for
22 money damages to the owner of the land he or she entered upon
23 with a motor vehicle as prohibited under subsection (a-5)
24 ~~paragraph (4) of subsection (a)~~ of this Section. A person may
25 also be liable to the owner for court costs and reasonable
26 attorney's fees. The measure of damages shall be: (i) the
27 actual damages, but not less than \$250, if the vehicle is
28 operated in a nature preserve or registered area as defined in
29 Sections 3.11 and 3.14 of the Illinois Natural Areas
30 Preservation Act; (ii) twice the actual damages if the owner
31 has previously notified the person to cease trespassing; or
32 (iii) in any other case, the actual damages, but not less than
33 \$50. If the person operating the vehicle is under the age of
34 16, the owner of the vehicle and the parent or legal guardian
35 of the minor are jointly and severally liable. For the purposes
36 of this subsection (h) ~~(g)~~:

1 "Land" includes, but is not limited to, land used for
2 crop land, fallow land, orchard, pasture, feed lot, timber
3 land, prairie land, mine spoil nature preserves and
4 registered areas. "Land" does not include driveways or
5 private roadways upon which the owner allows the public to
6 drive.

7 "Owner" means the person who has the right to
8 possession of the land, including the owner, operator or
9 tenant.

10 "Vehicle" has the same meaning as provided under
11 Section 1-217 of the Illinois Vehicle Code.

12 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
13 eff. 1-1-06; revised 8-19-05.)

14 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

15 Sec. 21-7. Criminal trespass to restricted areas and
16 restricted landing areas at airports; aggravated criminal
17 trespass to restricted areas and restricted landing areas at
18 airports.

19 (a) Whoever enters upon, or remains in, any restricted area
20 or restricted landing area used in connection with an airport
21 facility, or part thereof, in this State, after such person has
22 received notice from the airport authority that such entry is
23 forbidden commits a Class 4 felony.

24 (b) Whoever enters upon, or remains in, any restricted area
25 or restricted landing area used in connection with an airport
26 facility, or part thereof, in this State, while in possession
27 of a weapon, replica of a weapon, or ammunition, after the
28 person has received notice from the airport authority that the
29 entry is forbidden commits a Class 3 felony.

30 (c) Notice that the area is "restricted" and entry thereto
31 "forbidden", for purposes of this Section, means that the
32 person or persons have been notified personally, either orally
33 or in writing, or by a printed or written notice forbidding
34 such entry to him or a group or an organization of which he is a
35 member, which has been conspicuously posted or exhibited at

1 every usable entrance to such area or the forbidden part
2 thereof.

3 (d) ~~(b)~~ Whoever enters upon, or remains in, any restricted
4 area or restricted landing area used in connection with an
5 airport facility, or part thereof, in this State by presenting
6 false documents or falsely representing his or her identity
7 orally to the airport authority commits a Class A misdemeanor.

8 (e) ~~(b)~~ Whoever enters upon, or remains in, any restricted
9 area or restricted landing area as prohibited in subsection (a)
10 of this Section, while dressed in the uniform of, improperly
11 wearing the identification of, presenting false credentials
12 of, or otherwise physically impersonating an airman, employee
13 of an airline, employee of an airport, or contractor at an
14 airport commits a Class 4 felony.

15 (f) ~~(e)~~ The terms "Restricted area" or "Restricted landing
16 area" in this Section are defined to incorporate the meaning
17 ascribed to those terms in Section 8 of the "Illinois
18 Aeronautics Act", approved July 24, 1945, as amended, and also
19 include any other area of the airport that has been designated
20 such by the airport authority.

21 The terms "airman" and "airport" in this Section are
22 defined to incorporate the meaning ascribed to those terms in
23 Sections 6 and 12 of the Illinois Aeronautics Act.

24 (g) ~~(d)~~ Subsection (d) ~~(b)~~ does not apply to a peace
25 officer or other official of a unit of government who enters a
26 restricted area or a restricted landing area used in connection
27 with an airport facility, or part thereof, in the performance
28 of his or her official duties.

29 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,
30 eff. 8-11-05; revised 10-5-05.)

31 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

32 Sec. 24-1. Unlawful Use of Weapons.

33 (a) A person commits the offense of unlawful use of weapons
34 when he knowingly:

35 (1) Sells, manufactures, purchases, possesses or

1 carries any bludgeon, black-jack, slung-shot, sand-club,
2 sand-bag, metal knuckles, throwing star, or any knife,
3 commonly referred to as a switchblade knife, which has a
4 blade that opens automatically by hand pressure applied to
5 a button, spring or other device in the handle of the
6 knife, or a ballistic knife, which is a device that propels
7 a knifelike blade as a projectile by means of a coil
8 spring, elastic material or compressed gas; or

9 (2) Carries or possesses with intent to use the same
10 unlawfully against another, a dagger, dirk, billy,
11 dangerous knife, razor, stiletto, broken bottle or other
12 piece of glass, stun gun or taser or any other dangerous or
13 deadly weapon or instrument of like character; or

14 (3) Carries on or about his person or in any vehicle, a
15 tear gas gun projector or bomb or any object containing
16 noxious liquid gas or substance, other than an object
17 containing a non-lethal noxious liquid gas or substance
18 designed solely for personal defense carried by a person 18
19 years of age or older; or

20 (4) Carries or possesses in any vehicle or concealed on
21 or about his person except when on his land or in his own
22 abode or fixed place of business any pistol, revolver, stun
23 gun or taser or other firearm, except that this subsection
24 (a) (4) does not apply to or affect transportation of
25 weapons that meet one of the following conditions:

26 (i) are broken down in a non-functioning state; or

27 (ii) are not immediately accessible; or

28 (iii) are unloaded and enclosed in a case, firearm
29 carrying box, shipping box, or other container by a
30 person who has been issued a currently valid Firearm
31 Owner's Identification Card; or

32 (5) Sets a spring gun; or

33 (6) Possesses any device or attachment of any kind
34 designed, used or intended for use in silencing the report
35 of any firearm; or

36 (7) Sells, manufactures, purchases, possesses or

1 carries:

2 (i) a machine gun, which shall be defined for the
3 purposes of this subsection as any weapon, which
4 shoots, is designed to shoot, or can be readily
5 restored to shoot, automatically more than one shot
6 without manually reloading by a single function of the
7 trigger, including the frame or receiver of any such
8 weapon, or sells, manufactures, purchases, possesses,
9 or carries any combination of parts designed or
10 intended for use in converting any weapon into a
11 machine gun, or any combination or parts from which a
12 machine gun can be assembled if such parts are in the
13 possession or under the control of a person;

14 (ii) any rifle having one or more barrels less than
15 16 inches in length or a shotgun having one or more
16 barrels less than 18 inches in length or any weapon
17 made from a rifle or shotgun, whether by alteration,
18 modification, or otherwise, if such a weapon as
19 modified has an overall length of less than 26 inches;
20 or

21 (iii) any bomb, bomb-shell, grenade, bottle or
22 other container containing an explosive substance of
23 over one-quarter ounce for like purposes, such as, but
24 not limited to, black powder bombs and Molotov
25 cocktails or artillery projectiles; or

26 (8) Carries or possesses any firearm, stun gun or taser
27 or other deadly weapon in any place which is licensed to
28 sell intoxicating beverages, or at any public gathering
29 held pursuant to a license issued by any governmental body
30 or any public gathering at which an admission is charged,
31 excluding a place where a showing, demonstration or lecture
32 involving the exhibition of unloaded firearms is
33 conducted.

34 This subsection (a) (8) does not apply to any auction or
35 raffle of a firearm held pursuant to a license or permit
36 issued by a governmental body, nor does it apply to persons

1 engaged in firearm safety training courses; or

2 (9) Carries or possesses in a vehicle or on or about
3 his person any pistol, revolver, stun gun or taser or
4 firearm or ballistic knife, when he is hooded, robed or
5 masked in such manner as to conceal his identity; or

6 (10) Carries or possesses on or about his person, upon
7 any public street, alley, or other public lands within the
8 corporate limits of a city, village or incorporated town,
9 except when an invitee thereon or therein, for the purpose
10 of the display of such weapon or the lawful commerce in
11 weapons, or except when on his land or in his own abode or
12 fixed place of business, any pistol, revolver, stun gun or
13 taser or other firearm, except that this subsection (a)
14 (10) does not apply to or affect transportation of weapons
15 that meet one of the following conditions:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a
20 person who has been issued a currently valid Firearm
21 Owner's Identification Card.

22 A "stun gun or taser", as used in this paragraph (a)
23 means (i) any device which is powered by electrical
24 charging units, such as, batteries, and which fires one or
25 several barbs attached to a length of wire and which, upon
26 hitting a human, can send out a current capable of
27 disrupting the person's nervous system in such a manner as
28 to render him incapable of normal functioning or (ii) any
29 device which is powered by electrical charging units, such
30 as batteries, and which, upon contact with a human or
31 clothing worn by a human, can send out current capable of
32 disrupting the person's nervous system in such a manner as
33 to render him incapable of normal functioning; or

34 (11) Sells, manufactures or purchases any explosive
35 bullet. For purposes of this paragraph (a) "explosive
36 bullet" means the projectile portion of an ammunition

1 cartridge which contains or carries an explosive charge
2 which will explode upon contact with the flesh of a human
3 or an animal. "Cartridge" means a tubular metal case having
4 a projectile affixed at the front thereof and a cap or
5 primer at the rear end thereof, with the propellant
6 contained in such tube between the projectile and the cap;
7 or

8 (12) (Blank).

9 (b) Sentence. A person convicted of a violation of
10 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
11 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
12 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
13 commits a Class 4 felony; a person convicted of a violation of
14 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
15 Class 3 felony. A person convicted of a violation of subsection
16 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced
17 to a term of imprisonment of not less than 3 years and not more
18 than 7 years, unless the weapon is possessed in the passenger
19 compartment of a motor vehicle as defined in Section 1-146 of
20 the Illinois Vehicle Code, or on the person, while the weapon
21 is loaded, in which case it shall be a Class X felony. A person
22 convicted of a second or subsequent violation of subsection
23 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
24 Class 3 felony. The possession of each weapon in violation of
25 this Section constitutes a single and separate violation.

26 (c) Violations in specific places.

27 (1) A person who violates subsection 24-1(a)(6) or
28 24-1(a)(7) in any school, regardless of the time of day or
29 the time of year, in residential property owned, operated
30 or managed by a public housing agency or leased by a public
31 housing agency as part of a scattered site or mixed-income
32 development, in a public park, in a courthouse, on the real
33 property comprising any school, regardless of the time of
34 day or the time of year, on residential property owned,
35 operated or managed by a public housing agency or leased by
36 a public housing agency as part of a scattered site or

1 mixed-income development, on the real property comprising
2 any public park, on the real property comprising any
3 courthouse, in any conveyance owned, leased or contracted
4 by a school to transport students to or from school or a
5 school related activity, or on any public way within 1,000
6 feet of the real property comprising any school, public
7 park, courthouse, or residential property owned, operated,
8 or managed by a public housing agency or leased by a public
9 housing agency as part of a scattered site or mixed-income
10 development commits a Class 2 felony and shall be sentenced
11 to a term of imprisonment of not less than 3 years and not
12 more than 7 years.

13 (1.5) A person who violates subsection 24-1(a)(4),
14 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
15 time of day or the time of year, in residential property
16 owned, operated, or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development, in a public park, in a
19 courthouse, on the real property comprising any school,
20 regardless of the time of day or the time of year, on
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development, on
24 the real property comprising any public park, on the real
25 property comprising any courthouse, in any conveyance
26 owned, leased, or contracted by a school to transport
27 students to or from school or a school related activity, or
28 on any public way within 1,000 feet of the real property
29 comprising any school, public park, courthouse, or
30 residential property owned, operated, or managed by a
31 public housing agency or leased by a public housing agency
32 as part of a scattered site or mixed-income development
33 commits a Class 3 felony.

34 (2) A person who violates subsection 24-1(a)(1),
35 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
36 time of day or the time of year, in residential property

1 owned, operated or managed by a public housing agency or
2 leased by a public housing agency as part of a scattered
3 site or mixed-income development, in a public park, in a
4 courthouse, on the real property comprising any school,
5 regardless of the time of day or the time of year, on
6 residential property owned, operated or managed by a public
7 housing agency or leased by a public housing agency as part
8 of a scattered site or mixed-income development, on the
9 real property comprising any public park, on the real
10 property comprising any courthouse, in any conveyance
11 owned, leased or contracted by a school to transport
12 students to or from school or a school related activity, or
13 on any public way within 1,000 feet of the real property
14 comprising any school, public park, courthouse, or
15 residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development
18 commits a Class 4 felony. "Courthouse" means any building
19 that is used by the Circuit, Appellate, or Supreme Court of
20 this State for the conduct of official business.

21 (3) Paragraphs (1), (1.5), and (2) of this subsection
22 (c) shall not apply to law enforcement officers or security
23 officers of such school, college, or university or to
24 students carrying or possessing firearms for use in
25 training courses, parades, hunting, target shooting on
26 school ranges, or otherwise with the consent of school
27 authorities and which firearms are transported unloaded
28 enclosed in a suitable case, box, or transportation
29 package.

30 (4) For the purposes of this subsection (c), "school"
31 means any public or private elementary or secondary school,
32 community college, college, or university.

33 (d) The presence in an automobile other than a public
34 omnibus of any weapon, instrument or substance referred to in
35 subsection (a)(7) is prima facie evidence that it is in the
36 possession of, and is being carried by, all persons occupying

1 such automobile at the time such weapon, instrument or
2 substance is found, except under the following circumstances:
3 (i) if such weapon, instrument or instrumentality is found upon
4 the person of one of the occupants therein; or (ii) if such
5 weapon, instrument or substance is found in an automobile
6 operated for hire by a duly licensed driver in the due, lawful
7 and proper pursuit of his trade, then such presumption shall
8 not apply to the driver.

9 (e) Exemptions. Crossbows, Common or Compound bows and
10 Underwater Spearguns are exempted from the definition of
11 ballistic knife as defined in paragraph (1) of subsection (a)
12 of this Section.

13 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised
14 8-19-05.)

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

16 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
17 Felons or Persons in the Custody of the Department of
18 Corrections Facilities.

19 (a) It is unlawful for a person to knowingly possess on or
20 about his person or on his land or in his own abode or fixed
21 place of business any weapon prohibited under Section 24-1 of
22 this Act or any firearm or any firearm ammunition if the person
23 has been convicted of a felony under the laws of this State or
24 any other jurisdiction. This Section shall not apply if the
25 person has been granted relief by the Director of the
26 Department of State Police under Section 10 of the Firearm
27 Owners Identification Card Act.

28 (b) It is unlawful for any person confined in a penal
29 institution, which is a facility of the Illinois Department of
30 Corrections, to possess any weapon prohibited under Section
31 24-1 of this Code or any firearm or firearm ammunition,
32 regardless of the intent with which he possesses it.

33 (c) It shall be an affirmative defense to a violation of
34 subsection (b), that such possession was specifically
35 authorized by rule, regulation, or directive of the Illinois

1 Department of Corrections or order issued pursuant thereto.

2 (d) The defense of necessity is not available to a person
3 who is charged with a violation of subsection (b) of this
4 Section.

5 (e) Sentence. Violation of this Section by a person not
6 confined in a penal institution shall be a Class 3 felony for
7 which the person, if sentenced to a term of imprisonment, shall
8 be sentenced to no less than 2 years and no more than 10 years
9 and any second or subsequent violation shall be a Class 2
10 felony for which the person shall be sentenced to a term of
11 imprisonment of not less than 3 years and not more than 14
12 years. Violation of this Section by a person not confined in a
13 penal institution who has been convicted of a forcible felony,
14 a felony violation of Article 24 of this Code or of the Firearm
15 Owners Identification Card Act, stalking or aggravated
16 stalking, or a Class 2 or greater felony under the Illinois
17 Controlled Substances Act, the Cannabis Control Act, or the
18 Methamphetamine Control and Community Protection Act is a Class
19 2 felony for which the person shall be sentenced to not less
20 than 3 years and not more than 14 years. Violation of this
21 Section by a person who is on parole or mandatory supervised
22 release is a Class 2 felony for which the person, if sentenced
23 to a term of imprisonment, shall be sentenced to not less than
24 3 years and not more than 14 years. Violation of this Section
25 by a person not confined in a penal institution is a Class X
26 felony when the firearm possessed is a machine gun. Any person
27 who violates this Section while confined in a penal
28 institution, which is a facility of the Illinois Department of
29 Corrections, is guilty of a Class 1 felony, if he possesses any
30 weapon prohibited under Section 24-1 of this Code regardless of
31 the intent with which he possesses it, a Class X felony if he
32 possesses any firearm, firearm ammunition or explosive, and a
33 Class X felony for which the offender shall be sentenced to not
34 less than 12 years and not more than 50 years when the firearm
35 possessed is a machine gun. A violation of this Section while
36 wearing or in possession of body armor as defined in Section

1 33F-1 is a Class X felony punishable by a term of imprisonment
2 of not less than 10 years and not more than 40 years. The
3 possession of each firearm or firearm ammunition in violation
4 of this Section constitutes a single and separate violation.

5 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
6 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

7 (720 ILCS 5/24-1.6)

8 Sec. 24-1.6. Aggravated unlawful use of a weapon.

9 (a) A person commits the offense of aggravated unlawful use
10 of a weapon when he or she knowingly:

11 (1) Carries on or about his or her person or in any
12 vehicle or concealed on or about his or her person except
13 when on his or her land or in his or her abode or fixed
14 place of business any pistol, revolver, stun gun or taser
15 or other firearm; or

16 (2) Carries or possesses on or about his or her person,
17 upon any public street, alley, or other public lands within
18 the corporate limits of a city, village or incorporated
19 town, except when an invitee thereon or therein, for the
20 purpose of the display of such weapon or the lawful
21 commerce in weapons, or except when on his or her own land
22 or in his or her own abode or fixed place of business, any
23 pistol, revolver, stun gun or taser or other firearm; and

24 (3) One of the following factors is present:

25 (A) the firearm possessed was uncased, loaded and
26 immediately accessible at the time of the offense; or

27 (B) the firearm possessed was uncased, unloaded
28 and the ammunition for the weapon was immediately
29 accessible at the time of the offense; or

30 (C) the person possessing the firearm has not been
31 issued a currently valid Firearm Owner's
32 Identification Card; or

33 (D) the person possessing the weapon was
34 previously adjudicated a delinquent minor under the
35 Juvenile Court Act of 1987 for an act that if committed

1 by an adult would be a felony; or

2 (E) the person possessing the weapon was engaged in
3 a misdemeanor violation of the Cannabis Control Act, in
4 a misdemeanor violation of the Illinois Controlled
5 Substances Act, or in a misdemeanor violation of the
6 Methamphetamine Control and Community Protection Act;
7 or

8 (F) the person possessing the weapon is a member of
9 a street gang or is engaged in street gang related
10 activity, as defined in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act; or

12 (G) the person possessing the weapon had a order of
13 protection issued against him or her within the
14 previous 2 years; or

15 (H) the person possessing the weapon was engaged in
16 the commission or attempted commission of a
17 misdemeanor involving the use or threat of violence
18 against the person or property of another; or

19 (I) the person possessing the weapon was under 21
20 years of age and in possession of a handgun as defined
21 in Section 24-3, unless the person under 21 is engaged
22 in lawful activities under the Wildlife Code or
23 described in subsection 24-2(b)(1), (b)(3), or
24 24-2(f).

25 (b) "Stun gun or taser" as used in this Section has the
26 same definition given to it in Section 24-1 of this Code.

27 (c) This Section does not apply to or affect the
28 transportation or possession of weapons that:

29 (i) are broken down in a non-functioning state; or

30 (ii) are not immediately accessible; or

31 (iii) are unloaded and enclosed in a case, firearm
32 carrying box, shipping box, or other container by a
33 person who has been issued a currently valid Firearm
34 Owner's Identification Card.

35 (d) Sentence. Aggravated unlawful use of a weapon is a
36 Class 4 felony; a second or subsequent offense is a Class 2

1 felony for which the person shall be sentenced to a term of
2 imprisonment of not less than 3 years and not more than 7
3 years. Aggravated unlawful use of a weapon by a person who has
4 been previously convicted of a felony in this State or another
5 jurisdiction is a Class 2 felony for which the person shall be
6 sentenced to a term of imprisonment of not less than 3 years
7 and not more than 7 years. Aggravated unlawful use of a weapon
8 while wearing or in possession of body armor as defined in
9 Section 33F-1 by a person who has not been issued a valid
10 Firearms Owner's Identification Card in accordance with
11 Section 5 of the Firearm Owners Identification Card Act is a
12 Class X felony. The possession of each firearm in violation of
13 this Section constitutes a single and separate violation.

14 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
15 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

16 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

17 Sec. 24-2. Exemptions.

18 (a) Subsections 24-1(a) (3), 24-1(a) (4) and 24-1(a) (10) and
19 Section 24-1.6 do not apply to or affect any of the following:

20 (1) Peace officers, and any person summoned by a peace
21 officer to assist in making arrests or preserving the
22 peace, while actually engaged in assisting such officer.

23 (2) Wardens, superintendents and keepers of prisons,
24 penitentiaries, jails and other institutions for the
25 detention of persons accused or convicted of an offense,
26 while in the performance of their official duty, or while
27 commuting between their homes and places of employment.

28 (3) Members of the Armed Services or Reserve Forces of
29 the United States or the Illinois National Guard or the
30 Reserve Officers Training Corps, while in the performance
31 of their official duty.

32 (4) Special agents employed by a railroad or a public
33 utility to perform police functions, and guards of armored
34 car companies, while actually engaged in the performance of
35 the duties of their employment or commuting between their

1 homes and places of employment; and watchmen while actually
2 engaged in the performance of the duties of their
3 employment.

4 (5) Persons licensed as private security contractors,
5 private detectives, or private alarm contractors, or
6 employed by an agency certified by the Department of
7 Professional Regulation, if their duties include the
8 carrying of a weapon under the provisions of the Private
9 Detective, Private Alarm, Private Security, and Locksmith
10 Act of 2004, while actually engaged in the performance of
11 the duties of their employment or commuting between their
12 homes and places of employment, provided that such
13 commuting is accomplished within one hour from departure
14 from home or place of employment, as the case may be.
15 Persons exempted under this subdivision (a)(5) shall be
16 required to have completed a course of study in firearms
17 handling and training approved and supervised by the
18 Department of Professional Regulation as prescribed by
19 Section 28 of the Private Detective, Private Alarm, Private
20 Security, and Locksmith Act of 2004, prior to becoming
21 eligible for this exemption. The Department of
22 Professional Regulation shall provide suitable
23 documentation demonstrating the successful completion of
24 the prescribed firearms training. Such documentation shall
25 be carried at all times when such persons are in possession
26 of a concealable weapon.

27 (6) Any person regularly employed in a commercial or
28 industrial operation as a security guard for the protection
29 of persons employed and private property related to such
30 commercial or industrial operation, while actually engaged
31 in the performance of his or her duty or traveling between
32 sites or properties belonging to the employer, and who, as
33 a security guard, is a member of a security force of at
34 least 5 persons registered with the Department of
35 Professional Regulation; provided that such security guard
36 has successfully completed a course of study, approved by

1 and supervised by the Department of Professional
2 Regulation, consisting of not less than 40 hours of
3 training that includes the theory of law enforcement,
4 liability for acts, and the handling of weapons. A person
5 shall be considered eligible for this exemption if he or
6 she has completed the required 20 hours of training for a
7 security officer and 20 hours of required firearm training,
8 and has been issued a firearm authorization card by the
9 Department of Professional Regulation. Conditions for the
10 renewal of firearm authorization cards issued under the
11 provisions of this Section shall be the same as for those
12 cards issued under the provisions of the Private Detective,
13 Private Alarm, Private Security, and Locksmith Act of 2004.
14 Such firearm authorization card shall be carried by the
15 security guard at all times when he or she is in possession
16 of a concealable weapon.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution for the
23 protection of other employees and property related to such
24 financial institution, while actually engaged in the
25 performance of their duties, commuting between their homes
26 and places of employment, or traveling between sites or
27 properties owned or operated by such financial
28 institution, provided that any person so employed has
29 successfully completed a course of study, approved by and
30 supervised by the Department of Professional Regulation,
31 consisting of not less than 40 hours of training which
32 includes theory of law enforcement, liability for acts, and
33 the handling of weapons. A person shall be considered to be
34 eligible for this exemption if he or she has completed the
35 required 20 hours of training for a security officer and 20
36 hours of required firearm training, and has been issued a

1 firearm authorization card by the Department of
2 Professional Regulation. Conditions for renewal of firearm
3 authorization cards issued under the provisions of this
4 Section shall be the same as for those issued under the
5 provisions of the Private Detective, Private Alarm,
6 Private Security, and Locksmith Act of 2004. Such firearm
7 authorization card shall be carried by the person so
8 trained at all times when such person is in possession of a
9 concealable weapon. For purposes of this subsection,
10 "financial institution" means a bank, savings and loan
11 association, credit union or company providing armored car
12 services.

13 (9) Any person employed by an armored car company to
14 drive an armored car, while actually engaged in the
15 performance of his duties.

16 (10) Persons who have been classified as peace officers
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's
19 Attorneys Appellate Prosecutor authorized by the board of
20 governors of the Office of the State's Attorneys Appellate
21 Prosecutor to carry weapons pursuant to Section 7.06 of the
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of
26 their duties, or while commuting between their homes,
27 places of employment or specific locations that are part of
28 their assigned duties, with the consent of the chief judge
29 of the circuit for which they are employed.

30 (13) Court Security Officers while in the performance
31 of their official duties, or while commuting between their
32 homes and places of employment, with the consent of the
33 Sheriff.

34 (13.5) A person employed as an armed security guard at
35 a nuclear energy, storage, weapons or development site or
36 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any of the following:

9 (1) Members of any club or organization organized for
10 the purpose of practicing shooting at targets upon
11 established target ranges, whether public or private, and
12 patrons of such ranges, while such members or patrons are
13 using their firearms on those target ranges.

14 (2) Duly authorized military or civil organizations
15 while parading, with the special permission of the
16 Governor.

17 (3) Hunters, trappers or fishermen with a license or
18 permit while engaged in hunting, trapping or fishing.

19 (4) Transportation of weapons that are broken down in a
20 non-functioning state or are not immediately accessible.

21 (c) Subsection 24-1(a)(7) does not apply to or affect any
22 of the following:

23 (1) Peace officers while in performance of their
24 official duties.

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the
27 detention of persons accused or convicted of an offense.

28 (3) Members of the Armed Services or Reserve Forces of
29 the United States or the Illinois National Guard, while in
30 the performance of their official duty.

31 (4) Manufacture, transportation, or sale of machine
32 guns to persons authorized under subdivisions (1) through
33 (3) of this subsection to possess machine guns, if the
34 machine guns are broken down in a non-functioning state or
35 are not immediately accessible.

36 (5) Persons licensed under federal law to manufacture

1 any weapon from which 8 or more shots or bullets can be
2 discharged by a single function of the firing device, or
3 ammunition for such weapons, and actually engaged in the
4 business of manufacturing such weapons or ammunition, but
5 only with respect to activities which are within the lawful
6 scope of such business, such as the manufacture,
7 transportation, or testing of such weapons or ammunition.
8 This exemption does not authorize the general private
9 possession of any weapon from which 8 or more shots or
10 bullets can be discharged by a single function of the
11 firing device, but only such possession and activities as
12 are within the lawful scope of a licensed manufacturing
13 business described in this paragraph.

14 During transportation, such weapons shall be broken
15 down in a non-functioning state or not immediately
16 accessible.

17 (6) The manufacture, transport, testing, delivery,
18 transfer or sale, and all lawful commercial or experimental
19 activities necessary thereto, of rifles, shotguns, and
20 weapons made from rifles or shotguns, or ammunition for
21 such rifles, shotguns or weapons, where engaged in by a
22 person operating as a contractor or subcontractor pursuant
23 to a contract or subcontract for the development and supply
24 of such rifles, shotguns, weapons or ammunition to the
25 United States government or any branch of the Armed Forces
26 of the United States, when such activities are necessary
27 and incident to fulfilling the terms of such contract.

28 The exemption granted under this subdivision (c)(6)
29 shall also apply to any authorized agent of any such
30 contractor or subcontractor who is operating within the
31 scope of his employment, where such activities involving
32 such weapon, weapons or ammunition are necessary and
33 incident to fulfilling the terms of such contract.

34 During transportation, any such weapon shall be broken
35 down in a non-functioning state, or not immediately
36 accessible.

1 (d) Subsection 24-1(a)(1) does not apply to the purchase,
2 possession or carrying of a black-jack or slung-shot by a peace
3 officer.

4 (e) Subsection 24-1(a)(8) does not apply to any owner,
5 manager or authorized employee of any place specified in that
6 subsection nor to any law enforcement officer.

7 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
8 Section 24-1.6 do not apply to members of any club or
9 organization organized for the purpose of practicing shooting
10 at targets upon established target ranges, whether public or
11 private, while using their firearms on those target ranges.

12 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
13 to:

14 (1) Members of the Armed Services or Reserve Forces of
15 the United States or the Illinois National Guard, while in
16 the performance of their official duty.

17 (2) Bonafide collectors of antique or surplus military
18 ordinance.

19 (3) Laboratories having a department of forensic
20 ballistics, or specializing in the development of
21 ammunition or explosive ordinance.

22 (4) Commerce, preparation, assembly or possession of
23 explosive bullets by manufacturers of ammunition licensed
24 by the federal government, in connection with the supply of
25 those organizations and persons exempted by subdivision
26 (g)(1) of this Section, or like organizations and persons
27 outside this State, or the transportation of explosive
28 bullets to any organization or person exempted in this
29 Section by a common carrier or by a vehicle owned or leased
30 by an exempted manufacturer.

31 (g-5) Subsection 24-1(a)(6) does not apply to or affect
32 persons licensed under federal law to manufacture any device or
33 attachment of any kind designed, used, or intended for use in
34 silencing the report of any firearm, firearms, or ammunition
35 for those firearms equipped with those devices, and actually
36 engaged in the business of manufacturing those devices,

1 firearms, or ammunition, but only with respect to activities
2 that are within the lawful scope of that business, such as the
3 manufacture, transportation, or testing of those devices,
4 firearms, or ammunition. This exemption does not authorize the
5 general private possession of any device or attachment of any
6 kind designed, used, or intended for use in silencing the
7 report of any firearm, but only such possession and activities
8 as are within the lawful scope of a licensed manufacturing
9 business described in this subsection (g-5). During
10 transportation, those devices shall be detached from any weapon
11 or not immediately accessible.

12 (h) An information or indictment based upon a violation of
13 any subsection of this Article need not negative any exemptions
14 contained in this Article. The defendant shall have the burden
15 of proving such an exemption.

16 (i) Nothing in this Article shall prohibit, apply to, or
17 affect the transportation, carrying, or possession, of any
18 pistol or revolver, stun gun, taser, or other firearm consigned
19 to a common carrier operating under license of the State of
20 Illinois or the federal government, where such transportation,
21 carrying, or possession is incident to the lawful
22 transportation in which such common carrier is engaged; and
23 nothing in this Article shall prohibit, apply to, or affect the
24 transportation, carrying, or possession of any pistol,
25 revolver, stun gun, taser, or other firearm, not the subject of
26 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
27 this Article, which is unloaded and enclosed in a case, firearm
28 carrying box, shipping box, or other container, by the
29 possessor of a valid Firearm Owners Identification Card.

30 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
31 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

32 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

33 Sec. 24-3. Unlawful Sale of Firearms.

34 (A) A person commits the offense of unlawful sale of
35 firearms when he or she knowingly does any of the following:

1 (a) Sells or gives any firearm of a size which may be
2 concealed upon the person to any person under 18 years of
3 age.

4 (b) Sells or gives any firearm to a person under 21
5 years of age who has been convicted of a misdemeanor other
6 than a traffic offense or adjudged delinquent.

7 (c) Sells or gives any firearm to any narcotic addict.

8 (d) Sells or gives any firearm to any person who has
9 been convicted of a felony under the laws of this or any
10 other jurisdiction.

11 (e) Sells or gives any firearm to any person who has
12 been a patient in a mental hospital within the past 5
13 years.

14 (f) Sells or gives any firearms to any person who is
15 mentally retarded.

16 (g) Delivers any firearm of a size which may be
17 concealed upon the person, incidental to a sale, without
18 withholding delivery of such firearm for at least 72 hours
19 after application for its purchase has been made, or
20 delivers any rifle, shotgun or other long gun, or a stun
21 gun or taser, incidental to a sale, without withholding
22 delivery of such rifle, shotgun or other long gun, or a
23 stun gun or taser for at least 24 hours after application
24 for its purchase has been made. However, this paragraph (g)
25 does not apply to: (1) the sale of a firearm to a law
26 enforcement officer if the seller of the firearm knows that
27 the person to whom he or she is selling the firearm is a
28 law enforcement officer or the sale of a firearm to a
29 person who desires to purchase a firearm for use in
30 promoting the public interest incident to his or her
31 employment as a bank guard, armed truck guard, or other
32 similar employment; (2) a mail order sale of a firearm to a
33 nonresident of Illinois under which the firearm is mailed
34 to a point outside the boundaries of Illinois; (3) the sale
35 of a firearm to a nonresident of Illinois while at a
36 firearm showing or display recognized by the Illinois

1 Department of State Police; or (4) the sale of a firearm to
2 a dealer licensed as a federal firearms dealer under
3 Section 923 of the federal Gun Control Act of 1968 (18
4 U.S.C. 923). For purposes of this paragraph (g),
5 "application" means when the buyer and seller reach an
6 agreement to purchase a firearm.

7 (h) While holding any license as a dealer, importer,
8 manufacturer or pawnbroker under the federal Gun Control
9 Act of 1968, manufactures, sells or delivers to any
10 unlicensed person a handgun having a barrel, slide, frame
11 or receiver which is a die casting of zinc alloy or any
12 other nonhomogeneous metal which will melt or deform at a
13 temperature of less than 800 degrees Fahrenheit. For
14 purposes of this paragraph, (1) "firearm" is defined as in
15 the Firearm Owners Identification Card Act; and (2)
16 "handgun" is defined as a firearm designed to be held and
17 fired by the use of a single hand, and includes a
18 combination of parts from which such a firearm can be
19 assembled.

20 (i) Sells or gives a firearm of any size to any person
21 under 18 years of age who does not possess a valid Firearm
22 Owner's Identification Card.

23 (j) Sells or gives a firearm while engaged in the
24 business of selling firearms at wholesale or retail without
25 being licensed as a federal firearms dealer under Section
26 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
27 In this paragraph (j):

28 A person "engaged in the business" means a person who
29 devotes time, attention, and labor to engaging in the
30 activity as a regular course of trade or business with the
31 principal objective of livelihood and profit, but does not
32 include a person who makes occasional repairs of firearms
33 or who occasionally fits special barrels, stocks, or
34 trigger mechanisms to firearms.

35 "With the principal objective of livelihood and
36 profit" means that the intent underlying the sale or

1 disposition of firearms is predominantly one of obtaining
2 livelihood and pecuniary gain, as opposed to other intents,
3 such as improving or liquidating a personal firearms
4 collection; however, proof of profit shall not be required
5 as to a person who engages in the regular and repetitive
6 purchase and disposition of firearms for criminal purposes
7 or terrorism.

8 (k) Sells or transfers ownership of a firearm to a
9 person who does not display to the seller or transferor of
10 the firearm a currently valid Firearm Owner's
11 Identification Card that has previously been issued in the
12 transferee's name by the Department of State Police under
13 the provisions of the Firearm Owners Identification Card
14 Act. This paragraph (k) does not apply to the transfer of a
15 firearm to a person who is exempt from the requirement of
16 possessing a Firearm Owner's Identification Card under
17 Section 2 of the Firearm Owners Identification Card Act.
18 For the purposes of this Section, a currently valid Firearm
19 Owner's Identification Card means (i) a Firearm Owner's
20 Identification Card that has not expired or (ii) if the
21 transferor is licensed as a federal firearms dealer under
22 Section 923 of the federal Gun Control Act of 1968 (18
23 U.S.C. 923), an approval number issued in accordance with
24 Section 3.1 of the Firearm Owners Identification Card Act
25 shall be proof that the Firearm Owner's Identification Card
26 was valid.

27 (B) Paragraph (h) of subsection (A) does not include
28 firearms sold within 6 months after enactment of Public Act
29 78-355 (approved August 21, 1973, effective October 1, 1973),
30 nor is any firearm legally owned or possessed by any citizen or
31 purchased by any citizen within 6 months after the enactment of
32 Public Act 78-355 subject to confiscation or seizure under the
33 provisions of that Public Act. Nothing in Public Act 78-355
34 shall be construed to prohibit the gift or trade of any firearm
35 if that firearm was legally held or acquired within 6 months
36 after the enactment of that Public Act.

1 (C) Sentence.

2 (1) Any person convicted of unlawful sale of firearms
3 in violation of any of paragraphs (c) through (h) of
4 subsection (A) commits a Class 4 felony.

5 (2) Any person convicted of unlawful sale of firearms
6 in violation of paragraph (b) or (i) of subsection (A)
7 commits a Class 3 felony.

8 (3) Any person convicted of unlawful sale of firearms
9 in violation of paragraph (a) of subsection (A) commits a
10 Class 2 felony.

11 (4) Any person convicted of unlawful sale of firearms
12 in violation of paragraph (a), (b), or (i) of subsection
13 (A) in any school, on the real property comprising a
14 school, within 1,000 feet of the real property comprising a
15 school, at a school related activity, or on or within 1,000
16 feet of any conveyance owned, leased, or contracted by a
17 school or school district to transport students to or from
18 school or a school related activity, regardless of the time
19 of day or time of year at which the offense was committed,
20 commits a Class 1 felony. Any person convicted of a second
21 or subsequent violation of unlawful sale of firearms in
22 violation of paragraph (a), (b), or (i) of subsection (A)
23 in any school, on the real property comprising a school,
24 within 1,000 feet of the real property comprising a school,
25 at a school related activity, or on or within 1,000 feet of
26 any conveyance owned, leased, or contracted by a school or
27 school district to transport students to or from school or
28 a school related activity, regardless of the time of day or
29 time of year at which the offense was committed, commits a
30 Class 1 felony for which the sentence shall be a term of
31 imprisonment of no less than 5 years and no more than 15
32 years.

33 (5) Any person convicted of unlawful sale of firearms
34 in violation of paragraph (a) or (i) of subsection (A) in
35 residential property owned, operated, or managed by a
36 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, in
2 a public park, in a courthouse, on residential property
3 owned, operated, or managed by a public housing agency or
4 leased by a public housing agency as part of a scattered
5 site or mixed-income development, on the real property
6 comprising any public park, on the real property comprising
7 any courthouse, or on any public way within 1,000 feet of
8 the real property comprising any public park, courthouse,
9 or residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development
12 commits a Class 2 felony.

13 (6) Any person convicted of unlawful sale of firearms
14 in violation of paragraph (j) of subsection (A) commits a
15 Class A misdemeanor. A second or subsequent violation is a
16 Class 4 felony.

17 (7) Any person convicted of unlawful sale of firearms
18 in violation of paragraph (k) of subsection (A) commits a
19 Class 4 felony. A third or subsequent conviction for a
20 violation of paragraph (k) of subsection (A) is a Class 1
21 felony.

22 (D) For purposes of this Section:

23 "School" means a public or private elementary or secondary
24 school, community college, college, or university.

25 "School related activity" means any sporting, social,
26 academic, or other activity for which students' attendance or
27 participation is sponsored, organized, or funded in whole or in
28 part by a school or school district.

29 (E) A prosecution for a violation of paragraph (k) of
30 subsection (A) of this Section may be commenced within 6 years
31 after the commission of the offense. A prosecution for a
32 violation of this Section other than paragraph (g) of
33 subsection (A) of this Section may be commenced within 5 years
34 after the commission of the offense defined in the particular
35 paragraph.

36 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6,

1 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

2 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

3 Sec. 24-3.1. Unlawful possession of firearms and firearm
4 ammunition.

5 (a) A person commits the offense of unlawful possession of
6 firearms or firearm ammunition when:

7 (1) He is under 18 years of age and has in his
8 possession any firearm of a size which may be concealed
9 upon the person; or

10 (2) He is under 21 years of age, has been convicted of
11 a misdemeanor other than a traffic offense or adjudged
12 delinquent and has any firearms or firearm ammunition in
13 his possession; or

14 (3) He is a narcotic addict and has any firearms or
15 firearm ammunition in his possession; or

16 (4) He has been a patient in a mental hospital within
17 the past 5 years and has any firearms or firearm ammunition
18 in his possession; or

19 (5) He is mentally retarded and has any firearms or
20 firearm ammunition in his possession; or

21 (6) He has in his possession any explosive bullet.

22 For purposes of this paragraph "explosive bullet" means the
23 projectile portion of an ammunition cartridge which contains or
24 carries an explosive charge which will explode upon contact
25 with the flesh of a human or an animal. "Cartridge" means a
26 tubular metal case having a projectile affixed at the front
27 thereof and a cap or primer at the rear end thereof, with the
28 propellant contained in such tube between the projectile and
29 the cap. ~~or~~

30 (b) Sentence.

31 Unlawful possession of firearms, other than handguns, and
32 firearm ammunition is a Class A misdemeanor. Unlawful
33 possession of handguns is a Class 4 felony. The possession of
34 each firearm or firearm ammunition in violation of this Section
35 constitutes a single and separate violation.

1 (c) Nothing in paragraph (1) of subsection (a) of this
2 Section prohibits a person under 18 years of age from
3 participating in any lawful recreational activity with a
4 firearm such as, but not limited to, practice shooting at
5 targets upon established public or private target ranges or
6 hunting, trapping, or fishing in accordance with the Wildlife
7 Code or the Fish and Aquatic Life Code.

8 (Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

9 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

10 Sec. 29B-1. (a) A person commits the offense of money
11 laundering:

12 (1) when, knowing that the property involved in a
13 financial transaction represents the proceeds of some form
14 of unlawful activity, he or she conducts or attempts to
15 conduct such a financial transaction which in fact involves
16 criminally derived property:

17 (A) with the intent to promote the carrying on of
18 the unlawful activity from which the criminally
19 derived property was obtained; or

20 (B) where he or she knows or reasonably should know
21 that the financial transaction is designed in whole or
22 in part:

23 (i) to conceal or disguise the nature, the
24 location, the source, the ownership or the control
25 of the criminally derived property; or

26 (ii) to avoid a transaction reporting
27 requirement under State law; or

28 (1.5) when he or she transports, transmits, or
29 transfers, or attempts to transport, transmit, or transfer
30 a monetary instrument:

31 (A) with the intent to promote the carrying on of
32 the unlawful activity from which the criminally
33 derived property was obtained; or

34 (B) knowing, or having reason to know, that the
35 financial transaction is designed in whole or in part:

1 (i) to conceal or disguise the nature, the
2 location, the source, the ownership or the control
3 of the criminally derived property; or

4 (ii) to avoid a transaction reporting
5 requirement under State law; or

6 (2) when, with the intent to:

7 (A) promote the carrying on of a specified criminal
8 activity as defined in this Article; or

9 (B) conceal or disguise the nature, location,
10 source, ownership, or control of property believed to
11 be the proceeds of a specified criminal activity as
12 defined by subdivision (b) (6); or

13 (C) avoid a transaction reporting requirement
14 under State law,

15 he or she conducts or attempts to conduct a financial
16 transaction involving property he or she believes to be the
17 proceeds of specified criminal activity as defined by
18 subdivision (b) (6) or property used to conduct or
19 facilitate specified criminal activity as defined by
20 subdivision (b) (6).

21 (b) As used in this Section:

22 (0.5) "Knowing that the property involved in a
23 financial transaction represents the proceeds of some form
24 of unlawful activity" means that the person knew the
25 property involved in the transaction represented proceeds
26 from some form, though not necessarily which form, of
27 activity that constitutes a felony under State, federal, or
28 foreign law, regardless of whether or not such activity is
29 specified in subdivision (b) (4).

30 (1) "Financial transaction" means a purchase, sale,
31 loan, pledge, gift, transfer, delivery or other
32 disposition utilizing criminally derived property, and
33 with respect to financial institutions, includes a
34 deposit, withdrawal, transfer between accounts, exchange
35 of currency, loan, extension of credit, purchase or sale of
36 any stock, bond, certificate of deposit or other monetary

1 instrument, use of safe deposit box, or any other payment,
2 transfer or delivery by, through, or to a financial
3 institution. For purposes of clause (a) (2) of this Section,
4 the term "financial transaction" also means a transaction
5 which without regard to whether the funds, monetary
6 instruments, or real or personal property involved in the
7 transaction are criminally derived, any transaction which
8 in any way or degree: (1) involves the movement of funds by
9 wire or any other means; (2) involves one or more monetary
10 instruments; or (3) the transfer of title to any real or
11 personal property. The receipt by an attorney of bona fide
12 fees for the purpose of legal representation is not a
13 financial transaction for purposes of this Section.

14 (2) "Financial institution" means any bank; saving and
15 loan association; trust company; agency or branch of a
16 foreign bank in the United States; currency exchange;
17 credit union, mortgage banking institution; pawnbroker;
18 loan or finance company; operator of a credit card system;
19 issuer, redeemer or cashier of travelers checks, checks or
20 money orders; dealer in precious metals, stones or jewels;
21 broker or dealer in securities or commodities; investment
22 banker; or investment company.

23 (3) "Monetary instrument" means United States coins
24 and currency; coins and currency of a foreign country;
25 travelers checks; personal checks, bank checks, and money
26 orders; investment securities; bearer negotiable
27 instruments; bearer investment securities; or bearer
28 securities and certificates of stock in such form that
29 title thereto passes upon delivery.

30 (4) "Criminally derived property" means: (A) any
31 property, real or personal, constituting or derived from
32 proceeds obtained, directly or indirectly, pursuant to a
33 violation of the Criminal Code of 1961, the Illinois
34 Controlled Substances Act, the Cannabis Control Act, or the
35 Methamphetamine Control and Community Protection Act; or
36 (B) any property represented to be property constituting or

1 derived from proceeds obtained, directly or indirectly,
2 pursuant to a violation of this Code, the Illinois
3 Controlled Substances Act, the Cannabis Control Act, or the
4 Methamphetamine Control and Community Protection Act.

5 (5) "Conduct" or "conducts" includes, in addition to
6 its ordinary meaning, initiating, concluding, or
7 participating in initiating or concluding a transaction.

8 (6) "Specified criminal activity" means any violation
9 of Section 20.5-5 (720 ILCS 5/20.5-5) and any violation of
10 Article 29D of this Code.

11 (7) "Director" means the Director of State Police or
12 his or her designated agents.

13 (8) "Department" means the Department of State Police
14 of the State of Illinois or its successor agency.

15 (9) "Transaction reporting requirement under State
16 law" means any violation as defined under the Currency
17 Reporting Act.

18 (c) Sentence.

19 (1) Laundering of criminally derived property of a
20 value not exceeding \$10,000 is a Class 3 felony;

21 (2) Laundering of criminally derived property of a
22 value exceeding \$10,000 but not exceeding \$100,000 is a
23 Class 2 felony;

24 (3) Laundering of criminally derived property of a
25 value exceeding \$100,000 but not exceeding \$500,000 is a
26 Class 1 felony;

27 (4) Money laundering in violation of subsection (a)(2)
28 of this Section is a Class X felony;

29 (5) Laundering of criminally derived property of a
30 value exceeding \$500,000 is a Class 1 non-probationable
31 felony.

32 (d) Evidence. In a prosecution under this Article, either
33 party may introduce the following evidence pertaining to the
34 issue of whether the property or proceeds were known to be some
35 form of criminally derived property or from some form of
36 unlawful activity:

1 (1) A financial transaction was conducted or
2 structured or attempted in violation of the reporting
3 requirements of any State or federal law; or

4 (2) A financial transaction was conducted or attempted
5 with the use of a false or fictitious name or a forged
6 instrument; or

7 (3) A falsely altered or completed written instrument
8 or a written instrument that contains any materially false
9 personal identifying information was made, used, offered
10 or presented, whether accepted or not, in connection with a
11 financial transaction; or

12 (4) A financial transaction was structured or
13 attempted to be structured so as to falsely report the
14 actual consideration or value of the transaction; or

15 (5) A money transmitter, a person engaged in a trade or
16 business or any employee of a money transmitter or a person
17 engaged in a trade or business, knows or reasonably should
18 know that false personal identifying information has been
19 presented and incorporates the false personal identifying
20 information into any report or record; or

21 (6) The criminally derived property is transported or
22 possessed in a fashion inconsistent with the ordinary or
23 usual means of transportation or possession of such
24 property and where the property is discovered in the
25 absence of any documentation or other indicia of legitimate
26 origin or right to such property; or

27 (7) A person pays or receives substantially less than
28 face value for one or more monetary instruments; or

29 (8) A person engages in a transaction involving one or
30 more monetary instruments, where the physical condition or
31 form of the monetary instrument or instruments makes it
32 apparent that they are not the product of bona fide
33 business or financial transactions.

34 (e) Duty to enforce this Article.

35 (1) It is the duty of the Department of State Police,
36 and its agents, officers, and investigators, to enforce all

1 provisions of this Article, except those specifically
2 delegated, and to cooperate with all agencies charged with
3 the enforcement of the laws of the United States, or of any
4 state, relating to money laundering. Only an agent,
5 officer, or investigator designated by the Director may be
6 authorized in accordance with this Section to serve seizure
7 notices, warrants, subpoenas, and summonses under the
8 authority of this State.

9 (2) Any agent, officer, investigator, or peace officer
10 designated by the Director may: (A) make seizure of
11 property pursuant to the provisions of this Article; and
12 (B) perform such other law enforcement duties as the
13 Director designates. It is the duty of all State's
14 Attorneys to prosecute violations of this Article and
15 institute legal proceedings as authorized under this
16 Article.

17 (f) Protective orders.

18 (1) Upon application of the State, the court may enter
19 a restraining order or injunction, require the execution of
20 a satisfactory performance bond, or take any other action
21 to preserve the availability of property described in
22 subsection (h) for forfeiture under this Article:

23 (A) upon the filing of an indictment, information,
24 or complaint charging a violation of this Article for
25 which forfeiture may be ordered under this Article and
26 alleging that the property with respect to which the
27 order is sought would be subject to forfeiture under
28 this Article; or

29 (B) prior to the filing of such an indictment,
30 information, or complaint, if, after notice to persons
31 appearing to have an interest in the property and
32 opportunity for a hearing, the court determines that:

33 (i) there is probable cause to believe that the
34 State will prevail on the issue of forfeiture and
35 that failure to enter the order will result in the
36 property being destroyed, removed from the

1 jurisdiction of the court, or otherwise made
2 unavailable for forfeiture; and

3 (ii) the need to preserve the availability of
4 the property through the entry of the requested
5 order outweighs the hardship on any party against
6 whom the order is to be entered.

7 Provided, however, that an order entered pursuant
8 to subparagraph (B) shall be effective for not more
9 than 90 days, unless extended by the court for good
10 cause shown or unless an indictment, information,
11 complaint, or administrative notice has been filed.

12 (2) A temporary restraining order under this
13 subsection may be entered upon application of the State
14 without notice or opportunity for a hearing when an
15 indictment, information, complaint, or administrative
16 notice has not yet been filed with respect to the property,
17 if the State demonstrates that there is probable cause to
18 believe that the property with respect to which the order
19 is sought would be subject to forfeiture under this Section
20 and that provision of notice will jeopardize the
21 availability of the property for forfeiture. Such a
22 temporary order shall expire not more than 30 days after
23 the date on which it is entered, unless extended for good
24 cause shown or unless the party against whom it is entered
25 consents to an extension for a longer period. A hearing
26 requested concerning an order entered under this paragraph
27 shall be held at the earliest possible time and prior to
28 the expiration of the temporary order.

29 (3) The court may receive and consider, at a hearing
30 held pursuant to this subsection (f), evidence and
31 information that would be inadmissible under the Illinois
32 rules of evidence.

33 (4) Order to repatriate and deposit.

34 (A) In general. Pursuant to its authority to enter
35 a pretrial restraining order under this Section, the
36 court may order a defendant to repatriate any property

1 that may be seized and forfeited and to deposit that
2 property pending trial with the Illinois State Police
3 or another law enforcement agency designated by the
4 Illinois State Police.

5 (B) Failure to comply. Failure to comply with an
6 order under this subsection (f) is punishable as a
7 civil or criminal contempt of court.

8 (g) Warrant of seizure. The State may request the issuance
9 of a warrant authorizing the seizure of property described in
10 subsection (h) in the same manner as provided for a search
11 warrant. If the court determines that there is probable cause
12 to believe that the property to be seized would be subject to
13 forfeiture, the court shall issue a warrant authorizing the
14 seizure of such property.

15 (h) Forfeiture.

16 (1) The following are subject to forfeiture:

17 (A) any property, real or personal, constituting,
18 derived from, or traceable to any proceeds the person
19 obtained directly or indirectly, as a result of a
20 violation of this Article;

21 (B) any of the person's property used, or intended
22 to be used, in any manner or part, to commit, or to
23 facilitate the commission of, a violation of this
24 Article;

25 (C) all conveyances, including aircraft, vehicles
26 or vessels, which are used, or intended for use, to
27 transport, or in any manner to facilitate the
28 transportation, sale, receipt, possession, or
29 concealment of property described in subparagraphs (A)
30 and (B), but:

31 (i) no conveyance used by any person as a
32 common carrier in the transaction of business as a
33 common carrier is subject to forfeiture under this
34 Section unless it appears that the owner or other
35 person in charge of the conveyance is a consenting
36 party or privy to a violation of this Article;

1 (ii) no conveyance is subject to forfeiture
2 under this Section by reason of any act or omission
3 which the owner proves to have been committed or
4 omitted without his or her knowledge or consent;

5 (iii) a forfeiture of a conveyance encumbered
6 by a bona fide security interest is subject to the
7 interest of the secured party if he or she neither
8 had knowledge of nor consented to the act or
9 omission;

10 (D) all real property, including any right, title,
11 and interest (including, but not limited to, any
12 leasehold interest or the beneficial interest in a land
13 trust) in the whole of any lot or tract of land and any
14 appurtenances or improvements, which is used or
15 intended to be used, in any manner or part, to commit,
16 or in any manner to facilitate the commission of, any
17 violation of this Article or that is the proceeds of
18 any violation or act that constitutes a violation of
19 this Article.

20 (2) Property subject to forfeiture under this Article
21 may be seized by the Director or any peace officer upon
22 process or seizure warrant issued by any court having
23 jurisdiction over the property. Seizure by the Director or
24 any peace officer without process may be made:

25 (A) if the seizure is incident to a seizure
26 warrant;

27 (B) if the property subject to seizure has been the
28 subject of a prior judgment in favor of the State in a
29 criminal proceeding, or in an injunction or forfeiture
30 proceeding based upon this Article;

31 (C) if there is probable cause to believe that the
32 property is directly or indirectly dangerous to health
33 or safety;

34 (D) if there is probable cause to believe that the
35 property is subject to forfeiture under this Article
36 and the property is seized under circumstances in which

1 a warrantless seizure or arrest would be reasonable; or
2 (E) in accordance with the Code of Criminal
3 Procedure of 1963.

4 (3) In the event of seizure pursuant to paragraph (2),
5 forfeiture proceedings shall be instituted in accordance
6 with subsections (i) through (r).

7 (4) Property taken or detained under this Section shall
8 not be subject to replevin, but is deemed to be in the
9 custody of the Director subject only to the order and
10 judgments of the circuit court having jurisdiction over the
11 forfeiture proceedings and the decisions of the State's
12 Attorney under this Article. When property is seized under
13 this Article, the seizing agency shall promptly conduct an
14 inventory of the seized property and estimate the
15 property's value and shall forward a copy of the inventory
16 of seized property and the estimate of the property's value
17 to the Director. Upon receiving notice of seizure, the
18 Director may:

19 (A) place the property under seal;

20 (B) remove the property to a place designated by
21 the Director;

22 (C) keep the property in the possession of the
23 seizing agency;

24 (D) remove the property to a storage area for
25 safekeeping or, if the property is a negotiable
26 instrument or money and is not needed for evidentiary
27 purposes, deposit it in an interest bearing account;

28 (E) place the property under constructive seizure
29 by posting notice of pending forfeiture on it, by
30 giving notice of pending forfeiture to its owners and
31 interest holders, or by filing notice of pending
32 forfeiture in any appropriate public record relating
33 to the property; or

34 (F) provide for another agency or custodian,
35 including an owner, secured party, or lienholder, to
36 take custody of the property upon the terms and

1 conditions set by the Director.

2 (5) When property is forfeited under this Article, the
3 Director shall sell all such property unless such property
4 is required by law to be destroyed or is harmful to the
5 public, and shall distribute the proceeds of the sale,
6 together with any moneys forfeited or seized, in accordance
7 with paragraph (6). However, upon the application of the
8 seizing agency or prosecutor who was responsible for the
9 investigation, arrest or arrests and prosecution which
10 lead to the forfeiture, the Director may return any item of
11 forfeited property to the seizing agency or prosecutor for
12 official use in the enforcement of laws, if the agency or
13 prosecutor can demonstrate that the item requested would be
14 useful to the agency or prosecutor in its enforcement
15 efforts. When any real property returned to the seizing
16 agency is sold by the agency or its unit of government, the
17 proceeds of the sale shall be delivered to the Director and
18 distributed in accordance with paragraph (6).

19 (6) All monies and the sale proceeds of all other
20 property forfeited and seized under this Article shall be
21 distributed as follows:

22 (A) 65% shall be distributed to the metropolitan
23 enforcement group, local, municipal, county, or State
24 law enforcement agency or agencies which conducted or
25 participated in the investigation resulting in the
26 forfeiture. The distribution shall bear a reasonable
27 relationship to the degree of direct participation of
28 the law enforcement agency in the effort resulting in
29 the forfeiture, taking into account the total value of
30 the property forfeited and the total law enforcement
31 effort with respect to the violation of the law upon
32 which the forfeiture is based. Amounts distributed to
33 the agency or agencies shall be used for the
34 enforcement of laws.

35 (B) (i) 12.5% shall be distributed to the Office of
36 the State's Attorney of the county in which the

1 prosecution resulting in the forfeiture was
2 instituted, deposited in a special fund in the county
3 treasury and appropriated to the State's Attorney for
4 use in the enforcement of laws. In counties over
5 3,000,000 population, 25% shall be distributed to the
6 Office of the State's Attorney for use in the
7 enforcement of laws. If the prosecution is undertaken
8 solely by the Attorney General, the portion provided
9 hereunder shall be distributed to the Attorney General
10 for use in the enforcement of laws.

11 (ii) 12.5% shall be distributed to the Office
12 of the State's Attorneys Appellate Prosecutor and
13 deposited in the Narcotics Profit Forfeiture Fund
14 of that office to be used for additional expenses
15 incurred in the investigation, prosecution and
16 appeal of cases arising under laws. The Office of
17 the State's Attorneys Appellate Prosecutor shall
18 not receive distribution from cases brought in
19 counties with over 3,000,000 population.

20 (C) 10% shall be retained by the Department of
21 State Police for expenses related to the
22 administration and sale of seized and forfeited
23 property.

24 (i) Notice to owner or interest holder.

25 (1) Whenever notice of pending forfeiture or service of
26 an in rem complaint is required under the provisions of
27 this Article, such notice or service shall be given as
28 follows:

29 (A) If the owner's or interest holder's name and
30 current address are known, then by either personal
31 service or mailing a copy of the notice by certified
32 mail, return receipt requested, to that address. For
33 purposes of notice under this Section, if a person has
34 been arrested for the conduct giving rise to the
35 forfeiture, then the address provided to the arresting
36 agency at the time of arrest shall be deemed to be that

1 person's known address. Provided, however, if an owner
2 or interest holder's address changes prior to the
3 effective date of the notice of pending forfeiture, the
4 owner or interest holder shall promptly notify the
5 seizing agency of the change in address or, if the
6 owner or interest holder's address changes subsequent
7 to the effective date of the notice of pending
8 forfeiture, the owner or interest holder shall
9 promptly notify the State's Attorney of the change in
10 address; or

11 (B) If the property seized is a conveyance, to the
12 address reflected in the office of the agency or
13 official in which title or interest to the conveyance
14 is required by law to be recorded, then by mailing a
15 copy of the notice by certified mail, return receipt
16 requested, to that address; or

17 (C) If the owner's or interest holder's address is
18 not known, and is not on record as provided in
19 paragraph (B), then by publication for 3 successive
20 weeks in a newspaper of general circulation in the
21 county in which the seizure occurred.

22 (2) Notice served under this Article is effective upon
23 personal service, the last date of publication, or the
24 mailing of written notice, whichever is earlier.

25 (j) Notice to State's Attorney. The law enforcement agency
26 seizing property for forfeiture under this Article shall,
27 within 90 days after seizure, notify the State's Attorney for
28 the county, either where an act or omission giving rise to the
29 forfeiture occurred or where the property was seized, of the
30 seizure of the property and the facts and circumstances giving
31 rise to the seizure and shall provide the State's Attorney with
32 the inventory of the property and its estimated value. When the
33 property seized for forfeiture is a vehicle, the law
34 enforcement agency seizing the property shall immediately
35 notify the Secretary of State that forfeiture proceedings are
36 pending regarding such vehicle.

1 (k) Non-judicial forfeiture. If non-real property that
2 exceeds \$20,000 in value excluding the value of any conveyance,
3 or if real property is seized under the provisions of this
4 Article, the State's Attorney shall institute judicial in rem
5 forfeiture proceedings as described in subsection (l) of this
6 Section within 45 days from receipt of notice of seizure from
7 the seizing agency under subsection (j) of this Section.
8 However, if non-real property that does not exceed \$20,000 in
9 value excluding the value of any conveyance is seized, the
10 following procedure shall be used:

11 (1) If, after review of the facts surrounding the
12 seizure, the State's Attorney is of the opinion that the
13 seized property is subject to forfeiture, then within 45
14 days after the receipt of notice of seizure from the
15 seizing agency, the State's Attorney shall cause notice of
16 pending forfeiture to be given to the owner of the property
17 and all known interest holders of the property in
18 accordance with subsection (i) of this Section.

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

25 (3) (A) Any person claiming an interest in property
26 which is the subject of notice under paragraph (1) of this
27 subsection (k), must, in order to preserve any rights or
28 claims to the property, within 45 days after the effective
29 date of notice as described in subsection (i) of this
30 Section, file a verified claim with the State's Attorney
31 expressing his or her interest in the property. The claim
32 must set forth:

33 (i) the caption of the proceedings as set forth on
34 the notice of pending forfeiture and the name of the
35 claimant;

36 (ii) the address at which the claimant will accept

1 mail;

2 (iii) the nature and extent of the claimant's
3 interest in the property;

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

7 (v) the name and address of all other persons known
8 to have an interest in the property;

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

11 (vii) all essential facts supporting each
12 assertion; and

13 (viii) the relief sought.

14 (B) If a claimant files the claim and deposits with
15 the State's Attorney a cost bond, in the form of a
16 cashier's check payable to the clerk of the court, in
17 the sum of 10% of the reasonable value of the property
18 as alleged by the State's Attorney or the sum of \$100,
19 whichever is greater, upon condition that, in the case
20 of forfeiture, the claimant must pay all costs and
21 expenses of forfeiture proceedings, then the State's
22 Attorney shall institute judicial in rem forfeiture
23 proceedings and deposit the cost bond with the clerk of
24 the court as described in subsection (1) of this
25 Section within 45 days after receipt of the claim and
26 cost bond. In lieu of a cost bond, a person claiming
27 interest in the seized property may file, under penalty
28 of perjury, an indigency affidavit which has been
29 approved by a circuit court judge.

30 (C) If none of the seized property is forfeited in
31 the judicial in rem proceeding, the clerk of the court
32 shall return to the claimant, unless the court orders
33 otherwise, 90% of the sum which has been deposited and
34 shall retain as costs 10% of the money deposited. If
35 any of the seized property is forfeited under the
36 judicial forfeiture proceeding, the clerk of the court

1 shall transfer 90% of the sum which has been deposited
2 to the State's Attorney prosecuting the civil
3 forfeiture to be applied to the costs of prosecution
4 and the clerk shall retain as costs 10% of the sum
5 deposited.

6 (4) If no claim is filed or bond given within the 45
7 day period as described in paragraph (3) of this subsection
8 (k), the State's Attorney shall declare the property
9 forfeited and shall promptly notify the owner and all known
10 interest holders of the property and the Director of State
11 Police of the declaration of forfeiture and the Director
12 shall dispose of the property in accordance with law.

13 (1) Judicial in rem procedures. If property seized under
14 the provisions of this Article is non-real property that
15 exceeds \$20,000 in value excluding the value of any conveyance,
16 or is real property, or a claimant has filed a claim and a cost
17 bond under paragraph (3) of subsection (k) of this Section, the
18 following judicial in rem procedures shall apply:

19 (1) If, after a review of the facts surrounding the
20 seizure, the State's Attorney is of the opinion that the
21 seized property is subject to forfeiture, then within 45
22 days of the receipt of notice of seizure by the seizing
23 agency or the filing of the claim and cost bond, whichever
24 is later, the State's Attorney shall institute judicial
25 forfeiture proceedings by filing a verified complaint for
26 forfeiture and, if the claimant has filed a claim and cost
27 bond, by depositing the cost bond with the clerk of the
28 court. When authorized by law, a forfeiture must be ordered
29 by a court on an action in rem brought by a State's
30 Attorney under a verified complaint for forfeiture.

31 (2) During the probable cause portion of the judicial
32 in rem proceeding wherein the State presents its
33 case-in-chief, the court must receive and consider, among
34 other things, all relevant hearsay evidence and
35 information. The laws of evidence relating to civil actions
36 apply to all other portions of the judicial in rem

1 proceeding.

2 (3) Only an owner of or interest holder in the property
3 may file an answer asserting a claim against the property
4 in the action in rem. For purposes of this Section, the
5 owner or interest holder shall be referred to as claimant.
6 Upon motion of the State, the court shall first hold a
7 hearing, wherein any claimant must establish by a
8 preponderance of the evidence, that he or she has a lawful,
9 legitimate ownership interest in the property and that it
10 was obtained through a lawful source.

11 (4) The answer must be signed by the owner or interest
12 holder under penalty of perjury and must set forth:

13 (A) the caption of the proceedings as set forth on
14 the notice of pending forfeiture and the name of the
15 claimant;

16 (B) the address at which the claimant will accept
17 mail;

18 (C) the nature and extent of the claimant's
19 interest in the property;

20 (D) the date, identity of transferor, and
21 circumstances of the claimant's acquisition of the
22 interest in the property;

23 (E) the name and address of all other persons known
24 to have an interest in the property;

25 (F) all essential facts supporting each assertion;
26 and

27 (G) the precise relief sought.

28 (5) The answer must be filed with the court within 45
29 days after service of the civil in rem complaint.

30 (6) The hearing must be held within 60 days after
31 filing of the answer unless continued for good cause.

32 (7) The State shall show the existence of probable
33 cause for forfeiture of the property. If the State shows
34 probable cause, the claimant has the burden of showing by a
35 preponderance of the evidence that the claimant's interest
36 in the property is not subject to forfeiture.

1 (8) If the State does not show existence of probable
2 cause, the court shall order the interest in the property
3 returned or conveyed to the claimant and shall order all
4 other property forfeited to the State. If the State does
5 show existence of probable cause, the court shall order all
6 property forfeited to the State.

7 (9) A defendant convicted in any criminal proceeding is
8 precluded from later denying the essential allegations of
9 the criminal offense of which the defendant was convicted
10 in any proceeding under this Article regardless of the
11 pendency of an appeal from that conviction. However,
12 evidence of the pendency of an appeal is admissible.

13 (10) An acquittal or dismissal in a criminal proceeding
14 does not preclude civil proceedings under this Article;
15 however, for good cause shown, on a motion by the State's
16 Attorney, the court may stay civil forfeiture proceedings
17 during the criminal trial for a related criminal indictment
18 or information alleging a money laundering violation. Such
19 a stay shall not be available pending an appeal. Property
20 subject to forfeiture under this Article shall not be
21 subject to return or release by a court exercising
22 jurisdiction over a criminal case involving the seizure of
23 such property unless such return or release is consented to
24 by the State's Attorney.

25 (11) All property declared forfeited under this
26 Article vests in this State on the commission of the
27 conduct giving rise to forfeiture together with the
28 proceeds of the property after that time. Any such property
29 or proceeds subsequently transferred to any person remain
30 subject to forfeiture and thereafter shall be ordered
31 forfeited.

32 (12) A civil action under this Article must be
33 commenced within 5 years after the last conduct giving rise
34 to forfeiture became known or should have become known or 5
35 years after the forfeitable property is discovered,
36 whichever is later, excluding any time during which either

1 the property or claimant is out of the State or in
2 confinement or during which criminal proceedings relating
3 to the same conduct are in progress.

4 (m) Stay of time periods. If property is seized for
5 evidence and for forfeiture, the time periods for instituting
6 judicial and non-judicial forfeiture proceedings shall not
7 begin until the property is no longer necessary for evidence.

8 (n) Settlement of claims. Notwithstanding other provisions
9 of this Article, the State's Attorney and a claimant of seized
10 property may enter into an agreed-upon settlement concerning
11 the seized property in such an amount and upon such terms as
12 are set out in writing in a settlement agreement.

13 (o) Property constituting attorney fees. Nothing in this
14 Article applies to property which constitutes reasonable bona
15 fide attorney's fees paid to an attorney for services rendered
16 or to be rendered in the forfeiture proceeding or criminal
17 proceeding relating directly thereto where such property was
18 paid before its seizure, before the issuance of any seizure
19 warrant or court order prohibiting transfer of the property and
20 where the attorney, at the time he or she received the property
21 did not know that it was property subject to forfeiture under
22 this Article.

23 (p) Construction. It is the intent of the General Assembly
24 that the forfeiture provisions of this Article be liberally
25 construed so as to effect their remedial purpose. The
26 forfeiture of property and other remedies hereunder shall be
27 considered to be in addition to, and not exclusive of, any
28 sentence or other remedy provided by law.

29 (q) Judicial review. If property has been declared
30 forfeited under subsection (k) of this Section, any person who
31 has an interest in the property declared forfeited may, within
32 30 days after the effective date of the notice of the
33 declaration of forfeiture, file a claim and cost bond as
34 described in paragraph (3) of subsection (k) of this Section.
35 If a claim and cost bond is filed under this Section, then the
36 procedures described in subsection (l) of this Section apply.

1 (r) Burden of proof of exemption or exception. It is not
2 necessary for the State to negate any exemption or exception in
3 this Article in any complaint, information, indictment or other
4 pleading or in any trial, hearing, or other proceeding under
5 this Article. The burden of proof of any exemption or exception
6 is upon the person claiming it.

7 (s) Review of administrative decisions. All administrative
8 findings, rulings, final determinations, findings, and
9 conclusions of the State's Attorney's Office under this Article
10 are final and conclusive decisions of the matters involved. Any
11 person aggrieved by the decision may obtain review of the
12 decision pursuant to the provisions of the Administrative
13 Review Law and the rules adopted pursuant to that Law. Pending
14 final decision on such review, the administrative acts, orders,
15 and rulings of the State's Attorney's Office remain in full
16 force and effect unless modified or suspended by order of court
17 pending final judicial decision. Pending final decision on such
18 review, the acts, orders, and rulings of the State's Attorney's
19 Office remain in full force and effect, unless stayed by order
20 of court. However, no stay of any decision of the
21 administrative agency shall issue unless the person aggrieved
22 by the decision establishes by a preponderance of the evidence
23 that good cause exists for the stay. In determining good cause,
24 the court shall find that the aggrieved party has established a
25 substantial likelihood of prevailing on the merits and that
26 granting the stay will not have an injurious effect on the
27 general public.

28 (Source: P.A. 93-520, eff. 8-6-03; 94-364, eff. 7-29-05;
29 94-556, eff. 9-11-05; revised 8-19-05.)

30 (720 ILCS 5/44-3) (from Ch. 38, par. 44-3)

31 Sec. 44-3. (a) Seizure. Any telecommunications device
32 possessed by a person on the real property of any elementary or
33 secondary school without the authority of the school principal,
34 or used in the commission of an offense prohibited by this
35 Code, the Illinois Controlled Substances Act, the Cannabis

1 Control Act, or the Methamphetamine Control and Community
2 Protection Act or which constitutes evidence of the commission
3 of such offenses may be seized and delivered forthwith to the
4 investigating law enforcement agency. A person who is not a
5 student of the particular elementary or secondary school, who
6 is on school property as an invitee of the school, and who has
7 possession of a telecommunication device for lawful and
8 legitimate purposes, shall not need to obtain authority from
9 the school principal to possess the telecommunication device on
10 school property. Such telecommunication device shall not be
11 seized unless it was used in the commission of an offense
12 specified above, or constitutes evidence of such an offense.
13 Within 15 days after such delivery the investigating law
14 enforcement agency shall give notice of seizure to any known
15 owners, lienholders and secured parties of such property.
16 Within that 15 day period the investigating law enforcement
17 agency shall also notify the State's Attorney of the county of
18 seizure about the seizure.

19 (b) Rights of lienholders and secured parties.

20 The State's Attorney shall promptly release a
21 telecommunications device seized under the provisions of this
22 Article to any lienholder or secured party if such lienholder
23 or secured party shows to the State's Attorney that his lien or
24 security interest is bona fide and was created without actual
25 knowledge that such telecommunications device was or possessed
26 in violation of this Section or used or to be used in the
27 commission of the offense charged.

28 (c) Action for forfeiture. (1) The State's Attorney in the
29 county in which such seizure occurs if he finds that such
30 forfeiture was incurred without willful negligence or without
31 any intention on the part of the owner of the
32 telecommunications device or a lienholder or secured party to
33 violate the law, or finds the existence of such mitigating
34 circumstances as to justify remission of the forfeiture, may
35 cause the investigating law enforcement agency to remit the
36 same upon such terms and conditions as the State's Attorney

1 deems reasonable and just. The State's Attorney shall exercise
2 his discretion under the foregoing provision of this Section
3 promptly after notice is given in accordance with subsection
4 (a). If the State's Attorney does not cause the forfeiture to
5 be remitted he shall forthwith bring an action for forfeiture
6 in the circuit court within whose jurisdiction the seizure and
7 confiscation has taken place. The State's Attorney shall give
8 notice of the forfeiture proceeding by mailing a copy of the
9 complaint in the forfeiture proceeding to the persons and in
10 the manner set forth in subsection (a). The owner of the device
11 or any person with any right, title, or interest in the device
12 may within 20 days after the mailing of such notice file a
13 verified answer to the complaint and may appear at the hearing
14 on the action for forfeiture. The State shall show at such
15 hearing by a preponderance of the evidence that the device was
16 used in the commission of an offense described in subsection
17 (a). The owner of the device or any person with any right,
18 title, or interest in the device may show by a preponderance of
19 the evidence that he did not know, and did not have reason to
20 know, that the device was possessed in violation of this
21 Section or to be used in the commission of such an offense or
22 that any of the exceptions set forth in subsection (d) are
23 applicable. Unless the State shall make such showing, the Court
24 shall order the device released to the owner. Where the State
25 has made such showing, the Court may order the device
26 destroyed; may upon the request of the investigating law
27 enforcement agency, order it delivered to any local, municipal
28 or county law enforcement agency, or the Department of State
29 Police or the Department of Revenue of the State of Illinois;
30 or may order it sold at public auction.

31 (2) A copy of the order shall be filed with the
32 investigating law enforcement agency of the county in which the
33 seizure occurs. Such order, when filed, confers ownership of
34 the device to the department or agency to whom it is delivered
35 or any purchaser thereof. The investigating law enforcement
36 agency shall comply promptly with instructions to remit

1 received from the State's Attorney or Attorney General in
2 accordance with paragraph (1) of this subsection or subsection
3 (d).

4 (3) The proceeds of any sale at public auction pursuant to
5 this subsection, after payment of all liens and deduction of
6 the reasonable charges and expenses incurred by the
7 investigating law enforcement agency in storing and selling the
8 device, shall be paid into the general fund of the level of
9 government responsible for the operation of the investigating
10 law enforcement agency.

11 (d) Exceptions to forfeiture. ~~(b)~~ No device shall be
12 forfeited under the provisions of subsection (c) by reason of
13 any act or omission established by the owner thereof to have
14 been committed or omitted by any person other than the owner
15 while the device was unlawfully in the possession of a person
16 who acquired possession thereof in violation of the criminal
17 laws of the United States, or of any state.

18 (e) Remission by Attorney General. Whenever any owner of,
19 or other person interested in, a device seized under the
20 provisions of this Section files with the Attorney General
21 before the sale or destruction of the device a petition for the
22 remission of such forfeiture the Attorney General if he finds
23 that such forfeiture was incurred without willful negligence or
24 without any intention on the part of the owner or any person
25 with any right, title or interest in the device to violate the
26 law, or finds the existence of such mitigating circumstances as
27 to justify the remission of forfeiture, may cause the same to
28 be remitted upon such terms and conditions as he deems
29 reasonable and just, or order discontinuance of any forfeiture
30 proceeding relating thereto.

31 (Source: P.A. 94-556, eff. 9-11-05; revised 10-11-05.)

32 Section 630. The Wild Plant Conservation Act is amended by
33 changing Section 1 as follows:

34 (720 ILCS 400/1) (from Ch. 5, par. 231)

1 Sec. 1. Any person, firm or corporation who knowingly buys,
2 sells, offers or exposes for sale any blood root (*Sanguinaria*
3 *canadensis*), lady slipper (*Cypripedium parviflorum* and
4 *Cypripedium hirsutum*), columbine (*Aquilegia canadensis*),
5 trillium (*Trillium grandiflorum* and *Trillium sessile*), lotus
6 (*Nelumbo lutes*), or gentian (*Gentiana crinita ~~erinta~~* and
7 *Gentiana andrewsii*), or any part thereof, dug, pulled up or
8 gathered from any public or private land, unless in the case of
9 private land the owner or person lawfully occupying such land
10 gives his consent in writing thereto, is guilty of a petty
11 offense.

12 (Source: P.A. 90-655, eff. 7-30-98; revised 10-11-05.)

13 Section 635. The Illinois Controlled Substances Act is
14 amended by changing Sections 204 and 402 as follows:

15 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

16 Sec. 204. (a) The controlled substances listed in this
17 Section are included in Schedule I.

18 (b) Unless specifically excepted or unless listed in
19 another schedule, any of the following opiates, including their
20 isomers, esters, ethers, salts, and salts of isomers, esters,
21 and ethers, whenever the existence of such isomers, esters,
22 ethers and salts is possible within the specific chemical
23 designation:

24 (1) Acetylmethadol;

25 (1.1) Acetyl-alpha-methylfentanyl

26 (N-[1-(1-methyl-2-phenethyl)-
27 4-piperidinyl]-N-phenylacetamide);

28 (2) Allylprodine;

29 (3) Alphacetylmethadol, except
30 levo-alphacetylmethadol (also known as levo-alpha-
31 acetylmethadol, levomethadyl acetate, or LAAM);

32 (4) Alphameprodine;

33 (5) Alphamethadol;

34 (6) Alpha-methylfentanyl

1 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
2 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
3 propanilido) piperidine;
4 (6.1) Alpha-methylthiofentanyl
5 (N-[1-methyl-2-(2-thienyl)ethyl-
6 4-piperidinyl]-N-phenylpropanamide);
7 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
8 ~~(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);~~
9 (7.1) PEPAP
10 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
11 (8) Benzethidine;
12 (9) Betacetylmethadol;
13 (9.1) Beta-hydroxyfentanyl
14 (N-[1-(2-hydroxy-2-phenethyl)-
15 4-piperidinyl]-N-phenylpropanamide);
16 (10) Betameprodine;
17 (11) Betamethadol;
18 (12) Betaprodine;
19 (13) Clonitazene;
20 (14) Dextromoramide;
21 (15) Diampromide;
22 (16) Diethylthiambutene;
23 (17) Difenoazin;
24 (18) Dimenoxadol;
25 (19) Dimepheptanol;
26 (20) Dimethylthiambutene;
27 (21) Dioxaphetylbutyrate;
28 (22) Dipipanone;
29 (23) Ethylmethylthiambutene;
30 (24) Etonitazene;
31 (25) Etozeridine;
32 (26) Furethidine;
33 (27) Hydroxpethidine;
34 (28) Ketobemidone;
35 (29) Levomoramide;
36 (30) Levophenacymorphan;

- 1 (31) 3-Methylfentanyl
2 (N-[3-methyl-1-(2-phenylethyl)-
3 4-piperidyl] -N-phenylpropanamide);
4 (31.1) 3-Methylthiofentanyl
5 (N-[(3-methyl-1-(2-thienyl)ethyl-
6 4-piperidinyl] -N-phenylpropanamide);
7 (32) Morpheridine;
8 (33) Noracymethadol;
9 (34) Norlevorphanol;
10 (35) Normethadone;
11 (36) Norpipanone;
12 (36.1) Para-fluorofentanyl
13 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
14 4-piperidinyl] propanamide);
15 (37) Phenadoxone;
16 (38) Phenampromide;
17 (39) Phenomorphan;
18 (40) Phenoperidine;
19 (41) Piritramide;
20 (42) Proheptazine;
21 (43) Properidine;
22 (44) Propiram;
23 (45) Racemoramide;
24 (45.1) Thiofentanyl
25 (N-phenyl-N-[1-(2-thienyl)ethyl-
26 4-piperidinyl] -propanamide);
27 (46) Tilidine;
28 (47) Trimeperidine;
29 (48) Beta-hydroxy-3-methylfentanyl (other name:
30 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl] -
31 N-phenylpropanamide).

32 (c) Unless specifically excepted or unless listed in
33 another schedule, any of the following opium derivatives, its
34 salts, isomers and salts of isomers, whenever the existence of
35 such salts, isomers and salts of isomers is possible within the
36 specific chemical designation:

- 1 (1) Acetorphine;
- 2 (2) Acetyldihydrocodeine;
- 3 (3) Benzylmorphine;
- 4 (4) Codeine methylbromide;
- 5 (5) Codeine-N-Oxide;
- 6 (6) Cyprenorphine;
- 7 (7) Desomorphine;
- 8 (8) Diacetyldihydromorphine (Dihydroheroin);
- 9 (9) Dihydromorphine;
- 10 (10) Drotebanol;
- 11 (11) Etorphine (except hydrochloride salt);
- 12 (12) Heroin;
- 13 (13) Hydromorphenol;
- 14 (14) Methyldesorphine;
- 15 (15) Methyldihydromorphine;
- 16 (16) Morphine methylbromide;
- 17 (17) Morphine methylsulfonate;
- 18 (18) Morphine-N-Oxide;
- 19 (19) Myrophine;
- 20 (20) Nicocodeine;
- 21 (21) Nicomorphine;
- 22 (22) Normorphine;
- 23 (23) Pholcodine;
- 24 (24) Thebacon.

25 (d) Unless specifically excepted or unless listed in
26 another schedule, any material, compound, mixture, or
27 preparation which contains any quantity of the following
28 hallucinogenic substances, or which contains any of its salts,
29 isomers and salts of isomers, whenever the existence of such
30 salts, isomers, and salts of isomers is possible within the
31 specific chemical designation (for the purposes of this
32 paragraph only, the term "isomer" includes the optical,
33 position and geometric isomers):

- 34 (1) 3,4-methylenedioxyamphetamine
35 (alpha-methyl,3,4-methylenedioxyphenethylamine,
36 methylenedioxyamphetamine, MDA);

- 1 (1.1) Alpha-ethyltryptamine
- 2 (some trade or other names: etryptamine;
- 3 MONASE; alpha-ethyl-1H-indole-3-ethanamine;
- 4 3-(2-aminobutyl)indole; a-ET; and AET);
- 5 (2) 3,4-methylenedioxymethamphetamine (MDMA);
- 6 (2.1) 3,4-methylenedioxy-N-ethylamphetamine
- 7 (also known as: N-ethyl-alpha-methyl-
- 8 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
- 9 and MDEA);
- 10 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
- 11 (4) 3,4,5-trimethoxyamphetamine (TMA);
- 12 (5) (Blank);
- 13 (6) Diethyltryptamine (DET);
- 14 (7) Dimethyltryptamine (DMT);
- 15 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 16 (9) Ibogaine (some trade and other names:
- 17 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 18 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
- 19 indole; Tabernanthe iboga);
- 20 (10) Lysergic acid diethylamide;
- 21 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 22 (12) Peyote (meaning all parts of the plant presently
- 23 classified botanically as Lophophora williamsii ~~williamsii~~
- 24 Lemaire, whether growing or not, the seeds thereof, any
- 25 extract from any part of that plant, and every compound,
- 26 manufacture, salts, derivative, mixture, or preparation of
- 27 that plant, its seeds or extracts);
- 28 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 29 (14) N-methyl-3-piperidyl benzilate;
- 30 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
- 31 (also known as N-hydroxy-alpha-methyl-
- 32 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- 33 (15) Parahexyl; some trade or other names:
- 34 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
- 35 dibenzo (b,d) pyran; Synhexyl;
- 36 (16) Psilocybin;

- 1 (17) Psilocyn;
- 2 (18) Alpha-methyltryptamine (AMT);
- 3 (19) 2,5-dimethoxyamphetamine
- 4 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 5 (20) 4-bromo-2,5-dimethoxyamphetamine
- 6 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
- 7 4-bromo-2,5-DMA);
- 8 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
- 9 Some trade or other names: 2-(4-bromo-
- 10 2,5-dimethoxyphenyl)-1-aminoethane;
- 11 alpha-desmethyl DOB, 2CB, Nexus;
- 12 (21) 4-methoxyamphetamine
- 13 (4-methoxy-alpha-methylphenethylamine;
- 14 paramethoxyamphetamine; PMA);
- 15 (22) (Blank);
- 16 (23) Ethylamine analog of phencyclidine.
- 17 Some trade or other names:
- 18 N-ethyl-1-phenylcyclohexylamine,
- 19 (1-phenylcyclohexyl) ethylamine,
- 20 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 21 (24) Pyrrolidine analog of phencyclidine. Some trade
- 22 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,
- 23 PHP;
- 24 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 25 (26) 2,5-dimethoxy-4-ethylamphetamine
- 26 (another name: DOET);
- 27 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
- 28 (another name: TCPy);
- 29 (28) (Blank);
- 30 (29) Thiophene analog of phencyclidine (some trade
- 31 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
- 32 2-thienyl analog of phencyclidine; TPCP; TCP);
- 33 (30) Bufotenine (some trade or other names:
- 34 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
- 35 3-(2-dimethylaminoethyl)-5-indolol;
- 36 5-hydroxy-N,N-dimethyltryptamine;

1 N,N-dimethylserotonin; mappine).

2 (e) Unless specifically excepted or unless listed in
3 another schedule, any material, compound, mixture, or
4 preparation which contains any quantity of the following
5 substances having a depressant effect on the central nervous
6 system, including its salts, isomers, and salts of isomers
7 whenever the existence of such salts, isomers, and salts of
8 isomers is possible within the specific chemical designation:

9 (1) mecloqualone;

10 (2) methaqualone; and

11 (3) gamma hydroxybutyric acid.

12 (f) Unless specifically excepted or unless listed in
13 another schedule, any material, compound, mixture, or
14 preparation which contains any quantity of the following
15 substances having a stimulant effect on the central nervous
16 system, including its salts, isomers, and salts of isomers:

17 (1) Fenethylamine;

18 (2) N-ethylamphetamine;

19 (3) Aminorex (some other names:

20 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

21 4-5-dihydro-5-phenyl-2-oxazolamine) and its

22 salts, optical isomers, and salts of optical isomers;

23 (4) Methcathinone (some other names:

24 2-methylamino-1-phenylpropan-1-one;

25 Ephedrone; 2-(methylamino)-propionophenone;

26 alpha-(methylamino)propionophenone; N-methylcathinone;

27 methcathinone; Monomethylpropion; UR 1431) and its

28 salts, optical isomers, and salts of optical isomers;

29 (5) Cathinone (some trade or other names:

30 2-aminopropionophenone; alpha-aminopropionophenone;

31 2-amino-1-phenyl-propanone; norephedrone);

32 (6) N,N-dimethylamphetamine (also known as:

33 N,N-alpha-trimethyl-benzeneethanamine;

34 N,N-alpha-trimethylphenethylamine);

35 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-

36 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

1 (g) Temporary listing of substances subject to emergency
2 scheduling. Any material, compound, mixture, or preparation
3 that contains any quantity of the following substances:

4 (1) N-[1-benzyl-4-piperidyl] -N-phenylpropanamide
5 (benzylfentanyl), its optical isomers, isomers, salts,
6 and salts of isomers;

7 (2) N-[1(2-thienyl)
8 methyl-4-piperidyl] -N-phenylpropanamide (thenylfentanyl),
9 its optical isomers, salts, and salts of isomers.

10 (Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00;
11 revised 10-18-05.)

12 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

13 Sec. 402. Except as otherwise authorized by this Act, it is
14 unlawful for any person knowingly to possess a controlled or
15 counterfeit substance or controlled substance analog. A
16 violation of this Act with respect to each of the controlled
17 substances listed herein constitutes a single and separate
18 violation of this Act. For purposes of this Section,
19 "controlled substance analog" or "analog" means a substance
20 which is intended for human consumption, other than a
21 controlled substance, that has a chemical structure
22 substantially similar to that of a controlled substance in
23 Schedule I or II, or that was specifically designed to produce
24 an effect substantially similar to that of a controlled
25 substance in Schedule I or II. Examples of chemical classes in
26 which controlled substance analogs are found include, but are
27 not limited to, the following: phenethylamines, N-substituted
28 piperidines, morphinans, ecgonines, quinazolinones,
29 substituted indoles, and arylcycloalkylamines. For purposes of
30 this Act, a controlled substance analog shall be treated in the
31 same manner as the controlled substance to which it is
32 substantially similar.

33 (a) Any person who violates this Section with respect to
34 the following controlled or counterfeit substances and
35 amounts, notwithstanding any of the provisions of subsections

1 (c) and (d) to the contrary, is guilty of a Class 1 felony and
2 shall, if sentenced to a term of imprisonment, be sentenced as
3 provided in this subsection (a) and fined as provided in
4 subsection (b):

5 (1) (A) not less than 4 years and not more than 15
6 years with respect to 15 grams or more but less than
7 100 grams of a substance containing heroin;

8 (B) not less than 6 years and not more than 30
9 years with respect to 100 grams or more but less than
10 400 grams of a substance containing heroin;

11 (C) not less than 8 years and not more than 40
12 years with respect to 400 grams or more but less than
13 900 grams of any substance containing heroin;

14 (D) not less than 10 years and not more than 50
15 years with respect to 900 grams or more of any
16 substance containing heroin;

17 (2) (A) not less than 4 years and not more than 15
18 years with respect to 15 grams or more but less than
19 100 grams of any substance containing cocaine;

20 (B) not less than 6 years and not more than 30
21 years with respect to 100 grams or more but less than
22 400 grams of any substance containing cocaine;

23 (C) not less than 8 years and not more than 40
24 years with respect to 400 grams or more but less than
25 900 grams of any substance containing cocaine;

26 (D) not less than 10 years and not more than 50
27 years with respect to 900 grams or more of any
28 substance containing cocaine;

29 (3) (A) not less than 4 years and not more than 15
30 years with respect to 15 grams or more but less than
31 100 grams of any substance containing morphine;

32 (B) not less than 6 years and not more than 30
33 years with respect to 100 grams or more but less than
34 400 grams of any substance containing morphine;

35 (C) not less than 6 years and not more than 40
36 years with respect to 400 grams or more but less than

1 900 grams of any substance containing morphine;

2 (D) not less than 10 years and not more than 50
3 years with respect to 900 grams or more of any
4 substance containing morphine;

5 (4) 200 grams or more of any substance containing
6 peyote;

7 (5) 200 grams or more of any substance containing a
8 derivative of barbituric acid or any of the salts of a
9 derivative of barbituric acid;

10 (6) 200 grams or more of any substance containing
11 amphetamine or any salt of an optical isomer of
12 amphetamine;

13 (6.5) (blank);

14 (7) (A) not less than 4 years and not more than 15
15 years with respect to: (i) 15 grams or more but less
16 than 100 grams of any substance containing lysergic
17 acid diethylamide (LSD), or an analog thereof, or (ii)
18 15 or more objects or 15 or more segregated parts of an
19 object or objects but less than 200 objects or 200
20 segregated parts of an object or objects containing in
21 them or having upon them any amount of any substance
22 containing lysergic acid diethylamide (LSD), or an
23 analog thereof;

24 (B) not less than 6 years and not more than 30
25 years with respect to: (i) 100 grams or more but less
26 than 400 grams of any substance containing lysergic
27 acid diethylamide (LSD), or an analog thereof, or (ii)
28 200 or more objects or 200 or more segregated parts of
29 an object or objects but less than 600 objects or less
30 than 600 segregated parts of an object or objects
31 containing in them or having upon them any amount of
32 any substance containing lysergic acid diethylamide
33 (LSD), or an analog thereof;

34 (C) not less than 8 years and not more than 40
35 years with respect to: (i) 400 grams or more but less
36 than 900 grams of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof, or (ii)
2 600 or more objects or 600 or more segregated parts of
3 an object or objects but less than 1500 objects or 1500
4 segregated parts of an object or objects containing in
5 them or having upon them any amount of any substance
6 containing lysergic acid diethylamide (LSD), or an
7 analog thereof;

8 (D) not less than 10 years and not more than 50
9 years with respect to: (i) 900 grams or more of any
10 substance containing lysergic acid diethylamide (LSD),
11 or an analog thereof, or (ii) 1500 or more objects or
12 1500 or more segregated parts of an object or objects
13 containing in them or having upon them any amount of a
14 substance containing lysergic acid diethylamide (LSD),
15 or an analog thereof;

16 (7.5) (A) not less than 4 years and not more than 15
17 years with respect to: (i) 15 grams or more but less
18 than 100 grams of any substance listed in paragraph
19 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
20 (25), or (26) of subsection (d) of Section 204, or an
21 analog or derivative thereof, or (ii) 15 or more pills,
22 tablets, caplets, capsules, or objects but less than
23 200 pills, tablets, caplets, capsules, or objects
24 containing in them or having upon them any amount of
25 any substance listed in paragraph (1), (2), (2.1), (3),
26 (14.1), (19), (20), (20.1), (21), (25), or (26) of
27 subsection (d) of Section 204, or an analog or
28 derivative thereof;

29 (B) not less than 6 years and not more than 30
30 years with respect to: (i) 100 grams or more but less
31 than 400 grams of any substance listed in paragraph
32 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
33 (25), or (26) of subsection (d) of Section 204, or an
34 analog or derivative thereof, or (ii) 200 or more
35 pills, tablets, caplets, capsules, or objects but less
36 than 600 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of
2 any substance listed in paragraph (1), (2), (2.1), (3),
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or
5 derivative thereof;

6 (C) not less than 8 years and not more than 40
7 years with respect to: (i) 400 grams or more but less
8 than 900 grams of any substance listed in paragraph
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof, or (ii) 600 or more
12 pills, tablets, caplets, capsules, or objects but less
13 than 1,500 pills, tablets, caplets, capsules, or
14 objects containing in them or having upon them any
15 amount of any substance listed in paragraph (1), (2),
16 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
17 (26) of subsection (d) of Section 204, or an analog or
18 derivative thereof;

19 (D) not less than 10 years and not more than 50
20 years with respect to: (i) 900 grams or more of any
21 substance listed in paragraph (1), (2), (2.1), (3),
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of
23 subsection (d) of Section 204, or an analog or
24 derivative thereof, or (ii) 1,500 or more pills,
25 tablets, caplets, capsules, or objects containing in
26 them or having upon them any amount of a substance
27 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
28 (20), (20.1), (21), (25), or (26) of subsection (d) of
29 Section 204, or an analog or derivative thereof;

30 (8) 30 grams or more of any substance containing
31 pentazocine or any of the salts, isomers and salts of
32 isomers of pentazocine, or an analog thereof;

33 (9) 30 grams or more of any substance containing
34 methaqualone or any of the salts, isomers and salts of
35 isomers of methaqualone;

36 (10) 30 grams or more of any substance containing

1 phencyclidine or any of the salts, isomers and salts of
2 isomers of phencyclidine (PCP);

3 (10.5) 30 grams or more of any substance containing
4 ketamine or any of the salts, isomers and salts of isomers
5 of ketamine;

6 (11) 200 grams or more of any substance containing any
7 substance classified as a narcotic drug in Schedules I or
8 II, or an analog thereof, which is not otherwise included
9 in this subsection.

10 (b) Any person sentenced with respect to violations of
11 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
12 involving 100 grams or more of the controlled substance named
13 therein, may in addition to the penalties provided therein, be
14 fined an amount not to exceed \$200,000 or the full street value
15 of the controlled or counterfeit substances, whichever is
16 greater. The term "street value" shall have the meaning
17 ascribed in Section 110-5 of the Code of Criminal Procedure of
18 1963. Any person sentenced with respect to any other provision
19 of subsection (a), may in addition to the penalties provided
20 therein, be fined an amount not to exceed \$200,000.

21 (c) Any person who violates this Section with regard to an
22 amount of a controlled substance other than methamphetamine or
23 counterfeit substance not set forth in subsection (a) or (d) is
24 guilty of a Class 4 felony. The fine for a violation punishable
25 under this subsection (c) shall not be more than \$25,000.

26 (d) Any person who violates this Section with regard to any
27 amount of anabolic steroid is guilty of a Class C misdemeanor
28 for the first offense and a Class B misdemeanor for a
29 subsequent offense committed within 2 years of a prior
30 conviction.

31 (Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05;
32 revised 8-19-05.)

33 Section 640. The Drug Paraphernalia Control Act is amended
34 by changing Section 4 as follows:

1 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

2 Sec. 4. Exemptions. This Act does not apply to:

3 (a) Items used in the preparation, compounding,
4 packaging, labeling, or other use of cannabis or a
5 controlled substance as an incident to lawful research,
6 teaching, or chemical analysis and not for sale.

7 (b) Items historically and customarily used in
8 connection with⁷ the planting, propagating, cultivating,
9 growing, harvesting, manufacturing, compounding,
10 converting, producing, processing, preparing, testing,
11 analyzing, packaging, repackaging, storing, containing,
12 concealing, injecting, ingesting, or inhaling of tobacco
13 or any other lawful substance.

14 Items exempt under this subsection include, but are not
15 limited to, garden hoes, rakes, sickles, baggies, tobacco
16 pipes, and cigarette-rolling papers.

17 (c) Items listed in Section 2 of this Act which are
18 used for decorative purposes, when such items have been
19 rendered completely inoperable or incapable of being used
20 for any illicit purpose prohibited by this Act.

21 (d) A person who is legally authorized to possess
22 hypodermic syringes or needles under the Hypodermic
23 Syringes and Needles Act.

24 In determining whether or not a particular item is exempt under
25 this Section ~~subsection~~, the trier of fact should consider, in
26 addition to all other logically relevant factors, the
27 following:

28 (1) the general, usual, customary, and historical use
29 to which the item involved has been put;

30 (2) expert evidence concerning the ordinary or
31 customary use of the item and the effect of any peculiarity
32 in the design or engineering of the device upon its
33 functioning;

34 (3) any written instructions accompanying the delivery
35 of the item concerning the purposes or uses to which the
36 item can or may be put;

1 (4) any oral instructions provided by the seller of the
2 item at the time and place of sale or commercial delivery;

3 (5) any national or local advertising concerning the
4 design, purpose or use of the item involved, and the entire
5 context in which such advertising occurs;

6 (6) the manner, place and circumstances in which the
7 item was displayed for sale, as well as any item or items
8 displayed for sale or otherwise exhibited upon the premises
9 where the sale was made;

10 (7) whether the owner or anyone in control of the
11 object is a legitimate supplier of like or related items to
12 the community, such as a licensed distributor or dealer of
13 tobacco products;

14 (8) the existence and scope of legitimate uses for the
15 object in the community.

16 (Source: P.A. 93-392, eff. 7-25-03; 93-526, eff. 8-12-03;
17 revised 9-22-03.)

18 Section 645. The Code of Criminal Procedure of 1963 is
19 amended by changing Sections 108-4, 108B-1, 108B-3, 108B-5,
20 108B-11, 110-10, 112A-23, and 112A-28 as follows:

21 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

22 Sec. 108-4. Issuance of search warrant.

23 (a) All warrants upon written complaint shall state the
24 time and date of issuance and be the warrants of the judge
25 issuing the same and not the warrants of the court in which he
26 is then sitting and such warrants need not bear the seal of the
27 court or clerk thereof. The complaint on which the warrant is
28 issued need not be filed with the clerk of the court nor with
29 the court if there is no clerk until the warrant has been
30 executed or has been returned "not executed".

31 The search warrant upon written complaint may be issued
32 electronically or electromagnetically by use of a facsimile
33 transmission machine and any such warrant shall have the same
34 validity as a written search warrant.

1 (b) Warrant upon oral testimony.

2 (1) General rule. When the offense in connection with
3 which a search warrant is sought constitutes terrorism or
4 any related offense as defined in Article 29D of the
5 Criminal Code of 1961, and if the circumstances make it
6 reasonable to dispense, in whole or in part, with a written
7 affidavit, a judge may issue a warrant based upon sworn
8 testimony communicated by telephone or other appropriate
9 means, including facsimile transmission.

10 (2) Application. The person who is requesting the
11 warrant shall prepare a document to be known as a duplicate
12 original warrant and shall read such duplicate original
13 warrant, verbatim, to the judge. The judge shall enter,
14 verbatim, what is so read to the judge on a document to be
15 known as the original warrant. The judge may direct that
16 the warrant be modified.

17 (3) Issuance. If the judge is satisfied that the
18 offense in connection with which the search warrant is
19 sought constitutes terrorism or any related offense as
20 defined in Article 29D of the Criminal Code of 1961, that
21 the circumstances are such as to make it reasonable to
22 dispense with a written affidavit, and that grounds for the
23 application exist or that there is probable cause to
24 believe that they exist, the judge shall order the issuance
25 of a warrant by directing the person requesting the warrant
26 to sign the judge's name on the duplicate original warrant.
27 The judge shall immediately sign the original warrant and
28 enter on the face of the original warrant the exact time
29 when the warrant was ordered to be issued. The finding of
30 probable cause for a warrant upon oral testimony may be
31 based on the same kind of evidence as is sufficient for a
32 warrant upon affidavit.

33 (4) Recording and certification of testimony. When a
34 caller informs the judge that the purpose of the call is to
35 request a warrant, the judge shall immediately place under
36 oath each person whose testimony forms a basis of the

1 application and each person applying for that warrant. If a
2 voice recording device is available, the judge shall record
3 by means of the device all of the call after the caller
4 informs the judge that the purpose of the call is to
5 request a warrant, otherwise a stenographic or longhand
6 verbatim record shall be made. If a voice recording device
7 is used or a stenographic record made, the judge shall have
8 the record transcribed, shall certify the accuracy of the
9 transcription, and shall file a copy of the original record
10 and the transcription with the court. If a longhand
11 verbatim record is made, the judge shall file a signed copy
12 with the court.

13 (5) Contents. The contents of a warrant upon oral
14 testimony shall be the same as the contents of a warrant
15 upon affidavit.

16 (6) Additional rule for execution. The person who
17 executes the warrant shall enter the exact time of
18 execution on the face of the duplicate original warrant.

19 (7) Motion to suppress based on failure to obtain a
20 written affidavit. Evidence obtained pursuant to a warrant
21 issued under this subsection (b) is not subject to a motion
22 to suppress on the ground that the circumstances were not
23 such as to make it reasonable to dispense with a written
24 affidavit, absent a finding of bad faith. All other grounds
25 to move to suppress are preserved.

26 (8) This subsection (b) is inoperative on and after
27 January 1, 2005.

28 (9) No evidence obtained pursuant to this subsection
29 (b) shall be inadmissible ~~inadmissable~~ in a court of law by
30 virtue of subdivision (8).

31 (Source: P.A. 92-854, eff. 12-5-02; revised 10-12-05.)

32 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

33 Sec. 108B-1. Definitions. For the purpose of this Article:

34 (a) "Aggrieved person" means a person who was a party to
35 any intercepted private communication or any person against

1 whom the intercept was directed.

2 (b) "Chief Judge" means, when referring to a judge
3 authorized to receive application for, and to enter orders
4 authorizing, interceptions of private communications, the
5 Chief Judge of the Circuit Court wherein the application for
6 order of interception is filed, or a Circuit Judge designated
7 by the Chief Judge to enter these orders. In circuits other
8 than the Cook County Circuit, "Chief Judge" also means, when
9 referring to a judge authorized to receive application for, and
10 to enter orders authorizing, interceptions of private
11 communications, an Associate Judge authorized by Supreme Court
12 Rule to try felony cases who is assigned by the Chief Judge to
13 enter these orders. After assignment by the Chief Judge, an
14 Associate Judge shall have plenary authority to issue orders
15 without additional authorization for each specific application
16 made to him by the State's Attorney until the time the
17 Associate Judge's power is rescinded by the Chief Judge.

18 (c) "Communications common carrier" means any person
19 engaged as a common carrier in the transmission of
20 communications by wire or radio, not including radio
21 broadcasting.

22 (d) "Contents" includes information obtained from a
23 private communication concerning the existence, substance,
24 purport or meaning of the communication, or the identity of a
25 party of the communication.

26 (e) "Court of competent jurisdiction" means any circuit
27 court.

28 (f) "Department" means Illinois Department of State
29 Police.

30 (g) "Director" means Director of the Illinois Department of
31 State Police.

32 (g-1) "Electronic communication" means any transfer of
33 signs, signals, writing, images, sounds, data, or intelligence
34 of any nature transmitted in whole or part by a wire, radio,
35 pager, computer, or electromagnetic, photo electronic, or
36 photo optical system where the sending and receiving parties

1 intend the electronic communication to be private and the
2 interception, recording, or transcription of the electronic
3 communication is accomplished by a device in a surreptitious
4 manner contrary to the provisions of this Article. "Electronic
5 communication" does not include:

6 (1) any wire or oral communication; or

7 (2) any communication from a tracking device.

8 (h) "Electronic criminal surveillance device" or
9 "eavesdropping device" means any device or apparatus, or
10 computer program including an induction coil, that can be used
11 to intercept private communication other than:

12 (1) Any telephone, telegraph or telecommunication
13 instrument, equipment or facility, or any component of it,
14 furnished to the subscriber or user by a communication
15 common carrier in the ordinary course of its business, or
16 purchased by any person and being used by the subscriber,
17 user or person in the ordinary course of his business, or
18 being used by a communications common carrier in the
19 ordinary course of its business, or by an investigative or
20 law enforcement officer in the ordinary course of his
21 duties; or

22 (2) A hearing aid or similar device being used to
23 correct subnormal hearing to not better than normal.

24 (i) "Electronic criminal surveillance officer" means any
25 law enforcement officer or retired law enforcement officer of
26 the United States or of the State or political subdivision of
27 it, or of another State, or of a political subdivision of it,
28 who is certified by the Illinois Department of State Police to
29 intercept private communications. A retired law enforcement
30 officer may be certified by the Illinois State Police only to
31 (i) prepare petitions for the authority to intercept private
32 ~~oral~~ communications in accordance with the provisions of this
33 Act; (ii) intercept and supervise the interception of private
34 ~~oral~~ communications; (iii) handle, safeguard, and use evidence
35 derived from such private ~~oral~~ communications; and (iv) operate
36 and maintain equipment used to intercept private ~~oral~~

1 communications.

2 (j) "In-progress trace" means to determine the origin of a
3 wire communication to a telephone or telegraph instrument,
4 equipment or facility during the course of the communication.

5 (k) "Intercept" means the aural or other acquisition of the
6 contents of any private communication through the use of any
7 electronic criminal surveillance device.

8 (l) "Journalist" means a person engaged in, connected with,
9 or employed by news media, including newspapers, magazines,
10 press associations, news agencies, wire services, radio,
11 television or other similar media, for the purpose of
12 gathering, processing, transmitting, compiling, editing or
13 disseminating news for the general public.

14 (m) "Law enforcement agency" means any law enforcement
15 agency of the United States, or the State or a political
16 subdivision of it.

17 (n) "Oral communication" means human speech used to
18 communicate by one party to another, in person, by wire
19 communication or by any other means.

20 (o) "Private communication" means a wire, oral, or
21 electronic communication uttered or transmitted by a person
22 exhibiting an expectation that the communication is not subject
23 to interception, under circumstances reasonably justifying the
24 expectation. Circumstances that reasonably justify the
25 expectation that a communication is not subject to interception
26 include the use of a cordless telephone or cellular
27 communication device.

28 (p) "Wire communication" means any human speech used to
29 communicate by one party to another in whole or in part through
30 the use of facilities for the transmission of communications by
31 wire, cable or other like connection between the point of
32 origin and the point of reception furnished or operated by a
33 communications common carrier.

34 (q) "Privileged communications" means a private
35 communication between:

36 (1) a licensed and practicing physician and a patient

1 within the scope of the profession of the physician;

2 (2) a licensed and practicing psychologist to a patient
3 within the scope of the profession of the psychologist;

4 (3) a licensed and practicing attorney-at-law and a
5 client within the scope of the profession of the lawyer;

6 (4) a practicing clergyman and a confidant within the
7 scope of the profession of the clergyman;

8 (5) a practicing journalist within the scope of his
9 profession;

10 (6) spouses within the scope of their marital
11 relationship; or

12 (7) a licensed and practicing social worker to a client
13 within the scope of the profession of the social worker.

14 (r) "Retired law enforcement officer" means a person: (1)
15 who is a graduate of a police training institute or academy,
16 who after graduating served for at least 15 consecutive years
17 as a sworn, full-time peace officer qualified to carry firearms
18 for any federal or State department or agency or for any unit
19 of local government of Illinois; (2) who has retired as a
20 local, State, or federal peace officer in a publicly created
21 peace officer retirement system; and (3) whose service in law
22 enforcement was honorably terminated through retirement or
23 disability and not as a result of discipline, suspension, or
24 discharge.

25 (Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03;
26 revised 1-9-03.)

27 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

28 Sec. 108B-3. Authorization for the interception of private
29 communication.

30 (a) The State's Attorney, or a person designated in writing
31 or by law to act for him and to perform his duties during his
32 absence or disability, may authorize, in writing, an ex parte
33 application to the chief judge of a court of competent
34 jurisdiction for an order authorizing the interception of a
35 private communication when no party has consented to the

1 interception and (i) the interception may provide evidence of,
2 or may assist in the apprehension of a person who has
3 committed, is committing or is about to commit, a violation of
4 Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of
5 murder for hire), 9-1 (first degree murder), or 29B-1 (money
6 laundering) of the Criminal Code of 1961, Section 401, 401.1
7 (controlled substance trafficking), 405, 405.1 (criminal drug
8 conspiracy) or 407 of the Illinois Controlled Substances Act or
9 any Section of the Methamphetamine Control and Community
10 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
11 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a) (4),
12 24-1(a) (6), 24-1(a) (7), 24-1(a) (9), 24-1(a) (10), or 24-1(c) of
13 the Criminal Code of 1961 or conspiracy to commit money
14 laundering or conspiracy to commit first degree murder; (ii) in
15 response to a clear and present danger of imminent death or
16 great bodily harm to persons resulting from: (1) a kidnapping
17 or the holding of a hostage by force or the threat of the
18 imminent use of force; or (2) the occupation by force or the
19 threat of the imminent use of force of any premises, place,
20 vehicle, vessel or aircraft; (iii) to aid an investigation or
21 prosecution of a civil action brought under the Illinois
22 Streetgang Terrorism Omnibus Prevention Act when there is
23 probable cause to believe the interception of the private
24 communication will provide evidence that a streetgang is
25 committing, has committed, or will commit a second or
26 subsequent gang-related offense or that the interception of the
27 private communication will aid in the collection of a judgment
28 entered under that Act; or (iv) upon information and belief
29 that a streetgang has committed, is committing, or is about to
30 commit a felony.

31 (b) The State's Attorney or a person designated in writing
32 or by law to act for the State's Attorney and to perform his or
33 her duties during his or her absence or disability, may
34 authorize, in writing, an ex parte application to the chief
35 judge of a circuit court for an order authorizing the
36 interception of a private communication when no party has

1 consented to the interception and the interception may provide
2 evidence of, or may assist in the apprehension of a person who
3 has committed, is committing or is about to commit, a violation
4 of an offense under Article 29D of the Criminal Code of 1961.

5 (b-1) Subsection (b) is inoperative on and after January 1,
6 2005.

7 (b-2) No conversations recorded or monitored pursuant to
8 subsection (b) shall be made inadmissible in a court of law by
9 virtue of subsection (b-1).

10 (c) As used in this Section, "streetgang" and
11 "gang-related" have the meanings ascribed to them in Section 10
12 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

13 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;
14 revised 8-19-05.)

15 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

16 Sec. 108B-5. Requirements for order of interception.

17 (a) Upon consideration of an application, the chief judge
18 may enter an ex parte order, as requested or as modified,
19 authorizing the interception of a private communication, if the
20 chief judge determines on the basis of the application
21 submitted by the applicant, that:

22 (1) There is probable cause for belief that (A) ~~(a)~~ the
23 person whose private communication is to be intercepted is
24 committing, has committed, or is about to commit an offense
25 enumerated in Section 108B-3, or (B) ~~(b)~~ the facilities
26 from which, or the place where, the private communication
27 is to be intercepted, is, has been, or is about to be used
28 in connection with the commission of the offense, or is
29 leased to, listed in the name of, or commonly used by, the
30 person; and

31 (2) There is probable cause for belief that a
32 particular private communication concerning such offense
33 may be obtained through the interception; and

34 (3) Normal investigative procedures with respect to
35 the offense have been tried and have failed or reasonably

1 appear to be unlikely to succeed if tried or too dangerous
2 to employ; and

3 (4) The electronic criminal surveillance officers to
4 be authorized to supervise the interception of the private
5 communication have been certified by the Department.

6 (b) In the case of an application, other than for an
7 extension, for an order to intercept a communication of a
8 person or on a wire communication facility that was the subject
9 of a previous order authorizing interception, the application
10 shall be based upon new evidence or information different from
11 and in addition to the evidence or information offered to
12 support the prior order, regardless of whether the evidence was
13 derived from prior interceptions or from other sources.

14 (c) The chief judge may authorize interception of a private
15 communication anywhere in the judicial circuit. If the court
16 authorizes the use of an eavesdropping device with respect to a
17 vehicle, watercraft, or aircraft that is within the judicial
18 circuit at the time the order is issued, the order may provide
19 that the interception may continue anywhere within the State if
20 the vehicle, watercraft, or aircraft leaves the judicial
21 circuit.

22 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

23 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

24 Sec. 108B-11. Inventory.

25 (a) Within a reasonable period of time but not later than
26 90 days after the termination of the period of the order, or
27 its extensions, or the date of the denial of an application
28 made under Section 108B-8, the chief judge issuing or denying
29 the order or extension shall cause an inventory to be served on
30 any person:

31 (1) named in the order;

32 (2) arrested as a result of the interception of his
33 private communication;

34 (3) indicted or otherwise charged as a result of the
35 interception of his private communication;

1 (4) ~~Any person~~ whose private communication was
2 intercepted and who the judge issuing or denying the order
3 or application may in his discretion determine should be
4 informed in the interest of justice.

5 (b) The inventory under this Section shall include:

6 (1) notice of the entry of the order or the application
7 for an order denied under Section 108B-8;

8 (2) the date of the entry of the order or the denial of
9 an order applied for under Section 108B-8;

10 (3) the period of authorized or disapproved
11 interception; and

12 (4) the fact that during the period a private
13 communication was or was not intercepted.

14 (c) A court of competent jurisdiction, upon filing of a
15 motion, may in its discretion make available to those persons
16 or their attorneys for inspection those portions of the
17 intercepted communications, applications and orders as the
18 court determines to be in the interest of justice.

19 (d) On an ex parte showing of good cause to a court of
20 competent jurisdiction, the serving of the inventories
21 required by this Section may be postponed for a period not to
22 exceed 12 months.

23 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

25 Sec. 110-10. Conditions of bail bond.

26 (a) If a person is released prior to conviction, either
27 upon payment of bail security or on his or her own
28 recognizance, the conditions of the bail bond shall be that he
29 or she will:

30 (1) Appear to answer the charge in the court having
31 jurisdiction on a day certain and thereafter as ordered by
32 the court until discharged or final order of the court;

33 (2) Submit himself or herself to the orders and process
34 of the court;

1 (3) Not depart this State without leave of the court;

2 (4) Not violate any criminal statute of any
3 jurisdiction;

4 (5) At a time and place designated by the court,
5 surrender all firearms in his or her possession to a law
6 enforcement officer designated by the court to take custody
7 of and impound the firearms and physically surrender his or
8 her Firearm Owner's Identification Card to the clerk of the
9 circuit court when the offense the person has been charged
10 with is a forcible felony, stalking, aggravated stalking,
11 domestic battery, any violation of the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, or the Cannabis Control Act that is
14 classified as a Class 2 or greater felony, or any felony
15 violation of Article 24 of the Criminal Code of 1961; the
16 court may, however, forgo the imposition of this condition
17 when the circumstances of the case clearly do not warrant
18 it or when its imposition would be impractical; all legally
19 possessed firearms shall be returned to the person upon the
20 charges being dismissed, or if the person is found not
21 guilty, unless the finding of not guilty is by reason of
22 insanity; and

23 (6) At a time and place designated by the court, submit
24 to a psychological evaluation when the person has been
25 charged with a violation of item (4) of subsection (a) of
26 Section 24-1 of the Criminal Code of 1961 and that
27 violation occurred in a school or in any conveyance owned,
28 leased, or contracted by a school to transport students to
29 or from school or a school-related activity, or on any
30 public way within 1,000 feet of real property comprising
31 any school.

32 Psychological evaluations ordered pursuant to this Section
33 shall be completed promptly and made available to the State,
34 the defendant, and the court. As a further condition of bail
35 under these circumstances, the court shall order the defendant
36 to refrain from entering upon the property of the school,

1 including any conveyance owned, leased, or contracted by a
2 school to transport students to or from school or a
3 school-related activity, or on any public way within 1,000 feet
4 of real property comprising any school. Upon receipt of the
5 psychological evaluation, either the State or the defendant may
6 request a change in the conditions of bail, pursuant to Section
7 110-6 of this Code. The court may change the conditions of bail
8 to include a requirement that the defendant follow the
9 recommendations of the psychological evaluation, including
10 undergoing psychiatric treatment. The conclusions of the
11 psychological evaluation and any statements elicited from the
12 defendant during its administration are not admissible as
13 evidence of guilt during the course of any trial on the charged
14 offense, unless the defendant places his or her mental
15 competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 (1) Report to or appear in person before such person or
23 agency as the court may direct;

24 (2) Refrain from possessing a firearm or other
25 dangerous weapon;

26 (3) Refrain from approaching or communicating with
27 particular persons or classes of persons;

28 (4) Refrain from going to certain described
29 geographical areas or premises;

30 (5) Refrain from engaging in certain activities or
31 indulging in intoxicating liquors or in certain drugs;

32 (6) Undergo treatment for drug addiction or
33 alcoholism;

34 (7) Undergo medical or psychiatric treatment;

35 (8) Work or pursue a course of study or vocational
36 training;

1 (9) Attend or reside in a facility designated by the
2 court;

3 (10) Support his or her dependents;

4 (11) If a minor resides with his or her parents or in a
5 foster home, attend school, attend a non-residential
6 program for youths, and contribute to his or her own
7 support at home or in a foster home;

8 (12) Observe any curfew ordered by the court;

9 (13) Remain in the custody of such designated person or
10 organization agreeing to supervise his release. Such third
11 party custodian shall be responsible for notifying the
12 court if the defendant fails to observe the conditions of
13 release which the custodian has agreed to monitor, and
14 shall be subject to contempt of court for failure so to
15 notify the court;

16 (14) Be placed under direct supervision of the Pretrial
17 Services Agency, Probation Department or Court Services
18 Department in a pretrial bond home supervision capacity
19 with or without the use of an approved electronic
20 monitoring device subject to Article 8A of Chapter V of the
21 Unified Code of Corrections;

22 (14.1) The court shall impose upon a defendant who is
23 charged with any alcohol, cannabis, methamphetamine, or
24 controlled substance violation and is placed under direct
25 supervision of the Pretrial Services Agency, Probation
26 Department or Court Services Department in a pretrial bond
27 home supervision capacity with the use of an approved
28 monitoring device, as a condition of such bail bond, a fee
29 that represents costs incidental to the electronic
30 monitoring for each day of such bail supervision ordered by
31 the court, unless after determining the inability of the
32 defendant to pay the fee, the court assesses a lesser fee
33 or no fee as the case may be. The fee shall be collected by
34 the clerk of the circuit court. The clerk of the circuit
35 court shall pay all monies collected from this fee to the
36 county treasurer for deposit in the substance abuse

1 services fund under Section 5-1086.1 of the Counties Code;

2 (14.2) The court shall impose upon all defendants,
3 including those defendants subject to paragraph (14.1)
4 above, placed under direct supervision of the Pretrial
5 Services Agency, Probation Department or Court Services
6 Department in a pretrial bond home supervision capacity
7 with the use of an approved monitoring device, as a
8 condition of such bail bond, a fee which shall represent
9 costs incidental to such electronic monitoring for each day
10 of such bail supervision ordered by the court, unless after
11 determining the inability of the defendant to pay the fee,
12 the court assesses a lesser fee or no fee as the case may
13 be. The fee shall be collected by the clerk of the circuit
14 court. The clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer who shall
16 use the monies collected to defray the costs of
17 corrections. The county treasurer shall deposit the fee
18 collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the
20 case may be;

21 (14.3) The Chief Judge of the Judicial Circuit may
22 establish reasonable fees to be paid by a person receiving
23 pretrial services while under supervision of a pretrial
24 services agency, probation department, or court services
25 department. Reasonable fees may be charged for pretrial
26 services including, but not limited to, pretrial
27 supervision, diversion programs, electronic monitoring,
28 victim impact services, drug and alcohol testing, and
29 victim mediation services. The person receiving pretrial
30 services may be ordered to pay all costs incidental to
31 pretrial services in accordance with his or her ability to
32 pay those costs;

33 (14.4) For persons charged with violating Section
34 11-501 of the Illinois Vehicle Code, refrain from operating
35 a motor vehicle not equipped with an ignition interlock
36 device, as defined in Section 1-129.1 of the Illinois

1 Vehicle Code, pursuant to the rules promulgated by the
2 Secretary of State for the installation of ignition
3 interlock devices. Under this condition the court may allow
4 a defendant who is not self-employed to operate a vehicle
5 owned by the defendant's employer that is not equipped with
6 an ignition interlock device in the course and scope of the
7 defendant's employment;

8 (15) Comply with the terms and conditions of an order
9 of protection issued by the court under the Illinois
10 Domestic Violence Act of 1986 or an order of protection
11 issued by the court of another state, tribe, or United
12 States territory;

13 (16) Under Section 110-6.5 comply with the conditions
14 of the drug testing program; and

15 (17) Such other reasonable conditions as the court may
16 impose.

17 (c) When a person is charged with an offense under Section
18 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of
19 1961", involving a victim who is a minor under 18 years of age
20 living in the same household with the defendant at the time of
21 the offense, in granting bail or releasing the defendant on his
22 own recognizance, the judge shall impose conditions to restrict
23 the defendant's access to the victim which may include, but are
24 not limited to conditions that he will:

25 1. Vacate the Household.

26 2. Make payment of temporary support to his dependents.

27 3. Refrain from contact or communication with the child
28 victim, except as ordered by the court.

29 (d) When a person is charged with a criminal offense and
30 the victim is a family or household member as defined in
31 Article 112A, conditions shall be imposed at the time of the
32 defendant's release on bond that restrict the defendant's
33 access to the victim. Unless provided otherwise by the court,
34 the restrictions shall include requirements that the defendant
35 do the following:

36 (1) refrain from contact or communication with the

1 victim for a minimum period of 72 hours following the
2 defendant's release; and

3 (2) refrain from entering or remaining at the victim's
4 residence for a minimum period of 72 hours following the
5 defendant's release.

6 (e) Local law enforcement agencies shall develop
7 standardized bond forms for use in cases involving family or
8 household members as defined in Article 112A, including
9 specific conditions of bond as provided in subsection (d).
10 Failure of any law enforcement department to develop or use
11 those forms shall in no way limit the applicability and
12 enforcement of subsections (d) and (f).

13 (f) If the defendant is admitted to bail after conviction
14 the conditions of the bail bond shall be that he will, in
15 addition to the conditions set forth in subsections (a) and (b)
16 hereof:

17 (1) Duly prosecute his appeal;

18 (2) Appear at such time and place as the court may
19 direct;

20 (3) Not depart this State without leave of the court;

21 (4) Comply with such other reasonable conditions as the
22 court may impose; and

23 (5) If the judgment is affirmed or the cause reversed
24 and remanded for a new trial, forthwith surrender to the
25 officer from whose custody he was bailed.

26 (g) Upon a finding of guilty for any felony offense, the
27 defendant shall physically surrender, at a time and place
28 designated by the court, any and all firearms in his or her
29 possession and his or her Firearm Owner's Identification Card
30 as a condition of remaining on bond pending sentencing.

31 (Source: P.A. 93-184, eff. 1-1-04; 94-556, eff. 9-11-05;
32 94-590, eff. 1-1-06; revised 8-19-05.)

33 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

34 Sec. 112A-23. Enforcement of orders of protection.

35 (a) When violation is crime. A violation of any order of

1 protection, whether issued in a civil, quasi-criminal
2 proceeding, shall be enforced by a criminal court when:

3 (1) The respondent commits the crime of violation of an
4 order of protection pursuant to Section 12-30 of the
5 Criminal Code of 1961, by having knowingly violated:

6 (i) remedies described in paragraphs (1), (2),
7 (3), (14), or (14.5) of subsection (b) of Section
8 112A-14,

9 (ii) a remedy, which is substantially similar to
10 the remedies authorized under paragraphs (1), (2),
11 (3), (14) or (14.5) of subsection (b) of Section 214 of
12 the Illinois Domestic Violence Act of 1986, in a valid
13 order of protection, which is authorized under the laws
14 of another state, tribe or United States territory,

15 (iii) or any other remedy when the act constitutes
16 a crime against the protected parties as defined by the
17 Criminal Code of 1961.

18 Prosecution for a violation of an order of protection shall
19 not bar concurrent prosecution for any other crime, including
20 any crime that may have been committed at the time of the
21 violation of the order of protection; or

22 (2) The respondent commits the crime of child abduction
23 pursuant to Section 10-5 of the Criminal Code of 1961, by
24 having knowingly violated:

25 (i) remedies described in paragraphs (5), (6) or
26 (8) of subsection (b) of Section 112A-14, or

27 (ii) a remedy, which is substantially similar to
28 the remedies authorized under paragraphs (1), (5),
29 (6), or (8) of subsection (b) of Section 214 of the
30 Illinois Domestic Violence Act of 1986, in a valid
31 order of protection, which is authorized under the laws
32 of another state, tribe or United States territory.

33 (b) When violation is contempt of court. A violation of any
34 valid order of protection, whether issued in a civil or
35 criminal proceeding, may be enforced through civil or criminal
36 contempt procedures, as appropriate, by any court with

1 jurisdiction, regardless where the act or acts which violated
2 the order of protection were committed, to the extent
3 consistent with the venue provisions of this Article. Nothing
4 in this Article shall preclude any Illinois court from
5 enforcing any valid order of protection issued in another
6 state. Illinois courts may enforce orders of protection through
7 both criminal prosecution and contempt proceedings, unless the
8 action which is second in time is barred by collateral estoppel
9 or the constitutional prohibition against double jeopardy.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause sets forth facts evidencing an immediate
12 danger that the respondent will flee the jurisdiction,
13 conceal a child, or inflict physical abuse on the
14 petitioner or minor children or on dependent adults in
15 petitioner's care, the court may order the attachment of
16 the respondent without prior service of the rule to show
17 cause or the petition for a rule to show cause. Bond shall
18 be set unless specifically denied in writing.

19 (2) A petition for a rule to show cause for violation
20 of an order of protection shall be treated as an expedited
21 proceeding.

22 (c) Violation of custody or support orders. A violation of
23 remedies described in paragraphs (5), (6), (8), or (9) of
24 subsection (b) of Section 112A-14 may be enforced by any remedy
25 provided by Section 611 of the Illinois Marriage and
26 Dissolution of Marriage Act. The court may enforce any order
27 for support issued under paragraph (12) of subsection (b) of
28 Section 112A-14 in the manner provided for under Parts ~~Articles~~
29 V and VII of the Illinois Marriage and Dissolution of Marriage
30 Act.

31 (d) Actual knowledge. An order of protection may be
32 enforced pursuant to this Section if the respondent violates
33 the order after respondent has actual knowledge of its contents
34 as shown through one of the following means:

35 (1) By service, delivery, or notice under Section
36 112A-10.

1 (2) By notice under Section 112A-11.

2 (3) By service of an order of protection under Section
3 112A-22.

4 (4) By other means demonstrating actual knowledge of
5 the contents of the order.

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

9 (1) The existence of a separate, correlative order
10 entered under Section 112A-15.

11 (2) Any finding or order entered in a conjoined
12 criminal proceeding.

13 (f) Circumstances. The court, when determining whether or
14 not a violation of an order of protection has occurred, shall
15 not require physical manifestations of abuse on the person of
16 the victim.

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this
19 subsection, where the court finds the commission of a crime
20 or contempt of court under subsections (a) or (b) of this
21 Section, the penalty shall be the penalty that generally
22 applies in such criminal or contempt proceedings, and may
23 include one or more of the following: incarceration,
24 payment of restitution, a fine, payment of attorneys' fees
25 and costs, or community service.

26 (2) The court shall hear and take into account evidence
27 of any factors in aggravation or mitigation before deciding
28 an appropriate penalty under paragraph (1) of this
29 subsection.

30 (3) To the extent permitted by law, the court is
31 encouraged to:

32 (i) increase the penalty for the knowing violation
33 of any order of protection over any penalty previously
34 imposed by any court for respondent's violation of any
35 order of protection or penal statute involving
36 petitioner as victim and respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 order of protection; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of an order of protection

7 unless the court explicitly finds that an increased penalty
8 or that period of imprisonment would be manifestly unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of an order of protection, a criminal court may
11 consider evidence of any violations of an order of
12 protection:

13 (i) to increase, revoke or modify the bail bond on
14 an underlying criminal charge pursuant to Section
15 110-6;

16 (ii) to revoke or modify an order of probation,
17 conditional discharge or supervision, pursuant to
18 Section 5-6-4 of the Unified Code of Corrections;

19 (iii) to revoke or modify a sentence of periodic
20 imprisonment, pursuant to Section 5-7-2 of the Unified
21 Code of Corrections.

22 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

23 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

24 Sec. 112A-28. Data maintenance by law enforcement
25 agencies.

26 (a) All sheriffs shall furnish to the Department of State
27 Police, daily, in the form and detail the Department requires,
28 copies of any recorded orders of protection issued by the
29 court, and any foreign orders of protection filed by the clerk
30 of the court, and transmitted to the sheriff by the clerk of
31 the court pursuant to subsection (b) of Section 112A-22 of this
32 Act. Each order of protection shall be entered in the Law
33 Enforcement Agencies Automated Data System on the same day it
34 is issued by the court. If an emergency order of protection was
35 issued in accordance with subsection (c) of Section 112A-17,

1 the order shall be entered in the Law Enforcement Agencies
2 ~~Automated~~ Data System as soon as possible after receipt from
3 the clerk.

4 (b) The Department of State Police shall maintain a
5 complete and systematic record and index of all valid and
6 recorded orders of protection issued or filed pursuant to this
7 Act. The data shall be used to inform all dispatchers and law
8 enforcement officers at the scene of an alleged incident of
9 abuse or violation of an order of protection of any recorded
10 prior incident of abuse involving the abused party and the
11 effective dates and terms of any recorded order of protection.

12 (c) The data, records and transmittals required under this
13 Section shall pertain to any valid emergency, interim or
14 plenary order of protection, whether issued in a civil or
15 criminal proceeding or authorized under the laws of another
16 state, tribe, or United States territory.

17 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
18 2-17-03.)

19 Section 650. The Capital Crimes Litigation Act is amended
20 by changing Section 19 as follows:

21 (725 ILCS 124/19)

22 Sec. 19. Report, ~~repeal~~.

23 (a) The Cook County Public Defender, the Cook County
24 State's Attorney, the State Appellate Defender, the State's
25 Attorneys Appellate Prosecutor, and the Attorney General shall
26 each report separately to the General Assembly by January 1,
27 2004 detailing the amounts of money received by them through
28 this Act, the uses for which those funds were expended, the
29 balances then in the Capital Litigation Trust Fund or county
30 accounts, as the case may be, dedicated to them for the use and
31 support of Public Defenders, appointed trial defense counsel,
32 and State's Attorneys, as the case may be. The report shall
33 describe and discuss the need for continued funding through the
34 Fund and contain any suggestions for changes to this Act.

1 (b) (Blank).

2 (Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

3 Section 655. The Unified Code of Corrections is amended by
4 changing Sections 3-3-7, 3-3-9, 3-3-10, 3-6-3, 5-2-4, 5-4-1,
5 5-5-3, 5-5-3.2, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-1.3,
6 5-9-1, 5-9-1.1, 5-9-1.2, and 5-9-1.7 and by setting forth,
7 renumbering, and changing multiple versions of Article 17 of
8 Chapter III and Section 5-9-1.12 as follows:

9 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

10 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
11 Release.

12 (a) The conditions of parole or mandatory supervised
13 release shall be such as the Prisoner Review Board deems
14 necessary to assist the subject in leading a law-abiding life.
15 The conditions of every parole and mandatory supervised release
16 are that the subject:

17 (1) not violate any criminal statute of any
18 jurisdiction during the parole or release term;

19 (2) refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) report to an agent of the Department of
22 Corrections;

23 (4) permit the agent to visit him or her at his or her
24 home, employment, or elsewhere to the extent necessary for
25 the agent to discharge his or her duties;

26 (5) attend or reside in a facility established for the
27 instruction or residence of persons on parole or mandatory
28 supervised release;

29 (6) secure permission before visiting or writing a
30 committed person in an Illinois Department of Corrections
31 facility;

32 (7) report all arrests to an agent of the Department of
33 Corrections as soon as permitted by the arresting authority
34 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, the individual shall
4 undergo and successfully complete sex offender treatment
5 conducted in conformance with the standards developed by
6 the Sex Offender Management Board Act by a treatment
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders, or is in any facility operated or licensed by
19 the Department of Children and Family Services or by the
20 Department of Human Services, or is in any licensed medical
21 facility;

22 (8) obtain permission of an agent of the Department of
23 Corrections before leaving the State of Illinois;

24 (9) obtain permission of an agent of the Department of
25 Corrections before changing his or her residence or
26 employment;

27 (10) consent to a search of his or her person,
28 property, or residence under his or her control;

29 (11) refrain from the use or possession of narcotics or
30 other controlled substances in any form, or both, or any
31 paraphernalia related to those substances and submit to a
32 urinalysis test as instructed by a parole agent of the
33 Department of Corrections;

34 (12) not frequent places where controlled substances
35 are illegally sold, used, distributed, or administered;

36 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

6 (14) provide true and accurate information, as it
7 relates to his or her adjustment in the community while on
8 parole or mandatory supervised release or to his or her
9 conduct while incarcerated, in response to inquiries by his
10 or her parole agent or of the Department of Corrections;

11 (15) follow any specific instructions provided by the
12 parole agent that are consistent with furthering
13 conditions set and approved by the Prisoner Review Board or
14 by law, exclusive of placement on electronic detention, to
15 achieve the goals and objectives of his or her parole or
16 mandatory supervised release or to protect the public.
17 These instructions by the parole agent may be modified at
18 any time, as the agent deems appropriate; and

19 (16) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as
27 a department store Santa Claus, or wearing an Easter Bunny
28 costume on or preceding Easter.

29 (b) The Board may in addition to other conditions require
30 that the subject:

31 (1) work or pursue a course of study or vocational
32 training;

33 (2) undergo medical or psychiatric treatment, or
34 treatment for drug addiction or alcoholism;

35 (3) attend or reside in a facility established for the
36 instruction or residence of persons on probation or parole;

- 1 (4) support his dependents;
- 2 (5) (blank);
- 3 (6) (blank);
- 4 (7) comply with the terms and conditions of an order of
- 5 protection issued pursuant to the Illinois Domestic
- 6 Violence Act of 1986, enacted by the 84th General Assembly,
- 7 or an order of protection issued by the court of another
- 8 state, tribe, or United States territory; and
- 9 (8) in addition, if a minor:
 - 10 (i) reside with his parents or in a foster home;
 - 11 (ii) attend school;
 - 12 (iii) attend a non-residential program for youth;
 - 13 or
 - 14 (iv) contribute to his own support at home or in a
 - 15 foster home.

16 (b-1) In addition to the conditions set forth in
17 subsections (a) and (b), persons required to register as sex
18 offenders pursuant to the Sex Offender Registration Act, upon
19 release from the custody of the Illinois Department of
20 Corrections, may be required by the Board to comply with the
21 following specific conditions of release:

- 22 (1) reside only at a Department approved location;
- 23 (2) comply with all requirements of the Sex Offender
24 Registration Act;
- 25 (3) notify third parties of the risks that may be
26 occasioned by his or her criminal record;
- 27 (4) obtain the approval of an agent of the Department
28 of Corrections prior to accepting employment or pursuing a
29 course of study or vocational training and notify the
30 Department prior to any change in employment, study, or
31 training;
- 32 (5) not be employed or participate in any volunteer
33 activity that involves contact with children, except under
34 circumstances approved in advance and in writing by an
35 agent of the Department of Corrections;
- 36 (6) be electronically monitored for a minimum of 12

1 months from the date of release as determined by the Board;

2 (7) refrain from entering into a designated geographic
3 area except upon terms approved in advance by an agent of
4 the Department of Corrections. The terms may include
5 consideration of the purpose of the entry, the time of day,
6 and others accompanying the person;

7 (8) refrain from having any contact, including written
8 or oral communications, directly or indirectly, personally
9 or by telephone, letter, or through a third party with
10 certain specified persons including, but not limited to,
11 the victim or the victim's family without the prior written
12 approval of an agent of the Department of Corrections;

13 (9) refrain from all contact, directly or indirectly,
14 personally, by telephone, letter, or through a third party,
15 with minor children without prior identification and
16 approval of an agent of the Department of Corrections;

17 (10) neither possess or have under his or her control
18 any material that is sexually oriented, sexually
19 stimulating, or that shows male or female sex organs or any
20 pictures depicting children under 18 years of age nude or
21 any written or audio material describing sexual
22 intercourse or that depicts or alludes to sexual activity,
23 including but not limited to visual, auditory, telephonic,
24 or electronic media, or any matter obtained through access
25 to any computer or material linked to computer access use;

26 (11) not patronize any business providing sexually
27 stimulating or sexually oriented entertainment nor utilize
28 "900" or adult telephone numbers;

29 (12) not reside near, visit, or be in or about parks,
30 schools, day care centers, swimming pools, beaches,
31 theaters, or any other places where minor children
32 congregate without advance approval of an agent of the
33 Department of Corrections and immediately report any
34 incidental contact with minor children to the Department;

35 (13) not possess or have under his or her control
36 certain specified items of contraband related to the

1 incidence of sexually offending as determined by an agent
2 of the Department of Corrections;

3 (14) may be required to provide a written daily log of
4 activities if directed by an agent of the Department of
5 Corrections;

6 (15) comply with all other special conditions that the
7 Department may impose that restrict the person from
8 high-risk situations and limit access to potential
9 victims.

10 (c) The conditions under which the parole or mandatory
11 supervised release is to be served shall be communicated to the
12 person in writing prior to his release, and he shall sign the
13 same before release. A signed copy of these conditions,
14 including a copy of an order of protection where one had been
15 issued by the criminal court, shall be retained by the person
16 and another copy forwarded to the officer in charge of his
17 supervision.

18 (d) After a hearing under Section 3-3-9, the Prisoner
19 Review Board may modify or enlarge the conditions of parole or
20 mandatory supervised release.

21 (e) The Department shall inform all offenders committed to
22 the Department of the optional services available to them upon
23 release and shall assist inmates in availing themselves of such
24 optional services upon their release on a voluntary basis.

25 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
26 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

27 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

28 Sec. 3-3-9. Violations; changes of conditions; preliminary
29 hearing; revocation of parole or mandatory supervised release;
30 revocation hearing.

31 (a) If prior to expiration or termination of the term of
32 parole or mandatory supervised release, a person violates a
33 condition set by the Prisoner Review Board or a condition of
34 parole or mandatory supervised release under Section 3-3-7 of
35 this Code to govern that term, the Board may:

1 (1) continue the existing term, with or without
2 modifying or enlarging the conditions; or

3 (2) parole or release the person to a half-way house;
4 or

5 (3) revoke the parole or mandatory supervised release
6 and reconfine the person for a term computed in the
7 following manner:

8 (i) (A) For those sentenced under the law in effect
9 prior to this amendatory Act of 1977, the recommitment
10 shall be for any portion of the imposed maximum term of
11 imprisonment or confinement which had not been served
12 at the time of parole and the parole term, less the
13 time elapsed between the parole of the person and the
14 commission of the violation for which parole was
15 revoked;

16 (B) Except as set forth in paragraph (C), for those
17 subject to mandatory supervised release under
18 paragraph (d) of Section 5-8-1 of this Code, the
19 recommitment shall be for the total mandatory
20 supervised release term, less the time elapsed between
21 the release of the person and the commission of the
22 violation for which mandatory supervised release is
23 revoked. The Board may also order that a prisoner serve
24 up to one year of the sentence imposed by the court
25 which was not served due to the accumulation of good
26 conduct credit;

27 (C) For those subject to sex offender supervision
28 under clause (d) (4) of Section 5-8-1 of this Code, the
29 reconfinement period for violations of clauses (a) (3)
30 through (b-1) (15) of Section 3-3-7 shall not exceed 2
31 years from the date of reconfinement.

32 (ii) the person shall be given credit against the
33 term of reimprisonment or reconfinement for time spent
34 in custody since he was paroled or released which has
35 not been credited against another sentence or period of
36 confinement;

1 (iii) persons committed under the Juvenile Court
2 Act or the Juvenile Court Act of 1987 shall be
3 recommitted until the age of 21;

4 (iv) this Section is subject to the release under
5 supervision and the reparole and rerelease provisions
6 of Section 3-3-10.

7 (b) The Board may revoke parole or mandatory supervised
8 release for violation of a condition for the duration of the
9 term and for any further period which is reasonably necessary
10 for the adjudication of matters arising before its expiration.
11 The issuance of a warrant of arrest for an alleged violation of
12 the conditions of parole or mandatory supervised release shall
13 toll the running of the term until the final determination of
14 the charge, but where parole or mandatory supervised release is
15 not revoked that period shall be credited to the term.

16 (b-5) The Board shall revoke parole or mandatory supervised
17 release for violation of the conditions prescribed in paragraph
18 (7.6) of subsection (a) of Section 3-3-7.

19 (c) A person charged with violating a condition of parole
20 or mandatory supervised release shall have a preliminary
21 hearing before a hearing officer designated by the Board to
22 determine if there is cause to hold the person for a revocation
23 hearing. However, no preliminary hearing need be held when
24 revocation is based upon new criminal charges and a court finds
25 probable cause on the new criminal charges or when the
26 revocation is based upon a new criminal conviction and a
27 certified copy of that conviction is available.

28 (d) Parole or mandatory supervised release shall not be
29 revoked without written notice to the offender setting forth
30 the violation of parole or mandatory supervised release charged
31 against him.

32 (e) A hearing on revocation shall be conducted before at
33 least one member of the Prisoner Review Board. The Board may
34 meet and order its actions in panels of 3 or more members. The
35 action of a majority of the panel shall be the action of the
36 Board. In consideration of persons committed to the Juvenile

1 Division, the member hearing the matter and at least a majority
2 of the panel shall be experienced in juvenile matters. A record
3 of the hearing shall be made. At the hearing the offender shall
4 be permitted to:

5 (1) appear and answer the charge; and

6 (2) bring witnesses on his behalf.

7 (f) The Board shall either revoke parole or mandatory
8 supervised release or order the person's term continued with or
9 without modification or enlargement of the conditions.

10 (g) Parole or mandatory supervised release shall not be
11 revoked for failure to make payments under the conditions of
12 parole or release unless the Board determines that such failure
13 is due to the offender's willful refusal to pay.

14 (Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05;
15 revised 8-19-05.)

16 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

17 Sec. 3-3-10. Eligibility after Revocation; Release under
18 Supervision.

19 (a) A person whose parole or mandatory supervised release
20 has been revoked may be reparaoled or rereleased by the Board at
21 any time to the full parole or mandatory supervised release
22 term under Section 3-3-8, except that the time which the person
23 shall remain subject to the Board shall not exceed (1) the
24 imposed maximum term of imprisonment or confinement and the
25 parole term for those sentenced under the law in effect prior
26 to the effective date of this amendatory Act of 1977 or (2) the
27 term of imprisonment imposed by the court and the mandatory
28 supervised release term for those sentenced under the law in
29 effect on and after such effective date.

30 (b) If the Board sets no earlier release date:

31 (1) A person sentenced for any violation of law which
32 occurred before January 1, 1973, shall be released under
33 supervision 6 months prior to the expiration of his maximum
34 sentence of imprisonment less good time credit under
35 Section 3-6-3.†

1 (2) Any person who has violated the conditions of his
2 parole and been reconfined under Section 3-3-9 shall be
3 released under supervision 6 months prior to the expiration
4 of the term of his reconfinement under paragraph (a) of
5 Section 3-3-9 less good time credit under Section 3-6-3.
6 This paragraph shall not apply to persons serving terms of
7 mandatory supervised release.

8 (3) Nothing herein shall require the release of a
9 person who has violated his parole within 6 months of the
10 date when his release under this Section would otherwise be
11 mandatory.

12 (c) Persons released under this Section shall be subject to
13 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
14 3-14-3, and 3-14-4.

15 (Source: P.A. 94-165, eff. 7-11-05; revised 8-29-05.)

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
17 Sec. 3-6-3. Rules and Regulations for Early Release.

18 (a) (1) The Department of Corrections shall prescribe
19 rules and regulations for the early release on account of
20 good conduct of persons committed to the Department which
21 shall be subject to review by the Prisoner Review Board.

22 (2) The rules and regulations on early release shall
23 provide, with respect to offenses listed in clause (i),
24 (ii), or (iii) of this paragraph (2) committed on or after
25 June 19, 1998 or with respect to the offense listed in
26 clause (iv) of this paragraph (2) committed on or after
27 June 23, 2005 (the effective date of Public Act 94-71) ~~this~~
28 ~~amendatory Act of the 94th General Assembly~~ or with respect
29 to the offense of being an armed habitual criminal
30 committed on or after August 2, 2005 (the effective date of
31 Public Act 94-398) ~~this amendatory Act of the 94th General~~
32 ~~Assembly~~, the following:

33 (i) that a prisoner who is serving a term of
34 imprisonment for first degree murder or for the offense
35 of terrorism shall receive no good conduct credit and

1 shall serve the entire sentence imposed by the court;

2 (ii) that a prisoner serving a sentence for attempt
3 to commit first degree murder, solicitation of murder,
4 solicitation of murder for hire, intentional homicide
5 of an unborn child, predatory criminal sexual assault
6 of a child, aggravated criminal sexual assault,
7 criminal sexual assault, aggravated kidnapping,
8 aggravated battery with a firearm, heinous battery,
9 being an armed habitual criminal, aggravated battery
10 of a senior citizen, or aggravated battery of a child
11 shall receive no more than 4.5 days of good conduct
12 credit for each month of his or her sentence of
13 imprisonment;

14 (iii) that a prisoner serving a sentence for home
15 invasion, armed robbery, aggravated vehicular
16 hijacking, aggravated discharge of a firearm, or armed
17 violence with a category I weapon or category II
18 weapon, when the court has made and entered a finding,
19 pursuant to subsection (c-1) of Section 5-4-1 of this
20 Code, that the conduct leading to conviction for the
21 enumerated offense resulted in great bodily harm to a
22 victim, shall receive no more than 4.5 days of good
23 conduct credit for each month of his or her sentence of
24 imprisonment; and

25 (iv) that a prisoner serving a sentence for
26 aggravated discharge of a firearm, whether or not the
27 conduct leading to conviction for the offense resulted
28 in great bodily harm to the victim, shall receive no
29 more than 4.5 days of good conduct credit for each
30 month of his or her sentence of imprisonment.

31 (2.1) For all offenses, other than those enumerated in
32 subdivision (a)(2)(i), (ii), or (iii) committed on or after
33 June 19, 1998 or subdivision (a)(2)(iv) committed on or
34 after June 23, 2005 (the effective date of Public Act
35 94-71) ~~this amendatory Act of the 94th General Assembly,~~
36 and other than the offense of reckless homicide as defined

1 in subsection (e) of Section 9-3 of the Criminal Code of
2 1961 committed on or after January 1, 1999, or aggravated
3 driving under the influence of alcohol, other drug or
4 drugs, or intoxicating compound or compounds, or any
5 combination thereof as defined in subparagraph (F) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, the rules and regulations shall
8 provide that a prisoner who is serving a term of
9 imprisonment shall receive one day of good conduct credit
10 for each day of his or her sentence of imprisonment or
11 recommitment under Section 3-3-9. Each day of good conduct
12 credit shall reduce by one day the prisoner's period of
13 imprisonment or recommitment under Section 3-3-9.

14 (2.2) A prisoner serving a term of natural life
15 imprisonment or a prisoner who has been sentenced to death
16 shall receive no good conduct credit.

17 (2.3) The rules and regulations on early release shall
18 provide that a prisoner who is serving a sentence for
19 reckless homicide as defined in subsection (e) of Section
20 9-3 of the Criminal Code of 1961 committed on or after
21 January 1, 1999, or aggravated driving under the influence
22 of alcohol, other drug or drugs, or intoxicating compound
23 or compounds, or any combination thereof as defined in
24 subparagraph (F) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code, shall receive
26 no more than 4.5 days of good conduct credit for each month
27 of his or her sentence of imprisonment.

28 (2.4) The rules and regulations on early release shall
29 provide with respect to the offenses of aggravated battery
30 with a machine gun or a firearm equipped with any device or
31 attachment designed or used for silencing the report of a
32 firearm or aggravated discharge of a machine gun or a
33 firearm equipped with any device or attachment designed or
34 used for silencing the report of a firearm, committed on or
35 after July 15, 1999 (the effective date of Public Act
36 91-121), that a prisoner serving a sentence for any of

1 these offenses shall receive no more than 4.5 days of good
2 conduct credit for each month of his or her sentence of
3 imprisonment.

4 (2.5) The rules and regulations on early release shall
5 provide that a prisoner who is serving a sentence for
6 aggravated arson committed on or after July 27, 2001 (the
7 effective date of Public Act 92-176) shall receive no more
8 than 4.5 days of good conduct credit for each month of his
9 or her sentence of imprisonment.

10 (3) The rules and regulations shall also provide that
11 the Director may award up to 180 days additional good
12 conduct credit for meritorious service in specific
13 instances as the Director deems proper; except that no more
14 than 90 days of good conduct credit for meritorious service
15 shall be awarded to any prisoner who is serving a sentence
16 for conviction of first degree murder, reckless homicide
17 while under the influence of alcohol or any other drug, or
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof as defined in subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
23 predatory criminal sexual assault of a child, aggravated
24 criminal sexual assault, criminal sexual assault, deviate
25 sexual assault, aggravated criminal sexual abuse,
26 aggravated indecent liberties with a child, indecent
27 liberties with a child, child pornography, heinous
28 battery, aggravated battery of a spouse, aggravated
29 battery of a spouse with a firearm, stalking, aggravated
30 stalking, aggravated battery of a child, endangering the
31 life or health of a child, cruelty to a child, or narcotic
32 racketeering. Notwithstanding the foregoing, good conduct
33 credit for meritorious service shall not be awarded on a
34 sentence of imprisonment imposed for conviction of: (i) one
35 of the offenses enumerated in subdivision (a)(2)(i), (ii),
36 or (iii) when the offense is committed on or after June 19,

1 1998 or subdivision (a)(2)(iv) when the offense is
2 committed on or after June 23, 2005 (the effective date of
3 Public Act 94-71) ~~this amendatory Act of the 94th General~~
4 ~~Assembly~~, (ii) reckless homicide as defined in subsection
5 (e) of Section 9-3 of the Criminal Code of 1961 when the
6 offense is committed on or after January 1, 1999, or
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, (iii) one of the offenses enumerated
12 in subdivision (a)(2.4) when the offense is committed on or
13 after July 15, 1999 (the effective date of Public Act
14 91-121), or (iv) aggravated arson when the offense is
15 committed on or after July 27, 2001 (the effective date of
16 Public Act 92-176).

17 (4) The rules and regulations shall also provide that
18 the good conduct credit accumulated and retained under
19 paragraph (2.1) of subsection (a) of this Section by any
20 inmate during specific periods of time in which such inmate
21 is engaged full-time in substance abuse programs,
22 correctional industry assignments, or educational programs
23 provided by the Department under this paragraph (4) and
24 satisfactorily completes the assigned program as
25 determined by the standards of the Department, shall be
26 multiplied by a factor of 1.25 for program participation
27 before August 11, 1993 and 1.50 for program participation
28 on or after that date. However, no inmate shall be eligible
29 for the additional good conduct credit under this paragraph
30 (4) or (4.1) of this subsection (a) while assigned to a
31 boot camp, or electronic detention, or if convicted of an
32 offense enumerated in subdivision (a)(2)(i), (ii), or
33 (iii) of this Section that is committed on or after June
34 19, 1998 or subdivision (a)(2)(iv) of this Section that is
35 committed on or after June 23, 2005 (the effective date of
36 Public Act 94-71) ~~this amendatory Act of the 94th General~~

1 ~~Assembly~~, or if convicted of reckless homicide as defined
2 in subsection (e) of Section 9-3 of the Criminal Code of
3 1961 if the offense is committed on or after January 1,
4 1999, or aggravated driving under the influence of alcohol,
5 other drug or drugs, or intoxicating compound or compounds,
6 or any combination thereof as defined in subparagraph (F)
7 of paragraph (1) of subsection (d) of Section 11-501 of the
8 Illinois Vehicle Code, or if convicted of an offense
9 enumerated in paragraph (a)(2.4) of this Section that is
10 committed on or after July 15, 1999 (the effective date of
11 Public Act 91-121), or first degree murder, a Class X
12 felony, criminal sexual assault, felony criminal sexual
13 abuse, aggravated criminal sexual abuse, aggravated
14 battery with a firearm, or any predecessor or successor
15 offenses with the same or substantially the same elements,
16 or any inchoate offenses relating to the foregoing
17 offenses. No inmate shall be eligible for the additional
18 good conduct credit under this paragraph (4) who (i) has
19 previously received increased good conduct credit under
20 this paragraph (4) and has subsequently been convicted of a
21 felony, or (ii) has previously served more than one prior
22 sentence of imprisonment for a felony in an adult
23 correctional facility.

24 Educational, vocational, substance abuse and
25 correctional industry programs under which good conduct
26 credit may be increased under this paragraph (4) and
27 paragraph (4.1) of this subsection (a) shall be evaluated
28 by the Department on the basis of documented standards. The
29 Department shall report the results of these evaluations to
30 the Governor and the General Assembly by September 30th of
31 each year. The reports shall include data relating to the
32 recidivism rate among program participants.

33 Availability of these programs shall be subject to the
34 limits of fiscal resources appropriated by the General
35 Assembly for these purposes. Eligible inmates who are
36 denied immediate admission shall be placed on a waiting

1 list under criteria established by the Department. The
2 inability of any inmate to become engaged in any such
3 programs by reason of insufficient program resources or for
4 any other reason established under the rules and
5 regulations of the Department shall not be deemed a cause
6 of action under which the Department or any employee or
7 agent of the Department shall be liable for damages to the
8 inmate.

9 (4.1) The rules and regulations shall also provide that
10 an additional 60 days of good conduct credit shall be
11 awarded to any prisoner who passes the high school level
12 Test of General Educational Development (GED) and receives
13 a GED certificate while the prisoner is incarcerated. The
14 good conduct credit awarded under this paragraph (4.1)
15 shall be in addition to, and shall not affect, the award of
16 good conduct under any other paragraph of this Section, but
17 shall also be pursuant to the guidelines and restrictions
18 set forth in paragraph (4) of subsection (a) of this
19 Section.

20 (4.5) The rules and regulations on early release shall
21 also provide that when the court's sentencing order
22 recommends a prisoner for substance abuse treatment and the
23 crime was committed on or after September 1, 2003 (the
24 effective date of Public Act 93-354), the prisoner shall
25 receive no good conduct credit awarded under clause (3) of
26 this subsection (a) unless he or she participates in and
27 completes a substance abuse treatment program. The
28 Director may waive the requirement to participate in or
29 complete a substance abuse treatment program and award the
30 good conduct credit in specific instances if the prisoner
31 is not a good candidate for a substance abuse treatment
32 program for medical, programming, or operational reasons.
33 Availability of substance abuse treatment shall be subject
34 to the limits of fiscal resources appropriated by the
35 General Assembly for these purposes. If treatment is not
36 available and the requirement to participate and complete

1 the treatment has not been waived by the Director, the
2 prisoner shall be placed on a waiting list under criteria
3 established by the Department. The Director may allow a
4 prisoner placed on a waiting list to participate in and
5 complete a substance abuse education class or attend
6 substance abuse self-help meetings in lieu of a substance
7 abuse treatment program. A prisoner on a waiting list who
8 is not placed in a substance abuse program prior to release
9 may be eligible for a waiver and receive good conduct
10 credit under clause (3) of this subsection (a) at the
11 discretion of the Director.

12 (5) Whenever the Department is to release any inmate
13 earlier than it otherwise would because of a grant of good
14 conduct credit for meritorious service given at any time
15 during the term, the Department shall give reasonable
16 advance notice of the impending release to the State's
17 Attorney of the county where the prosecution of the inmate
18 took place.

19 (b) Whenever a person is or has been committed under
20 several convictions, with separate sentences, the sentences
21 shall be construed under Section 5-8-4 in granting and
22 forfeiting of good time.

23 (c) The Department shall prescribe rules and regulations
24 for revoking good conduct credit, or suspending or reducing the
25 rate of accumulation of good conduct credit for specific rule
26 violations, during imprisonment. These rules and regulations
27 shall provide that no inmate may be penalized more than one
28 year of good conduct credit for any one infraction.

29 When the Department seeks to revoke, suspend or reduce the
30 rate of accumulation of any good conduct credits for an alleged
31 infraction of its rules, it shall bring charges therefor
32 against the prisoner sought to be so deprived of good conduct
33 credits before the Prisoner Review Board as provided in
34 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
35 amount of credit at issue exceeds 30 days or when during any 12
36 month period, the cumulative amount of credit revoked exceeds

1 30 days except where the infraction is committed or discovered
2 within 60 days of scheduled release. In those cases, the
3 Department of Corrections may revoke up to 30 days of good
4 conduct credit. The Board may subsequently approve the
5 revocation of additional good conduct credit, if the Department
6 seeks to revoke good conduct credit in excess of 30 days.
7 However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days of
9 good conduct credit within any calendar year for any prisoner
10 or to increase any penalty beyond the length requested by the
11 Department.

12 The Director of the Department of Corrections, in
13 appropriate cases, may restore up to 30 days good conduct
14 credits which have been revoked, suspended or reduced. Any
15 restoration of good conduct credits in excess of 30 days shall
16 be subject to review by the Prisoner Review Board. However, the
17 Board may not restore good conduct credit in excess of the
18 amount requested by the Director.

19 Nothing contained in this Section shall prohibit the
20 Prisoner Review Board from ordering, pursuant to Section
21 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
22 sentence imposed by the court that was not served due to the
23 accumulation of good conduct credit.

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of Corrections,
26 or the Prisoner Review Board, or against any of their officers
27 or employees, and the court makes a specific finding that a
28 pleading, motion, or other paper filed by the prisoner is
29 frivolous, the Department of Corrections shall conduct a
30 hearing to revoke up to 180 days of good conduct credit by
31 bringing charges against the prisoner sought to be deprived of
32 the good conduct credits before the Prisoner Review Board as
33 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
34 If the prisoner has not accumulated 180 days of good conduct
35 credit at the time of the finding, then the Prisoner Review
36 Board may revoke all good conduct credit accumulated by the

1 prisoner.

2 For purposes of this subsection (d):

3 (1) "Frivolous" means that a pleading, motion, or other
4 filing which purports to be a legal document filed by a
5 prisoner in his or her lawsuit meets any or all of the
6 following criteria:

7 (A) it lacks an arguable basis either in law or in
8 fact;

9 (B) it is being presented for any improper purpose,
10 such as to harass or to cause unnecessary delay or
11 needless increase in the cost of litigation;

12 (C) the claims, defenses, and other legal
13 contentions therein are not warranted by existing law
14 or by a nonfrivolous argument for the extension,
15 modification, or reversal of existing law or the
16 establishment of new law;

17 (D) the allegations and other factual contentions
18 do not have evidentiary support or, if specifically so
19 identified, are not likely to have evidentiary support
20 after a reasonable opportunity for further
21 investigation or discovery; or

22 (E) the denials of factual contentions are not
23 warranted on the evidence, or if specifically so
24 identified, are not reasonably based on a lack of
25 information or belief.

26 (2) "Lawsuit" means a petition for post-conviction
27 relief under Article 122 of the Code of Criminal Procedure
28 of 1963, a motion pursuant to Section 116-3 of the Code of
29 Criminal Procedure of 1963, a habeas corpus action under
30 Article X of the Code of Civil Procedure or under federal
31 law (28 U.S.C. 2254), a petition for claim under the Court
32 of Claims Act or an action under the federal Civil Rights
33 Act (42 U.S.C. 1983).

34 (e) Nothing in Public Act 90-592 or 90-593 affects the
35 validity of Public Act 89-404.

36 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,

1 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
2 eff. 8-2-05; 94-491, eff. 8-8-05; revised 8-19-05.)

3 (730 ILCS 5/Ch. III Art. 17 heading)

4 ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

5 (Source: P.A. 94-161, eff. 7-11-05.)

6 (730 ILCS 5/3-17-1)

7 Sec. 3-17-1. Transitional housing for sex offenders. This
8 Article may be cited as the Transitional Housing For Sex
9 Offenders Law.

10 (Source: P.A. 94-161, eff. 7-11-05.)

11 (730 ILCS 5/3-17-5)

12 Sec. 3-17-5. Transitional housing; licensing.

13 (a) The Department of Corrections shall license
14 transitional housing facilities for persons convicted of or
15 placed on supervision for sex offenses as defined in the Sex
16 Offender Management Board Act.

17 (b) A transitional housing facility must meet the following
18 criteria to be licensed by the Department:

19 (1) The facility shall provide housing to a sex
20 offender who is in compliance with his or her parole,
21 mandatory supervised release, probation, or supervision
22 order for a period not to exceed 90 days, unless extended
23 with approval from the Director or his or her designee.
24 Notice of any extension approved shall be provided to the
25 Prisoner Review Board.

26 (2) The Department of Corrections must approve a
27 treatment plan and counseling for each sex offender
28 residing in the transitional housing.

29 (3) The transitional housing facility must provide
30 security 24 hours each day and 7 days each week as defined
31 and approved by the Department.

32 (4) The facility must notify the police department,
33 public and private elementary and secondary schools,

1 public libraries, and each residential home and apartment
2 complex located within 500 feet of the transitional housing
3 facility of its initial licensure as a transitional housing
4 facility, and of its continuing operation as a transitional
5 housing facility annually thereafter.

6 (5) Upon its initial licensure as a transitional
7 housing facility and during its licensure, each facility
8 shall maintain at its main entrance a visible and
9 conspicuous exterior sign identifying itself as, in
10 letters at least 4 inches tall, a "Department of
11 Corrections Licensed Transitional Housing Facility".

12 (6) Upon its initial licensure as a transitional
13 housing facility, each facility shall file in the office of
14 the county clerk of the county in which such facility is
15 located, a certificate setting forth the name under which
16 the facility is, or is to be, operated, and the true or
17 real full name or names of the person, persons or entity
18 operating the same, with the address of the facility. The
19 certificate shall be executed and duly acknowledged by the
20 person or persons so operating or intending to operate the
21 facility. Notice of the filing of the certificate shall be
22 published in a newspaper of general circulation published
23 within the county in which the certificate is filed. The
24 notice shall be published once a week for 3 consecutive
25 weeks. The first publication shall be within 15 days after
26 the certificate is filed in the office of the county clerk.
27 Proof of publication shall be filed with the county clerk
28 within 50 days from the date of filing the certificate.
29 Upon receiving proof of publication, the clerk shall issue
30 a receipt to the person filing the certificate, but no
31 additional charge shall be assessed by the clerk for giving
32 such receipt. Unless proof of publication is made to the
33 clerk, the notification is void.

34 (7) Each licensed transitional housing facility shall
35 be identified on the Illinois State Police Sex Offender
36 Registry website, including the address of the facility

1 together with the maximum possible number of sex offenders
2 that the facility could house.

3 (c) The Department of Corrections shall establish rules
4 consistent with this Section establishing licensing procedures
5 and criteria for transitional housing facilities for sex
6 offenders, and may create criteria for, and issue licenses for,
7 different levels of facilities to be licensed. The Department
8 is authorized to set and charge a licensing fee for each
9 application for a transitional housing license. The rules shall
10 be adopted within 60 days after the effective date of this
11 amendatory Act of the 94th General Assembly. Facilities which
12 on the effective date of this amendatory Act of the 94th
13 General Assembly are currently housing and providing sex
14 offender treatment to sex offenders may continue housing more
15 than one sex offender on parole, mandatory supervised release,
16 probation, or supervision for a period of 120 days after the
17 adoption of licensure rules during which time the facility
18 shall apply for a transitional housing license.

19 (d) The Department of Corrections shall maintain a file on
20 each sex offender housed in a transitional housing facility.
21 The file shall contain efforts of the Department in placing a
22 sex offender in non-transitional housing, efforts of the
23 Department to place the sex offender in a county from which he
24 or she was convicted, the anticipated length of stay of each
25 sex offender in the transitional housing facility, the number
26 of sex offenders residing in the transitional housing facility,
27 and the services to be provided the sex offender while he or
28 she resides in the transitional housing facility.

29 (e) The Department of Corrections shall, on or before
30 December 31 of each year, file a report with the General
31 Assembly on the number of transitional housing facilities for
32 sex offenders licensed by the Department, the addresses of each
33 licensed facility, how many sex offenders are housed in each
34 facility, and the particular sex offense that each resident of
35 the transitional housing facility committed.

36 (Source: P.A. 94-161, eff. 7-11-05.)

1 (730 ILCS 5/Ch. III Art. 18 heading)

2 ARTICLE 18 ~~17~~. PROGRAM OF REENTRY INTO COMMUNITY

3 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

4 (730 ILCS 5/3-18-5)

5 Sec. 3-18-5 ~~3-17-5~~. Definitions. As used in this Article:

6 "Board" means the Prisoner Review Board.

7 "Department" means the Department of Corrections.

8 "Director" means the Director of Corrections.

9 "Offender" means a person who has been convicted of a
10 felony under the laws of this State and sentenced to a term of
11 imprisonment.

12 "Program" means a program established by a county or
13 municipality under Section 3-18-10 ~~3-17-10~~ for reentry of
14 persons into the community who have been committed to the
15 Department for commission of a felony.

16 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

17 (730 ILCS 5/3-18-10)

18 Sec. 3-18-10 ~~3-17-10~~. Establishment of program.

19 (a) A county with the approval of the county board or a
20 municipality that maintains a jail or house of corrections with
21 the approval of the corporate authorities may establish a
22 program for reentry of offenders into the community who have
23 been committed to the Department for commission of a felony.
24 Any program shall be approved by the Director prior to
25 placement of inmates in a program.

26 (b) If a county or municipality establishes a program under
27 this Section, the sheriff in the case of a county or the police
28 chief in the case of a municipality shall:

29 (1) Determine whether offenders who are referred by the
30 Director of Corrections under Section 3-18-15 ~~3-17-15~~
31 should be assigned to participate in a program.

32 (2) Supervise offenders participating in the program
33 during their participation in the program.

1 (c) A county or municipality shall be liable for the well
2 being and actions of inmates in its custody while in a program
3 and shall indemnify the Department for any loss incurred by the
4 Department caused while an inmate is in a program.

5 (d) An offender may not be assigned to participate in a
6 program unless the Director of Corrections, in consultation
7 with the Prisoner Review Board, grants prior approval of the
8 assignment under this Section.

9 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

10 (730 ILCS 5/3-18-15)

11 Sec. 3-18-15 ~~3-17-15~~. Referral of person to sheriff or
12 police chief; assignment of person by the Department.

13 (a) Except as otherwise provided in this Section, if a
14 program has been established in a county or municipality in
15 which an offender was sentenced to imprisonment for a felony,
16 the Director may refer the offender to the county sheriff or
17 municipal police chief if:

18 (1) The offender qualifies under the standards
19 established by the Director in subsection (c);

20 (2) The offender has demonstrated a willingness to:

21 (A) engage in employment or participate in
22 vocational rehabilitation or job skills training; and

23 (B) meet any existing obligation for restitution
24 to any victim of his or her crime; and

25 (3) the offender is within one year of his or her
26 probable release from prison, as determined by the
27 Director.

28 (b) Except as otherwise provided in this Section, if the
29 Director is notified by the sheriff or police chief under
30 Section 3-18-10 ~~3-17-10~~ that an offender would benefit by being
31 assigned to the custody of the sheriff or police chief to
32 participate in the program, the Director shall review whether
33 the offender should be assigned to participate in a program for
34 not longer than the remainder of his or her sentence.

35 (c) The Director, by rule, shall adopt standards setting

1 forth which offenders are eligible to be assigned to the
2 custody of the sheriff or police chief to participate in the
3 program under this Section. The standards adopted by the
4 Director must be approved by the Prisoner Review Board and must
5 provide that an offender is ineligible for participation in the
6 program who:

7 (1) has recently committed a serious infraction of the
8 rules of an institution or facility of the Department;

9 (2) has not performed the duties assigned to him or her
10 in a faithful and orderly manner;

11 (3) has, within the immediately preceding 5 years, been
12 convicted of any crime involving the use or threatened use
13 of force or violence against a victim that is punishable as
14 a felony;

15 (4) has ever been convicted of a sex offense as defined
16 in Section 10 of the Sex Offender Management Board Act;

17 (5) has escaped or attempted to escape from any jail or
18 correctional institution for adults; or

19 (6) has not made an effort in good faith to participate
20 in or to complete any educational or vocational program or
21 any program of treatment, as ordered by the Director.

22 (d) The Director shall adopt rules requiring offenders who
23 are assigned to the custody of the sheriff or police chief
24 under this Section to reimburse the Department for the cost of
25 their participation in a program, to the extent of their
26 ability to pay.

27 (e) The sheriff or police chief may return the offender to
28 the custody of the Department at any time for any violation of
29 the terms and conditions imposed by the Director in
30 consultation with the Prisoner Review Board.

31 (f) If an offender assigned to the custody of the sheriff
32 or police chief under this Section violates any of the terms or
33 conditions imposed by the Director in consultation with the
34 Prisoner Review Board and is returned to the custody of the
35 Department, the offender forfeits all or part of the credits
36 for good behavior earned by him or her before he or she was

1 returned to the custody of the Department, as determined by the
2 Director. The Director may provide for a forfeiture of credits
3 under this subsection (f) only after proof of the violation and
4 notice is given to the offender. The Director may restore
5 credits so forfeited for such reasons as he or she considers
6 proper. The Director, by rule, shall establish procedures for
7 review of forfeiture of good behavior credit. The decision of
8 the Director regarding such a forfeiture is final.

9 (g) The assignment of an offender to the custody of the
10 sheriff or police chief under this Section shall be deemed:

11 (1) a continuation of his or her imprisonment and not a
12 release on parole or mandatory supervised release; and

13 (2) for the purposes of Section 3-8-1, an assignment to
14 a facility of the Department, except that the offender is
15 not entitled to obtain any benefits or to participate in
16 any programs provided to offenders in the custody of the
17 Department.

18 (h) An offender does not have a right to be assigned to the
19 custody of the sheriff or police chief under this Section, or
20 to remain in that custody after such an assignment. It is not
21 intended that the establishment or operation of a program
22 creates any right or interest in liberty or property or
23 establishes a basis for any cause of action against this State
24 or its political subdivisions, agencies, boards, commissions,
25 departments, officers, or employees.

26 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

27 (730 ILCS 5/3-18-20)

28 Sec. 3-18-20 ~~3-17-20~~. Director to contract for certain
29 services for offenders in program.

30 (a) The Director may enter into one or more contracts with
31 one or more public or private entities to provide any of the
32 following services, as necessary and appropriate, to offenders
33 participating in a program:

34 (1) transitional housing;

35 (2) treatment pertaining to substance abuse or mental

1 health;

2 (3) training in life skills;

3 (4) vocational rehabilitation and job skills training;

4 and

5 (5) any other services required by offenders who are
6 participating in a program.

7 (b) The Director shall, as necessary and appropriate,
8 provide referrals and information regarding:

9 (1) any of the services provided pursuant to subsection

10 (a);

11 (2) access and availability of any appropriate
12 self-help groups;

13 (3) social services for families and children; and

14 (4) permanent housing.

15 (c) The Director may apply for and accept any gift,
16 donation, bequest, grant, or other source of money to carry out
17 the provisions of this Section.

18 (d) As used in this Section, training in life skills
19 includes, without limitation, training in the areas of: (1)
20 parenting; (2) improving human relationships; (3) preventing
21 domestic violence; (4) maintaining emotional and physical
22 health; (5) preventing abuse of alcohol and drugs; (6)
23 preparing for and obtaining employment; and (7) budgeting,
24 consumerism, and personal finances.

25 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

26 (730 ILCS 5/3-18-25)

27 Sec. 3-18-25 ~~3-17-25~~. Monitoring of participant in
28 program. The Department shall retain the authority to monitor
29 each person who is participating in a program under Section
30 3-18-15 ~~3-17-15~~. Such authority shall include site
31 inspections, review of program activities, and access to inmate
32 files and records.

33 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

34 (730 ILCS 5/Ch. III Art. 19 heading)

1 ARTICLE 19 ~~17~~. METHAMPHETAMINE ABUSERS PILOT PROGRAMS

2 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

3 (730 ILCS 5/3-19-5)

4 Sec. 3-19-5 ~~3-17-5~~. Methamphetamine abusers pilot program;
5 Franklin County Juvenile Detention Center.6 (a) There is created the Methamphetamine Abusers Pilot
7 Program at the Franklin County Juvenile Detention Center. The
8 Program shall be established upon adoption of a resolution or
9 ordinance by the Franklin County Board and with the consent of
10 the Secretary of Human Services.11 (b) A person convicted of the unlawful possession of
12 methamphetamine under Section 60 of the Methamphetamine
13 Control and Community Protection Act ~~Section 402 of the~~
14 ~~Illinois Controlled Substances Act~~, after an assessment by a
15 designated program licensed under the Alcoholism and Other Drug
16 Abuse and Dependency Act that the person is a methamphetamine
17 abuser or addict and may benefit from treatment for his or her
18 abuse or addiction, may be ordered by the court to be committed
19 to the Program established under this Section.20 (c) The Program shall consist of medical and psychiatric
21 treatment for the abuse or addiction for a period of at least
22 90 days and not to exceed 180 days. A treatment plan for each
23 person participating in the Program shall be approved by the
24 court in consultation with the Department of Human Services.
25 The Secretary of Human Services shall appoint a Program
26 Administrator to operate the Program who shall be licensed to
27 provide residential treatment for alcoholism and other drug
28 abuse and dependency.29 (d) Persons committed to the Program who are 17 years of
30 age or older shall be separated from minors under 17 years of
31 age who are detained in the Juvenile Detention Center and there
32 shall be no contact between them.33 (e) Upon the establishment of the Pilot Program, the
34 Secretary of Human Services shall inform the chief judge of
35 each judicial circuit of this State of the existence of the

1 Program and its date of termination.

2 (f) The Secretary of Human Services, after consultation
3 with the Program Administrator, shall determine the
4 effectiveness of the Program in rehabilitating methamphetamine
5 abusers and addicts committed to the Program. The Secretary
6 shall prepare a report based on his or her assessment of the
7 effectiveness of the Program and shall submit the report to the
8 Governor and General Assembly within one year after January 1,
9 2006 (the effective date of Public Act 94-549) ~~this amendatory~~
10 ~~Act of the 94th General Assembly~~ and each year thereafter that
11 the Program continues operation.

12 (Source: P.A. 94-549, eff. 1-1-06; revised 9-29-05.)

13 (730 ILCS 5/3-19-10)

14 Sec. 3-19-10 ~~3-17-10~~. Methamphetamine abusers pilot
15 program; Franklin County Jail.

16 (a) There is created the Methamphetamine Abusers Pilot
17 Program at the Franklin County Jail. The Program shall be
18 established upon adoption of a resolution or ordinance by the
19 Franklin County Board and with the consent of the Secretary of
20 Human Services.

21 (b) A person convicted of the unlawful possession of
22 methamphetamine under Section 402 of the Illinois Controlled
23 Substances Act, after an assessment by a designated program
24 licensed under the Alcoholism and Other Drug Abuse and
25 Dependency Act that the person is a methamphetamine abuser or
26 addict and may benefit from treatment for his or her abuse or
27 addiction, may be ordered by the court to be committed to the
28 Program established under this Section.

29 (c) The Program shall consist of medical and psychiatric
30 treatment for the abuse or addiction for a period of at least
31 90 days and not to exceed 180 days. A treatment plan for each
32 person participating in the Program shall be approved by the
33 court in consultation with the Department of Human Services.
34 The Secretary of Human Services shall appoint a Program
35 Administrator to operate the Program who shall be licensed to

1 provide residential treatment for alcoholism and other drug
2 abuse and dependency.

3 (d) Upon the establishment of the Pilot Program, the
4 Secretary of Human Services shall inform the chief judge of
5 each judicial circuit of this State of the existence of the
6 Program and its date of termination.

7 (e) The Secretary of Human Services, after consultation
8 with the Program Administrator, shall determine the
9 effectiveness of the Program in rehabilitating methamphetamine
10 abusers and addicts committed to the Program. The Secretary
11 shall prepare a report based on his or her assessment of the
12 effectiveness of the Program and shall submit the report to the
13 Governor and General Assembly within one year after the
14 effective date of this amendatory Act of the 94th General
15 Assembly and each year thereafter that the Program continues
16 operation.

17 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

18 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

19 Sec. 5-2-4. Proceedings after Acquittal by Reason of
20 Insanity.

21 (a) After a finding or verdict of not guilty by reason of
22 insanity under Sections 104-25, 115-3 or 115-4 of The Code of
23 Criminal Procedure of 1963, the defendant shall be ordered to
24 the Department of Human Services for an evaluation as to
25 whether he is in need of mental health services. The order
26 shall specify whether the evaluation shall be conducted on an
27 inpatient or outpatient basis. If the evaluation is to be
28 conducted on an inpatient basis, the defendant shall be placed
29 in a secure setting unless the Court determines that there are
30 compelling reasons why such placement is not necessary. After
31 the evaluation and during the period of time required to
32 determine the appropriate placement, the defendant shall
33 remain in jail. Upon completion of the placement process the
34 sheriff shall be notified and shall transport the defendant to
35 the designated facility.

1 The Department shall provide the Court with a report of its
2 evaluation within 30 days of the date of this order. The Court
3 shall hold a hearing as provided under the Mental Health and
4 Developmental Disabilities Code to determine if the individual
5 is: (a) in need of mental health services on an inpatient
6 basis; (b) in need of mental health services on an outpatient
7 basis; (c) a person not in need of mental health services. The
8 Court shall enter its findings.

9 If the defendant is found to be in need of mental health
10 services on an inpatient care basis, the Court shall order the
11 defendant to the Department of Human Services. The defendant
12 shall be placed in a secure setting unless the Court determines
13 that there are compelling reasons why such placement is not
14 necessary. Such defendants placed in a secure setting shall not
15 be permitted outside the facility's housing unit unless
16 escorted or accompanied by personnel of the Department of Human
17 Services or with the prior approval of the Court for
18 unsupervised on-grounds privileges as provided herein. Any
19 defendant placed in a secure setting pursuant to this Section,
20 transported to court hearings or other necessary appointments
21 off facility grounds by personnel of the Department of Human
22 Services, shall be placed in security devices or otherwise
23 secured during the period of transportation to assure secure
24 transport of the defendant and the safety of Department of
25 Human Services personnel and others. These security measures
26 shall not constitute restraint as defined in the Mental Health
27 and Developmental Disabilities Code. If the defendant is found
28 to be in need of mental health services, but not on an
29 inpatient care basis, the Court shall conditionally release the
30 defendant, under such conditions as set forth in this Section
31 as will reasonably assure the defendant's satisfactory
32 progress and participation in treatment or rehabilitation and
33 the safety of the defendant and others. If the Court finds the
34 person not in need of mental health services, then the Court
35 shall order the defendant discharged from custody.

36 (a-1) ~~(1)~~ Definitions. ÷ For the purposes of this Section:

1 (A) (Blank).

2 (B) "In need of mental health services on an inpatient
3 basis" means: a defendant who has been found not guilty by
4 reason of insanity but who due to mental illness is
5 reasonably expected to inflict serious physical harm upon
6 himself or another and who would benefit from inpatient
7 care or is in need of inpatient care.

8 (C) "In need of mental health services on an outpatient
9 basis" means: a defendant who has been found not guilty by
10 reason of insanity who is not in need of mental health
11 services on an inpatient basis, but is in need of
12 outpatient care, drug and/or alcohol rehabilitation
13 programs, community adjustment programs, individual,
14 group, or family therapy, or chemotherapy.

15 (D) "Conditional Release" means: the release from
16 either the custody of the Department of Human Services or
17 the custody of the Court of a person who has been found not
18 guilty by reason of insanity under such conditions as the
19 Court may impose which reasonably assure the defendant's
20 satisfactory progress in treatment or habilitation and the
21 safety of the defendant and others. The Court shall
22 consider such terms and conditions which may include, but
23 need not be limited to, outpatient care, alcoholic and drug
24 rehabilitation programs, community adjustment programs,
25 individual, group, family, and chemotherapy, random
26 testing to ensure the defendant's timely and continuous
27 taking of any medicines prescribed to control or manage his
28 or her conduct or mental state, and periodic checks with
29 the legal authorities and/or the Department of Human
30 Services. The Court may order as a condition of conditional
31 release that the defendant not contact the victim of the
32 offense that resulted in the finding or verdict of not
33 guilty by reason of insanity or any other person. The Court
34 may order the Department of Human Services to provide care
35 to any person conditionally released under this Section.
36 The Department may contract with any public or private

1 agency in order to discharge any responsibilities imposed
2 under this Section. The Department shall monitor the
3 provision of services to persons conditionally released
4 under this Section and provide periodic reports to the
5 Court concerning the services and the condition of the
6 defendant. Whenever a person is conditionally released
7 pursuant to this Section, the State's Attorney for the
8 county in which the hearing is held shall designate in
9 writing the name, telephone number, and address of a person
10 employed by him or her who shall be notified in the event
11 that either the reporting agency or the Department decides
12 that the conditional release of the defendant should be
13 revoked or modified pursuant to subsection (i) of this
14 Section. Such conditional release shall be for a period of
15 five years. However, the defendant, the person or facility
16 rendering the treatment, therapy, program or outpatient
17 care, the Department, or the State's Attorney may petition
18 the Court for an extension of the conditional release
19 period for an additional 5 years. Upon receipt of such a
20 petition, the Court shall hold a hearing consistent with
21 the provisions of this paragraph (a) and paragraph (f) of
22 this Section, shall determine whether the defendant should
23 continue to be subject to the terms of conditional release,
24 and shall enter an order either extending the defendant's
25 period of conditional release for an additional 5 year
26 period or discharging the defendant. Additional 5-year
27 periods of conditional release may be ordered following a
28 hearing as provided in this Section. However, in no event
29 shall the defendant's period of conditional release
30 continue beyond the maximum period of commitment ordered by
31 the Court pursuant to paragraph (b) of this Section. These
32 provisions for extension of conditional release shall only
33 apply to defendants conditionally released on or after
34 August 8, 2003 ~~the effective date of this amendatory Act of~~
35 ~~the 93rd General Assembly~~. However the extension
36 provisions of Public Act 83-1449 apply only to defendants

1 charged with a forcible felony.

2 (E) "Facility director" means the chief officer of a
3 mental health or developmental disabilities facility or
4 his or her designee or the supervisor of a program of
5 treatment or habilitation or his or her designee.
6 "Designee" may include a physician, clinical psychologist,
7 social worker, nurse, or clinical professional counselor.

8 (b) If the Court finds the defendant in need of mental
9 health services on an inpatient basis, the admission,
10 detention, care, treatment or habilitation, treatment plans,
11 review proceedings, including review of treatment and
12 treatment plans, and discharge of the defendant after such
13 order shall be under the Mental Health and Developmental
14 Disabilities Code, except that the initial order for admission
15 of a defendant acquitted of a felony by reason of insanity
16 shall be for an indefinite period of time. Such period of
17 commitment shall not exceed the maximum length of time that the
18 defendant would have been required to serve, less credit for
19 good behavior as provided in Section 5-4-1 of the Unified Code
20 of Corrections, before becoming eligible for release had he
21 been convicted of and received the maximum sentence for the
22 most serious crime for which he has been acquitted by reason of
23 insanity. The Court shall determine the maximum period of
24 commitment by an appropriate order. During this period of time,
25 the defendant shall not be permitted to be in the community in
26 any manner, including but not limited to off-grounds
27 privileges, with or without escort by personnel of the
28 Department of Human Services, unsupervised on-grounds
29 privileges, discharge or conditional or temporary release,
30 except by a plan as provided in this Section. In no event shall
31 a defendant's continued unauthorized absence be a basis for
32 discharge. Not more than 30 days after admission and every 60
33 days thereafter so long as the initial order remains in effect,
34 the facility director shall file a treatment plan report in
35 writing with the court and forward a copy of the treatment plan
36 report to the clerk of the court, the State's Attorney, and the

1 defendant's attorney, if the defendant is represented by
2 counsel, or to a person authorized by the defendant under the
3 Mental Health and Developmental Disabilities Confidentiality
4 Act to be sent a copy of the report. The report shall include
5 an opinion as to whether the defendant is currently in need of
6 mental health services on an inpatient basis or in need of
7 mental health services on an outpatient basis. The report shall
8 also summarize the basis for those findings and provide a
9 current summary of the following items from the treatment plan:
10 (1) an assessment of the defendant's treatment needs, (2) a
11 description of the services recommended for treatment, (3) the
12 goals of each type of element of service, (4) an anticipated
13 timetable for the accomplishment of the goals, and (5) a
14 designation of the qualified professional responsible for the
15 implementation of the plan. The report may also include
16 unsupervised on-grounds privileges, off-grounds privileges
17 (with or without escort by personnel of the Department of Human
18 Services), home visits and participation in work programs, but
19 only where such privileges have been approved by specific court
20 order, which order may include such conditions on the defendant
21 as the Court may deem appropriate and necessary to reasonably
22 assure the defendant's satisfactory progress in treatment and
23 the safety of the defendant and others.

24 (c) Every defendant acquitted of a felony by reason of
25 insanity and subsequently found to be in need of mental health
26 services shall be represented by counsel in all proceedings
27 under this Section and under the Mental Health and
28 Developmental Disabilities Code.

29 (1) The Court shall appoint as counsel the public
30 defender or an attorney licensed by this State.

31 (2) Upon filing with the Court of a verified statement
32 of legal services rendered by the private attorney
33 appointed pursuant to paragraph (1) of this subsection, the
34 Court shall determine a reasonable fee for such services.
35 If the defendant is unable to pay the fee, the Court shall
36 enter an order upon the State to pay the entire fee or such

1 amount as the defendant is unable to pay from funds
2 appropriated by the General Assembly for that purpose.

3 (d) When the facility director determines that:

4 (1) the defendant is no longer in need of mental health
5 services on an inpatient basis; and

6 (2) the defendant may be conditionally released
7 because he or she is still in need of mental health
8 services or that the defendant may be discharged as not in
9 need of any mental health services; or

10 (3) the defendant no longer requires placement in a
11 secure setting;

12 the facility director shall give written notice to the Court,
13 State's Attorney and defense attorney. Such notice shall set
14 forth in detail the basis for the recommendation of the
15 facility director, and specify clearly the recommendations, if
16 any, of the facility director, concerning conditional release.
17 Any recommendation for conditional release shall include an
18 evaluation of the defendant's need for psychotropic
19 medication, what provisions should be made, if any, to ensure
20 that the defendant will continue to receive psychotropic
21 medication following discharge, and what provisions should be
22 made to assure the safety of the defendant and others in the
23 event the defendant is no longer receiving psychotropic
24 medication. Within 30 days of the notification by the facility
25 director, the Court shall set a hearing and make a finding as
26 to whether the defendant is:

27 (i) (blank); or

28 (ii) in need of mental health services in the form of
29 inpatient care; or

30 (iii) in need of mental health services but not subject
31 to inpatient care; or

32 (iv) no longer in need of mental health services; or

33 (v) no longer requires placement in a secure setting.

34 Upon finding by the Court, the Court shall enter its
35 findings and such appropriate order as provided in subsection
36 (a) of this Section.

1 (e) A defendant admitted pursuant to this Section, or any
2 person on his behalf, may file a petition for treatment plan
3 review, transfer to a non-secure setting within the Department
4 of Human Services or discharge or conditional release under the
5 standards of this Section in the Court which rendered the
6 verdict. Upon receipt of a petition for treatment plan review,
7 transfer to a non-secure setting or discharge or conditional
8 release, the Court shall set a hearing to be held within 120
9 days. Thereafter, no new petition may be filed for 180 days
10 without leave of the Court.

11 (f) The Court shall direct that notice of the time and
12 place of the hearing be served upon the defendant, the facility
13 director, the State's Attorney, and the defendant's attorney.
14 If requested by either the State or the defense or if the Court
15 feels it is appropriate, an impartial examination of the
16 defendant by a psychiatrist or clinical psychologist as defined
17 in Section 1-103 of the Mental Health and Developmental
18 Disabilities Code who is not in the employ of the Department of
19 Human Services shall be ordered, and the report considered at
20 the time of the hearing.

21 (g) The findings of the Court shall be established by clear
22 and convincing evidence. The burden of proof and the burden of
23 going forth with the evidence rest with the defendant or any
24 person on the defendant's behalf when a hearing is held to
25 review a petition filed by or on behalf of the defendant. The
26 evidence shall be presented in open Court with the right of
27 confrontation and cross-examination. Such evidence may
28 include, but is not limited to:

29 (1) whether the defendant appreciates the harm caused
30 by the defendant to others and the community by his or her
31 prior conduct that resulted in the finding of not guilty by
32 reason of insanity;

33 (2) Whether the person appreciates the criminality of
34 conduct similar ~~similar~~ to the conduct for which he or she
35 was originally charged in this matter;

36 (3) the current state of the defendant's illness;

1 (4) what, if any, medications the defendant is taking
2 to control his or her mental illness;

3 (5) what, if any, adverse physical side effects the
4 medication has on the defendant;

5 (6) the length of time it would take for the
6 defendant's mental health to deteriorate if the defendant
7 stopped taking prescribed medication;

8 (7) the defendant's history or potential for alcohol
9 and drug abuse;

10 (8) the defendant's past criminal history;

11 (9) any specialized physical or medical needs of the
12 defendant;

13 (10) any family participation or involvement expected
14 upon release and what is the willingness and ability of the
15 family to participate or be involved;

16 (11) the defendant's potential to be a danger to
17 himself, herself, or others; and

18 (12) any other factor or factors the Court deems
19 appropriate.

20 (h) Before the court orders that the defendant be
21 discharged or conditionally released, it shall order the
22 facility director to establish a discharge plan that includes a
23 plan for the defendant's shelter, support, and medication. If
24 appropriate, the court shall order that the facility director
25 establish a program to train the defendant in self-medication
26 under standards established by the Department of Human
27 Services. If the Court finds, consistent with the provisions of
28 this Section, that the defendant is no longer in need of mental
29 health services it shall order the facility director to
30 discharge the defendant. If the Court finds, consistent with
31 the provisions of this Section, that the defendant is in need
32 of mental health services, and no longer in need of inpatient
33 care, it shall order the facility director to release the
34 defendant under such conditions as the Court deems appropriate
35 and as provided by this Section. Such conditional release shall
36 be imposed for a period of 5 years as provided in paragraph (1)

1 (D) of subsection (a) and shall be subject to later
2 modification by the Court as provided by this Section. If the
3 Court finds consistent with the provisions in this Section that
4 the defendant is in need of mental health services on an
5 inpatient basis, it shall order the facility director not to
6 discharge or release the defendant in accordance with paragraph
7 (b) of this Section.

8 (i) If within the period of the defendant's conditional
9 release the State's Attorney determines that the defendant has
10 not fulfilled the conditions of his or her release, the State's
11 Attorney may petition the Court to revoke or modify the
12 conditional release of the defendant. Upon the filing of such
13 petition the defendant may be remanded to the custody of the
14 Department, or to any other mental health facility designated
15 by the Department, pending the resolution of the petition.
16 Nothing in this Section shall prevent the emergency admission
17 of a defendant pursuant to Article VI of Chapter III of the
18 Mental Health and Developmental Disabilities Code or the
19 voluntary admission of the defendant pursuant to Article IV of
20 Chapter III of the Mental Health and Developmental Disabilities
21 Code. If the Court determines, after hearing evidence, that the
22 defendant has not fulfilled the conditions of release, the
23 Court shall order a hearing to be held consistent with the
24 provisions of paragraph (f) and (g) of this Section. At such
25 hearing, if the Court finds that the defendant is in need of
26 mental health services on an inpatient basis, it shall enter an
27 order remanding him or her to the Department of Human Services
28 or other facility. If the defendant is remanded to the
29 Department of Human Services, he or she shall be placed in a
30 secure setting unless the Court determines that there are
31 compelling reasons that such placement is not necessary. If the
32 Court finds that the defendant continues to be in need of
33 mental health services but not on an inpatient basis, it may
34 modify the conditions of the original release in order to
35 reasonably assure the defendant's satisfactory progress in
36 treatment and his or her safety and the safety of others in

1 accordance with the standards established in paragraph (1) (D)
2 of subsection (a). Nothing in this Section shall limit a
3 Court's contempt powers or any other powers of a Court.

4 (j) An order of admission under this Section does not
5 affect the remedy of habeas corpus.

6 (k) In the event of a conflict between this Section and the
7 Mental Health and Developmental Disabilities Code or the Mental
8 Health and Developmental Disabilities Confidentiality Act, the
9 provisions of this Section shall govern.

10 (l) This amendatory Act shall apply to all persons who have
11 been found not guilty by reason of insanity and who are
12 presently committed to the Department of Mental Health and
13 Developmental Disabilities (now the Department of Human
14 Services).

15 (m) The Clerk of the Court shall, after the entry of an
16 order of transfer to a non-secure setting of the Department of
17 Human Services or discharge or conditional release, transmit a
18 certified copy of the order to the Department of Human
19 Services, and the sheriff of the county from which the
20 defendant was admitted. The Clerk of the Court shall also
21 transmit a certified copy of the order of discharge or
22 conditional release to the Illinois Department of State Police,
23 to the proper law enforcement agency for the municipality where
24 the offense took place, and to the sheriff of the county into
25 which the defendant is conditionally discharged. The Illinois
26 Department of State Police shall maintain a centralized record
27 of discharged or conditionally released defendants while they
28 are under court supervision for access and use of appropriate
29 law enforcement agencies.

30 (Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised
31 1-22-04.)

32 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

33 Sec. 5-4-1. Sentencing Hearing.

34 (a) Except when the death penalty is sought under hearing
35 procedures otherwise specified, after a determination of

1 guilt, a hearing shall be held to impose the sentence. However,
2 prior to the imposition of sentence on an individual being
3 sentenced for an offense based upon a charge for a violation of
4 Section 11-501 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance, the individual must undergo a
6 professional evaluation to determine if an alcohol or other
7 drug abuse problem exists and the extent of such a problem.
8 Programs conducting these evaluations shall be licensed by the
9 Department of Human Services. However, if the individual is not
10 a resident of Illinois, the court may, in its discretion,
11 accept an evaluation from a program in the state of such
12 individual's residence. The court may in its sentencing order
13 approve an eligible defendant for placement in a Department of
14 Corrections impact incarceration program as provided in
15 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
16 order recommend a defendant for placement in a Department of
17 Corrections substance abuse treatment program as provided in
18 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
19 upon the defendant being accepted in a program by the
20 Department of Corrections. At the hearing the court shall:

21 (1) consider the evidence, if any, received upon the
22 trial;

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration
25 based on the financial impact statement filed with the
26 clerk of the court by the Department of Corrections;

27 (4) consider evidence and information offered by the
28 parties in aggravation and mitigation;

29 (4.5) consider substance abuse treatment, eligibility
30 screening, and an assessment, if any, of the defendant by
31 an agent designated by the State of Illinois to provide
32 assessment services for the Illinois courts;

33 (5) hear arguments as to sentencing alternatives;

34 (6) afford the defendant the opportunity to make a
35 statement in his own behalf;

36 (7) afford the victim of a violent crime or a violation

1 of Section 11-501 of the Illinois Vehicle Code, or a
2 similar provision of a local ordinance, or a qualified
3 individual affected by: (i) a violation of Section 405,
4 405.1, 405.2, or 407 of the Illinois Controlled Substances
5 Act or a violation of Section 55 or Section 65 of the
6 Methamphetamine Control and Community Protection Act, or
7 (ii) a Class 4 felony violation of Section 11-14, 11-15,
8 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of
9 1961, committed by the defendant the opportunity to make a
10 statement concerning the impact on the victim and to offer
11 evidence in aggravation or mitigation; provided that the
12 statement and evidence offered in aggravation or
13 mitigation must first be prepared in writing in conjunction
14 with the State's Attorney before it may be presented orally
15 at the hearing. Any sworn testimony offered by the victim
16 is subject to the defendant's right to cross-examine. All
17 statements and evidence offered under this paragraph (7)
18 shall become part of the record of the court. For the
19 purpose of this paragraph (7), "qualified individual"
20 means any person who (i) lived or worked within the
21 territorial jurisdiction where the offense took place when
22 the offense took place; and (ii) is familiar with various
23 public places within the territorial jurisdiction where
24 the offense took place when the offense took place. For the
25 purposes of this paragraph (7), "qualified individual"
26 includes any peace officer, or any member of any duly
27 organized State, county, or municipal peace unit assigned
28 to the territorial jurisdiction where the offense took
29 place when the offense took place;

30 (8) in cases of reckless homicide afford the victim's
31 spouse, guardians, parents or other immediate family
32 members an opportunity to make oral statements; and

33 (9) in cases involving a felony sex offense as defined
34 under the Sex Offender Management Board Act, consider the
35 results of the sex offender evaluation conducted pursuant
36 to Section 5-3-2 of this Act.

1 (b) All sentences shall be imposed by the judge based upon
2 his independent assessment of the elements specified above and
3 any agreement as to sentence reached by the parties. The judge
4 who presided at the trial or the judge who accepted the plea of
5 guilty shall impose the sentence unless he is no longer sitting
6 as a judge in that court. Where the judge does not impose
7 sentence at the same time on all defendants who are convicted
8 as a result of being involved in the same offense, the
9 defendant or the State's Attorney may advise the sentencing
10 court of the disposition of any other defendants who have been
11 sentenced.

12 (c) In imposing a sentence for a violent crime or for an
13 offense of operating or being in physical control of a vehicle
14 while under the influence of alcohol, any other drug or any
15 combination thereof, or a similar provision of a local
16 ordinance, when such offense resulted in the personal injury to
17 someone other than the defendant, the trial judge shall specify
18 on the record the particular evidence, information, factors in
19 mitigation and aggravation or other reasons that led to his
20 sentencing determination. The full verbatim record of the
21 sentencing hearing shall be filed with the clerk of the court
22 and shall be a public record.

23 (c-1) In imposing a sentence for the offense of aggravated
24 kidnapping for ransom, home invasion, armed robbery,
25 aggravated vehicular hijacking, aggravated discharge of a
26 firearm, or armed violence with a category I weapon or category
27 II weapon, the trial judge shall make a finding as to whether
28 the conduct leading to conviction for the offense resulted in
29 great bodily harm to a victim, and shall enter that finding and
30 the basis for that finding in the record.

31 (c-2) If the defendant is sentenced to prison, other than
32 when a sentence of natural life imprisonment or a sentence of
33 death is imposed, at the time the sentence is imposed the judge
34 shall state on the record in open court the approximate period
35 of time the defendant will serve in custody according to the
36 then current statutory rules and regulations for early release

1 found in Section 3-6-3 and other related provisions of this
2 Code. This statement is intended solely to inform the public,
3 has no legal effect on the defendant's actual release, and may
4 not be relied on by the defendant on appeal.

5 The judge's statement, to be given after pronouncing the
6 sentence, other than when the sentence is imposed for one of
7 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
8 shall include the following:

9 "The purpose of this statement is to inform the public of
10 the actual period of time this defendant is likely to spend in
11 prison as a result of this sentence. The actual period of
12 prison time served is determined by the statutes of Illinois as
13 applied to this sentence by the Illinois Department of
14 Corrections and the Illinois Prisoner Review Board. In this
15 case, assuming the defendant receives all of his or her good
16 conduct credit, the period of estimated actual custody is ...
17 years and ... months, less up to 180 days additional good
18 conduct credit for meritorious service. If the defendant,
19 because of his or her own misconduct or failure to comply with
20 the institutional regulations, does not receive those credits,
21 the actual time served in prison will be longer. The defendant
22 may also receive an additional one-half day good conduct credit
23 for each day of participation in vocational, industry,
24 substance abuse, and educational programs as provided for by
25 Illinois statute."

26 When the sentence is imposed for one of the offenses
27 enumerated in paragraph (a)(3) of Section 3-6-3, other than
28 when the sentence is imposed for one of the offenses enumerated
29 in paragraph (a)(2) of Section 3-6-3 committed on or after June
30 19, 1998, and other than when the sentence is imposed for
31 reckless homicide as defined in subsection (e) of Section 9-3
32 of the Criminal Code of 1961 if the offense was committed on or
33 after January 1, 1999, and other than when the sentence is
34 imposed for aggravated arson if the offense was committed on or
35 after July 27, 2001 (the effective date of Public Act 92-176),
36 the judge's statement, to be given after pronouncing the

1 sentence, shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois as
6 applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, assuming the defendant receives all of his or her good
9 conduct credit, the period of estimated actual custody is ...
10 years and ... months, less up to 90 days additional good
11 conduct credit for meritorious service. If the defendant,
12 because of his or her own misconduct or failure to comply with
13 the institutional regulations, does not receive those credits,
14 the actual time served in prison will be longer. The defendant
15 may also receive an additional one-half day good conduct credit
16 for each day of participation in vocational, industry,
17 substance abuse, and educational programs as provided for by
18 Illinois statute."

19 When the sentence is imposed for one of the offenses
20 enumerated in paragraph (a)(2) of Section 3-6-3, other than
21 first degree murder, and the offense was committed on or after
22 June 19, 1998, and when the sentence is imposed for reckless
23 homicide as defined in subsection (e) of Section 9-3 of the
24 Criminal Code of 1961 if the offense was committed on or after
25 January 1, 1999, and when the sentence is imposed for
26 aggravated driving under the influence of alcohol, other drug
27 or drugs, or intoxicating compound or compounds, or any
28 combination thereof as defined in subparagraph (F) of paragraph
29 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
30 Code, and when the sentence is imposed for aggravated arson if
31 the offense was committed on or after July 27, 2001 (the
32 effective date of Public Act 92-176), the judge's statement, to
33 be given after pronouncing the sentence, shall include the
34 following:

35 "The purpose of this statement is to inform the public of
36 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is entitled to no more than 4 1/2 days of
6 good conduct credit for each month of his or her sentence of
7 imprisonment. Therefore, this defendant will serve at least 85%
8 of his or her sentence. Assuming the defendant receives 4 1/2
9 days credit for each month of his or her sentence, the period
10 of estimated actual custody is ... years and ... months. If the
11 defendant, because of his or her own misconduct or failure to
12 comply with the institutional regulations receives lesser
13 credit, the actual time served in prison will be longer."

14 When a sentence of imprisonment is imposed for first degree
15 murder and the offense was committed on or after June 19, 1998,
16 the judge's statement, to be given after pronouncing the
17 sentence, shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is not entitled to good conduct credit.
25 Therefore, this defendant will serve 100% of his or her
26 sentence."

27 When the sentencing order recommends placement in a
28 substance abuse program for any offense that results in
29 incarceration in a Department of Corrections facility and the
30 crime was committed on or after September 1, 2003 (the
31 effective date of Public Act 93-354), the judge's statement, in
32 addition to any other judge's statement required under this
33 Section, to be given after pronouncing the sentence, shall
34 include the following:

35 "The purpose of this statement is to inform the public of
36 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant shall receive no good conduct credit under
6 clause (3) of subsection (a) of Section 3-6-3 until he or she
7 participates in and completes a substance abuse treatment
8 program or receives a waiver from the Director of Corrections
9 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

10 (d) When the defendant is committed to the Department of
11 Corrections, the State's Attorney shall and counsel for the
12 defendant may file a statement with the clerk of the court to
13 be transmitted to the department, agency or institution to
14 which the defendant is committed to furnish such department,
15 agency or institution with the facts and circumstances of the
16 offense for which the person was committed together with all
17 other factual information accessible to them in regard to the
18 person prior to his commitment relative to his habits,
19 associates, disposition and reputation and any other facts and
20 circumstances which may aid such department, agency or
21 institution during its custody of such person. The clerk shall
22 within 10 days after receiving any such statements transmit a
23 copy to such department, agency or institution and a copy to
24 the other party, provided, however, that this shall not be
25 cause for delay in conveying the person to the department,
26 agency or institution to which he has been committed.

27 (e) The clerk of the court shall transmit to the
28 department, agency or institution, if any, to which the
29 defendant is committed, the following:

- 30 (1) the sentence imposed;
- 31 (2) any statement by the court of the basis for
32 imposing the sentence;
- 33 (3) any presentence reports;
- 34 (3.5) any sex offender evaluations;
- 35 (3.6) any substance abuse treatment eligibility
36 screening and assessment of the defendant by an agent

1 designated by the State of Illinois to provide assessment
2 services for the Illinois courts;

3 (4) the number of days, if any, which the defendant has
4 been in custody and for which he is entitled to credit
5 against the sentence, which information shall be provided
6 to the clerk by the sheriff;

7 (4.1) any finding of great bodily harm made by the
8 court with respect to an offense enumerated in subsection
9 (c-1);

10 (5) all statements filed under subsection (d) of this
11 Section;

12 (6) any medical or mental health records or summaries
13 of the defendant;

14 (7) the municipality where the arrest of the offender
15 or the commission of the offense has occurred, where such
16 municipality has a population of more than 25,000 persons;

17 (8) all statements made and evidence offered under
18 paragraph (7) of subsection (a) of this Section; and

19 (9) all additional matters which the court directs the
20 clerk to transmit.

21 (Source: P.A. 93-213, eff. 7-18-03; 93-317, eff. 1-1-04;
22 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; 94-156, eff. 7-8-05;
23 94-556, eff. 9-11-05; revised 8-19-05.)

24 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
25 Sec. 5-5-3. Disposition.

26 (a) Except as provided in Section 11-501 of the Illinois
27 Vehicle Code, every person convicted of an offense shall be
28 sentenced as provided in this Section.

29 (b) The following options shall be appropriate
30 dispositions, alone or in combination, for all felonies and
31 misdemeanors other than those identified in subsection (c) of
32 this Section:

33 (1) A period of probation.

34 (2) A term of periodic imprisonment.

35 (3) A term of conditional discharge.

1 (4) A term of imprisonment.

2 (5) An order directing the offender to clean up and
3 repair the damage, if the offender was convicted under
4 paragraph (h) of Section 21-1 of the Criminal Code of 1961
5 (now repealed).

6 (6) A fine.

7 (7) An order directing the offender to make restitution
8 to the victim under Section 5-5-6 of this Code.

9 (8) A sentence of participation in a county impact
10 incarceration program under Section 5-8-1.2 of this Code.

11 (9) A term of imprisonment in combination with a term
12 of probation when the offender has been admitted into a
13 drug court program under Section 20 of the Drug Court
14 Treatment Act.

15 Neither a fine nor restitution shall be the sole
16 disposition for a felony and either or both may be imposed only
17 in conjunction with another disposition.

18 (c) (1) When a defendant is found guilty of first degree
19 murder the State may either seek a sentence of imprisonment
20 under Section 5-8-1 of this Code, or where appropriate seek
21 a sentence of death under Section 9-1 of the Criminal Code
22 of 1961.

23 (2) A period of probation, a term of periodic
24 imprisonment or conditional discharge shall not be imposed
25 for the following offenses. The court shall sentence the
26 offender to not less than the minimum term of imprisonment
27 set forth in this Code for the following offenses, and may
28 order a fine or restitution or both in conjunction with
29 such term of imprisonment:

30 (A) First degree murder where the death penalty is
31 not imposed.

32 (B) Attempted first degree murder.

33 (C) A Class X felony.

34 (D) A violation of Section 401.1 or 407 of the
35 Illinois Controlled Substances Act, or a violation of
36 subdivision (c) (1) or (c) (2) of Section 401 of that Act

1 which relates to more than 5 grams of a substance
2 containing heroin or cocaine or an analog thereof.

3 (E) A violation of Section 5.1 or 9 of the Cannabis
4 Control Act.

5 (F) A Class 2 or greater felony if the offender had
6 been convicted of a Class 2 or greater felony within 10
7 years of the date on which the offender committed the
8 offense for which he or she is being sentenced, except
9 as otherwise provided in Section 40-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act.

11 (F-5) A violation of Section 24-1, 24-1.1, or
12 24-1.6 of the Criminal Code of 1961 for which
13 imprisonment is prescribed in those Sections.

14 (G) Residential burglary, except as otherwise
15 provided in Section 40-10 of the Alcoholism and Other
16 Drug Abuse and Dependency Act.

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen.

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

21 Before July 1, 1994, for the purposes of this
22 paragraph, "organized gang" means an association of 5
23 or more persons, with an established hierarchy, that
24 encourages members of the association to perpetrate
25 crimes or provides support to the members of the
26 association who do commit crimes.

27 Beginning July 1, 1994, for the purposes of this
28 paragraph, "organized gang" has the meaning ascribed
29 to it in Section 10 of the Illinois Streetgang
30 Terrorism Omnibus Prevention Act.

31 (K) Vehicular hijacking.

32 (L) A second or subsequent conviction for the
33 offense of hate crime when the underlying offense upon
34 which the hate crime is based is felony aggravated
35 assault or felony mob action.

36 (M) A second or subsequent conviction for the

1 offense of institutional vandalism if the damage to the
2 property exceeds \$300.

3 (N) A Class 3 felony violation of paragraph (1) of
4 subsection (a) of Section 2 of the Firearm Owners
5 Identification Card Act.

6 (O) A violation of Section 12-6.1 of the Criminal
7 Code of 1961.

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

11 (Q) A violation of Section 20-1.2 or 20-1.3 of the
12 Criminal Code of 1961.

13 (R) A violation of Section 24-3A of the Criminal
14 Code of 1961.

15 (S) (Blank).

16 (T) A second or subsequent violation of the
17 Methamphetamine Control and Community Protection Act.

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraph (4.3) of this
25 subsection (c), a minimum of 100 hours of community service
26 shall be imposed for a second violation of Section 6-303 of
27 the Illinois Vehicle Code.

28 (4.3) A minimum term of imprisonment of 30 days or 300
29 hours of community service, as determined by the court,
30 shall be imposed for a second violation of subsection (c)
31 of Section 6-303 of the Illinois Vehicle Code.

32 (4.4) Except as provided in paragraph (4.5) and
33 paragraph (4.6) of this subsection (c), a minimum term of
34 imprisonment of 30 days or 300 hours of community service,
35 as determined by the court, shall be imposed for a third or
36 subsequent violation of Section 6-303 of the Illinois

1 Vehicle Code.

2 (4.5) A minimum term of imprisonment of 30 days shall
3 be imposed for a third violation of subsection (c) of
4 Section 6-303 of the Illinois Vehicle Code.

5 (4.6) A minimum term of imprisonment of 180 days shall
6 be imposed for a fourth or subsequent violation of
7 subsection (c) of Section 6-303 of the Illinois Vehicle
8 Code.

9 (5) The court may sentence an offender convicted of a
10 business offense or a petty offense or a corporation or
11 unincorporated association convicted of any offense to:

12 (A) a period of conditional discharge;

13 (B) a fine;

14 (C) make restitution to the victim under Section
15 5-5-6 of this Code.

16 (5.1) In addition to any penalties imposed under
17 paragraph (5) of this subsection (c), and except as
18 provided in paragraph (5.2) or (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for at least 90 days but
22 not more than one year, if the violation resulted in damage
23 to the property of another person.

24 (5.2) In addition to any penalties imposed under
25 paragraph (5) of this subsection (c), and except as
26 provided in paragraph (5.3), a person convicted of
27 violating subsection (c) of Section 11-907 of the Illinois
28 Vehicle Code shall have his or her driver's license,
29 permit, or privileges suspended for at least 180 days but
30 not more than 2 years, if the violation resulted in injury
31 to another person.

32 (5.3) In addition to any penalties imposed under
33 paragraph (5) of this subsection (c), a person convicted of
34 violating subsection (c) of Section 11-907 of the Illinois
35 Vehicle Code shall have his or her driver's license,
36 permit, or privileges suspended for 2 years, if the

1 violation resulted in the death of another person.

2 (6) In no case shall an offender be eligible for a
3 disposition of probation or conditional discharge for a
4 Class 1 felony committed while he was serving a term of
5 probation or conditional discharge for a felony.

6 (7) When a defendant is adjudged a habitual criminal
7 under Article 33B of the Criminal Code of 1961, the court
8 shall sentence the defendant to a term of natural life
9 imprisonment.

10 (8) When a defendant, over the age of 21 years, is
11 convicted of a Class 1 or Class 2 felony, after having
12 twice been convicted in any state or federal court of an
13 offense that contains the same elements as an offense now
14 classified in Illinois as a Class 2 or greater Class felony
15 and such charges are separately brought and tried and arise
16 out of different series of acts, such defendant shall be
17 sentenced as a Class X offender. This paragraph shall not
18 apply unless (1) the first felony was committed after the
19 effective date of this amendatory Act of 1977; and (2) the
20 second felony was committed after conviction on the first;
21 and (3) the third felony was committed after conviction on
22 the second. A person sentenced as a Class X offender under
23 this paragraph is not eligible to apply for treatment as a
24 condition of probation as provided by Section 40-10 of the
25 Alcoholism and Other Drug Abuse and Dependency Act.

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

29 (10) (Blank).

30 (11) The court shall impose a minimum fine of \$1,000
31 for a first offense and \$2,000 for a second or subsequent
32 offense upon a person convicted of or placed on supervision
33 for battery when the individual harmed was a sports
34 official or coach at any level of competition and the act
35 causing harm to the sports official or coach occurred
36 within an athletic facility or within the immediate

1 vicinity of the athletic facility at which the sports
2 official or coach was an active participant of the athletic
3 contest held at the athletic facility. For the purposes of
4 this paragraph (11), "sports official" means a person at an
5 athletic contest who enforces the rules of the contest,
6 such as an umpire or referee; "athletic facility" means an
7 indoor or outdoor playing field or recreational area where
8 sports activities are conducted; and "coach" means a person
9 recognized as a coach by the sanctioning authority that
10 conducted the sporting event.

11 (12) A person may not receive a disposition of court
12 supervision for a violation of Section 5-16 of the Boat
13 Registration and Safety Act if that person has previously
14 received a disposition of court supervision for a violation
15 of that Section.

16 (d) In any case in which a sentence originally imposed is
17 vacated, the case shall be remanded to the trial court. The
18 trial court shall hold a hearing under Section 5-4-1 of the
19 Unified Code of Corrections which may include evidence of the
20 defendant's life, moral character and occupation during the
21 time since the original sentence was passed. The trial court
22 shall then impose sentence upon the defendant. The trial court
23 may impose any sentence which could have been imposed at the
24 original trial subject to Section 5-5-4 of the Unified Code of
25 Corrections. If a sentence is vacated on appeal or on
26 collateral attack due to the failure of the trier of fact at
27 trial to determine beyond a reasonable doubt the existence of a
28 fact (other than a prior conviction) necessary to increase the
29 punishment for the offense beyond the statutory maximum
30 otherwise applicable, either the defendant may be re-sentenced
31 to a term within the range otherwise provided or, if the State
32 files notice of its intention to again seek the extended
33 sentence, the defendant shall be afforded a new trial.

34 (e) In cases where prosecution for aggravated criminal
35 sexual abuse under Section 12-16 of the Criminal Code of 1961
36 results in conviction of a defendant who was a family member of

1 the victim at the time of the commission of the offense, the
2 court shall consider the safety and welfare of the victim and
3 may impose a sentence of probation only where:

4 (1) the court finds (A) or (B) or both are appropriate:

5 (A) the defendant is willing to undergo a court
6 approved counseling program for a minimum duration of 2
7 years; or

8 (B) the defendant is willing to participate in a
9 court approved plan including but not limited to the
10 defendant's:

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the
14 family;

15 (iv) restitution for harm done to the victim;

16 and

17 (v) compliance with any other measures that
18 the court may deem appropriate; and

19 (2) the court orders the defendant to pay for the
20 victim's counseling services, to the extent that the court
21 finds, after considering the defendant's income and
22 assets, that the defendant is financially capable of paying
23 for such services, if the victim was under 18 years of age
24 at the time the offense was committed and requires
25 counseling as a result of the offense.

26 Probation may be revoked or modified pursuant to Section
27 5-6-4; except where the court determines at the hearing that
28 the defendant violated a condition of his or her probation
29 restricting contact with the victim or other family members or
30 commits another offense with the victim or other family
31 members, the court shall revoke the defendant's probation and
32 impose a term of imprisonment.

33 For the purposes of this Section, "family member" and
34 "victim" shall have the meanings ascribed to them in Section
35 12-12 of the Criminal Code of 1961.

36 (f) This Article shall not deprive a court in other

1 proceedings to order a forfeiture of property, to suspend or
2 cancel a license, to remove a person from office, or to impose
3 any other civil penalty.

4 (g) Whenever a defendant is convicted of an offense under
5 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
6 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
7 of the Criminal Code of 1961, the defendant shall undergo
8 medical testing to determine whether the defendant has any
9 sexually transmissible disease, including a test for infection
10 with human immunodeficiency virus (HIV) or any other identified
11 causative agent of acquired immunodeficiency syndrome (AIDS).
12 Any such medical test shall be performed only by appropriately
13 licensed medical practitioners and may include an analysis of
14 any bodily fluids as well as an examination of the defendant's
15 person. Except as otherwise provided by law, the results of
16 such test shall be kept strictly confidential by all medical
17 personnel involved in the testing and must be personally
18 delivered in a sealed envelope to the judge of the court in
19 which the conviction was entered for the judge's inspection in
20 camera. Acting in accordance with the best interests of the
21 victim and the public, the judge shall have the discretion to
22 determine to whom, if anyone, the results of the testing may be
23 revealed. The court shall notify the defendant of the test
24 results. The court shall also notify the victim if requested by
25 the victim, and if the victim is under the age of 15 and if
26 requested by the victim's parents or legal guardian, the court
27 shall notify the victim's parents or legal guardian of the test
28 results. The court shall provide information on the
29 availability of HIV testing and counseling at Department of
30 Public Health facilities to all parties to whom the results of
31 the testing are revealed and shall direct the State's Attorney
32 to provide the information to the victim when possible. A
33 State's Attorney may petition the court to obtain the results
34 of any HIV test administered under this Section, and the court
35 shall grant the disclosure if the State's Attorney shows it is
36 relevant in order to prosecute a charge of criminal

1 transmission of HIV under Section 12-16.2 of the Criminal Code
2 of 1961 against the defendant. The court shall order that the
3 cost of any such test shall be paid by the county and may be
4 taxed as costs against the convicted defendant.

5 (g-5) When an inmate is tested for an airborne communicable
6 disease, as determined by the Illinois Department of Public
7 Health including but not limited to tuberculosis, the results
8 of the test shall be personally delivered by the warden or his
9 or her designee in a sealed envelope to the judge of the court
10 in which the inmate must appear for the judge's inspection in
11 camera if requested by the judge. Acting in accordance with the
12 best interests of those in the courtroom, the judge shall have
13 the discretion to determine what if any precautions need to be
14 taken to prevent transmission of the disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense under
16 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has been exposed to human immunodeficiency virus
19 (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Except as otherwise provided
21 by law, the results of such test shall be kept strictly
22 confidential by all medical personnel involved in the testing
23 and must be personally delivered in a sealed envelope to the
24 judge of the court in which the conviction was entered for the
25 judge's inspection in camera. Acting in accordance with the
26 best interests of the public, the judge shall have the
27 discretion to determine to whom, if anyone, the results of the
28 testing may be revealed. The court shall notify the defendant
29 of a positive test showing an infection with the human
30 immunodeficiency virus (HIV). The court shall provide
31 information on the availability of HIV testing and counseling
32 at Department of Public Health facilities to all parties to
33 whom the results of the testing are revealed and shall direct
34 the State's Attorney to provide the information to the victim
35 when possible. A State's Attorney may petition the court to
36 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-16.2 of
4 the Criminal Code of 1961 against the defendant. The court
5 shall order that the cost of any such test shall be paid by the
6 county and may be taxed as costs against the convicted
7 defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of Section
16 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
17 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
18 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
19 Code of 1961, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substance Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court
27 shall determine whether the defendant is employed by a facility
28 or center as defined under the Child Care Act of 1969, a public
29 or private elementary or secondary school, or otherwise works
30 with children under 18 years of age on a daily basis. When a
31 defendant is so employed, the court shall order the Clerk of
32 the Court to send a copy of the judgment of conviction or order
33 of supervision or probation to the defendant's employer by
34 certified mail. If the employer of the defendant is a school,
35 the Clerk of the Court shall direct the mailing of a copy of
36 the judgment of conviction or order of supervision or probation

1 to the appropriate regional superintendent of schools. The
2 regional superintendent of schools shall notify the State Board
3 of Education of any notification under this subsection.

4 (j-5) A defendant at least 17 years of age who is convicted
5 of a felony and who has not been previously convicted of a
6 misdemeanor or felony and who is sentenced to a term of
7 imprisonment in the Illinois Department of Corrections shall as
8 a condition of his or her sentence be required by the court to
9 attend educational courses designed to prepare the defendant
10 for a high school diploma and to work toward a high school
11 diploma or to work toward passing the high school level Test of
12 General Educational Development (GED) or to work toward
13 completing a vocational training program offered by the
14 Department of Corrections. If a defendant fails to complete the
15 educational training required by his or her sentence during the
16 term of incarceration, the Prisoner Review Board shall, as a
17 condition of mandatory supervised release, require the
18 defendant, at his or her own expense, to pursue a course of
19 study toward a high school diploma or passage of the GED test.
20 The Prisoner Review Board shall revoke the mandatory supervised
21 release of a defendant who wilfully fails to comply with this
22 subsection (j-5) upon his or her release from confinement in a
23 penal institution while serving a mandatory supervised release
24 term; however, the inability of the defendant after making a
25 good faith effort to obtain financial aid or pay for the
26 educational training shall not be deemed a wilful failure to
27 comply. The Prisoner Review Board shall recommit the defendant
28 whose mandatory supervised release term has been revoked under
29 this subsection (j-5) as provided in Section 3-3-9. This
30 subsection (j-5) does not apply to a defendant who has a high
31 school diploma or has successfully passed the GED test. This
32 subsection (j-5) does not apply to a defendant who is
33 determined by the court to be developmentally disabled or
34 otherwise mentally incapable of completing the educational or
35 vocational program.

36 (k) A court may not impose a sentence or disposition for a

1 felony or misdemeanor that requires the defendant to be
2 implanted or injected with or to use any form of birth control.

3 (1) (A) Except as provided in paragraph (C) of subsection
4 (1), whenever a defendant, who is an alien as defined by
5 the Immigration and Nationality Act, is convicted of any
6 felony or misdemeanor offense, the court after sentencing
7 the defendant may, upon motion of the State's Attorney,
8 hold sentence in abeyance and remand the defendant to the
9 custody of the Attorney General of the United States or his
10 or her designated agent to be deported when:

11 (1) a final order of deportation has been issued
12 against the defendant pursuant to proceedings under
13 the Immigration and Nationality Act, and

14 (2) the deportation of the defendant would not
15 deprecate the seriousness of the defendant's conduct
16 and would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as
18 provided in this Chapter V.

19 (B) If the defendant has already been sentenced for a
20 felony or misdemeanor offense, or has been placed on
21 probation under Section 10 of the Cannabis Control Act,
22 Section 410 of the Illinois Controlled Substances Act, or
23 Section 70 of the Methamphetamine Control and Community
24 Protection Act, the court may, upon motion of the State's
25 Attorney to suspend the sentence imposed, commit the
26 defendant to the custody of the Attorney General of the
27 United States or his or her designated agent when:

28 (1) a final order of deportation has been issued
29 against the defendant pursuant to proceedings under
30 the Immigration and Nationality Act, and

31 (2) the deportation of the defendant would not
32 deprecate the seriousness of the defendant's conduct
33 and would not be inconsistent with the ends of justice.

34 (C) This subsection (1) does not apply to offenders who
35 are subject to the provisions of paragraph (2) of
36 subsection (a) of Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of
3 the United States, the defendant shall be recommitted to
4 the custody of the county from which he or she was
5 sentenced. Thereafter, the defendant shall be brought
6 before the sentencing court, which may impose any sentence
7 that was available under Section 5-5-3 at the time of
8 initial sentencing. In addition, the defendant shall not be
9 eligible for additional good conduct credit for
10 meritorious service as provided under Section 3-6-6.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961, in which the
13 property damage exceeds \$300 and the property damaged is a
14 school building, shall be ordered to perform community service
15 that may include cleanup, removal, or painting over the
16 defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
19 Code of 1961 (i) to an impact incarceration program if the
20 person is otherwise eligible for that program under Section
21 5-8-1.1, (ii) to community service, or (iii) if the person is
22 an addict or alcoholic, as defined in the Alcoholism and Other
23 Drug Abuse and Dependency Act, to a substance or alcohol abuse
24 program licensed under that Act.

25 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
26 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
27 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
28 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
29 eff. 9-11-05; revised 8-19-05.)

30 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

31 Sec. 5-5-3.2. Factors in Aggravation.

32 (a) The following factors shall be accorded weight in favor
33 of imposing a term of imprisonment or may be considered by the
34 court as reasons to impose a more severe sentence under Section
35 5-8-1:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency or
6 criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular offense
9 committed or to bring the offenders committing it to
10 justice;

11 (5) the defendant held public office at the time of the
12 offense, and the offense related to the conduct of that
13 office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who is physically handicapped or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or
27 national origin, the defendant committed the offense
28 against (i) the person or property of that individual; (ii)
29 the person or property of a person who has an association
30 with, is married to, or has a friendship with the other
31 individual; or (iii) the person or property of a relative
32 (by blood or marriage) of a person described in clause (i)
33 or (ii). For the purposes of this Section, "sexual
34 orientation" means heterosexuality, homosexuality, or
35 bisexuality;

36 (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,
2 during or immediately following worship services. For
3 purposes of this subparagraph, "place of worship" shall
4 mean any church, synagogue or other building, structure or
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed
7 while he was released on bail or his own recognizance
8 pending trial for a prior felony and was convicted of such
9 prior felony, or the defendant was convicted of a felony
10 committed while he was serving a period of probation,
11 conditional discharge, or mandatory supervised release
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a
14 felony while he was wearing a bulletproof vest. For the
15 purposes of this paragraph (13), a bulletproof vest is any
16 device which is designed for the purpose of protecting the
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or
19 supervision such as, but not limited to, family member as
20 defined in Section 12-12 of the Criminal Code of 1961,
21 teacher, scout leader, baby sitter, or day care worker, in
22 relation to a victim under 18 years of age, and the
23 defendant committed an offense in violation of Section
24 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
25 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
26 against that victim;

27 (15) the defendant committed an offense related to the
28 activities of an organized gang. For the purposes of this
29 factor, "organized gang" has the meaning ascribed to it in
30 Section 10 of the Streetgang Terrorism Omnibus Prevention
31 Act;

32 (16) the defendant committed an offense in violation of
33 one of the following Sections while in a school, regardless
34 of the time of day or time of year; on any conveyance
35 owned, leased, or contracted by a school to transport
36 students to or from school or a school related activity; on

1 the real property of a school; or on a public way within
2 1,000 feet of the real property comprising any school:
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
6 33A-2 of the Criminal Code of 1961;

7 (16.5) the defendant committed an offense in violation
8 of one of the following Sections while in a day care
9 center, regardless of the time of day or time of year; on
10 the real property of a day care center, regardless of the
11 time of day or time of year; or on a public way within
12 1,000 feet of the real property comprising any day care
13 center, regardless of the time of day or time of year:
14 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
17 33A-2 of the Criminal Code of 1961;

18 (17) the defendant committed the offense by reason of
19 any person's activity as a community policing volunteer or
20 to prevent any person from engaging in activity as a
21 community policing volunteer. For the purpose of this
22 Section, "community policing volunteer" has the meaning
23 ascribed to it in Section 2-3.5 of the Criminal Code of
24 1961;

25 (18) the defendant committed the offense in a nursing
26 home or on the real property comprising a nursing home. For
27 the purposes of this paragraph (18), "nursing home" means a
28 skilled nursing or intermediate long term care facility
29 that is subject to license by the Illinois Department of
30 Public Health under the Nursing Home Care Act;

31 (19) the defendant was a federally licensed firearm
32 dealer and was previously convicted of a violation of
33 subsection (a) of Section 3 of the Firearm Owners
34 Identification Card Act and has now committed either a
35 felony violation of the Firearm Owners Identification Card
36 Act or an act of armed violence while armed with a firearm;

1 ~~or~~

2 (20) the defendant (i) committed the offense of
3 reckless homicide under Section 9-3 of the Criminal Code of
4 1961 or the offense of driving under the influence of
5 alcohol, other drug or drugs, intoxicating compound or
6 compounds or any combination thereof under Section 11-501
7 of the Illinois Vehicle Code or a similar provision of a
8 local ordinance and (ii) was operating a motor vehicle in
9 excess of 20 miles per hour over the posted speed limit as
10 provided in Article VI of Chapter 11 of the Illinois
11 Vehicle Code; or;

12 (21) ~~(20)~~ the defendant (i) committed the offense of
13 reckless driving or aggravated reckless driving under
14 Section 11-503 of the Illinois Vehicle Code and (ii) was
15 operating a motor vehicle in excess of 20 miles per hour
16 over the posted speed limit as provided in Article VI of
17 Chapter 11 of the Illinois Vehicle Code.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State certified
22 and licensed day care center as defined in Section 2.09 of the
23 Child Care Act of 1969 that displays a sign in plain view
24 stating that the property is a day care center.

25 (b) The following factors may be considered by the court as
26 reasons to impose an extended term sentence under Section 5-8-2
27 upon any offender:

28 (1) When a defendant is convicted of any felony, after
29 having been previously convicted in Illinois or any other
30 jurisdiction of the same or similar class felony or greater
31 class felony, when such conviction has occurred within 10
32 years after the previous conviction, excluding time spent
33 in custody, and such charges are separately brought and
34 tried and arise out of different series of acts; or

35 (2) When a defendant is convicted of any felony and the
36 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 voluntary
4 manslaughter, second degree murder, involuntary
5 manslaughter or reckless homicide in which the defendant
6 has been convicted of causing the death of more than one
7 individual; or

8 (4) When a defendant is convicted of any felony
9 committed against:

10 (i) a person under 12 years of age at the time of
11 the offense or such person's property;

12 (ii) a person 60 years of age or older at the time
13 of the offense or such person's property; or

14 (iii) a person physically handicapped at the time
15 of the offense or such person's property; or

16 (5) In the case of a defendant convicted of aggravated
17 criminal sexual assault or criminal sexual assault, when
18 the court finds that aggravated criminal sexual assault or
19 criminal sexual assault was also committed on the same
20 victim by one or more other individuals, and the defendant
21 voluntarily participated in the crime with the knowledge of
22 the participation of the others in the crime, and the
23 commission of the crime was part of a single course of
24 conduct during which there was no substantial change in the
25 nature of the criminal objective; or

26 (6) When a defendant is convicted of any felony and the
27 offense involved any of the following types of specific
28 misconduct committed as part of a ceremony, rite,
29 initiation, observance, performance, practice or activity
30 of any actual or ostensible religious, fraternal, or social
31 group:

32 (i) the brutalizing or torturing of humans or
33 animals;

34 (ii) the theft of human corpses;

35 (iii) the kidnapping of humans;

36 (iv) the desecration of any cemetery, religious,

1 fraternal, business, governmental, educational, or
2 other building or property; or

3 (v) ritualized abuse of a child; or

4 (7) When a defendant is convicted of first degree
5 murder, after having been previously convicted in Illinois
6 of any offense listed under paragraph (c)(2) of Section
7 5-5-3, when such conviction has occurred within 10 years
8 after the previous conviction, excluding time spent in
9 custody, and such charges are separately brought and tried
10 and arise out of different series of acts; or

11 (8) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (9) When a defendant is convicted of a felony violation
22 of Section 24-1 of the Criminal Code of 1961 and the court
23 finds that the defendant is a member of an organized gang;
24 or

25 (10) When a defendant committed the offense using a
26 firearm with a laser sight attached to it. For purposes of
27 this paragraph (10), "laser sight" has the meaning ascribed
28 to it in Section 24.6-5 of the Criminal Code of 1961; or

29 (11) When a defendant who was at least 17 years of age
30 at the time of the commission of the offense is convicted
31 of a felony and has been previously adjudicated a
32 delinquent minor under the Juvenile Court Act of 1987 for
33 an act that if committed by an adult would be a Class X or
34 Class 1 felony when the conviction has occurred within 10
35 years after the previous adjudication, excluding time
36 spent in custody; or

1 (12) When a defendant commits an offense involving the
2 illegal manufacture of a controlled substance under
3 Section 401 of the Illinois Controlled Substances Act, the
4 illegal manufacture of methamphetamine under Section 25 of
5 the Methamphetamine Control and Community Protection Act,
6 or the illegal possession of explosives and an emergency
7 response officer in the performance of his or her duties is
8 killed or injured at the scene of the offense while
9 responding to the emergency caused by the commission of the
10 offense. In this paragraph (12), "emergency" means a
11 situation in which a person's life, health, or safety is in
12 jeopardy; and "emergency response officer" means a peace
13 officer, community policing volunteer, fireman, emergency
14 medical technician-ambulance, emergency medical
15 technician-intermediate, emergency medical
16 technician-paramedic, ambulance driver, other medical
17 assistance or first aid personnel, or hospital emergency
18 room personnel.

19 (b-1) For the purposes of this Section, "organized gang"
20 has the meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (c) The court may impose an extended term sentence under
23 Section 5-8-2 upon any offender who was convicted of aggravated
24 criminal sexual assault or predatory criminal sexual assault of
25 a child under subsection (a)(1) of Section 12-14.1 of the
26 Criminal Code of 1961 where the victim was under 18 years of
27 age at the time of the commission of the offense.

28 (d) The court may impose an extended term sentence under
29 Section 5-8-2 upon any offender who was convicted of unlawful
30 use of weapons under Section 24-1 of the Criminal Code of 1961
31 for possessing a weapon that is not readily distinguishable as
32 one of the weapons enumerated in Section 24-1 of the Criminal
33 Code of 1961.

34 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
35 eff. 9-11-05; revised 8-19-05.)

1 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

2 Sec. 5-5-6. In all convictions for offenses in violation of
3 the Criminal Code of 1961 in which the person received any
4 injury to their person or damage to their real or personal
5 property as a result of the criminal act of the defendant, the
6 court shall order restitution as provided in this Section. In
7 all other cases, except cases in which restitution is required
8 under this Section, the court must at the sentence hearing
9 determine whether restitution is an appropriate sentence to be
10 imposed on each defendant convicted of an offense. If the court
11 determines that an order directing the offender to make
12 restitution is appropriate, the offender may be sentenced to
13 make restitution. The court may consider restitution an
14 appropriate sentence to be imposed on each defendant convicted
15 of an offense in addition to a sentence of imprisonment. The
16 sentence of the defendant to a term of imprisonment is not a
17 mitigating factor that prevents the court from ordering the
18 defendant to pay restitution. If the offender is sentenced to
19 make restitution the Court shall determine the restitution as
20 hereinafter set forth:

21 (a) At the sentence hearing, the court shall determine
22 whether the property may be restored in kind to the
23 possession of the owner or the person entitled to
24 possession thereof; or whether the defendant is possessed
25 of sufficient skill to repair and restore property damaged;
26 or whether the defendant should be required to make
27 restitution in cash, for out-of-pocket expenses, damages,
28 losses, or injuries found to have been proximately caused
29 by the conduct of the defendant or another for whom the
30 defendant is legally accountable under the provisions of
31 Article V of the Criminal Code of 1961.

32 (b) In fixing the amount of restitution to be paid in
33 cash, the court shall allow credit for property returned in
34 kind, for property damages ordered to be repaired by the
35 defendant, and for property ordered to be restored by the
36 defendant; and after granting the credit, the court shall

1 assess the actual out-of-pocket expenses, losses, damages,
2 and injuries suffered by the victim named in the charge and
3 any other victims who may also have suffered out-of-pocket
4 expenses, losses, damages, and injuries proximately caused
5 by the same criminal conduct of the defendant, and
6 insurance carriers who have indemnified the named victim or
7 other victims for the out-of-pocket expenses, losses,
8 damages, or injuries, provided that in no event shall
9 restitution be ordered to be paid on account of pain and
10 suffering. If a defendant is placed on supervision for, or
11 convicted of, domestic battery, the defendant shall be
12 required to pay restitution to any domestic violence
13 shelter in which the victim and any other family or
14 household members lived because of the domestic battery.
15 The amount of the restitution shall equal the actual
16 expenses of the domestic violence shelter in providing
17 housing and any other services for the victim and any other
18 family or household members living at the shelter. If a
19 defendant fails to pay restitution in the manner or within
20 the time period specified by the court, the court may enter
21 an order directing the sheriff to seize any real or
22 personal property of a defendant to the extent necessary to
23 satisfy the order of restitution and dispose of the
24 property by public sale. All proceeds from such sale in
25 excess of the amount of restitution plus court costs and
26 the costs of the sheriff in conducting the sale shall be
27 paid to the defendant. The defendant convicted of domestic
28 battery, if a person under 18 years of age was present and
29 witnessed the domestic battery of the victim, is liable to
30 pay restitution for the cost of any counseling required for
31 the child at the discretion of the court.

32 (c) In cases where more than one defendant is
33 accountable for the same criminal conduct that results in
34 out-of-pocket expenses, losses, damages, or injuries, each
35 defendant shall be ordered to pay restitution in the amount
36 of the total actual out-of-pocket expenses, losses,

1 damages, or injuries to the victim proximately caused by
2 the conduct of all of the defendants who are legally
3 accountable for the offense.

4 (1) In no event shall the victim be entitled to
5 recover restitution in excess of the actual
6 out-of-pocket expenses, losses, damages, or injuries,
7 proximately caused by the conduct of all of the
8 defendants.

9 (2) As between the defendants, the court may
10 apportion the restitution that is payable in
11 proportion to each co-defendant's culpability in the
12 commission of the offense.

13 (3) In the absence of a specific order apportioning
14 the restitution, each defendant shall bear his pro rata
15 share of the restitution.

16 (4) As between the defendants, each defendant
17 shall be entitled to a pro rata reduction in the total
18 restitution required to be paid to the victim for
19 amounts of restitution actually paid by co-defendants,
20 and defendants who shall have paid more than their pro
21 rata share shall be entitled to refunds to be computed
22 by the court as additional amounts are paid by
23 co-defendants.

24 (d) In instances where a defendant has more than one
25 criminal charge pending against him in a single case, or
26 more than one case, and the defendant stands convicted of
27 one or more charges, a plea agreement negotiated by the
28 State's Attorney and the defendants may require the
29 defendant to make restitution to victims of charges that
30 have been dismissed or which it is contemplated will be
31 dismissed under the terms of the plea agreement, and under
32 the agreement, the court may impose a sentence of
33 restitution on the charge or charges of which the defendant
34 has been convicted that would require the defendant to make
35 restitution to victims of other offenses as provided in the
36 plea agreement.

1 (e) The court may require the defendant to apply the
2 balance of the cash bond, after payment of court costs, and
3 any fine that may be imposed to the payment of restitution.

4 (f) Taking into consideration the ability of the
5 defendant to pay, including any real or personal property
6 or any other assets of the defendant, the court shall
7 determine whether restitution shall be paid in a single
8 payment or in installments, and shall fix a period of time
9 not in excess of 5 years or the period of time specified in
10 subsection (f-1), not including periods of incarceration,
11 within which payment of restitution is to be paid in full.
12 Complete restitution shall be paid in as short a time
13 period as possible. However, if the court deems it
14 necessary and in the best interest of the victim, the court
15 may extend beyond 5 years the period of time within which
16 the payment of restitution is to be paid. If the defendant
17 is ordered to pay restitution and the court orders that
18 restitution is to be paid over a period greater than 6
19 months, the court shall order that the defendant make
20 monthly payments; the court may waive this requirement of
21 monthly payments only if there is a specific finding of
22 good cause for waiver.

23 (f-1) (1) In addition to any other penalty prescribed by
24 law and any restitution ordered under this Section that did
25 not include long-term physical health care costs, the court
26 may, upon conviction of any misdemeanor or felony, order a
27 defendant to pay restitution to a victim in accordance with
28 the provisions of this subsection (f-1) if the victim has
29 suffered physical injury as a result of the offense that is
30 reasonably probable to require or has required long-term
31 physical health care for more than 3 months. As used in
32 this subsection (f-1) "long-term physical health care"
33 includes mental health care.

34 (2) The victim's estimate of long-term physical health
35 care costs may be made as part of a victim impact statement
36 under Section 6 of the Rights of Crime Victims and

1 Witnesses Act or made separately. The court shall enter the
2 long-term physical health care restitution order at the
3 time of sentencing. An order of restitution made under this
4 subsection (f-1) shall fix a monthly amount to be paid by
5 the defendant for as long as long-term physical health care
6 of the victim is required as a result of the offense. The
7 order may exceed the length of any sentence imposed upon
8 the defendant for the criminal activity. The court shall
9 include as a special finding in the judgment of conviction
10 its determination of the monthly cost of long-term physical
11 health care.

12 (3) After a sentencing order has been entered, the
13 court may from time to time, on the petition of either the
14 defendant or the victim, or upon its own motion, enter an
15 order for restitution for long-term physical care or modify
16 the existing order for restitution for long-term physical
17 care as to the amount of monthly payments. Any modification
18 of the order shall be based only upon a substantial change
19 of circumstances relating to the cost of long-term physical
20 health care or the financial condition of either the
21 defendant or the victim. The petition shall be filed as
22 part of the original criminal docket.

23 (g) In addition to the sentences provided for in
24 Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15,
25 and 12-16 of the Criminal Code of 1961, the court may order
26 any person who is convicted of violating any of those
27 Sections or who was charged with any of those offenses and
28 which charge was reduced to another charge as a result of a
29 plea agreement under subsection (d) of this Section to meet
30 all or any portion of the financial obligations of
31 treatment, including but not limited to medical,
32 psychiatric, or rehabilitative treatment or psychological
33 counseling, prescribed for the victim or victims of the
34 offense.

35 The payments shall be made by the defendant to the
36 clerk of the circuit court and transmitted by the clerk to

1 the appropriate person or agency as directed by the court.
2 Except as otherwise provided in subsection (f-1), the order
3 may require such payments to be made for a period not to
4 exceed 5 years after sentencing, not including periods of
5 incarceration.

6 (h) The judge may enter an order of withholding to
7 collect the amount of restitution owed in accordance with
8 Part 8 of Article XII of the Code of Civil Procedure.

9 (i) A sentence of restitution may be modified or
10 revoked by the court if the offender commits another
11 offense, or the offender fails to make restitution as
12 ordered by the court, but no sentence to make restitution
13 shall be revoked unless the court shall find that the
14 offender has had the financial ability to make restitution,
15 and he has wilfully refused to do so. When the offender's
16 ability to pay restitution was established at the time an
17 order of restitution was entered or modified, or when the
18 offender's ability to pay was based on the offender's
19 willingness to make restitution as part of a plea agreement
20 made at the time the order of restitution was entered or
21 modified, there is a rebuttable presumption that the facts
22 and circumstances considered by the court at the hearing at
23 which the order of restitution was entered or modified
24 regarding the offender's ability or willingness to pay
25 restitution have not materially changed. If the court shall
26 find that the defendant has failed to make restitution and
27 that the failure is not wilful, the court may impose an
28 additional period of time within which to make restitution.
29 The length of the additional period shall not be more than
30 2 years. The court shall retain all of the incidents of the
31 original sentence, including the authority to modify or
32 enlarge the conditions, and to revoke or further modify the
33 sentence if the conditions of payment are violated during
34 the additional period.

35 (j) The procedure upon the filing of a Petition to
36 Revoke a sentence to make restitution shall be the same as

1 the procedures set forth in Section 5-6-4 of this Code
2 governing violation, modification, or revocation of
3 Probation, of Conditional Discharge, or of Supervision.

4 (k) Nothing contained in this Section shall preclude
5 the right of any party to proceed in a civil action to
6 recover for any damages incurred due to the criminal
7 misconduct of the defendant.

8 (l) Restitution ordered under this Section shall not be
9 subject to disbursement by the circuit clerk under Section
10 27.5 of the Clerks of Courts Act.

11 (m) A restitution order under this Section is a
12 judgment lien in favor of the victim that:

13 (1) Attaches to the property of the person subject
14 to the order;

15 (2) May be perfected in the same manner as provided
16 in Part 3 of Article 9 of the Uniform Commercial Code;

17 (3) May be enforced to satisfy any payment that is
18 delinquent under the restitution order by the person in
19 whose favor the order is issued or the person's
20 assignee; and

21 (4) Expires in the same manner as a judgment lien
22 created in a civil proceeding.

23 When a restitution order is issued under this Section,
24 the issuing court shall send a certified copy of the order
25 to the clerk of the circuit court in the county where the
26 charge was filed. Upon receiving the order, the clerk shall
27 enter and index the order in the circuit court judgment
28 docket.

29 (n) An order of restitution under this Section does not
30 bar a civil action for:

31 (1) Damages that the court did not require the
32 person to pay to the victim under the restitution order
33 but arise from an injury or property damages that is
34 the basis of restitution ordered by the court; and

35 (2) Other damages suffered by the victim.

36 The restitution order is not discharged by the completion

1 of the sentence imposed for the offense.

2 A restitution order under this Section is not discharged by
3 the liquidation of a person's estate by a receiver. A
4 restitution order under this Section may be enforced in the
5 same manner as judgment liens are enforced under Article XII of
6 the Code of Civil Procedure.

7 The provisions of Section 2-1303 of the Code of Civil
8 Procedure, providing for interest on judgments, apply to
9 judgments for restitution entered under this Section.

10 (Source: P.A. 94-148, eff. 1-1-06; 94-397, eff. 1-1-06; revised
11 8-19-05.)

12 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

13 Sec. 5-6-1. Sentences of Probation and of Conditional
14 Discharge and Disposition of Supervision. The General Assembly
15 finds that in order to protect the public, the criminal justice
16 system must compel compliance with the conditions of probation
17 by responding to violations with swift, certain and fair
18 punishments and intermediate sanctions. The Chief Judge of each
19 circuit shall adopt a system of structured, intermediate
20 sanctions for violations of the terms and conditions of a
21 sentence of probation, conditional discharge or disposition of
22 supervision.

23 (a) Except where specifically prohibited by other
24 provisions of this Code, the court shall impose a sentence of
25 probation or conditional discharge upon an offender unless,
26 having regard to the nature and circumstance of the offense,
27 and to the history, character and condition of the offender,
28 the court is of the opinion that:

29 (1) his imprisonment or periodic imprisonment is
30 necessary for the protection of the public; or

31 (2) probation or conditional discharge would deprecate
32 the seriousness of the offender's conduct and would be
33 inconsistent with the ends of justice; or

34 (3) a combination of imprisonment with concurrent or
35 consecutive probation when an offender has been admitted

1 into a drug court program under Section 20 of the Drug
2 Court Treatment Act is necessary for the protection of the
3 public and for the rehabilitation of the offender.

4 The court shall impose as a condition of a sentence of
5 probation, conditional discharge, or supervision, that the
6 probation agency may invoke any sanction from the list of
7 intermediate sanctions adopted by the chief judge of the
8 circuit court for violations of the terms and conditions of the
9 sentence of probation, conditional discharge, or supervision,
10 subject to the provisions of Section 5-6-4 of this Act.

11 (b) The court may impose a sentence of conditional
12 discharge for an offense if the court is of the opinion that
13 neither a sentence of imprisonment nor of periodic imprisonment
14 nor of probation supervision is appropriate.

15 (b-1) Subsections (a) and (b) of this Section do not apply
16 to a defendant charged with a misdemeanor or felony under the
17 Illinois Vehicle Code or reckless homicide under Section 9-3 of
18 the Criminal Code of 1961 if the defendant within the past 12
19 months has been convicted of or pleaded guilty to a misdemeanor
20 or felony under the Illinois Vehicle Code or reckless homicide
21 under Section 9-3 of the Criminal Code of 1961.

22 (c) The court may, upon a plea of guilty or a stipulation
23 by the defendant of the facts supporting the charge or a
24 finding of guilt, defer further proceedings and the imposition
25 of a sentence, and enter an order for supervision of the
26 defendant, if the defendant is not charged with: (i) a Class A
27 misdemeanor, as defined by the following provisions of the
28 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
29 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
30 paragraph (1) through (5), (8), (10), and (11) of subsection
31 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
32 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
33 Act; or (iii) felony. If the defendant is not barred from
34 receiving an order for supervision as provided in this
35 subsection, the court may enter an order for supervision after
36 considering the circumstances of the offense, and the history,

1 character and condition of the offender, if the court is of the
2 opinion that:

3 (1) the offender is not likely to commit further
4 crimes;

5 (2) the defendant and the public would be best served
6 if the defendant were not to receive a criminal record; and

7 (3) in the best interests of justice an order of
8 supervision is more appropriate than a sentence otherwise
9 permitted under this Code.

10 (d) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the defendant has previously been:

14 (1) convicted for a violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another state;
17 or

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance or any similar law or
26 ordinance of another state, and the plea or stipulation was
27 the result of a plea agreement.

28 The court shall consider the statement of the prosecuting
29 authority with regard to the standards set forth in this
30 Section.

31 (e) The provisions of paragraph (c) shall not apply to a
32 defendant charged with violating Section 16A-3 of the Criminal
33 Code of 1961 if said defendant has within the last 5 years
34 been:

35 (1) convicted for a violation of Section 16A-3 of the
36 Criminal Code of 1961; or

1 (2) assigned supervision for a violation of Section
2 16A-3 of the Criminal Code of 1961.

3 The court shall consider the statement of the prosecuting
4 authority with regard to the standards set forth in this
5 Section.

6 (f) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Sections 15-111, 15-112,
8 15-301, paragraph (b) of Section 6-104, Section 11-605, or
9 Section 11-1414 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance.

11 (g) Except as otherwise provided in paragraph (i) of this
12 Section, the provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 3-707, 3-708, 3-710,
14 or 5-401.3 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance if the defendant has within the last 5
16 years been:

17 (1) convicted for a violation of Section 3-707, 3-708,
18 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance; or

20 (2) assigned supervision for a violation of Section
21 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
22 Code or a similar provision of a local ordinance.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (h) The provisions of paragraph (c) shall not apply to a
27 defendant under the age of 21 years charged with violating a
28 serious traffic offense as defined in Section 1-187.001 of the
29 Illinois Vehicle Code:

30 (1) unless the defendant, upon payment of the fines,
31 penalties, and costs provided by law, agrees to attend and
32 successfully complete a traffic safety program approved by
33 the court under standards set by the Conference of Chief
34 Circuit Judges. The accused shall be responsible for
35 payment of any traffic safety program fees. If the accused
36 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the
2 supervision shall be summarily revoked and conviction
3 entered. The provisions of Supreme Court Rule 402 relating
4 to pleas of guilty do not apply in cases when a defendant
5 enters a guilty plea under this provision; or

6 (2) if the defendant has previously been sentenced
7 under the provisions of paragraph (c) on or after January
8 1, 1998 for any serious traffic offense as defined in
9 Section 1-187.001 of the Illinois Vehicle Code.

10 (i) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 defendant has been assigned supervision for a violation of
14 Section 3-707 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance.

16 (j) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the revocation or suspension was for a violation of Section
20 11-501 or a similar provision of a local ordinance, a violation
21 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
22 Illinois Vehicle Code, or a violation of Section 9-3 of the
23 Criminal Code of 1961 if the defendant has within the last 10
24 years been:

25 (1) convicted for a violation of Section 6-303 of the
26 Illinois Vehicle Code or a similar provision of a local
27 ordinance; or

28 (2) assigned supervision for a violation of Section
29 6-303 of the Illinois Vehicle Code or a similar provision
30 of a local ordinance.

31 (k) The provisions of paragraph (c) shall not apply to a
32 defendant charged with violating any provision of the Illinois
33 Vehicle Code or a similar provision of a local ordinance that
34 governs the movement of vehicles if, within the 12 months
35 preceding the date of the defendant's arrest, the defendant has
36 been assigned court supervision on 2 occasions for a violation

1 that governs the movement of vehicles under the Illinois
2 Vehicle Code or a similar provision of a local ordinance.

3 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
4 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
5 revised 8-19-05.)

6 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

7 Sec. 5-6-3. Conditions of Probation and of Conditional
8 Discharge.

9 (a) The conditions of probation and of conditional
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report to or appear in person before such person or
14 agency as directed by the court;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon;

17 (4) not leave the State without the consent of the
18 court or, in circumstances in which the reason for the
19 absence is of such an emergency nature that prior consent
20 by the court is not possible, without the prior
21 notification and approval of the person's probation
22 officer. Transfer of a person's probation or conditional
23 discharge supervision to another state is subject to
24 acceptance by the other state pursuant to the Interstate
25 Compact for Adult Offender Supervision;

26 (5) permit the probation officer to visit him at his
27 home or elsewhere to the extent necessary to discharge his
28 duties;

29 (6) perform no less than 30 hours of community service
30 and not more than 120 hours of community service, if
31 community service is available in the jurisdiction and is
32 funded and approved by the county board where the offense
33 was committed, where the offense was related to or in
34 furtherance of the criminal activities of an organized gang
35 and was motivated by the offender's membership in or

1 allegiance to an organized gang. The community service
2 shall include, but not be limited to, the cleanup and
3 repair of any damage caused by a violation of Section
4 21-1.3 of the Criminal Code of 1961 and similar damage to
5 property located within the municipality or county in which
6 the violation occurred. When possible and reasonable, the
7 community service should be performed in the offender's
8 neighborhood. For purposes of this Section, "organized
9 gang" has the meaning ascribed to it in Section 10 of the
10 Illinois Streetgang Terrorism Omnibus Prevention Act;

11 (7) if he or she is at least 17 years of age and has
12 been sentenced to probation or conditional discharge for a
13 misdemeanor or felony in a county of 3,000,000 or more
14 inhabitants and has not been previously convicted of a
15 misdemeanor or felony, may be required by the sentencing
16 court to attend educational courses designed to prepare the
17 defendant for a high school diploma and to work toward a
18 high school diploma or to work toward passing the high
19 school level Test of General Educational Development (GED)
20 or to work toward completing a vocational training program
21 approved by the court. The person on probation or
22 conditional discharge must attend a public institution of
23 education to obtain the educational or vocational training
24 required by this clause (7). The court shall revoke the
25 probation or conditional discharge of a person who wilfully
26 fails to comply with this clause (7). The person on
27 probation or conditional discharge shall be required to pay
28 for the cost of the educational courses or GED test, if a
29 fee is charged for those courses or test. The court shall
30 resentence the offender whose probation or conditional
31 discharge has been revoked as provided in Section 5-6-4.
32 This clause (7) does not apply to a person who has a high
33 school diploma or has successfully passed the GED test.
34 This clause (7) does not apply to a person who is
35 determined by the court to be developmentally disabled or
36 otherwise mentally incapable of completing the educational

1 or vocational program;

2 (8) if convicted of possession of a substance
3 prohibited by the Cannabis Control Act, the Illinois
4 Controlled Substances Act, or the Methamphetamine Control
5 and Community Protection Act after a previous conviction or
6 disposition of supervision for possession of a substance
7 prohibited by the Cannabis Control Act or Illinois
8 Controlled Substances Act or after a sentence of probation
9 under Section 10 of the Cannabis Control Act, Section 410
10 of the Illinois Controlled Substances Act, or Section 70 of
11 the Methamphetamine Control and Community Protection Act
12 and upon a finding by the court that the person is
13 addicted, undergo treatment at a substance abuse program
14 approved by the court;

15 (8.5) if convicted of a felony sex offense as defined
16 in the Sex Offender Management Board Act, the person shall
17 undergo and successfully complete sex offender treatment
18 by a treatment provider approved by the Board and conducted
19 in conformance with the standards developed under the Sex
20 Offender Management Board Act;

21 (8.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has
27 been placed on supervision for a sex offense; the
28 provisions of this paragraph do not apply to a person
29 convicted of a sex offense who is placed in a Department of
30 Corrections licensed transitional housing facility for sex
31 offenders; ~~and~~

32 (9) if convicted of a felony, physically surrender at a
33 time and place designated by the court, his or her Firearm
34 Owner's Identification Card and any and all firearms in his
35 or her possession; and

36 (10) if convicted of a sex offense as defined in

1 subsection (a-5) of Section 3-1-2 of this Code, unless the
2 offender is a parent or guardian of the person under 18
3 years of age present in the home and no non-familial minors
4 are present, not participate in a holiday event involving
5 children under 18 years of age, such as distributing candy
6 or other items to children on Halloween, wearing a Santa
7 Claus costume on or preceding Christmas, being employed as
8 a department store Santa Claus, or wearing an Easter Bunny
9 costume on or preceding Easter.

10 (b) The Court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the Court require that
14 the person:

15 (1) serve a term of periodic imprisonment under Article
16 7 for a period not to exceed that specified in paragraph
17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

21 (4) undergo medical, psychological or psychiatric
22 treatment; or treatment for drug addiction or alcoholism;

23 (5) attend or reside in a facility established for the
24 instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) and in addition, if a minor:

27 (i) reside with his parents or in a foster home;

28 (ii) attend school;

29 (iii) attend a non-residential program for youth;

30 (iv) contribute to his own support at home or in a
31 foster home;

32 (v) with the consent of the superintendent of the
33 facility, attend an educational program at a facility
34 other than the school in which the offense was
35 committed if he or she is convicted of a crime of
36 violence as defined in Section 2 of the Crime Victims

1 Compensation Act committed in a school, on the real
2 property comprising a school, or within 1,000 feet of
3 the real property comprising a school;

4 (8) make restitution as provided in Section 5-5-6 of
5 this Code;

6 (9) perform some reasonable public or community
7 service;

8 (10) serve a term of home confinement. In addition to
9 any other applicable condition of probation or conditional
10 discharge, the conditions of home confinement shall be that
11 the offender:

12 (i) remain within the interior premises of the
13 place designated for his confinement during the hours
14 designated by the court;

15 (ii) admit any person or agent designated by the
16 court into the offender's place of confinement at any
17 time for purposes of verifying the offender's
18 compliance with the conditions of his confinement; and

19 (iii) if further deemed necessary by the court or
20 the Probation or Court Services Department, be placed
21 on an approved electronic monitoring device, subject
22 to Article 8A of Chapter V;

23 (iv) for persons convicted of any alcohol,
24 cannabis or controlled substance violation who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall
27 impose a reasonable fee for each day of the use of the
28 device, as established by the county board in
29 subsection (g) of this Section, unless after
30 determining the inability of the offender to pay the
31 fee, the court assesses a lesser fee or no fee as the
32 case may be. This fee shall be imposed in addition to
33 the fees imposed under subsections (g) and (i) of this
34 Section. The fee shall be collected by the clerk of the
35 circuit court. The clerk of the circuit court shall pay
36 all monies collected from this fee to the county

1 treasurer for deposit in the substance abuse services
2 fund under Section 5-1086.1 of the Counties Code; and

3 (v) for persons convicted of offenses other than
4 those referenced in clause (iv) above and who are
5 placed on an approved monitoring device as a condition
6 of probation or conditional discharge, the court shall
7 impose a reasonable fee for each day of the use of the
8 device, as established by the county board in
9 subsection (g) of this Section, unless after
10 determining the inability of the defendant to pay the
11 fee, the court assesses a lesser fee or no fee as the
12 case may be. This fee shall be imposed in addition to
13 the fees imposed under subsections (g) and (i) of this
14 Section. The fee shall be collected by the clerk of the
15 circuit court. The clerk of the circuit court shall pay
16 all monies collected from this fee to the county
17 treasurer who shall use the monies collected to defray
18 the costs of corrections. The county treasurer shall
19 deposit the fee collected in the county working cash
20 fund under Section 6-27001 or Section 6-29002 of the
21 Counties Code, as the case may be.

22 (11) comply with the terms and conditions of an order
23 of protection issued by the court pursuant to the Illinois
24 Domestic Violence Act of 1986, as now or hereafter amended,
25 or an order of protection issued by the court of another
26 state, tribe, or United States territory. A copy of the
27 order of protection shall be transmitted to the probation
28 officer or agency having responsibility for the case;

29 (12) reimburse any "local anti-crime program" as
30 defined in Section 7 of the Anti-Crime Advisory Council Act
31 for any reasonable expenses incurred by the program on the
32 offender's case, not to exceed the maximum amount of the
33 fine authorized for the offense for which the defendant was
34 sentenced;

35 (13) contribute a reasonable sum of money, not to
36 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, to a "local
2 anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act;

4 (14) refrain from entering into a designated
5 geographic area except upon such terms as the court finds
6 appropriate. Such terms may include consideration of the
7 purpose of the entry, the time of day, other persons
8 accompanying the defendant, and advance approval by a
9 probation officer, if the defendant has been placed on
10 probation or advance approval by the court, if the
11 defendant was placed on conditional discharge;

12 (15) refrain from having any contact, directly or
13 indirectly, with certain specified persons or particular
14 types of persons, including but not limited to members of
15 street gangs and drug users or dealers;

16 (16) refrain from having in his or her body the
17 presence of any illicit drug prohibited by the Cannabis
18 Control Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and submit samples of his
21 or her blood or urine or both for tests to determine the
22 presence of any illicit drug.

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license
27 during the period of probation or conditional discharge. If
28 such person is in possession of a permit or license, the court
29 may require that the minor refrain from driving or operating
30 any motor vehicle during the period of probation or conditional
31 discharge, except as may be necessary in the course of the
32 minor's lawful employment.

33 (d) An offender sentenced to probation or to conditional
34 discharge shall be given a certificate setting forth the
35 conditions thereof.

36 (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the
2 Illinois Vehicle Code, the court shall not require as a
3 condition of the sentence of probation or conditional discharge
4 that the offender be committed to a period of imprisonment in
5 excess of 6 months. This 6 month limit shall not include
6 periods of confinement given pursuant to a sentence of county
7 impact incarceration under Section 5-8-1.2. This 6 month limit
8 does not apply to a person sentenced to probation as a result
9 of a conviction of a fourth or subsequent violation of
10 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance.

12 Persons committed to imprisonment as a condition of
13 probation or conditional discharge shall not be committed to
14 the Department of Corrections.

15 (f) The court may combine a sentence of periodic
16 imprisonment under Article 7 or a sentence to a county impact
17 incarceration program under Article 8 with a sentence of
18 probation or conditional discharge.

19 (g) An offender sentenced to probation or to conditional
20 discharge and who during the term of either undergoes mandatory
21 drug or alcohol testing, or both, or is assigned to be placed
22 on an approved electronic monitoring device, shall be ordered
23 to pay all costs incidental to such mandatory drug or alcohol
24 testing, or both, and all costs incidental to such approved
25 electronic monitoring in accordance with the defendant's
26 ability to pay those costs. The county board with the
27 concurrence of the Chief Judge of the judicial circuit in which
28 the county is located shall establish reasonable fees for the
29 cost of maintenance, testing, and incidental expenses related
30 to the mandatory drug or alcohol testing, or both, and all
31 costs incidental to approved electronic monitoring, involved
32 in a successful probation program for the county. The
33 concurrence of the Chief Judge shall be in the form of an
34 administrative order. The fees shall be collected by the clerk
35 of the circuit court. The clerk of the circuit court shall pay
36 all moneys collected from these fees to the county treasurer

1 who shall use the moneys collected to defray the costs of drug
2 testing, alcohol testing, and electronic monitoring. The
3 county treasurer shall deposit the fees collected in the county
4 working cash fund under Section 6-27001 or Section 6-29002 of
5 the Counties Code, as the case may be.

6 (h) Jurisdiction over an offender may be transferred from
7 the sentencing court to the court of another circuit with the
8 concurrence of both courts. Further transfers or retransfers of
9 jurisdiction are also authorized in the same manner. The court
10 to which jurisdiction has been transferred shall have the same
11 powers as the sentencing court.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee of
18 \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is made a
24 ward of the State under the Juvenile Court Act of 1987 while
25 the minor is in placement. The fee shall be imposed only upon
26 an offender who is actively supervised by the probation and
27 court services department. The fee shall be collected by the
28 clerk of the circuit court. The clerk of the circuit court
29 shall pay all monies collected from this fee to the county
30 treasurer for deposit in the probation and court services fund
31 under Section 15.1 of the Probation and Probation Officers Act.

32 A circuit court may not impose a probation fee under this
33 subsection (i) in excess of \$25 per month unless: (1) the
34 circuit court has adopted, by administrative order issued by
35 the chief judge, a standard probation fee guide determining an
36 offender's ability to pay, under guidelines developed by the

1 Administrative Office of the Illinois Courts; and (2) the
2 circuit court has authorized, by administrative order issued by
3 the chief judge, the creation of a Crime Victim's Services
4 Fund, to be administered by the Chief Judge or his or her
5 designee, for services to crime victims and their families. Of
6 the amount collected as a probation fee, up to \$5 of that fee
7 collected per month may be used to provide services to crime
8 victims and their families.

9 This amendatory Act of the 93rd General Assembly deletes
10 the \$10 increase in the fee under this subsection that was
11 imposed by Public Act 93-616. This deletion is intended to
12 control over any other Act of the 93rd General Assembly that
13 retains or incorporates that fee increase.

14 (i-5) In addition to the fees imposed under subsection (i)
15 of this Section, in the case of an offender convicted of a
16 felony sex offense (as defined in the Sex Offender Management
17 Board Act) or an offense that the court or probation department
18 has determined to be sexually motivated (as defined in the Sex
19 Offender Management Board Act), the court or the probation
20 department shall assess additional fees to pay for all costs of
21 treatment, assessment, evaluation for risk and treatment, and
22 monitoring the offender, based on that offender's ability to
23 pay those costs either as they occur or under a payment plan.

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any
27 violation of the Child Passenger Protection Act, or a similar
28 provision of a local ordinance, shall be collected and
29 disbursed by the circuit clerk as provided under Section 27.5
30 of the Clerks of Courts Act.

31 (k) Any offender who is sentenced to probation or
32 conditional discharge for a felony sex offense as defined in
33 the Sex Offender Management Board Act or any offense that the
34 court or probation department has determined to be sexually
35 motivated as defined in the Sex Offender Management Board Act
36 shall be required to refrain from any contact, directly or

1 indirectly, with any persons specified by the court and shall
2 be available for all evaluations and treatment programs
3 required by the court or the probation department.

4 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
5 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
6 94-556, eff. 9-11-05; revised 8-19-05.)

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

8 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under all
14 of the circumstances of the case, but may not be longer than 2
15 years, unless the defendant has failed to pay the assessment
16 required by Section 10.3 of the Cannabis Control Act, Section
17 411.2 of the Illinois Controlled Substances Act, or Section 80
18 of the Methamphetamine Control and Community Protection Act, in
19 which case the court may extend supervision beyond 2 years.
20 Additionally, the court shall order the defendant to perform no
21 less than 30 hours of community service and not more than 120
22 hours of community service, if community service is available
23 in the jurisdiction and is funded and approved by the county
24 board where the offense was committed, when the offense (1) was
25 related to or in furtherance of the criminal activities of an
26 organized gang or was motivated by the defendant's membership
27 in or allegiance to an organized gang; or (2) is a violation of
28 any Section of Article 24 of the Criminal Code of 1961 where a
29 disposition of supervision is not prohibited by Section 5-6-1
30 of this Code. The community service shall include, but not be
31 limited to, the cleanup and repair of any damage caused by
32 violation of Section 21-1.3 of the Criminal Code of 1961 and
33 similar damages to property located within the municipality or
34 county in which the violation occurred. Where possible and
35 reasonable, the community service should be performed in the

1 offender's neighborhood.

2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (c) The court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the court require that
9 the person:

10 (1) make a report to and appear in person before or
11 participate with the court or such courts, person, or
12 social service agency as directed by the court in the order
13 of supervision;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

24 (8) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

27 (iii) attend a non-residential program for youth;

28 (iv) contribute to his own support at home or in a
29 foster home; or

30 (v) with the consent of the superintendent of the
31 facility, attend an educational program at a facility
32 other than the school in which the offense was
33 committed if he or she is placed on supervision for a
34 crime of violence as defined in Section 2 of the Crime
35 Victims Compensation Act committed in a school, on the
36 real property comprising a school, or within 1,000 feet

1 of the real property comprising a school;

2 (9) make restitution or reparation in an amount not to
3 exceed actual loss or damage to property and pecuniary loss
4 or make restitution under Section 5-5-6 to a domestic
5 violence shelter. The court shall determine the amount and
6 conditions of payment;

7 (10) perform some reasonable public or community
8 service;

9 (11) comply with the terms and conditions of an order
10 of protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986 or an order of protection
12 issued by the court of another state, tribe, or United
13 States territory. If the court has ordered the defendant to
14 make a report and appear in person under paragraph (1) of
15 this subsection, a copy of the order of protection shall be
16 transmitted to the person or agency so designated by the
17 court;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council Act
20 for any reasonable expenses incurred by the program on the
21 offender's case, not to exceed the maximum amount of the
22 fine authorized for the offense for which the defendant was
23 sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, to a "local
27 anti-crime program", as defined in Section 7 of the
28 Anti-Crime Advisory Council Act;

29 (14) refrain from entering into a designated
30 geographic area except upon such terms as the court finds
31 appropriate. Such terms may include consideration of the
32 purpose of the entry, the time of day, other persons
33 accompanying the defendant, and advance approval by a
34 probation officer;

35 (15) refrain from having any contact, directly or
36 indirectly, with certain specified persons or particular

1 types of person, including but not limited to members of
2 street gangs and drug users or dealers;

3 (16) refrain from having in his or her body the
4 presence of any illicit drug prohibited by the Cannabis
5 Control Act, the Illinois Controlled Substances Act, or the
6 Methamphetamine Control and Community Protection Act,
7 unless prescribed by a physician, and submit samples of his
8 or her blood or urine or both for tests to determine the
9 presence of any illicit drug;

10 (17) refrain from operating any motor vehicle not
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1 of the Illinois Vehicle Code. Under this
13 condition the court may allow a defendant who is not
14 self-employed to operate a vehicle owned by the defendant's
15 employer that is not equipped with an ignition interlock
16 device in the course and scope of the defendant's
17 employment; and

18 (18) if placed on supervision for a sex offense as
19 defined in subsection (a-5) of Section 3-1-2 of this Code,
20 unless the offender is a parent or guardian of the person
21 under 18 years of age present in the home and no
22 non-familial minors are present, not participate in a
23 holiday event involving children under 18 years of age,
24 such as distributing candy or other items to children on
25 Halloween, wearing a Santa Claus costume on or preceding
26 Christmas, being employed as a department store Santa
27 Claus, or wearing an Easter Bunny costume on or preceding
28 Easter.

29 (d) The court shall defer entering any judgment on the
30 charges until the conclusion of the supervision.

31 (e) At the conclusion of the period of supervision, if the
32 court determines that the defendant has successfully complied
33 with all of the conditions of supervision, the court shall
34 discharge the defendant and enter a judgment dismissing the
35 charges.

36 (f) Discharge and dismissal upon a successful conclusion of

1 a disposition of supervision shall be deemed without
2 adjudication of guilt and shall not be termed a conviction for
3 purposes of disqualification or disabilities imposed by law
4 upon conviction of a crime. Two years after the discharge and
5 dismissal under this Section, unless the disposition of
6 supervision was for a violation of Sections 3-707, 3-708,
7 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance, or for a violation of
9 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
10 case it shall be 5 years after discharge and dismissal, a
11 person may have his record of arrest sealed or expunged as may
12 be provided by law. However, any defendant placed on
13 supervision before January 1, 1980, may move for sealing or
14 expungement of his arrest record, as provided by law, at any
15 time after discharge and dismissal under this Section. A person
16 placed on supervision for a sexual offense committed against a
17 minor as defined in subsection (g) of Section 5 of the Criminal
18 Identification Act or for a violation of Section 11-501 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance shall not have his or her record of arrest sealed or
21 expunged.

22 (g) A defendant placed on supervision and who during the
23 period of supervision undergoes mandatory drug or alcohol
24 testing, or both, or is assigned to be placed on an approved
25 electronic monitoring device, shall be ordered to pay the costs
26 incidental to such mandatory drug or alcohol testing, or both,
27 and costs incidental to such approved electronic monitoring in
28 accordance with the defendant's ability to pay those costs. The
29 county board with the concurrence of the Chief Judge of the
30 judicial circuit in which the county is located shall establish
31 reasonable fees for the cost of maintenance, testing, and
32 incidental expenses related to the mandatory drug or alcohol
33 testing, or both, and all costs incidental to approved
34 electronic monitoring, of all defendants placed on
35 supervision. The concurrence of the Chief Judge shall be in the
36 form of an administrative order. The fees shall be collected by

1 the clerk of the circuit court. The clerk of the circuit court
2 shall pay all moneys collected from these fees to the county
3 treasurer who shall use the moneys collected to defray the
4 costs of drug testing, alcohol testing, and electronic
5 monitoring. The county treasurer shall deposit the fees
6 collected in the county working cash fund under Section 6-27001
7 or Section 6-29002 of the Counties Code, as the case may be.

8 (h) A disposition of supervision is a final order for the
9 purposes of appeal.

10 (i) The court shall impose upon a defendant placed on
11 supervision after January 1, 1992 or to community service under
12 the supervision of a probation or court services department
13 after January 1, 2004, as a condition of supervision or
14 supervised community service, a fee of \$50 for each month of
15 supervision or supervised community service ordered by the
16 court, unless after determining the inability of the person
17 placed on supervision or supervised community service to pay
18 the fee, the court assesses a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State under
20 the Juvenile Court Act of 1987 while the minor is in placement.
21 The fee shall be imposed only upon a defendant who is actively
22 supervised by the probation and court services department. The
23 fee shall be collected by the clerk of the circuit court. The
24 clerk of the circuit court shall pay all monies collected from
25 this fee to the county treasurer for deposit in the probation
26 and court services fund pursuant to Section 15.1 of the
27 Probation and Probation Officers Act.

28 A circuit court may not impose a probation fee in excess of
29 \$25 per month unless: (1) the circuit court has adopted, by
30 administrative order issued by the chief judge, a standard
31 probation fee guide determining an offender's ability to pay,
32 under guidelines developed by the Administrative Office of the
33 Illinois Courts; and (2) the circuit court has authorized, by
34 administrative order issued by the chief judge, the creation of
35 a Crime Victim's Services Fund, to be administered by the Chief
36 Judge or his or her designee, for services to crime victims and

1 their families. Of the amount collected as a probation fee, not
2 to exceed \$5 of that fee collected per month may be used to
3 provide services to crime victims and their families.

4 (j) All fines and costs imposed under this Section for any
5 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
6 Code, or a similar provision of a local ordinance, and any
7 violation of the Child Passenger Protection Act, or a similar
8 provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (k) A defendant at least 17 years of age who is placed on
12 supervision for a misdemeanor in a county of 3,000,000 or more
13 inhabitants and who has not been previously convicted of a
14 misdemeanor or felony may as a condition of his or her
15 supervision be required by the court to attend educational
16 courses designed to prepare the defendant for a high school
17 diploma and to work toward a high school diploma or to work
18 toward passing the high school level Test of General
19 Educational Development (GED) or to work toward completing a
20 vocational training program approved by the court. The
21 defendant placed on supervision must attend a public
22 institution of education to obtain the educational or
23 vocational training required by this subsection (k). The
24 defendant placed on supervision shall be required to pay for
25 the cost of the educational courses or GED test, if a fee is
26 charged for those courses or test. The court shall revoke the
27 supervision of a person who wilfully fails to comply with this
28 subsection (k). The court shall resentence the defendant upon
29 revocation of supervision as provided in Section 5-6-4. This
30 subsection (k) does not apply to a defendant who has a high
31 school diploma or has successfully passed the GED test. This
32 subsection (k) does not apply to a defendant who is determined
33 by the court to be developmentally disabled or otherwise
34 mentally incapable of completing the educational or vocational
35 program.

36 (l) The court shall require a defendant placed on

1 supervision for possession of a substance prohibited by the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 or the Methamphetamine Control and Community Protection Act
4 after a previous conviction or disposition of supervision for
5 possession of a substance prohibited by the Cannabis Control
6 Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act or a
8 sentence of probation under Section 10 of the Cannabis Control
9 Act or Section 410 of the Illinois Controlled Substances Act
10 and after a finding by the court that the person is addicted,
11 to undergo treatment at a substance abuse program approved by
12 the court.

13 (m) The Secretary of State shall require anyone placed on
14 court supervision for a violation of Section 3-707 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance to give proof of his or her financial responsibility
17 as defined in Section 7-315 of the Illinois Vehicle Code. The
18 proof shall be maintained by the individual in a manner
19 satisfactory to the Secretary of State for a minimum period of
20 one year after the date the proof is first filed. The proof
21 shall be limited to a single action per arrest and may not be
22 affected by any post-sentence disposition. The Secretary of
23 State shall suspend the driver's license of any person
24 determined by the Secretary to be in violation of this
25 subsection.

26 (n) Any offender placed on supervision for any offense that
27 the court or probation department has determined to be sexually
28 motivated as defined in the Sex Offender Management Board Act
29 shall be required to refrain from any contact, directly or
30 indirectly, with any persons specified by the court and shall
31 be available for all evaluations and treatment programs
32 required by the court or the probation department.

33 (o) An offender placed on supervision for a sex offense as
34 defined in the Sex Offender Management Board Act shall refrain
35 from residing at the same address or in the same condominium
36 unit or apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has been
3 placed on supervision for a sex offense. The provisions of this
4 subsection (o) do not apply to a person convicted of a sex
5 offense who is placed in a Department of Corrections licensed
6 transitional housing facility for sex offenders.

7 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
8 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
9 9-11-05; revised 8-19-05.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

11 Sec. 5-8-1. Sentence of Imprisonment for Felony.

12 (a) Except as otherwise provided in the statute defining
13 the offense, a sentence of imprisonment for a felony shall be a
14 determinate sentence set by the court under this Section,
15 according to the following limitations:

16 (1) for first degree murder,

17 (a) a term shall be not less than 20 years and not
18 more than 60 years, or

19 (b) if a trier of fact finds beyond a reasonable
20 doubt that the murder was accompanied by exceptionally
21 brutal or heinous behavior indicative of wanton
22 cruelty or, except as set forth in subsection (a)(1)(c)
23 of this Section, that any of the aggravating factors
24 listed in subsection (b) of Section 9-1 of the Criminal
25 Code of 1961 are present, the court may sentence the
26 defendant to a term of natural life imprisonment, or

27 (c) the court shall sentence the defendant to a
28 term of natural life imprisonment when the death
29 penalty is not imposed if the defendant,

30 (i) has previously been convicted of first
31 degree murder under any state or federal law, or

32 (ii) is a person who, at the time of the
33 commission of the murder, had attained the age of
34 17 or more and is found guilty of murdering an
35 individual under 12 years of age; or, irrespective

1 of the defendant's age at the time of the
2 commission of the offense, is found guilty of
3 murdering more than one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, ~~or~~ fireman, or emergency management
6 worker when the peace officer, fireman, or
7 emergency management worker was killed in the
8 course of performing his official duties, or to
9 prevent the peace officer or fireman from
10 performing his official duties, or in retaliation
11 for the peace officer, fireman, or emergency
12 management worker from performing his official
13 duties, and the defendant knew or should have known
14 that the murdered individual was a peace officer,
15 fireman, or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical
27 technician - paramedic, ambulance driver or other
28 medical assistance or first aid person while
29 employed by a municipality or other governmental
30 unit when the person was killed in the course of
31 performing official duties or to prevent the
32 person from performing official duties or in
33 retaliation for performing official duties and the
34 defendant knew or should have known that the
35 murdered individual was an emergency medical
36 technician - ambulance, emergency medical

1 technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver, or other
3 medical assistant or first aid personnel, or

4 (vi) is a person who, at the time of the
5 commission of the murder, had not attained the age
6 of 17, and is found guilty of murdering a person
7 under 12 years of age and the murder is committed
8 during the course of aggravated criminal sexual
9 assault, criminal sexual assault, or aggravated
10 kidnaping, or

11 (vii) is found guilty of first degree murder
12 and the murder was committed by reason of any
13 person's activity as a community policing
14 volunteer or to prevent any person from engaging in
15 activity as a community policing volunteer. For
16 the purpose of this Section, "community policing
17 volunteer" has the meaning ascribed to it in
18 Section 2-3.5 of the Criminal Code of 1961.

19 For purposes of clause (v), "emergency medical
20 technician - ambulance", "emergency medical technician
21 - intermediate", "emergency medical technician -
22 paramedic", have the meanings ascribed to them in the
23 Emergency Medical Services (EMS) Systems Act.

24 (d) (i) if the person committed the offense while
25 armed with a firearm, 15 years shall be added to
26 the term of imprisonment imposed by the court;

27 (ii) if, during the commission of the offense,
28 the person personally discharged a firearm, 20
29 years shall be added to the term of imprisonment
30 imposed by the court;

31 (iii) if, during the commission of the
32 offense, the person personally discharged a
33 firearm that proximately caused great bodily harm,
34 permanent disability, permanent disfigurement, or
35 death to another person, 25 years or up to a term
36 of natural life shall be added to the term of

1 imprisonment imposed by the court.

2 (1.5) for second degree murder, a term shall be not
3 less than 4 years and not more than 20 years;

4 (2) for a person adjudged a habitual criminal under
5 Article 33B of the Criminal Code of 1961, as amended, the
6 sentence shall be a term of natural life imprisonment;

7 (2.5) for a person convicted under the circumstances
8 described in paragraph (3) of subsection (b) of Section
9 12-13, paragraph (2) of subsection (d) of Section 12-14,
10 paragraph (1.2) of subsection (b) of Section 12-14.1, or
11 paragraph (2) of subsection (b) of Section 12-14.1 of the
12 Criminal Code of 1961, the sentence shall be a term of
13 natural life imprisonment;

14 (3) except as otherwise provided in the statute
15 defining the offense, for a Class X felony, the sentence
16 shall be not less than 6 years and not more than 30 years;

17 (4) for a Class 1 felony, other than second degree
18 murder, the sentence shall be not less than 4 years and not
19 more than 15 years;

20 (5) for a Class 2 felony, the sentence shall be not
21 less than 3 years and not more than 7 years;

22 (6) for a Class 3 felony, the sentence shall be not
23 less than 2 years and not more than 5 years;

24 (7) for a Class 4 felony, the sentence shall be not
25 less than 1 year and not more than 3 years.

26 (b) The sentencing judge in each felony conviction shall
27 set forth his reasons for imposing the particular sentence he
28 enters in the case, as provided in Section 5-4-1 of this Code.
29 Those reasons may include any mitigating or aggravating factors
30 specified in this Code, or the lack of any such circumstances,
31 as well as any other such factors as the judge shall set forth
32 on the record that are consistent with the purposes and
33 principles of sentencing set out in this Code.

34 (c) A motion to reduce a sentence may be made, or the court
35 may reduce a sentence without motion, within 30 days after the
36 sentence is imposed. A defendant's challenge to the correctness

1 of a sentence or to any aspect of the sentencing hearing shall
2 be made by a written motion filed within 30 days following the
3 imposition of sentence. However, the court may not increase a
4 sentence once it is imposed.

5 If a motion filed pursuant to this subsection is timely
6 filed within 30 days after the sentence is imposed, the
7 proponent of the motion shall exercise due diligence in seeking
8 a determination on the motion and the court shall thereafter
9 decide such motion within a reasonable time.

10 If a motion filed pursuant to this subsection is timely
11 filed within 30 days after the sentence is imposed, then for
12 purposes of perfecting an appeal, a final judgment shall not be
13 considered to have been entered until the motion to reduce a
14 sentence has been decided by order entered by the trial court.

15 A motion filed pursuant to this subsection shall not be
16 considered to have been timely filed unless it is filed with
17 the circuit court clerk within 30 days after the sentence is
18 imposed together with a notice of motion, which notice of
19 motion shall set the motion on the court's calendar on a date
20 certain within a reasonable time after the date of filing.

21 (d) Except where a term of natural life is imposed, every
22 sentence shall include as though written therein a term in
23 addition to the term of imprisonment. For those sentenced under
24 the law in effect prior to February 1, 1978, such term shall be
25 identified as a parole term. For those sentenced on or after
26 February 1, 1978, such term shall be identified as a mandatory
27 supervised release term. Subject to earlier termination under
28 Section 3-3-8, the parole or mandatory supervised release term
29 shall be as follows:

30 (1) for first degree murder or a Class X felony except
31 for the offenses of predatory criminal sexual assault of a
32 child, aggravated criminal sexual assault, and criminal
33 sexual assault if convicted on or after July 1, 2005, 3
34 years;

35 (2) for a Class 1 felony or a Class 2 felony except for
36 the offense of criminal sexual assault if convicted on or

1 after July 1, 2005, 2 years;

2 (3) for a Class 3 felony or a Class 4 felony, 1 year;

3 (4) for defendants convicted of predatory criminal
4 sexual assault of a child, aggravated criminal sexual
5 assault, or criminal sexual assault, on or after July 1,
6 2005, the term of mandatory supervised release shall range
7 from a minimum of 3 years to a maximum of the natural life
8 of the defendant;

9 (5) if the victim is under 18 years of age, for a
10 second or subsequent offense of aggravated criminal sexual
11 abuse or felony criminal sexual abuse, 4 years, at least
12 the first 2 years of which the defendant shall serve in an
13 electronic home detention program under Article 8A of
14 Chapter V of this Code.

15 (e) A defendant who has a previous and unexpired sentence
16 of imprisonment imposed by another state or by any district
17 court of the United States and who, after sentence for a crime
18 in Illinois, must return to serve the unexpired prior sentence
19 may have his sentence by the Illinois court ordered to be
20 concurrent with the prior sentence in the other state. The
21 court may order that any time served on the unexpired portion
22 of the sentence in the other state, prior to his return to
23 Illinois, shall be credited on his Illinois sentence. The other
24 state shall be furnished with a copy of the order imposing
25 sentence which shall provide that, when the offender is
26 released from confinement of the other state, whether by parole
27 or by termination of sentence, the offender shall be
28 transferred by the Sheriff of the committing county to the
29 Illinois Department of Corrections. The court shall cause the
30 Department of Corrections to be notified of such sentence at
31 the time of commitment and to be provided with copies of all
32 records regarding the sentence.

33 (f) A defendant who has a previous and unexpired sentence
34 of imprisonment imposed by an Illinois circuit court for a
35 crime in this State and who is subsequently sentenced to a term
36 of imprisonment by another state or by any district court of

1 the United States and who has served a term of imprisonment
2 imposed by the other state or district court of the United
3 States, and must return to serve the unexpired prior sentence
4 imposed by the Illinois Circuit Court may apply to the court
5 which imposed sentence to have his sentence reduced.

6 The circuit court may order that any time served on the
7 sentence imposed by the other state or district court of the
8 United States be credited on his Illinois sentence. Such
9 application for reduction of a sentence under this subsection
10 (f) shall be made within 30 days after the defendant has
11 completed the sentence imposed by the other state or district
12 court of the United States.

13 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
14 revised 8-19-05.)

15 (730 ILCS 5/5-8-1.3)

16 Sec. 5-8-1.3. Pilot residential and transition treatment
17 program for women.

18 (a) The General Assembly recognizes:

19 (1) that drug-offending women with children who have
20 been in and out of the criminal justice system for years
21 are a serious problem;

22 (2) that the intergenerational cycle of women
23 continuously being part of the criminal justice system
24 needs to be broken;

25 (3) that the effects of drug offending women with
26 children disrupts family harmony and creates an atmosphere
27 that is not conducive to healthy childhood development;

28 (4) that there is a need for an effective residential
29 community supervision model to provide help to women to
30 become drug free, recover from trauma, focus on healthy
31 mother-child relationships, and establish economic
32 independence and long-term support;

33 (5) that certain non-violent women offenders with
34 children eligible for sentences of incarceration, may
35 benefit from the rehabilitative aspects of gender

1 responsive treatment programs and services. This Section
2 shall not be construed to allow violent offenders to
3 participate in a treatment program.

4 (b) Under the direction of the sheriff and with the
5 approval of the county board of commissioners, the sheriff, in
6 any county with more than 3,000,000 inhabitants, may operate a
7 residential and transition treatment program for women
8 established by the Illinois Department of Corrections if
9 funding has been provided by federal, local or private
10 entities. If the court finds during the sentencing hearing
11 conducted under Section 5-4-1 that a woman convicted of a
12 felony meets the eligibility requirements of the sheriff's
13 residential and transition treatment program for women, the
14 court may refer the offender to the sheriff's residential and
15 transition treatment program for women for consideration as a
16 participant as an alternative to incarceration in the
17 penitentiary. The sheriff shall be responsible for supervising
18 all women who are placed in the residential and transition
19 treatment program for women for the 12-month period. In the
20 event that the woman is not accepted for placement in the
21 sheriff's residential and transition treatment program for
22 women, the court shall proceed to sentence the woman to any
23 other disposition authorized by this Code. If the woman does
24 not successfully complete the residential and transition
25 treatment program for women, the woman's failure to do so shall
26 constitute a violation of the sentence to the residential and
27 transition treatment program for women.

28 (c) In order to be eligible to be a participant in the
29 pilot residential and transition treatment program for women,
30 the participant shall meet all of the following conditions:

31 (1) The woman has not been convicted of a violent crime
32 as defined in subsection (c) of Section 3 of the Rights of
33 Crime Victims and Witnesses Act, a Class X felony, first or
34 second degree murder, armed violence, aggravated
35 kidnapping, criminal sexual assault, aggravated criminal
36 sexual abuse or a subsequent conviction for criminal sexual

1 abuse, forcible detention, or arson and has not been
2 previously convicted of any of those offenses.

3 (2) The woman must undergo an initial assessment
4 evaluation to determine the treatment and program plan.

5 (3) The woman was recommended and accepted for
6 placement in the pilot residential and transition
7 treatment program for women by the Department of
8 Corrections and has consented in writing to participation
9 in the program under the terms and conditions of the
10 program. The Department of Corrections may consider
11 whether space is available.

12 (d) The program may include a substance abuse treatment
13 program designed for women offenders, mental health, trauma,
14 and medical treatment; parenting skills and family
15 relationship counseling, preparation for a GED or vocational
16 certificate; life skills program; job readiness and job skill
17 training, and a community transition development plan.

18 (e) With the approval of the Department of Corrections, the
19 sheriff shall issue requirements for the program and inform the
20 participants who shall sign an agreement to adhere to all rules
21 and all requirements for the pilot residential and transition
22 treatment program.

23 (f) Participation in the pilot residential and transition
24 treatment program for women shall be for a period not to exceed
25 12 months. The period may not be reduced by accumulation of
26 good time.

27 (g) If the woman successfully completes the pilot
28 residential and transition treatment program for women, the
29 sheriff shall notify the Department of Corrections, the court,
30 and the State's Attorney of the county of the woman's
31 successful completion.

32 (h) A woman may be removed from the pilot residential and
33 transition treatment program for women for violation of the
34 terms and conditions of the program or in the event she is
35 unable to participate. The failure to complete the program
36 shall be deemed a violation of the conditions of the program.

1 The sheriff shall give notice to the Department of Corrections,
2 the court, and the State's Attorney of the woman's failure to
3 complete the program. The Department of Corrections or its
4 designee shall file a petition alleging that the woman has
5 violated the conditions of the program with the court. The
6 State's Attorney may proceed on the petition under Section
7 5-4-1 of this Code.

8 (i) The conditions of the pilot residential and transition
9 treatment program for women shall include that the woman while
10 in the program:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report or appear in person before any person or
14 agency as directed by the court, the sheriff, or Department
15 of Corrections;

16 (3) refrain from possessing a firearm or other
17 dangerous weapon;

18 (4) consent to drug testing;

19 (5) not leave the State without the consent of the
20 court or, in circumstances in which reason for the absence
21 is of such an emergency nature that prior consent by the
22 court is not possible, without prior notification and
23 approval of the Department of Corrections;

24 (6) upon placement in the program, must agree to follow
25 all requirements of the program.†

26 (j) The Department of Corrections or the sheriff may
27 terminate the program at any time by mutual agreement or with
28 30 days prior written notice by either the Department of
29 Corrections or the sheriff.

30 (k) The Department of Corrections may enter into a joint
31 contract with a county with more than 3,000,000 inhabitants to
32 establish and operate a pilot residential and treatment program
33 for women.

34 (l) The Director of the Department of Corrections shall
35 have the authority to develop rules to establish and operate a
36 pilot residential and treatment program for women that shall

1 include criteria for selection of the participants of the
2 program in conjunction and approval by the sentencing court.
3 Violent crime offenders are not eligible to participate in the
4 program.

5 (m) The Department shall report to the Governor and the
6 General Assembly before September 30th of each year on the
7 pilot residential and treatment program for women, including
8 the composition of the program by offenders, sentence, age,
9 offense, and race.

10 (n) The Department of Corrections or the sheriff may
11 terminate the program with 30 days prior written notice.

12 (o) A county with more than 3,000,000 inhabitants is
13 authorized to apply for funding from federal, local or private
14 entities to create a Residential and Treatment Program for
15 Women. This sentencing option may not go into effect until the
16 funding is secured for the program and the program has been
17 established.

18 (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

19 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

20 Sec. 5-9-1. Authorized fines.

21 (a) An offender may be sentenced to pay a fine which shall
22 not exceed for each offense:

23 (1) for a felony, \$25,000 or the amount specified in
24 the offense, whichever is greater, or where the offender is
25 a corporation, \$50,000 or the amount specified in the
26 offense, whichever is greater;

27 (2) for a Class A misdemeanor, \$2,500 or the amount
28 specified in the offense, whichever is greater;

29 (3) for a Class B or Class C misdemeanor, \$1,500;

30 (4) for a petty offense, \$1,000 or the amount specified
31 in the offense, whichever is less;

32 (5) for a business offense, the amount specified in the
33 statute defining that offense.

34 (b) A fine may be imposed in addition to a sentence of
35 conditional discharge, probation, periodic imprisonment, or

1 imprisonment.

2 (c) There shall be added to every fine imposed in
3 sentencing for a criminal or traffic offense, except an offense
4 relating to parking or registration, or offense by a
5 pedestrian, an additional penalty of \$9 for each \$40, or
6 fraction thereof, of fine imposed. The additional penalty of \$9
7 for each \$40, or fraction thereof, of fine imposed, if not
8 otherwise assessed, shall also be added to every fine imposed
9 upon a plea of guilty, stipulation of facts or findings of
10 guilty, resulting in a judgment of conviction, or order of
11 supervision in criminal, traffic, local ordinance, county
12 ordinance, and conservation cases (except parking,
13 registration, or pedestrian violations), or upon a sentence of
14 probation without entry of judgment under Section 10 of the
15 Cannabis Control Act, Section 410 of the Illinois Controlled
16 Substances Act, or Section 70 of the Methamphetamine Control
17 and Community Protection Act.

18 Such additional amounts shall be assessed by the court
19 imposing the fine and shall be collected by the Circuit Clerk
20 in addition to the fine and costs in the case. Each such
21 additional penalty shall be remitted by the Circuit Clerk
22 within one month after receipt to the State Treasurer. The
23 State Treasurer shall deposit \$1 for each \$40, or fraction
24 thereof, of fine imposed into the LEADS Maintenance Fund. The
25 remaining surcharge amount shall be deposited into the Traffic
26 and Criminal Conviction Surcharge Fund, unless the fine, costs
27 or additional amounts are subject to disbursement by the
28 circuit clerk under Section 27.5 of the Clerks of Courts Act.
29 Such additional penalty shall not be considered a part of the
30 fine for purposes of any reduction in the fine for time served
31 either before or after sentencing. Not later than March 1 of
32 each year the Circuit Clerk shall submit a report of the amount
33 of funds remitted to the State Treasurer under this subsection
34 (c) during the preceding calendar year. Except as otherwise
35 provided by Supreme Court Rules, if a court in imposing a fine
36 against an offender levies a gross amount for fine, costs, fees

1 and penalties, the amount of the additional penalty provided
2 for herein shall be computed on the amount remaining after
3 deducting from the gross amount levied all fees of the Circuit
4 Clerk, the State's Attorney and the Sheriff. After deducting
5 from the gross amount levied the fees and additional penalty
6 provided for herein, less any other additional penalties
7 provided by law, the clerk shall remit the net balance
8 remaining to the entity authorized by law to receive the fine
9 imposed in the case. For purposes of this Section "fees of the
10 Circuit Clerk" shall include, if applicable, the fee provided
11 for under Section 27.3a of the Clerks of Courts Act and the
12 fee, if applicable, payable to the county in which the
13 violation occurred pursuant to Section 5-1101 of the Counties
14 Code.

15 (c-5) In addition to the fines imposed by subsection (c),
16 any person convicted or receiving an order of supervision for
17 driving under the influence of alcohol or drugs shall pay an
18 additional \$100 fee to the clerk. This additional fee, less 2
19 1/2% that shall be used to defray administrative costs incurred
20 by the clerk, shall be remitted by the clerk to the Treasurer
21 within 60 days after receipt for deposit into the Trauma Center
22 Fund. This additional fee of \$100 shall not be considered a
23 part of the fine for purposes of any reduction in the fine for
24 time served either before or after sentencing. Not later than
25 March 1 of each year the Circuit Clerk shall submit a report of
26 the amount of funds remitted to the State Treasurer under this
27 subsection (c-5) during the preceding calendar year.

28 The Circuit Clerk may accept payment of fines and costs by
29 credit card from an offender who has been convicted of a
30 traffic offense, petty offense or misdemeanor and may charge
31 the service fee permitted where fines and costs are paid by
32 credit card provided for in Section 27.3b of the Clerks of
33 Courts Act.

34 (c-7) In addition to the fines imposed by subsection (c),
35 any person convicted or receiving an order of supervision for
36 driving under the influence of alcohol or drugs shall pay an

1 additional \$5 fee to the clerk. This additional fee, less 2
2 1/2% that shall be used to defray administrative costs incurred
3 by the clerk, shall be remitted by the clerk to the Treasurer
4 within 60 days after receipt for deposit into the Spinal Cord
5 Injury Paralysis Cure Research Trust Fund. This additional fee
6 of \$5 shall not be considered a part of the fine for purposes
7 of any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection (c-7)
11 during the preceding calendar year.

12 (c-9) (Blank). ~~or Section 70 of the Methamphetamine~~
13 ~~Control and Community Protection Act~~

14 (d) In determining the amount and method of payment of a
15 fine, except for those fines established for violations of
16 Chapter 15 of the Illinois Vehicle Code, the court shall
17 consider:

18 (1) the financial resources and future ability of the
19 offender to pay the fine; and

20 (2) whether the fine will prevent the offender from
21 making court ordered restitution or reparation to the
22 victim of the offense; and

23 (3) in a case where the accused is a dissolved
24 corporation and the court has appointed counsel to
25 represent the corporation, the costs incurred either by the
26 county or the State for such representation.

27 (e) The court may order the fine to be paid forthwith or
28 within a specified period of time or in installments.

29 (f) All fines, costs and additional amounts imposed under
30 this Section for any violation of Chapters 3, 4, 6, and 11 of
31 the Illinois Vehicle Code, or a similar provision of a local
32 ordinance, and any violation of the Child Passenger Protection
33 Act, or a similar provision of a local ordinance, shall be
34 collected and disbursed by the circuit clerk as provided under
35 Section 27.5 of the Clerks of Courts Act.

36 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;

1 94-652, eff. 8-22-05; revised 8-29-05.)

2 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

3 Sec. 5-9-1.1. Drug related offenses.

4 (a) When a person has been adjudged guilty of a drug
5 related offense involving possession or delivery of cannabis or
6 possession or delivery of a controlled substance, other than
7 methamphetamine, as defined in the Cannabis Control Act, the
8 Illinois Controlled Substances Act, or the Methamphetamine
9 Control and Community Protection Act, in addition to any other
10 penalty imposed, a fine shall be levied by the court at not
11 less than the full street value of the cannabis or controlled
12 substances seized.

13 "Street value" shall be determined by the court on the
14 basis of testimony of law enforcement personnel and the
15 defendant as to the amount seized and such testimony as may be
16 required by the court as to the current street value of the
17 cannabis or controlled substance seized.

18 (b) In addition to any penalty imposed under subsection (a)
19 of this Section, a fine of \$100 shall be levied by the court,
20 the proceeds of which shall be collected by the Circuit Clerk
21 and remitted to the State Treasurer under Section 27.6 of the
22 Clerks of Courts Act for deposit into the Trauma Center Fund
23 for distribution as provided under Section 3.225 of the
24 Emergency Medical Services (EMS) Systems Act.

25 (c) In addition to any penalty imposed under subsection (a)
26 of this Section, a fee of \$5 shall be assessed by the court,
27 the proceeds of which shall be collected by the Circuit Clerk
28 and remitted to the State Treasurer under Section 27.6 of the
29 Clerks of Courts Act for deposit into the Spinal Cord Injury
30 Paralysis Cure Research Trust Fund. This additional fee of \$5
31 shall not be considered a part of the fine for purposes of any
32 reduction in the fine for time served either before or after
33 sentencing.

34 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
35 revised 8-19-05.)

1 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

2 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
3 amounts collected as fines pursuant to Section 5-9-1.1 shall be
4 paid into the Youth Drug Abuse Prevention Fund, which is hereby
5 created in the State treasury, to be used by the Department of
6 Human Services for the funding of programs and services for
7 drug-abuse treatment, and prevention and education services,
8 for juveniles.

9 (b) Eighty-seven and one-half percent of the proceeds of
10 all fines received pursuant to Section 5-9-1.1 shall be
11 transmitted to and deposited in the treasurer's office at the
12 level of government as follows:

13 (1) If such seizure was made by a combination of law
14 enforcement personnel representing differing units of
15 local government, the court levying the fine shall
16 equitably allocate 50% of the fine among these units of
17 local government and shall allocate 37 1/2% to the county
18 general corporate fund. In the event that the seizure was
19 made by law enforcement personnel representing a unit of
20 local government from a municipality where the number of
21 inhabitants exceeds 2 million in population, the court
22 levying the fine shall allocate 87 1/2% of the fine to that
23 unit of local government. If the seizure was made by a
24 combination of law enforcement personnel representing
25 differing units of local government, and at least one of
26 those units represents a municipality where the number of
27 inhabitants exceeds 2 million in population, the court
28 shall equitably allocate 87 1/2% of the proceeds of the
29 fines received among the differing units of local
30 government.

31 (2) If such seizure was made by State law enforcement
32 personnel, then the court shall allocate 37 1/2% to the
33 State treasury and 50% to the county general corporate
34 fund.

35 (3) If a State law enforcement agency in combination

1 with a law enforcement agency or agencies of a unit or
2 units of local government conducted the seizure, the court
3 shall equitably allocate 37 1/2% of the fines to or among
4 the law enforcement agency or agencies of the unit or units
5 of local government which conducted the seizure and shall
6 allocate 50% to the county general corporate fund.

7 (c) The proceeds of all fines allocated to the law
8 enforcement agency or agencies of the unit or units of local
9 government pursuant to subsection (b) shall be made available
10 to that law enforcement agency as expendable receipts for use
11 in the enforcement of laws regulating controlled substances and
12 cannabis. The proceeds of fines awarded to the State treasury
13 shall be deposited in a special fund known as the Drug Traffic
14 Prevention Fund. Monies from this fund may be used by the
15 Department of State Police for use in the enforcement of laws
16 regulating controlled substances and cannabis; to satisfy
17 funding provisions of the Intergovernmental Drug Laws
18 Enforcement Act; and to defray costs and expenses associated
19 with returning violators of the Cannabis Control Act, the
20 Illinois Controlled Substances Act, and the Methamphetamine
21 Control and Community Protection Act only, as provided in those
22 Acts, when punishment of the crime shall be confinement of the
23 criminal in the penitentiary. Moneys in the Drug Traffic
24 Prevention Fund deposited from fines awarded as a direct result
25 of enforcement efforts of the Illinois Conservation Police may
26 be used by the Department of Natural Resources Office of Law
27 Enforcement for use in enforcing laws regulating controlled
28 substances and cannabis on Department of Natural Resources
29 regulated lands and waterways. All other monies shall be paid
30 into the general revenue fund in the State treasury.

31 (d) There is created in the State treasury the
32 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
33 be equitably allocated to local law enforcement agencies to:
34 (1) reimburse those agencies for the costs of securing and
35 cleaning up sites and facilities used for the illegal
36 manufacture of methamphetamine; (2) defray the costs of

1 employing full-time or part-time peace officers from a
2 Metropolitan Enforcement Group or other local drug task force,
3 including overtime costs for those officers; and (3) defray the
4 costs associated with medical or dental expenses incurred by
5 the county resulting from the incarceration of methamphetamine
6 addicts in the county jail or County Department of Corrections.
7 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
8 revised 8-19-05.)

9 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

10 Sec. 5-9-1.7. Sexual assault fines.

11 (a) Definitions. The terms used in this Section shall have
12 the following meanings ascribed to them:

13 (1) "Sexual assault" means the commission or attempted
14 commission of the following: sexual exploitation of a
15 child, criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual assault,
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 indecent solicitation of a child, public indecency, sexual
19 relations within families, soliciting for a juvenile
20 prostitute, keeping a place of juvenile prostitution,
21 patronizing a juvenile prostitute, juvenile pimping,
22 exploitation of a child, obscenity, child pornography,
23 harmful material, or ritualized abuse of a child, as those
24 offenses are defined in the Criminal Code of 1961.

25 (2) "Family member" shall have the meaning ascribed to
26 it in Section 12-12 of the Criminal Code of 1961.

27 (3) "Sexual assault organization" means any
28 not-for-profit organization providing comprehensive,
29 community-based services to victims of sexual assault.
30 "Community-based services" include, but are not limited
31 to, direct crisis intervention through a 24-hour response,
32 medical and legal advocacy, counseling, information and
33 referral services, training, and community education.

34 (b) Sexual assault fine; collection by clerk.

35 (1) In addition to any other penalty imposed, a fine of

1 \$200 shall be imposed upon any person who pleads guilty or
2 who is convicted of, or who receives a disposition of court
3 supervision for, a sexual assault or attempt of a sexual
4 assault. Upon request of the victim or the victim's
5 representative, the court shall determine whether the fine
6 will impose an undue burden on the victim of the offense.
7 For purposes of this paragraph, the defendant may not be
8 considered the victim's representative. If the court finds
9 that the fine would impose an undue burden on the victim,
10 the court may reduce or waive the fine. The court shall
11 order that the defendant may not use funds belonging solely
12 to the victim of the offense for payment of the fine.

13 (2) Sexual assault fines shall be assessed by the court
14 imposing the sentence and shall be collected by the circuit
15 clerk. The circuit clerk shall retain 10% of the penalty to
16 cover the costs involved in administering and enforcing
17 this Section. The circuit clerk shall remit the remainder
18 of each fine within one month of its receipt to the State
19 Treasurer for deposit as follows:

20 (i) for family member offenders, one-half to the
21 Sexual Assault Services Fund, and one-half to the
22 Domestic Violence Shelter and Service Fund; and

23 (ii) for other than family member offenders, the
24 full amount to the Sexual Assault Services Fund.

25 (c) Sexual Assault Services Fund; administration. There is
26 created a Sexual Assault Services Fund. Moneys deposited into
27 the Fund under this Section shall be appropriated to the
28 Department of Public Health. Upon appropriation of moneys from
29 the Sexual Assault Services Fund, the Department of Public
30 Health shall make grants of these moneys from the Fund to
31 sexual assault organizations with whom the Department has
32 contracts for the purpose of providing community-based
33 services to victims of sexual assault. Grants made under this
34 Section are in addition to, and are not substitutes for, other
35 grants authorized and made by the Department.

36 (Source: P.A. 93-699, eff. 1-1-05; 93-810, eff. 1-1-05; revised

1 10-14-04.)

2 (730 ILCS 5/5-9-1.12)

3 Sec. 5-9-1.12. Arson fines.

4 (a) In addition to any other penalty imposed, a fine of
5 \$500 shall be imposed upon a person convicted of the offense of
6 arson, residential arson, or aggravated arson.

7 (b) The additional fine shall be assessed by the court
8 imposing sentence and shall be collected by the Circuit Clerk
9 in addition to the fine, if any, and costs in the case. Each
10 such additional fine shall be remitted by the Circuit Clerk
11 within one month after receipt to the State Treasurer for
12 deposit into the Fire Prevention Fund. The Circuit Clerk shall
13 retain 10% of such fine to cover the costs incurred in
14 administering and enforcing this Section. The additional fine
15 may not be considered a part of the fine for purposes of any
16 reduction in the fine for time served either before or after
17 sentencing.

18 (c) The moneys in the Fire Prevention Fund collected as
19 additional fines under this Section shall be distributed by the
20 Office of the State Fire Marshal to the fire department or fire
21 protection district that suppressed or investigated the fire
22 that was set by the defendant and for which the defendant was
23 convicted of arson, residential arson, or aggravated arson. If
24 more than one fire department or fire protection district
25 suppressed or investigated the fire, the additional fine shall
26 be distributed equally among those departments or districts.

27 (d) The moneys distributed to the fire departments or fire
28 protection districts under this Section may only be used to
29 purchase fire suppression or fire investigation equipment.

30 (Source: P.A. 93-169, eff. 7-10-03.)

31 (730 ILCS 5/5-9-1.13)

32 Sec. 5-9-1.13 ~~5-9-1.12~~. Applications for transfer to other
33 states. A person subject to conditions of probation, parole,
34 or mandatory supervised release who seeks to transfer to

1 another state subject to the Interstate Compact for Adult
2 Offender Supervision must make provisions for the payment of
3 any restitution awarded by the circuit court and pay a fee of
4 \$125 to the proper administrative or judicial authorities
5 before being granted the transfer, or otherwise arrange for
6 payment. The fee payment from persons subject to a sentence of
7 probation shall be deposited into the general fund of the
8 county in which the circuit has jurisdiction. The fee payment
9 from persons subject to parole or mandatory supervised release
10 shall be deposited into the General Revenue Fund. The proceeds
11 of this fee shall be used to defray the costs of the Department
12 of Corrections or county sheriff departments, respectively,
13 who will be required to retrieve offenders that violate the
14 terms of their transfers to other states. Upon return to the
15 State of Illinois, these persons shall also be subject to
16 reimbursing either the State of Illinois or the county for the
17 actual costs of returning them to Illinois.

18 (Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

19 Section 660. The Sex Offender Registration Act is amended
20 by changing Sections 2, 3, 6, and 7 as follows:

21 (730 ILCS 150/2) (from Ch. 38, par. 222)

22 Sec. 2. Definitions.

23 (A) As used in this Article, "sex offender" means any
24 person who is:

25 (1) charged pursuant to Illinois law, or any
26 substantially similar federal, Uniform Code of Military
27 Justice, sister state, or foreign country law, with a sex
28 offense set forth in subsection (B) of this Section or the
29 attempt to commit an included sex offense, and:

30 (a) is convicted of such offense or an attempt to
31 commit such offense; or

32 (b) is found not guilty by reason of insanity of
33 such offense or an attempt to commit such offense; or

34 (c) is found not guilty by reason of insanity

1 pursuant to Section 104-25(c) of the Code of Criminal
2 Procedure of 1963 of such offense or an attempt to
3 commit such offense; or

4 (d) is the subject of a finding not resulting in an
5 acquittal at a hearing conducted pursuant to Section
6 104-25(a) of the Code of Criminal Procedure of 1963 for
7 the alleged commission or attempted commission of such
8 offense; or

9 (e) is found not guilty by reason of insanity
10 following a hearing conducted pursuant to a federal,
11 Uniform Code of Military Justice, sister state, or
12 foreign country law substantially similar to Section
13 104-25(c) of the Code of Criminal Procedure of 1963 of
14 such offense or of the attempted commission of such
15 offense; or

16 (f) is the subject of a finding not resulting in an
17 acquittal at a hearing conducted pursuant to a federal,
18 Uniform Code of Military Justice, sister state, or
19 foreign country law substantially similar to Section
20 104-25(a) of the Code of Criminal Procedure of 1963 for
21 the alleged violation or attempted commission of such
22 offense; or

23 (2) certified as a sexually dangerous person pursuant
24 to the Illinois Sexually Dangerous Persons Act, or any
25 substantially similar federal, Uniform Code of Military
26 Justice, sister state, or foreign country law; or

27 (3) subject to the provisions of Section 2 of the
28 Interstate Agreements on Sexually Dangerous Persons Act;
29 or

30 (4) found to be a sexually violent person pursuant to
31 the Sexually Violent Persons Commitment Act or any
32 substantially similar federal, Uniform Code of Military
33 Justice, sister state, or foreign country law; or

34 (5) adjudicated a juvenile delinquent as the result of
35 committing or attempting to commit an act which, if
36 committed by an adult, would constitute any of the offenses

1 specified in item (B), (C), or (C-5) of this Section or a
2 violation of any substantially similar federal, Uniform
3 Code of Military Justice, sister state, or foreign country
4 law, or found guilty under Article V of the Juvenile Court
5 Act of 1987 of committing or attempting to commit an act
6 which, if committed by an adult, would constitute any of
7 the offenses specified in item (B), (C), or (C-5) of this
8 Section or a violation of any substantially similar
9 federal, Uniform Code of Military Justice, sister state, or
10 foreign country law.

11 Convictions that result from or are connected with the same
12 act, or result from offenses committed at the same time, shall
13 be counted for the purpose of this Article as one conviction.
14 Any conviction set aside pursuant to law is not a conviction
15 for purposes of this Article.

16 For purposes of this Section, "convicted" shall have the
17 same meaning as "adjudicated". For the purposes of this
18 Article, a person who is defined as a sex offender as a result
19 of being adjudicated a juvenile delinquent under paragraph (5)
20 of this subsection (A) upon attaining 17 years of age shall be
21 considered as having committed the sex offense on or after the
22 sex offender's 17th birthday. Registration of juveniles upon
23 attaining 17 years of age shall not extend the original
24 registration of 10 years from the date of conviction.

25 (B) As used in this Article, "sex offense" means:

26 (1) A violation of any of the following Sections of the
27 Criminal Code of 1961:

28 11-20.1 (child pornography),

29 11-6 (indecent solicitation of a child),

30 11-9.1 (sexual exploitation of a child),

31 11-9.2 (custodial sexual misconduct),

32 11-15.1 (soliciting for a juvenile prostitute),

33 11-18.1 (patronizing a juvenile prostitute),

34 11-17.1 (keeping a place of juvenile
35 prostitution),

36 11-19.1 (juvenile pimping),

1 11-19.2 (exploitation of a child),
2 12-13 (criminal sexual assault),
3 12-14 (aggravated criminal sexual assault),
4 12-14.1 (predatory criminal sexual assault of a
5 child),
6 12-15 (criminal sexual abuse),
7 12-16 (aggravated criminal sexual abuse),
8 12-33 (ritualized abuse of a child).

9 An attempt to commit any of these offenses.

10 (1.5) A violation of any of the following Sections of
11 the Criminal Code of 1961, when the victim is a person
12 under 18 years of age, the defendant is not a parent of the
13 victim, and the offense was committed on or after January
14 1, 1996:

15 10-1 (kidnapping),
16 10-2 (aggravated kidnapping),
17 10-3 (unlawful restraint),
18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

20 (1.6) First degree murder under Section 9-1 of the
21 Criminal Code of 1961, when the victim was a person under
22 18 years of age and the defendant was at least 17 years of
23 age at the time of the commission of the offense.

24 (1.7) (Blank).

25 (1.8) A violation or attempted violation of Section
26 11-11 (sexual relations within families) of the Criminal
27 Code of 1961, and the offense was committed on or after
28 June 1, 1997.

29 (1.9) Child abduction under paragraph (10) of
30 subsection (b) of Section 10-5 of the Criminal Code of 1961
31 committed by luring or attempting to lure a child under the
32 age of 16 into a motor vehicle, building, house trailer, or
33 dwelling place without the consent of the parent or lawful
34 custodian of the child for other than a lawful purpose and
35 the offense was committed on or after January 1, 1998.

36 (1.10) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the
2 offense was committed on or after July 1, 1999:

3 10-4 (forcible detention, if the victim is under 18
4 years of age),

5 11-6.5 (indecent solicitation of an adult),

6 11-15 (soliciting for a prostitute, if the victim
7 is under 18 years of age),

8 11-16 (pandering, if the victim is under 18 years
9 of age),

10 11-18 (patronizing a prostitute, if the victim is
11 under 18 years of age),

12 11-19 (pimping, if the victim is under 18 years of
13 age).

14 (1.11) A violation or attempted violation of any of the
15 following Sections of the Criminal Code of 1961 when the
16 offense was committed on or after August 22, 2002:

17 11-9 (public indecency for a third or subsequent
18 conviction).

19 (1.12) A violation or attempted violation of Section
20 5.1 of the Wrongs to Children Act (permitting sexual abuse)
21 when the offense was committed on or after August 22, 2002.

22 (2) A violation of any former law of this State
23 substantially equivalent to any offense listed in
24 subsection (B) of this Section.

25 (C) A conviction for an offense of federal law, Uniform
26 Code of Military Justice, or the law of another state or a
27 foreign country that is substantially equivalent to any offense
28 listed in subsections (B), (C), and (E) of this Section shall
29 constitute a conviction for the purpose of this Article. A
30 finding or adjudication as a sexually dangerous person or a
31 sexually violent person under any federal law, Uniform Code of
32 Military Justice, or the law of another state or foreign
33 country that is substantially equivalent to the Sexually
34 Dangerous Persons Act or the Sexually Violent Persons
35 Commitment Act shall constitute an adjudication for the
36 purposes of this Article.

1 (C-5) A person at least 17 years of age at the time of the
2 commission of the offense who is convicted of first degree
3 murder under Section 9-1 of the Criminal Code of 1961, against
4 a person under 18 years of age, shall be required to register
5 for natural life. A conviction for an offense of federal,
6 Uniform Code of Military Justice, sister state, or foreign
7 country law that is substantially equivalent to any offense
8 listed in subsection (C-5) of this Section shall constitute a
9 conviction for the purpose of this Article. This subsection
10 (C-5) applies to a person who committed the offense before June
11 1, 1996 only if the person is incarcerated in an Illinois
12 Department of Corrections facility on August 20, 2004 (the
13 effective date of Public Act 93-977).

14 (D) As used in this Article, "law enforcement agency having
15 jurisdiction" means the Chief of Police in each of the
16 municipalities in which the sex offender expects to reside,
17 work, or attend school (1) upon his or her discharge, parole or
18 release or (2) during the service of his or her sentence of
19 probation or conditional discharge, or the Sheriff of the
20 county, in the event no Police Chief exists or if the offender
21 intends to reside, work, or attend school in an unincorporated
22 area. "Law enforcement agency having jurisdiction" includes
23 the location where out-of-state students attend school and
24 where out-of-state employees are employed or are otherwise
25 required to register.

26 (D-1) As used in this Article, "supervising officer" means
27 the assigned Illinois Department of Corrections parole agent or
28 county probation officer.

29 (E) As used in this Article, "sexual predator" means any
30 person who, after July 1, 1999, is:

31 (1) Convicted for an offense of federal, Uniform Code
32 of Military Justice, sister state, or foreign country law
33 that is substantially equivalent to any offense listed in
34 subsection (E) of this Section shall constitute a
35 conviction for the purpose of this Article. Convicted of a
36 violation or attempted violation of any of the following

1 Sections of the Criminal Code of 1961, if the conviction
2 occurred after July 1, 1999:

3 11-17.1 (keeping a place of juvenile
4 prostitution),

5 11-19.1 (juvenile pimping),

6 11-19.2 (exploitation of a child),

7 11-20.1 (child pornography),

8 12-13 (criminal sexual assault),

9 12-14 (aggravated criminal sexual assault),

10 12-14.1 (predatory criminal sexual assault of a
11 child),

12 12-16 (aggravated criminal sexual abuse),

13 12-33 (ritualized abuse of a child); or

14 (2) convicted of first degree murder under Section 9-1
15 of the Criminal Code of 1961, when the victim was a person
16 under 18 years of age and the defendant was at least 17
17 years of age at the time of the commission of the offense;
18 or

19 (3) certified as a sexually dangerous person pursuant
20 to the Sexually Dangerous Persons Act or any substantially
21 similar federal, Uniform Code of Military Justice, sister
22 state, or foreign country law; or

23 (4) found to be a sexually violent person pursuant to
24 the Sexually Violent Persons Commitment Act or any
25 substantially similar federal, Uniform Code of Military
26 Justice, sister state, or foreign country law; or

27 (5) convicted of a second or subsequent offense which
28 requires registration pursuant to this Act. The conviction
29 for the second or subsequent offense must have occurred
30 after July 1, 1999. For purposes of this paragraph (5),
31 "convicted" shall include a conviction under any
32 substantially similar Illinois, federal, Uniform Code of
33 Military Justice, sister state, or foreign country law.

34 (F) As used in this Article, "out-of-state student" means
35 any sex offender, as defined in this Section, or sexual
36 predator who is enrolled in Illinois, on a full-time or

1 part-time basis, in any public or private educational
2 institution, including, but not limited to, any secondary
3 school, trade or professional institution, or institution of
4 higher learning.

5 (G) As used in this Article, "out-of-state employee" means
6 any sex offender, as defined in this Section, or sexual
7 predator who works in Illinois, regardless of whether the
8 individual receives payment for services performed, for a
9 period of time of 10 or more days or for an aggregate period of
10 time of 30 or more days during any calendar year. Persons who
11 operate motor vehicles in the State accrue one day of
12 employment time for any portion of a day spent in Illinois.

13 (H) As used in this Article, "school" means any public or
14 private educational institution, including, but not limited
15 to, any elementary or secondary school, trade or professional
16 institution, or institution of higher education.

17 (I) As used in this Article, "fixed residence" means any
18 and all places that a sex offender resides for an aggregate
19 period of time of 5 or more days in a calendar year.

20 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
21 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

22 (730 ILCS 150/3) (from Ch. 38, par. 223)

23 Sec. 3. Duty to register.

24 (a) A sex offender, as defined in Section 2 of this Act, or
25 sexual predator shall, within the time period prescribed in
26 subsections (b) and (c), register in person and provide
27 accurate information as required by the Department of State
28 Police. Such information shall include a current photograph,
29 current address, current place of employment, the employer's
30 telephone number, school attended, extensions of the time
31 period for registering as provided in this Article and, if an
32 extension was granted, the reason why the extension was granted
33 and the date the sex offender was notified of the extension. A
34 person who has been adjudicated a juvenile delinquent for an
35 act which, if committed by an adult, would be a sex offense

1 shall register as an adult sex offender within 10 days after
2 attaining 17 years of age. The sex offender or sexual predator
3 shall register:

4 (1) with the chief of police in the municipality in
5 which he or she resides or is temporarily domiciled for a
6 period of time of 5 or more days, unless the municipality
7 is the City of Chicago, in which case he or she shall
8 register at the Chicago Police Department Headquarters; or

9 (2) with the sheriff in the county in which he or she
10 resides or is temporarily domiciled for a period of time of
11 5 or more days in an unincorporated area or, if
12 incorporated, no police chief exists.

13 If the sex offender or sexual predator is employed at or
14 attends an institution of higher education, he or she shall
15 register:

16 (i) with the chief of police in the municipality in
17 which he or she is employed at or attends an institution of
18 higher education, unless the municipality is the City of
19 Chicago, in which case he or she shall register at the
20 Chicago Police Department Headquarters; or

21 (ii) with the sheriff in the county in which he or she
22 is employed or attends an institution of higher education
23 located in an unincorporated area, or if incorporated, no
24 police chief exists.

25 For purposes of this Article, the place of residence or
26 temporary domicile is defined as any and all places where the
27 sex offender resides for an aggregate period of time of 5 or
28 more days during any calendar year. Any person required to
29 register under this Article who lacks a fixed address or
30 temporary domicile must notify, in person, the agency of
31 jurisdiction of his or her last known address within 5 days
32 after ceasing to have a fixed residence.

33 Any person who lacks a fixed residence must report weekly,
34 in person, with the sheriff's office of the county in which he
35 or she is located in an unincorporated area, or with the chief
36 of police in the municipality in which he or she is located.

1 The agency of jurisdiction will document each weekly
2 registration to include all the locations where the person has
3 stayed during the past 7 days.

4 The sex offender or sexual predator shall provide accurate
5 information as required by the Department of State Police. That
6 information shall include the sex offender's or sexual
7 predator's current place of employment.

8 (a-5) An out-of-state student or out-of-state employee
9 shall, within 5 days after beginning school or employment in
10 this State, register in person and provide accurate information
11 as required by the Department of State Police. Such information
12 will include current place of employment, school attended, and
13 address in state of residence. The out-of-state student or
14 out-of-state employee shall register:

15 (1) with the chief of police in the municipality in
16 which he or she attends school or is employed for a period
17 of time of 5 or more days or for an aggregate period of
18 time of more than 30 days during any calendar year, unless
19 the municipality is the City of Chicago, in which case he
20 or she shall register at the Chicago Police Department
21 Headquarters; or

22 (2) with the sheriff in the county in which he or she
23 attends school or is employed for a period of time of 5 or
24 more days or for an aggregate period of time of more than
25 30 days during any calendar year in an unincorporated area
26 or, if incorporated, no police chief exists.

27 The out-of-state student or out-of-state employee shall
28 provide accurate information as required by the Department of
29 State Police. That information shall include the out-of-state
30 student's current place of school attendance or the
31 out-of-state employee's current place of employment.

32 (b) Any sex offender, as defined in Section 2 of this Act,
33 or sexual predator, regardless of any initial, prior, or other
34 registration, shall, within 5 days of beginning school, or
35 establishing a residence, place of employment, or temporary
36 domicile in any county, register in person as set forth in

1 subsection (a) or (a-5).

2 (c) The registration for any person required to register
3 under this Article shall be as follows:

4 (1) Any person registered under the Habitual Child Sex
5 Offender Registration Act or the Child Sex Offender
6 Registration Act prior to January 1, 1996, shall be deemed
7 initially registered as of January 1, 1996; however, this
8 shall not be construed to extend the duration of
9 registration set forth in Section 7.

10 (2) Except as provided in subsection (c)(4), any person
11 convicted or adjudicated prior to January 1, 1996, whose
12 liability for registration under Section 7 has not expired,
13 shall register in person prior to January 31, 1996.

14 (2.5) Except as provided in subsection (c)(4), any
15 person who has not been notified of his or her
16 responsibility to register shall be notified by a criminal
17 justice entity of his or her responsibility to register.
18 Upon notification the person must then register within 5
19 days of notification of his or her requirement to register.
20 If notification is not made within the offender's 10 year
21 registration requirement, and the Department of State
22 Police determines no evidence exists or indicates the
23 offender attempted to avoid registration, the offender
24 will no longer be required to register under this Act.

25 (3) Except as provided in subsection (c)(4), any person
26 convicted on or after January 1, 1996, shall register in
27 person within 5 days after the entry of the sentencing
28 order based upon his or her conviction.

29 (4) Any person unable to comply with the registration
30 requirements of this Article because he or she is confined,
31 institutionalized, or imprisoned in Illinois on or after
32 January 1, 1996, shall register in person within 5 days of
33 discharge, parole or release.

34 (5) The person shall provide positive identification
35 and documentation that substantiates proof of residence at
36 the registering address.

1 (6) The person shall pay a \$20 initial registration fee
2 and a \$10 annual renewal fee. The fees shall be used by the
3 registering agency for official purposes. The agency shall
4 establish procedures to document receipt and use of the
5 funds. The law enforcement agency having jurisdiction may
6 waive the registration fee if it determines that the person
7 is indigent and unable to pay the registration fee. Ten
8 dollars for the initial registration fee and \$5 of the
9 annual renewal fee shall be used by the registering agency
10 for official purposes. Ten dollars of the initial
11 registration fee and \$5 of the annual fee shall be
12 deposited into the Sex Offender Management Board Fund under
13 Section 19 of the Sex Offender Management Board Act. Money
14 deposited into the Sex Offender Management Board Fund shall
15 be administered by the Sex Offender Management Board and
16 shall be used to fund practices endorsed or required by the
17 Sex Offender Management Board Act including but not limited
18 to sex offenders evaluation, treatment, or monitoring
19 programs that are or may be developed, as well as for
20 administrative costs, including staff, incurred by the
21 Board.

22 (d) Within 5 days after obtaining or changing employment
23 and, if employed on January 1, 2000, within 5 days after that
24 date, a person required to register under this Section must
25 report, in person to the law enforcement agency having
26 jurisdiction, the business name and address where he or she is
27 employed. If the person has multiple businesses or work
28 locations, every business and work location must be reported to
29 the law enforcement agency having jurisdiction.

30 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
31 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

32 (730 ILCS 150/6) (from Ch. 38, par. 226)

33 Sec. 6. Duty to report; change of address, school, or
34 employment; duty to inform. A person who has been adjudicated
35 to be sexually dangerous or is a sexually violent person and is

1 later released, or found to be no longer sexually dangerous or
2 no longer a sexually violent person and discharged, or
3 convicted of a violation of this Act after July 1, 2005, shall
4 report in person to the law enforcement agency with whom he or
5 she last registered no later than 90 days after the date of his
6 or her last registration and every 90 days thereafter and at
7 such other times at the request of the law enforcement agency
8 not to exceed 4 times a year. Any person who lacks a fixed
9 residence must report weekly, in person, to the appropriate law
10 enforcement agency where the sex offender is located. Any other
11 person who is required to register under this Article shall
12 report in person to the appropriate law enforcement agency with
13 whom he or she last registered within one year from the date of
14 last registration and every year thereafter and at such other
15 times at the request of the law enforcement agency not to
16 exceed 4 times a year. If any person required to register under
17 this Article lacks a fixed residence or temporary domicile, he
18 or she must notify, in person, the agency of jurisdiction of
19 his or her last known address within 5 days after ceasing to
20 have a fixed residence and if the offender leaves the last
21 jurisdiction of residence, he or she, must within 48 hours
22 after leaving register in person with the new agency of
23 jurisdiction. If any other person required to register under
24 this Article changes his or her residence address, place of
25 employment, or school, he or she shall report in person to ~~5~~
26 the law enforcement agency with whom he or she last registered
27 of his or her new address, change in employment, or school and
28 register, in person, with the appropriate law enforcement
29 agency within the time period specified in Section 3. The law
30 enforcement agency shall, within 3 days of the reporting in
31 person by the person required to register under this Article,
32 notify the Department of State Police of the new place of
33 residence, change in employment, or school.

34 If any person required to register under this Article
35 intends to establish a residence or employment outside of the
36 State of Illinois, at least 10 days before establishing that

1 residence or employment, he or she shall report in person to
2 the law enforcement agency with which he or she last registered
3 of his or her out-of-state intended residence or employment.
4 The law enforcement agency with which such person last
5 registered shall, within 3 days after the reporting in person
6 of the person required to register under this Article of an
7 address or employment change, notify the Department of State
8 Police. The Department of State Police shall forward such
9 information to the out-of-state law enforcement agency having
10 jurisdiction in the form and manner prescribed by the
11 Department of State Police.

12 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;
13 94-168, eff. 1-1-06; revised 8-19-05.)

14 (730 ILCS 150/7) (from Ch. 38, par. 227)

15 Sec. 7. Duration of registration. A person who has been
16 adjudicated to be sexually dangerous and is later released or
17 found to be no longer sexually dangerous and discharged, shall
18 register for the period of his or her natural life. A sexually
19 violent person or sexual predator shall register for the period
20 of his or her natural life after conviction or adjudication if
21 not confined to a penal institution, hospital, or other
22 institution or facility, and if confined, for the period of his
23 or her natural life after parole, discharge, or release from
24 any such facility. Any other person who is required to register
25 under this Article shall be required to register for a period
26 of 10 years after conviction or adjudication if not confined to
27 a penal institution, hospital or any other institution or
28 facility, and if confined, for a period of 10 years after
29 parole, discharge or release from any such facility. A sex
30 offender who is allowed to leave a county, State, or federal
31 facility for the purposes of work release, education, or
32 overnight visitations shall be required to register within 5
33 days of beginning such a program. Liability for registration
34 terminates at the expiration of 10 years from the date of
35 conviction or adjudication if not confined to a penal

1 institution, hospital or any other institution or facility and
2 if confined, at the expiration of 10 years from the date of
3 parole, discharge or release from any such facility, providing
4 such person does not, during that period, again become liable
5 to register under the provisions of this Article. Reconfinement
6 due to a violation of parole or other circumstances that
7 relates to the original conviction or adjudication shall extend
8 the period of registration to 10 years after final parole,
9 discharge, or release. The Director of State Police, consistent
10 with administrative rules, shall extend for 10 years the
11 registration period of any sex offender, as defined in Section
12 2 of this Act, who fails to comply with the provisions of this
13 Article. The registration period for any sex offender who fails
14 to comply with any provision of the Act shall extend the period
15 of registration by 10 years beginning from the first date of
16 registration after the violation. If the registration period is
17 extended, the Department of State Police shall send a
18 registered letter to the law enforcement agency where the sex
19 offender resides within 3 days after the extension of the
20 registration period. The sex offender shall report to that law
21 enforcement agency and sign for that letter. One copy of that
22 letter shall be kept on file with the law enforcement agency of
23 the jurisdiction where the sex offender resides and one copy
24 shall be returned to the Department of State Police.

25 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
26 94-168, eff. 1-1-06; revised 8-19-05.)

27 Section 665. The Sex Offender and Child Murderer Community
28 Notification Law is amended by changing Section 120 and by
29 setting forth and renumbering multiple versions of Section 121
30 as follows:

31 (730 ILCS 152/120)

32 Sec. 120. Community notification of sex offenders.

33 (a) The sheriff of the county, except Cook County, shall
34 disclose to the following the name, address, date of birth,

1 place of employment, school attended, and offense or
2 adjudication of all sex offenders required to register under
3 Section 3 of the Sex Offender Registration Act:

4 (1) The boards of institutions of higher education or
5 other appropriate administrative offices of each
6 non-public institution of higher education located in the
7 county where the sex offender is required to register,
8 resides, is employed, or is attending an institution of
9 higher education; and

10 (2) School boards of public school districts and the
11 principal or other appropriate administrative officer of
12 each nonpublic school located in the county where the sex
13 offender is required to register or is employed; and

14 (3) Child care facilities located in the county where
15 the sex offender is required to register or is employed.

16 (a-2) The sheriff of Cook County shall disclose to the
17 following the name, address, date of birth, place of
18 employment, school attended, and offense or adjudication of all
19 sex offenders required to register under Section 3 of the Sex
20 Offender Registration Act:

21 (1) School boards of public school districts and the
22 principal or other appropriate administrative officer of
23 each nonpublic school located within the region of Cook
24 County, as those public school districts and nonpublic
25 schools are identified in LEADS, other than the City of
26 Chicago, where the sex offender is required to register or
27 is employed; and

28 (2) Child care facilities located within the region of
29 Cook County, as those child care facilities are identified
30 in LEADS, other than the City of Chicago, where the sex
31 offender is required to register or is employed; and

32 (3) The boards of institutions of higher education or
33 other appropriate administrative offices of each
34 non-public institution of higher education located in the
35 county, other than the City of Chicago, where the sex
36 offender is required to register, resides, is employed, or

1 attending an institution of higher education.

2 (a-3) The Chicago Police Department shall disclose to the
3 following the name, address, date of birth, place of
4 employment, school attended, and offense or adjudication of all
5 sex offenders required to register under Section 3 of the Sex
6 Offender Registration Act:

7 (1) School boards of public school districts and the
8 principal or other appropriate administrative officer of
9 each nonpublic school located in the police district where
10 the sex offender is required to register or is employed if
11 the offender is required to register or is employed in the
12 City of Chicago; and

13 (2) Child care facilities located in the police
14 district where the sex offender is required to register or
15 is employed if the offender is required to register or is
16 employed in the City of Chicago; and

17 (3) The boards of institutions of higher education or
18 other appropriate administrative offices of each
19 non-public institution of higher education located in the
20 police district where the sex offender is required to
21 register, resides, is employed, or attending an
22 institution of higher education in the City of Chicago.

23 (a-4) The Department of State Police shall provide a list
24 of sex offenders required to register to the Illinois
25 Department of Children and Family Services.

26 (b) The Department of State Police and any law enforcement
27 agency may disclose, in the Department's or agency's
28 discretion, the following information to any person likely to
29 encounter a sex offender, or sexual predator:

30 (1) The offender's name, address, and date of birth.

31 (2) The offense for which the offender was convicted.

32 (3) Adjudication as a sexually dangerous person.

33 (4) The offender's photograph or other such
34 information that will help identify the sex offender.

35 (5) Offender employment information, to protect public
36 safety.

1 (c) The name, address, date of birth, and offense or
2 adjudication for sex offenders required to register under
3 Section 3 of the Sex Offender Registration Act shall be open to
4 inspection by the public as provided in this Section. Every
5 municipal police department shall make available at its
6 headquarters the information on all sex offenders who are
7 required to register in the municipality under the Sex Offender
8 Registration Act. The sheriff shall also make available at his
9 or her headquarters the information on all sex offenders who
10 are required to register under that Act and who live in
11 unincorporated areas of the county. Sex offender information
12 must be made available for public inspection to any person, no
13 later than 72 hours or 3 business days from the date of the
14 request. The request must be made in person, in writing, or by
15 telephone. Availability must include giving the inquirer
16 access to a facility where the information may be copied. A
17 department or sheriff may charge a fee, but the fee may not
18 exceed the actual costs of copying the information. An inquirer
19 must be allowed to copy this information in his or her own
20 handwriting. A department or sheriff must allow access to the
21 information during normal public working hours. The sheriff or
22 a municipal police department may publish the photographs of
23 sex offenders where any victim was 13 years of age or younger
24 and who are required to register in the municipality or county
25 under the Sex Offender Registration Act in a newspaper or
26 magazine of general circulation in the municipality or county
27 or may disseminate the photographs of those sex offenders on
28 the Internet or on television. The law enforcement agency may
29 make available the information on all sex offenders residing
30 within any county.

31 (d) The Department of State Police and any law enforcement
32 agency having jurisdiction may, in the Department's or agency's
33 discretion, place the information specified in subsection (b)
34 on the Internet or in other media.

35 (e) (Blank).

36 (f) The administrator of a transitional housing facility

1 for sex offenders shall comply with the notification procedures
2 established in paragraph (4) of subsection (b) of Section
3 3-17-5 of the Unified Code of Corrections.

4 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
5 revised 8-19-05.)

6 (730 ILCS 152/121)

7 Sec. 121. Notification regarding juvenile offenders.

8 (a) The Department of State Police and any law enforcement
9 agency having jurisdiction may, in the Department's or agency's
10 discretion, only provide the information specified in
11 subsection (b) of Section 120 of this Act, with respect to an
12 adjudicated juvenile delinquent, to any person when that
13 person's safety may be compromised for some reason related to
14 the juvenile sex offender.

15 (b) The local law enforcement agency having jurisdiction to
16 register the juvenile sex offender shall ascertain from the
17 juvenile sex offender whether the juvenile sex offender is
18 enrolled in school; and if so, shall provide a copy of the sex
19 offender registration form only to the principal or chief
20 administrative officer of the school and any guidance counselor
21 designated by him or her. The registration form shall be kept
22 separately from any and all school records maintained on behalf
23 of the juvenile sex offender.

24 (Source: P.A. 94-168, eff. 1-1-06.)

25 (730 ILCS 152/122)

26 Sec. 122 ~~121~~. Special alerts. A law enforcement agency
27 having jurisdiction may provide to the public a special alert
28 list warning parents to be aware that sex offenders may attempt
29 to contact children during holidays involving children, such as
30 Halloween, Christmas, and Easter and to inform parents that
31 information containing the names and addresses of registered
32 sex offenders are accessible on the Internet by means of a
33 hyperlink labeled "Sex Offender Information" on the Department
34 of State Police's World Wide Web home page and are available

1 for public inspection at the agency's headquarters.

2 (Source: P.A. 94-159, eff. 7-11-05; revised 9-27-05.)

3 Section 670. The Code of Civil Procedure is amended by
4 changing Sections 2-1115.1, 2-1401, 2-1402, 4-201, and 15-1201
5 and by setting forth and renumbering multiple versions of
6 Sections 7-103.102 and 7-103.113 as follows:

7 (735 ILCS 5/2-1115.1)

8 (This Section was added by P.A. 89-7, which has been held
9 unconstitutional)

10 Sec. 2-1115.1. Limitations on recovery of non-economic
11 damages.

12 (a) In all common law, statutory or other actions that seek
13 damages on account of death, bodily injury, or physical damage
14 to property based on negligence, or product liability based on
15 any theory or doctrine, recovery of non-economic damages shall
16 be limited to \$500,000 per plaintiff. There shall be no
17 recovery for hedonic damages.

18 (b) Beginning in 1997, every January 20, the liability
19 limit established in subsection (a) shall automatically be
20 increased or decreased, as applicable, by a percentage equal to
21 the percentage change in the consumer price index-u during the
22 preceding 12-month calendar year. "Consumer price index-u"
23 means the index published by the Bureau of Labor Statistics of
24 the United States Department of Labor that measures the average
25 change in prices of goods and services purchased by all urban
26 consumers, United States city average, all items, 1982-84 =
27 100. The new amount resulting from each annual adjustment shall
28 be determined by the Comptroller and made available to the
29 chief judge of each judicial circuit ~~district~~.

30 (c) The liability limits at the time at which damages
31 subject to such limits are awarded by final judgment or
32 settlement shall be utilized by the courts.

33 (d) Nothing in this Section shall be construed to create a
34 right to recover non-economic damages.

1 (e) This amendatory Act of 1995 applies to causes of action
2 accruing on or after its effective date.

3 (Source: P.A. 89-7, eff. 3-9-95; revised 10-18-05.)

4 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

5 Sec. 2-1401. Relief from judgments.

6 (a) Relief from final orders and judgments, after 30 days
7 from the entry thereof, may be had upon petition as provided in
8 this Section. Writs of error coram nobis and coram vobis, bills
9 of review and bills in the nature of bills of review are
10 abolished. All relief heretofore obtainable and the grounds for
11 such relief heretofore available, whether by any of the
12 foregoing remedies or otherwise, shall be available in every
13 case, by proceedings hereunder, regardless of the nature of the
14 order or judgment from which relief is sought or of the
15 proceedings in which it was entered. Except as provided in
16 Section 6 of the Illinois Parentage Act of 1984, there shall be
17 no distinction between actions and other proceedings,
18 statutory or otherwise, as to availability of relief, grounds
19 for relief or the relief obtainable.

20 (b) The petition must be filed in the same proceeding in
21 which the order or judgment was entered but is not a
22 continuation thereof. The petition must be supported by
23 affidavit or other appropriate showing as to matters not of
24 record. All parties to the petition shall be notified as
25 provided by rule.

26 (c) Except as provided in Section 20b of the Adoption Act
27 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a
28 petition based upon Section 116-3 of the Code of Criminal
29 Procedure of 1963, the petition must be filed not later than 2
30 years after the entry of the order or judgment. Time during
31 which the person seeking relief is under legal disability or
32 duress or the ground for relief is fraudulently concealed shall
33 be excluded in computing the period of 2 years.

34 (d) The filing of a petition under this Section does not
35 affect the order or judgment, or suspend its operation.

1 (e) Unless lack of jurisdiction affirmatively appears from
2 the record proper, the vacation or modification of an order or
3 judgment pursuant to the provisions of this Section does not
4 affect the right, title or interest in or to any real or
5 personal property of any person, not a party to the original
6 action, acquired for value after the entry of the order or
7 judgment but before the filing of the petition, nor affect any
8 right of any person not a party to the original action under
9 any certificate of sale issued before the filing of the
10 petition, pursuant to a sale based on the order or judgment.

11 (f) Nothing contained in this Section affects any existing
12 right to relief from a void order or judgment, or to employ any
13 existing method to procure that relief.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,
15 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

16 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

17 Sec. 2-1402. Supplementary proceedings.

18 (a) A judgment creditor, or his or her successor in
19 interest when that interest is made to appear of record, is
20 entitled to prosecute supplementary proceedings for the
21 purposes of examining the judgment debtor or any other person
22 to discover assets or income of the debtor not exempt from the
23 enforcement of the judgment, a deduction order or garnishment,
24 and of compelling the application of non-exempt assets or
25 income discovered toward the payment of the amount due under
26 the judgment. A supplementary proceeding shall be commenced by
27 the service of a citation issued by the clerk. The procedure
28 for conducting supplementary proceedings shall be prescribed
29 by rules. It is not a prerequisite to the commencement of a
30 supplementary proceeding that a certified copy of the judgment
31 has been returned wholly or partly unsatisfied. All citations
32 issued by the clerk shall have the following language, or
33 language substantially similar thereto, stated prominently on
34 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT
35 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT

1 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
2 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
3 The court shall not grant a continuance of the supplementary
4 proceeding except upon good cause shown.

5 (b) Any citation served upon a judgment debtor or any other
6 person shall include a certification by the attorney for the
7 judgment creditor or the judgment creditor setting forth the
8 amount of the judgment, the date of the judgment, or its
9 revival date, the balance due thereon, the name of the court,
10 and the number of the case, and a copy of the citation notice
11 required by this subsection. Whenever a citation is served upon
12 a person or party other than the judgment debtor, the officer
13 or person serving the citation shall send to the judgment
14 debtor, within three business days of the service upon the
15 cited party, a copy of the citation and the citation notice,
16 which may be sent by regular first-class mail to the judgment
17 debtor's last known address. In no event shall a citation
18 hearing be held sooner than five business days after the
19 mailing of the citation and citation notice to the judgment
20 debtor, except by agreement of the parties. The citation notice
21 need not be mailed to a corporation, partnership, or
22 association. The citation notice shall be in substantially the
23 following form:

24 "CITATION NOTICE

25 (Name and address of Court)

26 Name of Case: (Name of Judgment Creditor),

27 Judgment Creditor v.

28 (Name of Judgment Debtor),

29 Judgment Debtor.

30 Address of Judgment Debtor: (Insert last known
31 address)

32 Name and address of Attorney for Judgment

33 Creditor or of Judgment Creditor (If no

34 attorney is listed): (Insert name and address)

35 Amount of Judgment: \$ (Insert amount)

36 Name of Person Receiving Citation: (Insert name)

1 Court Date and Time: (Insert return date and time
2 specified in citation)

3 NOTICE: The court has issued a citation against the person
4 named above. The citation directs that person to appear in
5 court to be examined for the purpose of allowing the judgment
6 creditor to discover income and assets belonging to the
7 judgment debtor or in which the judgment debtor has an
8 interest. The citation was issued on the basis of a judgment
9 against the judgment debtor in favor of the judgment creditor
10 in the amount stated above. On or after the court date stated
11 above, the court may compel the application of any discovered
12 income or assets toward payment on the judgment.

13 The amount of income or assets that may be applied toward
14 the judgment is limited by federal and Illinois law. The
15 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
16 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
17 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
18 ABOVE:

19 (1) Under Illinois or federal law, the exemptions of
20 personal property owned by the debtor include the debtor's
21 equity interest, not to exceed \$4,000 in value, in any
22 personal property as chosen by the debtor; Social Security
23 and SSI benefits; public assistance benefits; unemployment
24 compensation benefits; worker's compensation benefits;
25 veteran's benefits; circuit breaker property tax relief
26 benefits; the debtor's equity interest, not to exceed
27 \$2,400 in value, in any one motor vehicle, and the debtor's
28 equity interest, not to exceed \$1,500 in value, in any
29 implements, professional books, or tools of the trade of
30 the debtor.

31 (2) Under Illinois law, every person is entitled to an
32 estate in homestead, when it is owned and occupied as a
33 residence, to the extent in value of \$15,000, which
34 homestead is exempt from judgment.

35 (3) Under Illinois law, the amount of wages that may be
36 applied toward a judgment is limited to the lesser of (i)

1 15% of gross weekly wages or (ii) the amount by which
2 disposable earnings for a week exceed the total of 45 times
3 the federal minimum hourly wage or, under a wage deduction
4 summons served on or after January 1, 2006, the Illinois
5 minimum hourly wage, whichever is greater.

6 (4) Under federal law, the amount of wages that may be
7 applied toward a judgment is limited to the lesser of (i)
8 25% of disposable earnings for a week or (ii) the amount by
9 which disposable earnings for a week exceed 30 times the
10 federal minimum hourly wage.

11 (5) Pension and retirement benefits and refunds may be
12 claimed as exempt under Illinois law.

13 The judgment debtor may have other possible exemptions
14 under the law.

15 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
16 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
17 judgment debtor also has the right to seek a declaration at an
18 earlier date, by notifying the clerk in writing at (insert
19 address of clerk). When so notified, the Clerk of the Court
20 will obtain a prompt hearing date from the court and will
21 provide the necessary forms that must be prepared by the
22 judgment debtor or the attorney for the judgment debtor and
23 sent to the judgment creditor and the judgment creditor's
24 attorney regarding the time and location of the hearing. This
25 notice may be sent by regular first class mail."

26 (c) When assets or income of the judgment debtor not exempt
27 from the satisfaction of a judgment, a deduction order or
28 garnishment are discovered, the court may, by appropriate order
29 or judgment:

30 (1) Compel the judgment debtor to deliver up, to be
31 applied in satisfaction of the judgment, in whole or in
32 part, money, choses in action, property or effects in his
33 or her possession or control, so discovered, capable of
34 delivery and to which his or her title or right of
35 possession is not substantially disputed.

36 (2) Compel the judgment debtor to pay to the judgment

1 creditor or apply on the judgment, in installments, a
2 portion of his or her income, however or whenever earned or
3 acquired, as the court may deem proper, having due regard
4 for the reasonable requirements of the judgment debtor and
5 his or her family, if dependent upon him or her, as well as
6 any payments required to be made by prior order of court or
7 under wage assignments outstanding; provided that the
8 judgment debtor shall not be compelled to pay income which
9 would be considered exempt as wages under the Wage
10 Deduction Statute. The court may modify an order for
11 installment payments, from time to time, upon application
12 of either party upon notice to the other.

13 (3) Compel any person cited, other than the judgment
14 debtor, to deliver up any assets so discovered, to be
15 applied in satisfaction of the judgment, in whole or in
16 part, when those assets are held under such circumstances
17 that in an action by the judgment debtor he or she could
18 recover them in specie or obtain a judgment for the
19 proceeds or value thereof as for conversion or
20 embezzlement.

21 (4) Enter any order upon or judgment against the person
22 cited that could be entered in any garnishment proceeding.

23 (5) Compel any person cited to execute an assignment of
24 any chose in action or a conveyance of title to real or
25 personal property, in the same manner and to the same
26 extent as a court could do in any proceeding by a judgment
27 creditor to enforce payment of a judgment or in aid of the
28 enforcement of a judgment.

29 (6) Authorize the judgment creditor to maintain an
30 action against any person or corporation that, it appears
31 upon proof satisfactory to the court, is indebted to the
32 judgment debtor, for the recovery of the debt, forbid the
33 transfer or other disposition of the debt until an action
34 can be commenced and prosecuted to judgment, direct that
35 the papers or proof in the possession or control of the
36 debtor and necessary in the prosecution of the action be

1 delivered to the creditor or impounded in court, and
2 provide for the disposition of any moneys in excess of the
3 sum required to pay the judgment creditor's judgment and
4 costs allowed by the court.

5 (d) No order or judgment shall be entered under subsection
6 (c) in favor of the judgment creditor unless there appears of
7 record a certification of mailing showing that a copy of the
8 citation and a copy of the citation notice was mailed to the
9 judgment debtor as required by subsection (b).

10 (e) All property ordered to be delivered up shall, except
11 as otherwise provided in this Section, be delivered to the
12 sheriff to be collected by the sheriff or sold at public sale
13 and the proceeds thereof applied towards the payment of costs
14 and the satisfaction of the judgment.

15 (f) (1) The citation may prohibit the party to whom it is
16 directed from making or allowing any transfer or other
17 disposition of, or interfering with, any property not
18 exempt from the enforcement of a judgment therefrom, a
19 deduction order or garnishment, belonging to the judgment
20 debtor or to which he or she may be entitled or which may
21 thereafter be acquired by or become due to him or her, and
22 from paying over or otherwise disposing of any moneys not
23 so exempt which are due or to become due to the judgment
24 debtor, until the further order of the court or the
25 termination of the proceeding, whichever occurs first. The
26 third party may not be obliged to withhold the payment of
27 any moneys beyond double the amount of the balance due
28 sought to be enforced by the judgment creditor. The court
29 may punish any party who violates the restraining provision
30 of a citation as and for a contempt, or if the party is a
31 third party may enter judgment against him or her in the
32 amount of the unpaid portion of the judgment and costs
33 allowable under this Section, or in the amount of the value
34 of the property transferred, whichever is lesser.

35 (2) The court may enjoin any person, whether or not a
36 party to the supplementary proceeding, from making or

1 allowing any transfer or other disposition of, or
2 interference with, the property of the judgment debtor not
3 exempt from the enforcement of a judgment, a deduction
4 order or garnishment, or the property or debt not so exempt
5 concerning which any person is required to attend and be
6 examined until further direction in the premises. The
7 injunction order shall remain in effect until vacated by
8 the court or until the proceeding is terminated, whichever
9 first occurs.

10 (g) If it appears that any property, chose in action,
11 credit or effect discovered, or any interest therein, is
12 claimed by any person, the court shall, as in garnishment
13 proceedings, permit or require the claimant to appear and
14 maintain his or her right. The rights of the person cited and
15 the rights of any adverse claimant shall be asserted and
16 determined pursuant to the law relating to garnishment
17 proceedings.

18 (h) Costs in proceedings authorized by this Section shall
19 be allowed, assessed and paid in accordance with rules,
20 provided that if the court determines, in its discretion, that
21 costs incurred by the judgment creditor were improperly
22 incurred, those costs shall be paid by the judgment creditor.

23 (i) This Section is in addition to and does not affect
24 enforcement of judgments or proceedings supplementary thereto,
25 by any other methods now or hereafter provided by law.

26 (j) This Section does not grant the power to any court to
27 order installment or other payments from, or compel the sale,
28 delivery, surrender, assignment or conveyance of any property
29 exempt by statute from the enforcement of a judgment thereon, a
30 deduction order, garnishment, attachment, sequestration,
31 process or other levy or seizure.

32 (k) (Blank).

33 (l) At any citation hearing at which the judgment debtor
34 appears and seeks a declaration that certain of his or her
35 income or assets are exempt, the court shall proceed to
36 determine whether the property which the judgment debtor

1 declares to be exempt is exempt from judgment. At any time
2 before the return date specified on the citation, the judgment
3 debtor may request, in writing, a hearing to declare exempt
4 certain income and assets by notifying the clerk of the court
5 before that time, using forms as may be provided by the clerk
6 of the court. The clerk of the court will obtain a prompt
7 hearing date from the court and will provide the necessary
8 forms that must be prepared by the judgment debtor or the
9 attorney for the judgment debtor and sent to the judgment
10 creditor, or the judgment creditor's attorney, regarding the
11 time and location of the hearing. This notice may be sent by
12 regular first class mail. At the hearing, the court shall
13 immediately, unless for good cause shown that the hearing is to
14 be continued, shall proceed to determine whether the property
15 which the judgment debtor declares to be exempt is exempt from
16 judgment. The restraining provisions of subsection (f) shall
17 not apply to any property determined by the court to be exempt.

18 (m) The judgment or balance due on the judgment becomes a
19 lien when a citation is served in accordance with subsection
20 (a) of this Section. The lien binds nonexempt personal
21 property, including money, choses in action, and effects of the
22 judgment debtor as follows:

23 (1) When the citation is directed against the judgment
24 debtor, upon all personal property belonging to the
25 judgment debtor in the possession or control of the
26 judgment debtor or which may thereafter be acquired or come
27 due to the judgment debtor to the time of the disposition
28 of the citation.

29 (2) When the citation is directed against a third
30 party, upon all personal property belonging to the judgment
31 debtor in the possession or control of the third party or
32 which thereafter may be acquired or come due the judgment
33 debtor and comes into the possession or control of the
34 third party to the time of the disposition of the citation.

35 The lien established under this Section does not affect the
36 rights of citation respondents in property prior to the service

1 of the citation upon them and does not affect the rights of
2 bona fide purchasers or lenders without notice of the citation.
3 The lien is effective for the period specified by Supreme Court
4 Rule.

5 This subsection (m), as added by Public Act 88-48, is a
6 declaration of existing law.

7 (n) If any provision of this Act or its application to any
8 person or circumstance is held invalid, the invalidity of that
9 provision or application does not affect the provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application.

12 (Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised
13 8-19-05.)

14 (735 ILCS 5/4-201) (from Ch. 110, par. 4-201)

15 Sec. 4-201. Liens in general. Every sail vessel, steamboat,
16 steam dredge, tug boat, scow, canal boat, barge, lighter, and
17 other water craft of above five tons burthen, used or intended
18 to be used in navigating the waters or canals of this State, or
19 used in trade and commerce between ports and places within this
20 State, or having their home port in this State, shall be
21 subject to a lien thereon, which lien shall extend to the
22 tackle, apparel and furniture of such craft, as follows:

23 1. For all debts contracted by the owner or part owner,
24 master, clerk, steward, agent or ship's husband ~~shipshusband~~ of
25 such craft, on account of supplies and provisions furnished for
26 the use of such water craft, on account of work done or
27 services rendered on board of such craft by any seaman, master
28 or other employee thereof, or on account of work done or
29 materials furnished by mechanics, tradesmen or others, in or
30 about the building, repairing, fitting, furnishing or
31 equipping such craft.

32 2. For all sums due for wharfage, anchorage or dock hire,
33 including the use of dry docks.

34 3. For sums due for towage, labor at pumping out or
35 raising, when sunk or disabled, and to shipshusband or agent of

1 such water craft, for disbursement due by the owner on account
2 of such water craft.

3 4. For all damages arising for the nonperformance of any
4 contract of affreightment, or of any contract touching the
5 transportation of property entered into by the master, owner,
6 agent or consignee of such water craft, where any such contract
7 is made in this state.

8 5. For all damages arising from injuries done to persons or
9 property by such water craft, whether the same are aboard said
10 vessel or not, where the same shall have occurred through the
11 negligence or misconduct of the owner, agent, master or
12 employee thereon; but the craft shall not be liable for any
13 injury or damage received by one of the crew from another
14 member of the crew.

15 (Source: P.A. 82-280; revised 10-19-05.)

16 (735 ILCS 5/7-103.102)

17 Sec. 7-103.102. Quick-take; Lake County. Quick-take
18 proceedings under Section 7-103 may be used for a period of 2
19 years after the effective date of this amendatory Act of the
20 93rd General Assembly by Lake County for the acquisition of
21 property necessary for the purpose of improving County Highway
22 31 (Rollins Road) from Illinois Route 83 to U.S. Route 45.

23 (Source: P.A. 93-646, eff. 12-31-03.)

24 (735 ILCS 5/7-103.111)

25 Sec. 7-103.111. ~~7-103.102.~~ Quick-take; Village of
26 Palatine. Quick-take proceedings under Section 7-103 may be
27 used for a period of 60 months after the effective date of this
28 amendatory Act of the 93rd General Assembly by the Village of
29 Palatine for the acquisition of property for the purposes of
30 the Downtown Tax Increment Redevelopment Project Area, bounded
31 generally by Plum Grove Road on the East, Palatine Road on the
32 South, Cedar Street on the West, and Colfax Street on the
33 North, and the Rand Corridor Redevelopment Project Area,
34 bounded generally by Dundee Road on the South, Lake-Cook Road

1 on the North, and on the East and West by Rand Road, in the
2 Village of Palatine more specifically described in the
3 following ordinances adopted by the Village of Palatine:

4 Village ordinance 0-224-99, adopted December 13, 1999;

5 Village ordinance 0-225-99, adopted December 13, 1999;

6 Village ordinance 0-226-99, adopted December 13, 1999;

7 Village ordinance 0-13-00, adopted January 24, 2000,
8 correcting certain scrivener's errors and attached as
9 exhibit A to the foregoing legal descriptions;

10 Village ordinance 0-23-03, adopted January 27, 2003;

11 Village ordinance 0-24-03, adopted January 27, 2003;

12 and

13 Village ordinance 0-25-03, adopted January 27, 2003.

14 (Source: P.A. 93-602, eff. 11-18-03; revised 1-13-04.)

15 (735 ILCS 5/7-103.112)

16 Sec. 7-103.112. ~~7-103.102.~~ Quick-take; Bi-State
17 Development Agency; MetroLink Light Rail System. Quick-take
18 proceedings under Section 7-103 may be used for a period from
19 September 1, 2003 through September 1, 2004 by the Bi-State
20 Development Agency of the Missouri-Illinois Metropolitan
21 District for station area development, transit oriented
22 development and economic development initiatives in support of
23 the MetroLink Light Rail System, beginning in East St. Louis,
24 Illinois, and terminating at MidAmerica Airport, St. Clair
25 County, Illinois.

26 (Source: P.A. 93-603, eff. 11-19-03; revised 1-13-04.)

27 (735 ILCS 5/7-103.113)

28 Sec. 7-103.113. Quick-take; Village of Bridgeview.
29 Quick-take proceedings under Section 7-103 may be used for a
30 period of 12 months after the effective date of this amendatory
31 Act of the 93rd General Assembly by the Village of Bridgeview
32 for the purpose of acquiring property for a municipal sports
33 stadium and parking areas, team practice facilities, and other
34 related uses as follows:

1 Parcel 1:

2 That part of the West half of the Southwest Quarter of Section
3 30, Township 38 North, Range 13 East of the Third Principal
4 Meridian, described as follows:

5 Beginning on the East line of the West half of the Southwest
6 quarter with the North line of M.S.A. Bridgeview Court
7 Subdivision recorded on June 8, 1988, as Document Number
8 88246171, also being the South line of the North 1090 feet of
9 the said Southwest quarter of Section 30; thence South 89
10 degrees 49 minutes 10 seconds West along said line 33.00 feet;
11 thence North 16 degrees 00 minutes 23 seconds West 70.00 feet;
12 thence South 88 degrees 47 minutes 22 seconds West 444.48 feet;
13 thence South 47 degrees 23 minutes 28 seconds West 65.00 feet
14 to the North line of said M.S.A. Bridgeview Court Subdivision,
15 also being the South line of the North 1090 feet of the
16 Southwest quarter of Section 30; thence South 89 degrees 49
17 minutes 10 seconds East along said lines to the point of
18 beginning,

19 ALSO

20 That part of the West half of the Southwest Quarter of Section
21 30, Township 38 North, Range 13 East of the Third Principal
22 Meridian, described as follows:

23 Beginning at the intersection of the South line of the North
24 1090 feet of said Southwest quarter also being the North line
25 of M.S.A. Bridgeview Court and the West line of Harlem Avenue
26 as dedicated, being 50 feet East of the West of said Southwest
27 quarter; thence North 0 degrees 16 minutes 38 seconds West
28 349.88 feet along the said East line of Harlem Avenue to the
29 Southwest corner of the land conveyed by Document 0333942009;
30 thence North 89 degrees 46 minutes 35 seconds East to the

1 Northwest corner of the land conveyed by document 99855126;
2 thence South along the West line of the land conveyed by said
3 Document 99855126, 350 feet to the South line of the North 1090
4 feet also being the North line of M.S.A. Bridgeview Court;
5 thence West along said line to the point of beginning, in Cook
6 County, Illinois.

7 Parcel 2:

8 Lots 1, 2, 4, 6, 7 and 8, in M.S.A. Bridgeview Court, being a
9 Subdivision of part of the West half of the southwest quarter
10 of Section 30, Township 38 North, Range 13 East of the Third
11 Principal Meridian, recorded June 7, 1988 as Document 88246171,
12 except that part of Lot 1 conveyed by Deed recorded as document
13 No. 99016579, except that part of Lot 6 conveyed by Deed
14 recorded as Document No. 93589062, except that part of Lot 7
15 conveyed in Deed recorded as Document No. 91540434, and except
16 that part of Lot 8 recorded as Document No. 0010326872, in Cook
17 County, Illinois.

18 Parcel 3:

19 Easement appurtenant to Parcel 2 for ingress, egress, access,
20 parking, deposit and retention of storm water over the common
21 areas as described and set forth in Construction, Operation and
22 Reciprocal Easement Agreement made by and between Bridgeview
23 Associates, the May Department Stores Company, and Midfield,
24 Inc., dated July 25, 1988 and recorded July 29, 1988 as
25 Document No. 88340706.

26 (Source: P.A. 93-1065, eff. 1-15-05.)

27 (735 ILCS 5/7-103.123)

28 Sec. 7-103.123 ~~7-103.113~~. Quick-take; Dewitt County.
29 Quick-take proceedings under Section 7-103 may be used for a
30 period of 12 months after the effective date of this amendatory
31 Act of the 94th General Assembly for road improvement purposes

1 for the acquisition of the following described real property:

2 PARCEL 1

3 A part of the Southeast Quarter of Section 35, Township 19
4 North, Range 3 East of the Third Principal Meridian,
5 described as follows:

6 Beginning at the Southeast corner of said Section 35;
7 thence South 88 degrees 49 minutes 30 seconds West, a
8 distance of 85.50 feet along the south line of the
9 Southeast Quarter of said Section 35; thence North 1 degree
10 09 minutes 40 seconds West, 16.57 feet to the north right
11 of way line of a township road; thence North 55 degrees 46
12 minutes 40 seconds East, 56.79 feet; thence northerly
13 357.19 feet along a curve to the left having a radius of
14 8564.37 feet, the chord of said curve bears North 2 degrees
15 12 minutes 30 seconds East, 357.16 feet; thence North 1
16 degree 00 minutes 50 seconds East, 496.06 feet; thence
17 North 1 degree 06 minutes 30 seconds East, 599.97 feet;
18 thence North 0 degrees 55 minutes 00 seconds East, 299.96
19 feet; thence North 0 degrees 55 minutes 50 seconds East,
20 598.18 feet; thence North 1 degree 16 minutes 00 seconds
21 East, 254.87 feet to the north line of the Southeast
22 Quarter of said Section 35; thence North 88 degrees 58
23 minutes 30 seconds East along said line, 30.02 feet to the
24 east line of the Southeast Quarter of said Section 35;
25 thence South 0 degrees 58 minutes 50 seconds West along
26 said line, a distance of 2653.24 feet to the point of
27 beginning, including that portion containing 1.717 acres,
28 more or less, which exists as public road right-of-way,
29 said perpetual right-of-way easement containing 1.967
30 acres, more or less.

31 ALSO

1 A part of the Southwest Quarter of Section 36, Township 19
2 North, Range 3 East of the Third Principal Meridian,
3 described as follows:

4 A tract of land 5 feet in width lying between Station
5 23+15.00 and Station 23+28.73 a distance of 13.73 feet
6 along the east side of the proposed east right of way line
7 of a highway designated as Construction Section
8 85-00043-00-RS, as surveyed and staked out under the
9 direction of the Dewitt County Highway Department.

10 PARCEL 2

11 A part of the Southwest Quarter of Section 36, Township 19
12 North, Range 3 East of the Third Principal Meridian,
13 described as follows:

14 Beginning at the Southwest corner of said Section 36;
15 thence North 0 degrees 58 minutes 50 seconds East along the
16 west line of the Southwest Quarter of said Section 36, a
17 distance of 1326.62 feet; thence North 88 degrees 58
18 minutes 00 seconds East, 29.24 feet; thence South 1 degree
19 06 minutes 30 seconds West, 428.52 feet; thence South 1
20 degree 00 minutes 50 seconds West, 496.01 feet; thence
21 southerly 358.88 feet along a curve to the right having a
22 radius of 8624.37 feet, the chord of said curve bears South
23 2 degrees 12 minutes 20 seconds West, 358.85 feet; thence
24 South 65 degrees 33 minutes 40 seconds East, 47.95 feet to
25 the north right of way line of a township road; thence
26 South 1 degree 00 minutes 10 seconds East, 23.03 feet to
27 the south line of the Southwest Quarter of said Section 36;
28 thence South 89 degrees 00 minutes 30 seconds West along
29 said south line, a distance of 65.15 feet to the point of
30 beginning, including that portion containing 0.741 acres,
31 more or less, which exists as public road right-of-way,
32 said perpetual right-of-way easement containing 0.867
33 acres, more or less.

1 PARCEL 3A

2 A part of the Northwest Quarter of the Southwest Quarter of
3 Section 36, Township 19 North, Range 3 East of the Third
4 Principal Meridian, described as follows:

5 Beginning at the Northwest Corner of the Southwest Quarter
6 of said Section 36; thence North 88 degrees 55 minutes 30
7 seconds East, a distance of 30.02 feet; thence South 1
8 degree 16 minutes 00 seconds West, 257.12 feet; thence
9 South 0 degrees 55 minutes 50 seconds West, 598.00 feet;
10 thence South 0 degrees 55 minutes 00 seconds West, 300.05
11 feet; thence South 1 degree 06 minutes 30 seconds West,
12 171.50 feet to the south line of the Northwest Quarter of
13 the Southwest Quarter of said Section 36; thence South 88
14 degrees 58 minutes 00 seconds West along said line, 29.24
15 feet to the west line of the Southwest Quarter of said
16 Section 36; thence North 0 degrees 58 minutes 50 seconds
17 East, a distance of 1326.62 feet to the point of beginning,
18 including that portion containing 0.761 acres, more or
19 less, which exists as public road right-of-way, said
20 perpetual right-of-way easement containing 0.890 acres,
21 more or less.

22 ALSO

23 A part of the Southwest Quarter of Section 36, Township 19
24 North, Range 3 East of the Third Principal Meridian,
25 described as follows:

26 A tract of land 5 feet in width lying between Station
27 23+28.54 and Station 23+50.00 a distance of 21.46 feet
28 along the east side of the proposed east right of way line
29 of a highway designated as Construction Section
30 85-00043-00-RS, as surveyed and staked out under the

1 direction of the Dewitt County Highway Department.

2 PARCEL 3B

3 A part of the Southwest Quarter of the Northwest Quarter of
4 Section 36, Township 19 North, Range 3 East of the Third
5 Principal Meridian, described as follows:

6 Beginning at the Southwest Corner of the Northwest Quarter
7 of said Section 36; thence North 0 degrees 48 minutes 30
8 seconds East along the west line of the Northwest Quarter
9 of said Section 36, a distance of 1327.69 feet; thence
10 North 88 degrees 54 minutes 10 seconds East, 31.20 feet;
11 thence South 0 degrees 45 minutes 40 seconds West, 381.76
12 feet; thence South 0 degrees 47 minutes 50 seconds West,
13 601.02 feet; thence South 1 degree 04 minutes 50 seconds
14 West, 344.97 feet to the south line of the Northwest
15 Quarter of said Section 36; thence South 88 degrees 55
16 minutes 30 seconds West along said line, a distance of
17 30.02 feet to the point of beginning, including that
18 portion containing 0.762 acres, more or less, which exists
19 as public road right-of-way, said perpetual right-of-way
20 easement containing 0.955 acres, more or less.

21 PARCEL 4

22 A part of the Northeast Quarter of Section 35, Township 19
23 North, Range 3 East of the Third Principal Meridian,
24 described as follows:

25 Beginning at the Southeast corner of the Northeast Quarter
26 of said Section 35; thence North 0 degrees 48 minutes 30
27 seconds East along the east line of said Section 35, a
28 distance of 1327.69 feet to the north line of the Southeast
29 Quarter of the Northeast Quarter of said Section 35; thence

1 South 89 degrees 10 minutes 50 seconds West along the said
2 north line, 28.83 feet; thence South 0 degrees 45 minutes
3 40 seconds West, 379.93 feet; thence South 0 degrees 47
4 minutes 50 seconds West, 600.85 feet; thence South 1 degree
5 04 minutes 50 seconds West, 347.05 feet to the south line
6 of the Northeast Quarter of said Section 35; thence North
7 88 degrees 58 minutes 30 seconds East along said south
8 line, a distance of 30.02 feet to the point of beginning,
9 including that portion containing 0.852 acres, more or
10 less, which exists as public road right-of-way, said
11 perpetual right-of-way easement containing 0.874 acres,
12 more or less.

13 PARCEL 6

14 A part of the Northwest Quarter of Section 36, Township 19
15 North, Range 3 East of the Third Principal Meridian,
16 described as follows:

17 Beginning at the Northwest corner of said Section 36;
18 thence South 0 degrees 48 minutes 30 seconds West along the
19 west line of said Section 36, a distance of 1327.69 feet to
20 the south line of the Northwest Quarter of the Northwest
21 Quarter of said Section 36; thence North 88 degrees 54
22 minutes 10 seconds East along the said south line, 31.20
23 feet; thence North 0 degrees 45 minutes 40 seconds East,
24 217.18 feet; thence North 0 degrees 56 minutes 50 seconds
25 East, 300.01 feet; thence North 0 degrees 41 minutes 10
26 seconds East, 761.94 feet; thence North 42 degrees 26
27 minutes 10 seconds East, 30.04 feet to the south right of
28 way line of a township road; thence North 0 degrees 40
29 minutes 00 seconds East, 26.76 feet to the north line of
30 said Section 36; thence South 88 degrees 53 minutes 00
31 seconds West along said north line, a distance of 50.02
32 feet to the point of beginning, including that portion
33 containing 0.777 acres, more or less, which exists as

1 public road right-of-way, said perpetual right-of-way
2 easement containing 0.963 acres, more or less.

3 ALSO

4 A part of the Northwest Quarter of Section 36, Township 19
5 North, Range 3 East of the Third Principal Meridian,
6 described as follows:

7 A tract of land 5 feet in width lying between Station
8 50+30.00 and Station 50+75.00 a distance of 45.00 feet
9 along the east side of the proposed east right of way line
10 of a highway designated as Construction Section
11 85-00043-00-RS, as surveyed and staked out under the
12 direction of the Dewitt County Highway Department.

13 PARCEL 7

14 A part of the Southeast Quarter of Section 26, Township 19
15 North, Range 3 East of the Third Principal Meridian,
16 described as follows:

17 Beginning at the Southeast corner of the Southeast Quarter
18 of said Section 26; thence North 0 degrees 58 minutes 30
19 seconds East along the east line of said Section 26, a
20 distance of 1331.43 feet to the north line of the Southeast
21 Quarter of the Southeast Quarter of said Section 26; thence
22 South 89 degrees 16 minutes 30 seconds West along said
23 north line, 29.65 feet; thence South 0 degrees 58 minutes
24 20 seconds West, 339.94 feet; thence South 1 degree 13
25 minutes 40 seconds West, 600.09 feet; thence South 0
26 degrees 38 minutes 50 seconds West, 343.24 feet; thence
27 South 42 degrees 37 minutes 30 seconds West, 29.90 feet to
28 the north right of way line of a township road; thence
29 South 0 degrees 40 minutes 00 seconds West, 26.33 feet to
30 the south line of said Section 26; thence North 89 degrees

1 23 minutes 00 seconds East along said south line, a
2 distance of 50.02 feet to the point of beginning, including
3 that portion containing 0.792 acres, more or less, which
4 exists as public road right-of-way, said perpetual
5 right-of-way easement containing 0.954 acres, more or
6 less.

7 PARCEL 8

8 A part of the Southwest Quarter of Section 25, Township 19
9 North, Range 3 East of the Third Principal Meridian,
10 described as follows:

11 Beginning at the Southwest corner of the Southwest Quarter
12 of said Section 25; thence North 0 degrees 58 minutes 30
13 seconds East along the west line of said Section 25, a
14 distance of 2662.85 feet to the north line of the Southwest
15 Quarter of said Section 25; thence North 89 degrees 04
16 minutes 40 seconds East along said north line, 28.37 feet;
17 thence South 0 degrees 49 minutes 50 seconds West, 773.22
18 feet; thence South 0 degrees 58 minutes 20 seconds West,
19 900.10 feet; thence South 1 degree 13 minutes 40 seconds
20 West, 599.92 feet; thence South 0 degrees 38 minutes 50
21 seconds West, 343.01 feet; thence South 40 degrees 45
22 minutes 00 seconds East, 30.24 feet to the north right of
23 way line of a township road; thence South 0 degrees 40
24 minutes 00 seconds West, 23.16 feet to the south line of
25 said Section 25; thence South 88 degrees 53 minutes 00
26 seconds West along said south line, a distance of 50.02
27 feet to the point of beginning, including that portion
28 containing 1.492 acres, more or less, which exists as
29 public road right-of-way, said perpetual right-of-way
30 easement containing 1.823 acres, more or less.

31 PARCEL 11

1 A part of the Northwest Quarter of Section 25, Township 19
2 North, Range 3 East of the Third Principal Meridian,
3 described as follows:

4 Beginning at the Southwest corner of the Northwest Quarter
5 of said Section 25; thence North 0 degrees 39 minutes 50
6 seconds East along the west line of said Section 25, a
7 distance of 285.00 feet to the north property line; thence
8 North 89 degrees 04 minutes 40 seconds East along said
9 north line, a distance of 29.52 feet; thence South 0
10 degrees 53 minutes 40 seconds West, a distance of 285.03
11 feet to the south line of the Northwest Quarter of said
12 Section 25; thence South 89 degrees 04 minutes 40 seconds
13 West along said south line, a distance of 28.37 feet to the
14 point of beginning, including that portion containing
15 0.153 acres, more or less, which exists as public road
16 right-of-way, said perpetual right-of-way easement
17 containing 0.189 acres, more or less.

18 PARCEL 12

19 A part of the Northwest Quarter of Section 25, Township 19
20 North, Range 3 East of the Third Principal Meridian,
21 described as follows:

22 Commencing at the Southwest Corner of said Section 25;
23 thence North 0 degrees 39 minutes 50 seconds East along the
24 west line of said Section 25, a distance of 285.00 feet to
25 the south property line and the point of beginning; thence
26 continuing North 0 degrees 39 minutes 50 seconds East along
27 said west line, a distance of 1043.42 feet to the north
28 line of the South Half of the Northwest Quarter of said
29 Section 25; thence North 89 degrees 06 minutes 10 seconds
30 East along said north line, a distance of 31.28 feet;
31 thence South 0 degrees 49 minutes 00 seconds West, a
32 distance of 101.59 feet; thence South 0 degrees 33 minutes

1 40 seconds West, a distance of 400.04 feet; thence South 0
2 degrees 53 minutes 50 seconds West, 541.83 feet to the
3 south property line; thence South 89 degrees 04 minutes 40
4 seconds West along the said south line, a distance of 29.52
5 feet to the point of beginning, including that portion
6 containing 0.571 acres, more or less, which exists as
7 public road right-of-way, said perpetual right-of-way
8 easement containing 0.741 acres, more or less.

9 PARCEL 14

10 A part of the Northeast Quarter of Section 26, Township 19
11 North, Range 3 East of the Third Principal Meridian,
12 described as follows:

13 Beginning at the Northeast Corner of said Section 26;
14 thence South 0 degrees 39 minutes 50 seconds West along the
15 east line of the Northeast Quarter of said Section 26, a
16 distance of 1130.32 feet to the south monumented parcel
17 line; thence North 89 degrees 13 minutes 10 seconds West
18 along said south monumented parcel line, 28.20 feet; thence
19 North 0 degrees 49 minutes 00 seconds East, 201.20 feet;
20 thence North 0 degrees 53 minutes 30 seconds East, 875.01
21 feet; thence North 29 degrees 29 minutes 30 seconds West,
22 39.54 feet to the south right of way line of a township
23 road; thence North 0 degrees 52 minutes 30 seconds East,
24 18.75 feet to the north line of the Northeast Quarter of
25 said Section 26; thence North 89 degrees 12 minutes 20
26 seconds East along said north line, 44.01 feet to the point
27 of beginning, including that portion containing 0.588
28 acres, more or less, which exists as public road
29 right-of-way, said perpetual right-of-way easement
30 containing 0.696 acres, more or less.

31 ALSO

1 A part of the Northeast Quarter of Section 26, Township 19
2 North, Range 3 East of the Third Principal Meridian,
3 described as follows:

4 A tract of land 5 feet in width lying between Station
5 105+00.00 and Station 105+40.00 a distance of 40.00 feet
6 along the west side of the proposed west right of way line
7 of a highway designated as Construction Section
8 85-00043-00-RS, as surveyed and staked out under the
9 direction of the Dewitt County Highway Department.

10 PARCEL 22

11 A part of the Southeast Quarter of Section 14, Township 19
12 North, Range 3 East of the Third Principal Meridian,
13 described as follows:

14 Beginning at the Southeast Corner of said Section 14;
15 thence South 89 degrees 21 minutes 00 seconds West along
16 the south line of the Southeast Quarter of said Section 14,
17 a distance of 36.03 feet; thence North 1 degree 06 minutes
18 30 seconds East, 31.02 feet to the north right of way line
19 of County Highway 15; thence North 11 degrees 32 minutes 30
20 seconds East, 54.77 feet; thence North 1 degree 01 minute
21 40 seconds East, 469.47 feet; thence North 0 degrees 51
22 minutes 40 seconds East, 750.02 feet; thence North 1 degree
23 05 minutes 10 seconds East, 25.08 feet to the north line of
24 the south half of the Southeast Quarter of said Section 14;
25 thence North 89 degrees 25 minutes 00 seconds East, 28.95
26 feet to the east line of the Southeast Quarter of said
27 Section 14; thence South 1 degree 03 minutes 40 seconds
28 West along said line, a distance of 1329.19 feet to the
29 point of beginning, including that portion containing
30 0.725 acres, more or less, which exists as public road
31 right-of-way, said perpetual right-of-way easement
32 containing 0.838 acres, more or less.

1 PARCEL 24

2 A part of the Southeast Quarter of Section 14, Township 19
3 North, Range 3 East of the Third Principal Meridian,
4 described as follows:

5 Beginning at the Northeast Corner of the Southeast Quarter
6 of said Section 14; thence South 1 degree 03 minutes 40
7 seconds West along the east line of said Southeast Quarter,
8 a distance of 1329.19 feet to the south line of the
9 Northeast Quarter of the Southeast Quarter of said Section
10 14; thence South 89 degrees 25 minutes 00 seconds West,
11 28.95 feet; thence North 1 degree 05 minutes 20 seconds
12 East, 925.01 feet; thence North 1 degree 11 minutes 50
13 seconds East, 404.25 feet to the north line of said
14 Southeast Quarter; thence North 89 degrees 28 minutes 50
15 seconds East along said line, a distance of 27.57 feet to
16 the point of beginning, including that portion containing
17 0.775 acres, more or less, which exists as public road
18 right-of-way, said perpetual right-of-way easement
19 containing 0.870 acres, more or less.

20 PARCEL 26

21 A part of the Southwest Quarter of Section 13, Township 19
22 North, Range 3 East of the Third Principal Meridian,
23 described as follows:

24 Beginning at the Northwest Corner of the Southwest Quarter
25 of said Section 13; thence South 1 degree 03 minutes 40
26 seconds West, along the west line of the Southwest Quarter
27 of said Section 13, a distance of 440.13 feet to the south
28 parcel line; thence North 89 degrees 10 minutes 40 seconds
29 East along said parcel line, 31.50 feet; thence North 1
30 degree 05 minutes 20 seconds East, 34.00 feet; thence North

1 1 degree 11 minutes 55 seconds East, 400.01 feet; thence
2 North 1 degree 03 minutes 00 seconds East, 6.15 feet to the
3 north line of the Southwest Quarter of said Section 13;
4 thence South 89 degrees 11 minutes 10 seconds West along
5 said north line, 32.46 feet to the point of beginning,
6 including that portion containing 0.247 acres, more or
7 less, which exists as public road right-of-way, said
8 perpetual right-of-way easement containing 0.323 acres,
9 more or less.

10 PARCEL 27

11 A part of the Northeast Quarter of Section 14, Township 19
12 North, Range 3 East of the Third Principal Meridian,
13 described as follows:

14 Beginning at the Southeast Corner of the Northeast Quarter
15 of said Section 14; thence North 0 degrees 58 minutes 50
16 seconds East along the east line of the Northeast Quarter
17 of said Section 14, a distance of 316.77 feet to the north
18 parcel line; thence South 89 degrees 28 minutes 50 seconds
19 West along said line, 27.18 feet; thence South 1 degree 03
20 minutes 00 seconds West, 316.78 feet to the south line of
21 the Northeast Quarter of said Section 14; thence North 89
22 degrees 28 minutes 50 seconds East along said line, 27.57
23 feet to the point of beginning, including that portion
24 containing 0.176 acres, more or less, which exists as
25 public road right-of-way, said perpetual right-of-way
26 easement containing 0.199 acres, more or less.

27 PARCEL 29

28 A part of the Northeast Quarter of Section 14, Township 19
29 North, Range 3 East of the Third Principal Meridian,
30 described as follows:

1 Beginning at the Northeast Corner of said Section 14;
2 thence South 0 degrees 58 minutes 50 seconds West along the
3 east line of the Northeast Quarter of said Section 14, a
4 distance of 2342.88 feet to the south parcel line; thence
5 South 89 degrees 29 minutes 00 seconds West, 27.18 feet;
6 thence North 1 degree 03 minutes 00 seconds East, 878.86
7 feet; thence North 0 degrees 50 minutes 10 seconds East,
8 1399.89 feet; thence North 0 degrees 44 minutes 30 seconds
9 East, 22.44 feet; thence North 40 degrees 31 minutes 30
10 seconds West, 30.32 feet to the existing south right of way
11 line of a township road; thence North 0 degrees 44 minutes
12 30 seconds East, 18.43 feet to the north line of said
13 Northeast Quarter; thence North 89 degrees 31 minutes 50
14 seconds East along said line, 49.89 feet to the point of
15 beginning, including that portion containing 1.238 acres,
16 more or less, which exists as public road right-of-way,
17 said perpetual right-of-way easement containing 1.490
18 acres, more or less.

19 PARCEL 30

20 A part of the Northwest Quarter of Section 13, Township 19
21 North, Range 3 East of the Third Principal Meridian,
22 described as follows:

23 Beginning at the Northwest Corner of said Section 13;
24 thence South 0 degrees 58 minutes 50 seconds West along the
25 west line of the Northwest Quarter of said Section 13, a
26 distance of 1329.82 feet to the south parcel line; thence
27 North 89 degrees 09 minutes 50 seconds East along said
28 line, 33.58 feet; thence North 0 degrees 50 minutes 10
29 seconds East, 1264.13 feet; thence North 0 degrees 44
30 minutes 30 seconds East, 22.64 feet; thence North 42
31 degrees 44 minutes 20 seconds East, 29.90 feet to the
32 existing south right of way line of a township road; thence
33 North 0 degrees 44 minutes 40 seconds East, 21.30 feet to

1 the north line of said Northwest Quarter; thence South 89
2 degrees 08 minutes 50 seconds West along said line, 50.15
3 feet to the point of beginning, including that portion
4 containing 0.830 acres, more or less, which exists as
5 public road right-of-way, said perpetual right-of-way
6 easement containing 0.989 acres, more or less.

7 PARCEL 31

8 A part of the Southwest Quarter of Section 12, Township 19
9 North, Range 3 East of the Third Principal Meridian,
10 described as follows:

11 Beginning at the Southwest Corner of said Section 12;
12 thence North 0 degrees 48 minutes 30 seconds East along the
13 west line of the Southwest Quarter of said Section 12, a
14 distance of 2580.09 feet to the north parcel line; thence
15 North 89 degrees 22 minutes 40 seconds East, 31.05 feet;
16 thence South 0 degrees 52 minutes 40 seconds West, 245.61
17 feet; thence South 0 degrees 45 minutes 00 seconds West,
18 1099.99 feet; thence South 0 degrees 57 minutes 50 seconds
19 West, 800.03 feet; thence South 0 degrees 44 minutes 30
20 seconds West, 392.46 feet; thence South 40 degrees 26
21 minutes 10 seconds East, 30.38 feet to the existing north
22 right of way line of a township road; thence South 0
23 degrees 44 minutes 40 seconds West, 18.47 feet to the south
24 line of said Southwest Quarter; thence South 89 degrees 08
25 minutes 50 seconds West along said line, 50.15 feet to the
26 point of beginning, including that portion containing
27 1.493 acres, more or less, which exists as public road
28 right-of-way, said perpetual right-of-way easement
29 containing 1.840 acres, more or less.

30 ALSO

31 A part of the Southwest Quarter of Section 12, Township 19

1 North, Range 3 East of the Third Principal Meridian,
2 described as follows:

3 A tract of land 5 feet in width lying between Station
4 235+40.00 and Station 235+70.00 a distance of 30.00 feet
5 along the east side of the proposed east right of way line
6 of a highway designated as Construction Section
7 85-00043-00-RS, as surveyed and staked out under the
8 direction of the Dewitt County Highway Department.

9 PARCEL 33

10 A part of the Southeast Quarter of Section 11, Township 19
11 North, Range 3 East, Third Principal Meridian, described as
12 follows:

13 Commencing at the Northeast corner of the Southeast Quarter
14 of said Section 11; thence South 0 degrees 48 minutes 30
15 seconds West along the east line of the Southeast Quarter
16 of said Section 11, a distance of 13.79 feet to the north
17 parcel line and the point of beginning; thence continuing
18 South 0 degrees 48 minutes 30 seconds West, 70.01 feet to
19 the south parcel line; thence South 89 degrees 56 minutes
20 00 seconds West along said parcel line, 28.95 feet; thence
21 North 0 degrees 52 minutes 40 seconds East, 70.01 feet to
22 the north parcel line; thence North 89 degrees 56 minutes
23 00 seconds East, 28.86 feet to the point of beginning,
24 including that portion containing 0.040 acres, more or
25 less, which exists as public road right-of-way, said
26 perpetual right-of-way easement containing 0.046 acres,
27 more or less.

28 PARCEL 34

29 A part of the Southwest Quarter of Section 12, Township 19
30 North, Range 3 East, Third Principal Meridian, described as

1 follows:

2 Beginning at the Northwest corner of the Southwest Quarter
3 of said Section 12; thence North 89 degrees 22 minutes 40
4 seconds East along the north line of the Southwest Quarter
5 of said Section 12, a distance of 31.17 feet; thence South
6 0 degrees 52 minutes 40 seconds West, 100.03 feet to the
7 south parcel line; thence South 89 degrees 22 minutes 40
8 seconds West along said parcel line, 31.05 feet; thence
9 North 0 degrees 48 minutes 30 seconds East, 100.03 feet to
10 the point of beginning, including that portion containing
11 0.057 acres, more or less, which exists as public road
12 right-of-way, said perpetual right-of-way easement
13 containing 0.071 acres, more or less.

14 PARCEL 38

15 A part of the Northwest Quarter of Section 12, Township 19
16 North, Range 3 East of the Third Principal Meridian,
17 described as follows:

18 Beginning at the Southwest corner of the Northwest Quarter
19 of said Section 12; thence North 89 degrees 22 minutes 40
20 seconds East along the south line of the Northwest Quarter
21 of said Section 12, a distance of 31.17 feet; thence North
22 0 degrees 52 minutes 40 seconds East, 154.41 feet; thence
23 North 0 degrees 39 minutes 40 seconds East, 500.00 feet;
24 thence North 0 degrees 46 minutes 30 seconds East, 199.96
25 feet; thence North 2 degrees 34 minutes 30 seconds East,
26 400.20 feet; thence North 2 degrees 41 minutes 10 seconds
27 East, 107.55 feet to the south line of the north 80 acres
28 of the Northwest Quarter of said Section 12; thence South
29 89 degrees 34 minutes 20 seconds West along said south
30 line, 45.86 feet to the west line of the Northwest Quarter
31 of said Section 12; thence South 0 degrees 48 minutes 30
32 seconds West along the west line of the Northwest Quarter

1 of said Section 12, a distance of 1361.66 feet to the point
2 of beginning including that portion containing 0.758
3 acres, more or less, which exists as public road
4 right-of-way, said perpetual right-of-way easement
5 containing 1.042 acres, more or less.

6 (Source: P.A. 94-408, eff. 8-2-05; revised 9-26-05.)

7 (735 ILCS 5/7-103.124)

8 Sec. 7-103.124 ~~7-103.113~~. Quick-take; Williamson County.

9 The corporate authorities of Williamson County are hereby
10 authorized to acquire, singularly or jointly with other
11 parties, by gift, purchase, condemnation, or otherwise, any
12 land or interest in land, necessary for the construction and
13 development of a coal mine or transportation facilities to
14 serve a coal mine, to improve or arrange for the improvement of
15 the land and, if deemed to be in the public interest, to convey
16 such land, or interest in land, so acquired and improved to a
17 railroad or company developing the coal mine for fair market
18 value. In addition, quick-take proceedings under Section 7-103
19 may be used for a period of 12 months after the effective date
20 of this amendatory Act of the 94th General Assembly by
21 Williamson County for the acquisition of the following
22 described property for the purpose of constructing a railroad
23 spur line:

24 PARCEL 1

25 As described by deed record book 162, page 337:

26 A triangular tract of land located in the Northwest Quarter
27 of the Southeast Quarter of Section 7, Township 8 South,
28 Range 3 East of the 3rd Principal Meridian bounded and
29 described as follows:

30 Beginning at the Southwest corner of said Northwest Quarter
31 of the Southeast Quarter and running thence north, along

1 the west line of said land, two hundred forty (240) feet
2 more or less, to a point sixty-five (65) feet northwesterly
3 from the located center line of the track to the Lake Creek
4 Mine, measured at right angle thereto. Thence south
5 fifty-seven (57) degrees east magnetic bearing, parallel
6 to said center line four hundred (400) feet more or less,
7 to a point in the south line of said land, thence west
8 along said south line three hundred twenty (320) feet more
9 or less, to a point of beginning, containing eighty-eight
10 (0.88) of an acre more or less, excepting the coal
11 underlying same which has heretofore been disposed of.

12 Parcel 1: Containing an estimated 0.88 Acres.

13 PARCEL 2

14 As described by deed record book 162, page 336:

15 A strip of land one hundred thirty (130) feet wide,
16 extending over and across the north half of the Southwest
17 Quarter of the Southeast Quarter of Section Seven (7),
18 Township Eight (8) South, Range Three (3) East of the Third
19 (3rd) Principal Meridian, said strip of land being
20 sixty-five (65) feet in width on each side of the located
21 center line of the track to Lake Creek Mine. Said located
22 center line intersects the north line of said land, at a
23 point two hundred ten (210) feet east of the northwest
24 corner of said land and run thence south fifty-seven (57)
25 degrees east, magnetic bearing, eleven hundred fifty-three
26 (1153) feet more or less, to a point in the south line of
27 said land one hundred eighty-nine (189) feet west of the
28 southeast corner of said land. Said strip of land contains
29 three and forty-five hundredths (3.45) acres more or less.

30 Parcel 2: Containing an estimated 3.45 Acres.

1 PARCEL 3

2 As described by deed record book 162, page 339:

3 A triangular tract of land located in the South Half of the
4 Southwest Quarter of the Southeast Quarter of Section Seven
5 (7), Township Eight (8) South, Range Three (3) East of the
6 Third (3rd) Principal Meridian, bounded and described as
7 follows:

8 Beginning at the northeast corner of said land, and running
9 thence west two hundred seventy (270) feet more or less, to
10 a point fifty (50) feet southwesterly from the located
11 center line to the track to Lake Creek Mine, thence south
12 fifty-seven (57) degrees east, magnetic bearing, parallel
13 to said center line, three hundred thirty (330) feet more
14 or less, to the point of beginning, containing sixty-three
15 hundredths (0.63) of an acre more or less; excepting the
16 coal underlying same which has heretofore been disposed of.

17 Parcel 3: Containing an estimated 0.63 Acres.

18 PARCEL 4

19 A parcel of land to the extent owned one hundred and
20 thirty-five (135) feet wide located in and running across
21 the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of
22 Section Seven (7), Township Eight (8) South, Range Three
23 (3) East of the Third (3rd) Principal Meridian, bounded and
24 described as follows:

25 Beginning at the northwest corner of said South Half (S
26 1/2) of the Southeast Quarter (SE 1/4) of Section Seven
27 (7), Township Eight (8) South, Range Three (3) East and
28 running thence south along the west line of said land
29 fifty-three (53) feet more or less to the point of

1 beginning, thence south along the west line of the said
2 land one hundred and fifty nine (159) feet thence south
3 fifty-seven degrees (57) east, magnetic bearing eight
4 hundred (800) feet more or less to a point on the south
5 line of Section Seven (7), Township Eight (8) South, Range
6 Three (3) East; said point being six hundred seventy (670)
7 feet east of the southeast corner of said Section Seven
8 (7), thence east along the south line of said Section Seven
9 (7) two hundred twenty-three (223) feet to a point being
10 four hundred and forty-seven (447) feet east of the
11 southeast corner of said Section Seven (7) thence north
12 fifty-seven (57) degrees west one thousand and sixty-four
13 (1064) feet more or less to the point of beginning;
14 containing 1.48 acres more or less.

15 Parcel 4: Containing an estimated 1.48 Acres.

16 (Source: P.A. 94-660, eff. 8-22-05; revised 9-26-05.)

17 (735 ILCS 5/15-1201) (from Ch. 110, par. 15-1201)

18 Sec. 15-1201. Agricultural Real Estate. "Agricultural real
19 estate" means real estate which is used primarily (i) for the
20 growing and harvesting of crops, (ii) for the feeding, breeding
21 and management of livestock, (iii) for dairying, or (iv) for
22 any other agricultural or horticultural use or combination
23 thereof, including without limitation, aquaculture,
24 silviculture, ~~silvaculture~~ and any other activities
25 customarily engaged in by persons engaged in the business of
26 farming.

27 (Source: P.A. 84-1462; revised 10-19-05.)

28 Section 675. The Crime Victims Compensation Act is amended
29 by changing Sections 2 and 6.1 as follows:

30 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

1 (a) "Applicant" means any person who applies for
2 compensation under this Act or any person the Court of Claims
3 finds is entitled to compensation, including the guardian of a
4 minor or of a person under legal disability. It includes any
5 person who was a dependent of a deceased victim of a crime of
6 violence for his or her support at the time of the death of
7 that victim.

8 (b) "Court of Claims" means the Court of Claims created by
9 the Court of Claims Act.

10 (c) "Crime of violence" means and includes any offense
11 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,
12 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1,
13 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1,
14 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of
15 1961, and driving under the influence of intoxicating liquor or
16 narcotic drugs as defined in Section 11-501 of the Illinois
17 Vehicle Code, if none of the said offenses occurred during a
18 civil riot, insurrection or rebellion. "Crime of violence" does
19 not include any other offense or accident involving a motor
20 vehicle except those vehicle offenses specifically provided
21 for in this paragraph. "Crime of violence" does include all of
22 the offenses specifically provided for in this paragraph that
23 occur within this State but are subject to federal jurisdiction
24 and crimes involving terrorism as defined in 18 U.S.C. 2331.

25 (d) "Victim" means (1) a person killed or injured in this
26 State as a result of a crime of violence perpetrated or
27 attempted against him or her, (2) the parent of a child killed
28 or injured in this State as a result of a crime of violence
29 perpetrated or attempted against the child, (3) a person killed
30 or injured in this State while attempting to assist a person
31 against whom a crime of violence is being perpetrated or
32 attempted, if that attempt of assistance would be expected of a
33 reasonable man under the circumstances, (4) a person killed or
34 injured in this State while assisting a law enforcement
35 official apprehend a person who has perpetrated a crime of
36 violence or prevent the perpetration of any such crime if that

1 assistance was in response to the express request of the law
2 enforcement official, (5) a person who personally witnessed a
3 violent crime, (5.1) solely for the purpose of compensating for
4 pecuniary loss incurred for psychological treatment of a mental
5 or emotional condition caused or aggravated by the crime, any
6 other person under the age of 18 who is the brother, sister,
7 half brother, half sister, child, or stepchild of a person
8 killed or injured in this State as a result of a crime of
9 violence, or (6) an Illinois resident who is a victim of a
10 "crime of violence" as defined in this Act except, if the crime
11 occurred outside this State, the resident has the same rights
12 under this Act as if the crime had occurred in this State upon
13 a showing that the state, territory, country, or political
14 subdivision of a country in which the crime occurred does not
15 have a compensation of victims of crimes law for which that
16 Illinois resident is eligible.

17 (e) "Dependent" means a relative of a deceased victim who
18 was wholly or partially dependent upon the victim's income at
19 the time of his or her death and shall include the child of a
20 victim born after his or her death.

21 (f) "Relative" means a spouse, parent, grandparent,
22 stepfather, stepmother, child, grandchild, brother,
23 brother-in-law, sister, sister-in-law, half brother, half
24 sister, spouse's parent, nephew, niece, uncle or aunt.

25 (g) "Child" means an unmarried son or daughter who is under
26 18 years of age and includes a stepchild, an adopted child or a
27 child born out of wedlock.

28 (h) "Pecuniary loss" means, in the case of injury,
29 appropriate medical expenses and hospital expenses including
30 expenses of medical examinations, rehabilitation, medically
31 required nursing care expenses, appropriate psychiatric care
32 or psychiatric counseling expenses, expenses for care or
33 counseling by a licensed clinical psychologist, licensed
34 clinical social worker, or licensed clinical professional
35 counselor and expenses for treatment by Christian Science
36 practitioners and nursing care appropriate thereto; prosthetic

1 appliances, eyeglasses, and hearing aids necessary or damaged
2 as a result of the crime; replacement costs for clothing and
3 bedding used as evidence; costs associated with temporary
4 lodging or relocation necessary as a result of the crime,
5 including, but not limited to, the first month's rent and
6 security deposit of the dwelling that the claimant relocated to
7 and other reasonable relocation expenses incurred as a result
8 of the violent crime; locks or windows necessary or damaged as
9 a result of the crime; the purchase, lease, or rental of
10 equipment necessary to create usability of and accessibility to
11 the victim's real and personal property, or the real and
12 personal property which is used by the victim, necessary as a
13 result of the crime; the costs of appropriate crime scene
14 clean-up; replacement services loss, to a maximum of \$1000 per
15 month; dependents replacement services loss, to a maximum of
16 \$1000 per month; loss of tuition paid to attend grammar school
17 or high school when the victim had been enrolled as a full-time
18 student prior to the injury, or college or graduate school when
19 the victim had been enrolled as a full-time day or night
20 student prior to the injury when the victim becomes unable to
21 continue attendance at school as a result of the crime of
22 violence perpetrated against him or her; loss of earnings, loss
23 of future earnings because of disability resulting from the
24 injury, and, in addition, in the case of death, expenses for
25 funeral, burial, and travel and transport for survivors of
26 homicide victims to secure bodies of deceased victims and to
27 transport bodies for burial all of which may not exceed a
28 maximum of \$5,000 and loss of support of the dependents of the
29 victim. Loss of future earnings shall be reduced by any income
30 from substitute work actually performed by the victim or by
31 income he or she would have earned in available appropriate
32 substitute work he or she was capable of performing but
33 unreasonably failed to undertake. Loss of earnings, loss of
34 future earnings and loss of support shall be determined on the
35 basis of the victim's average net monthly earnings for the 6
36 months immediately preceding the date of the injury or on \$1000

1 per month, whichever is less. If a divorced or legally
2 separated applicant is claiming loss of support for a minor
3 child of the deceased, the amount of support for each child
4 shall be based either on the amount of support pursuant to the
5 judgment prior to the date of the deceased victim's injury or
6 death, or, if the subject of pending litigation filed by or on
7 behalf of the divorced or legally separated applicant prior to
8 the injury or death, on the result of that litigation. Real and
9 personal property includes, but is not limited to, vehicles,
10 houses, apartments, town houses, or condominiums. Pecuniary
11 loss does not include pain and suffering or property loss or
12 damage.

13 (i) "Replacement services loss" means expenses reasonably
14 incurred in obtaining ordinary and necessary services in lieu
15 of those the permanently injured person would have performed,
16 not for income, but for the benefit of himself or herself or
17 his or her family, if he or she had not been permanently
18 injured.

19 (j) "Dependents replacement services loss" means loss
20 reasonably incurred by dependents after a victim's death in
21 obtaining ordinary and necessary services in lieu of those the
22 victim would have performed, not for income, but for their
23 benefit, if he or she had not been fatally injured.

24 (k) "Survivor" means immediate family including a parent,
25 step-father, step-mother, child, brother, sister, or spouse.

26 (Source: P.A. 94-229, eff. 1-1-06; 94-399, eff. 1-1-06; 94-400,
27 eff. 1-1-06; revised 8-19-05.)

28 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

29 Sec. 6.1. Right to compensation. A person is entitled to
30 compensation under this Act if:

31 (a) Within 2 years of the occurrence of the crime upon
32 which the claim is based, he files an application, under
33 oath, with the Court of Claims and on a form prescribed in
34 accordance with Section 7.1 furnished by the Attorney
35 General. If the person entitled to compensation is under 18

1 years of age or under other legal disability at the time of
2 the occurrence or becomes legally disabled as a result of
3 the occurrence, he may file the application required by
4 this subsection within 2 years after he attains the age of
5 18 years or the disability is removed, as the case may be.
6 Legal disability includes a diagnosis of posttraumatic
7 stress disorder.

8 (b) For all crimes of violence, except those listed in
9 subsection (b-1) of this Section, the appropriate law
10 enforcement officials were notified within 72 hours of the
11 perpetration of the crime allegedly causing the death or
12 injury to the victim or, in the event such notification was
13 made more than 72 hours after the perpetration of the
14 crime, the applicant establishes that such notice was
15 timely under the circumstances.

16 (b-1) For victims of offenses defined in Sections
17 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal
18 Code of 1961, the appropriate law enforcement officials
19 were notified within 7 days of the perpetration of the
20 crime allegedly causing death or injury to the victim or,
21 in the event that the notification was made more than 7
22 days after the perpetration of the crime, the applicant
23 establishes that the notice was timely under the
24 circumstances. ~~(b-2)~~ If the applicant has obtained an order
25 of protection or a civil no contact order or has presented
26 himself or herself to a hospital for sexual assault
27 evidence collection and medical care, such action shall
28 constitute appropriate notification under this subsection
29 (b-1) or subsection (b) ~~or (b-1)~~ of this Section.

30 (c) The applicant has cooperated with law enforcement
31 officials in the apprehension and prosecution of the
32 assailant. ~~(c-1)~~ If the applicant has obtained an order of
33 protection or a civil no contact order or has presented
34 himself or herself to a hospital for sexual assault
35 evidence collection and medical care, such action shall
36 constitute cooperation under this subsection (c) ~~of this~~

1 ~~Section.~~

2 (d) The applicant is not the offender or an accomplice
3 of the offender and the award would not unjustly benefit
4 the offender or his accomplice.

5 (e) The injury to or death of the victim was not
6 substantially attributable to his own wrongful act and was
7 not substantially provoked by the victim.

8 (Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)

9 Section 680. The State Lawsuit Immunity Act is amended by
10 changing Section 1 as follows:

11 (745 ILCS 5/1) (from Ch. 127, par. 801)

12 Sec. 1. Except as provided in the Illinois Public Labor
13 Relations Act, the Court of Claims Act, ~~and~~ the State Officials
14 and Employees Ethics Act, and ~~or~~ Section 1.5 of this Act, the
15 State of Illinois shall not be made a defendant or party in any
16 court.

17 (Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03;
18 revised 12-19-03.)

19 Section 685. The Federal Law Enforcement Officer Immunity
20 Act is amended by changing Section 5 as follows:

21 (745 ILCS 22/5)

22 Sec. 5. Definition. As used in this Act, "federal law
23 enforcement officer" means any officer, agent or employee of
24 the federal government commissioned by federal statute to make
25 arrests for violations of federal criminal laws, including but
26 not limited to, all criminal investigators of:

27 (a) The United States Department of Justice, The Federal
28 Bureau of Investigation, The Drug Enforcement Agency and The
29 Department of Immigration and Naturalization;

30 (b) The United States Department of the Treasury, The
31 Secret Service, The Bureau of Alcohol, Tobacco and Firearms and
32 The Customs Service;

1 (c) The United States Internal Revenue Service;
2 (d) The United States General Services Administration;
3 (e) The United States Postal Service; and
4 (f) All United States Marshals ~~Marshalls~~ or Deputy United
5 States Marshals ~~Marshalls~~ whose duties involve the enforcement
6 of federal criminal laws.
7 (Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

8 Section 690. The Illinois Marriage and Dissolution of
9 Marriage Act is amended by changing Section 602 as follows:

10 (750 ILCS 5/602) (from Ch. 40, par. 602)

11 Sec. 602. Best Interest of Child.

12 (a) The court shall determine custody in accordance with
13 the best interest of the child. The court shall consider all
14 relevant factors including:

15 (1) the wishes of the child's parent or parents as to
16 his custody;

17 (2) the wishes of the child as to his custodian;

18 (3) the interaction and interrelationship of the child
19 with his parent or parents, his siblings and any other
20 person who may significantly affect the child's best
21 interest;

22 (4) the child's adjustment to his home, school and
23 community;

24 (5) the mental and physical health of all individuals
25 involved;

26 (6) the physical violence or threat of physical
27 violence by the child's potential custodian, whether
28 directed against the child or directed against another
29 person;

30 (7) the occurrence of ongoing or repeated abuse as
31 defined in Section 103 of the Illinois Domestic Violence
32 Act of 1986, whether directed against the child or directed
33 against another person;

34 (8) the willingness and ability of each parent to

1 facilitate and encourage a close and continuing
2 relationship between the other parent and the child; and

3 (9) whether one of the parents is a sex offender.

4 In the case of a custody proceeding in which a stepparent
5 has standing under Section 601, it is presumed to be in the
6 best interest of the minor child that the natural parent have
7 the custody of the minor child unless the presumption is
8 rebutted by the stepparent.

9 (b) The court shall not consider conduct of a present or
10 proposed custodian that does not affect his relationship to the
11 child.

12 (c) Unless the court finds the occurrence of ongoing abuse
13 as defined in Section 103 of the Illinois Domestic Violence Act
14 of 1986, the court shall presume that the maximum involvement
15 and cooperation of both parents regarding the physical, mental,
16 moral, and emotional well-being of their child is in the best
17 interest of the child. There shall be no presumption in favor
18 of or against joint custody.

19 (Source: P.A. 94-377, eff. 7-29-05; 94-643, eff. 1-1-06;
20 revised 8-29-05.)

21 Section 695. The Adoption Act is amended by changing
22 Sections 1 and 18.05 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

24 Sec. 1. Definitions. When used in this Act, unless the
25 context otherwise requires:

26 A. "Child" means a person under legal age subject to
27 adoption under this Act.

28 B. "Related child" means a child subject to adoption where
29 either or both of the adopting parents stands in any of the
30 following relationships to the child by blood or marriage:
31 parent, grand-parent, brother, sister, step-parent,
32 step-grandparent, step-brother, step-sister, uncle, aunt,
33 great-uncle, great-aunt, or cousin of first degree. A child
34 whose parent has executed a final irrevocable consent to

1 adoption or a final irrevocable surrender for purposes of
2 adoption, or whose parent has had his or her parental rights
3 terminated, is not a related child to that person, unless the
4 consent is determined to be void or is void pursuant to
5 subsection 0 of Section 10.

6 C. "Agency" for the purpose of this Act means a public
7 child welfare agency or a licensed child welfare agency.

8 D. "Unfit person" means any person whom the court shall
9 find to be unfit to have a child, without regard to the
10 likelihood that the child will be placed for adoption. The
11 grounds of unfitness are any one or more of the following,
12 except that a person shall not be considered an unfit person
13 for the sole reason that the person has relinquished a child in
14 accordance with the Abandoned Newborn Infant Protection Act:

15 (a) Abandonment of the child.

16 (a-1) Abandonment of a newborn infant in a hospital.

17 (a-2) Abandonment of a newborn infant in any setting
18 where the evidence suggests that the parent intended to
19 relinquish his or her parental rights.

20 (b) Failure to maintain a reasonable degree of
21 interest, concern or responsibility as to the child's
22 welfare.

23 (c) Desertion of the child for more than 3 months next
24 preceding the commencement of the Adoption proceeding.

25 (d) Substantial neglect of the child if continuous or
26 repeated.

27 (d-1) Substantial neglect, if continuous or repeated,
28 of any child residing in the household which resulted in
29 the death of that child.

30 (e) Extreme or repeated cruelty to the child.

31 (f) Two or more findings of physical abuse to any
32 children under Section 4-8 of the Juvenile Court Act or
33 Section 2-21 of the Juvenile Court Act of 1987, the most
34 recent of which was determined by the juvenile court
35 hearing the matter to be supported by clear and convincing
36 evidence; a criminal conviction or a finding of not guilty

1 by reason of insanity resulting from the death of any child
2 by physical child abuse; or a finding of physical child
3 abuse resulting from the death of any child under Section
4 4-8 of the Juvenile Court Act or Section 2-21 of the
5 Juvenile Court Act of 1987.

6 (g) Failure to protect the child from conditions within
7 his environment injurious to the child's welfare.

8 (h) Other neglect of, or misconduct toward the child;
9 provided that in making a finding of unfitness the court
10 hearing the adoption proceeding shall not be bound by any
11 previous finding, order or judgment affecting or
12 determining the rights of the parents toward the child
13 sought to be adopted in any other proceeding except such
14 proceedings terminating parental rights as shall be had
15 under either this Act, the Juvenile Court Act or the
16 Juvenile Court Act of 1987.

17 (i) Depravity. Conviction of any one of the following
18 crimes shall create a presumption that a parent is deprived
19 which can be overcome only by clear and convincing
20 evidence: (1) first degree murder in violation of paragraph
21 1 or 2 of subsection (a) of Section 9-1 of the Criminal
22 Code of 1961 or conviction of second degree murder in
23 violation of subsection (a) of Section 9-2 of the Criminal
24 Code of 1961 of a parent of the child to be adopted; (2)
25 first degree murder or second degree murder of any child in
26 violation of the Criminal Code of 1961; (3) attempt or
27 conspiracy to commit first degree murder or second degree
28 murder of any child in violation of the Criminal Code of
29 1961; (4) solicitation to commit murder of any child,
30 solicitation to commit murder of any child for hire, or
31 solicitation to commit second degree murder of any child in
32 violation of the Criminal Code of 1961; or (5) aggravated
33 criminal sexual assault in violation of Section
34 12-14(b) (1) of the Criminal Code of 1961.

35 There is a rebuttable presumption that a parent is
36 deprived if the parent has been criminally convicted of at

1 least 3 felonies under the laws of this State or any other
2 state, or under federal law, or the criminal laws of any
3 United States territory; and at least one of these
4 convictions took place within 5 years of the filing of the
5 petition or motion seeking termination of parental rights.

6 There is a rebuttable presumption that a parent is
7 deprived if that parent has been criminally convicted of
8 either first or second degree murder of any person as
9 defined in the Criminal Code of 1961 within 10 years of the
10 filing date of the petition or motion to terminate parental
11 rights.

12 (j) Open and notorious adultery or fornication.

13 (j-1) (Blank).

14 (k) Habitual drunkenness or addiction to drugs, other
15 than those prescribed by a physician, for at least one year
16 immediately prior to the commencement of the unfitness
17 proceeding.

18 There is a rebuttable presumption that a parent is
19 unfit under this subsection with respect to any child to
20 which that parent gives birth where there is a confirmed
21 test result that at birth the child's blood, urine, or
22 meconium contained any amount of a controlled substance as
23 defined in subsection (f) of Section 102 of the Illinois
24 Controlled Substances Act or metabolites of such
25 substances, the presence of which in the newborn infant was
26 not the result of medical treatment administered to the
27 mother or the newborn infant; and the biological mother of
28 this child is the biological mother of at least one other
29 child who was adjudicated a neglected minor under
30 subsection (c) of Section 2-3 of the Juvenile Court Act of
31 1987.

32 (l) Failure to demonstrate a reasonable degree of
33 interest, concern or responsibility as to the welfare of a
34 new born child during the first 30 days after its birth.

35 (m) Failure by a parent (i) to make reasonable efforts
36 to correct the conditions that were the basis for the

1 removal of the child from the parent, or (ii) to make
2 reasonable progress toward the return of the child to the
3 parent within 9 months after an adjudication of neglected
4 or abused minor under Section 2-3 of the Juvenile Court Act
5 of 1987 or dependent minor under Section 2-4 of that Act,
6 or (iii) to make reasonable progress toward the return of
7 the child to the parent during any 9-month period after the
8 end of the initial 9-month period following the
9 adjudication of neglected or abused minor under Section 2-3
10 of the Juvenile Court Act of 1987 or dependent minor under
11 Section 2-4 of that Act. If a service plan has been
12 established as required under Section 8.2 of the Abused and
13 Neglected Child Reporting Act to correct the conditions
14 that were the basis for the removal of the child from the
15 parent and if those services were available, then, for
16 purposes of this Act, "failure to make reasonable progress
17 toward the return of the child to the parent" includes (I)
18 the parent's failure to substantially fulfill his or her
19 obligations under the service plan and correct the
20 conditions that brought the child into care within 9 months
21 after the adjudication under Section 2-3 or 2-4 of the
22 Juvenile Court Act of 1987 and (II) the parent's failure to
23 substantially fulfill his or her obligations under the
24 service plan and correct the conditions that brought the
25 child into care during any 9-month period after the end of
26 the initial 9-month period following the adjudication
27 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
28 Notwithstanding any other provision, when a petition or
29 motion seeks to terminate parental rights on the basis of
30 item (iii) of this subsection (m), the petitioner shall
31 file with the court and serve on the parties a pleading
32 that specifies the 9-month period or periods relied on. The
33 pleading shall be filed and served on the parties no later
34 than 3 weeks before the date set by the court for closure
35 of discovery, and the allegations in the pleading shall be
36 treated as incorporated into the petition or motion.

1 Failure of a respondent to file a written denial of the
2 allegations in the pleading shall not be treated as an
3 admission that the allegations are true.

4 (m-1) Pursuant to the Juvenile Court Act of 1987, a
5 child has been in foster care for 15 months out of any 22
6 month period which begins on or after the effective date of
7 this amendatory Act of 1998 unless the child's parent can
8 prove by a preponderance of the evidence that it is more
9 likely than not that it will be in the best interests of
10 the child to be returned to the parent within 6 months of
11 the date on which a petition for termination of parental
12 rights is filed under the Juvenile Court Act of 1987. The
13 15 month time limit is tolled during any period for which
14 there is a court finding that the appointed custodian or
15 guardian failed to make reasonable efforts to reunify the
16 child with his or her family, provided that (i) the finding
17 of no reasonable efforts is made within 60 days of the
18 period when reasonable efforts were not made or (ii) the
19 parent filed a motion requesting a finding of no reasonable
20 efforts within 60 days of the period when reasonable
21 efforts were not made. For purposes of this subdivision
22 (m-1), the date of entering foster care is the earlier of:
23 (i) the date of a judicial finding at an adjudicatory
24 hearing that the child is an abused, neglected, or
25 dependent minor; or (ii) 60 days after the date on which
26 the child is removed from his or her parent, guardian, or
27 legal custodian.

28 (n) Evidence of intent to forgo his or her parental
29 rights, whether or not the child is a ward of the court,
30 (1) as manifested by his or her failure for a period of 12
31 months: (i) to visit the child, (ii) to communicate with
32 the child or agency, although able to do so and not
33 prevented from doing so by an agency or by court order, or
34 (iii) to maintain contact with or plan for the future of
35 the child, although physically able to do so, or (2) as
36 manifested by the father's failure, where he and the mother

1 of the child were unmarried to each other at the time of
2 the child's birth, (i) to commence legal proceedings to
3 establish his paternity under the Illinois Parentage Act of
4 1984 or the law of the jurisdiction of the child's birth
5 within 30 days of being informed, pursuant to Section 12a
6 of this Act, that he is the father or the likely father of
7 the child or, after being so informed where the child is
8 not yet born, within 30 days of the child's birth, or (ii)
9 to make a good faith effort to pay a reasonable amount of
10 the expenses related to the birth of the child and to
11 provide a reasonable amount for the financial support of
12 the child, the court to consider in its determination all
13 relevant circumstances, including the financial condition
14 of both parents; provided that the ground for termination
15 provided in this subparagraph (n)(2)(ii) shall only be
16 available where the petition is brought by the mother or
17 the husband of the mother.

18 Contact or communication by a parent with his or her
19 child that does not demonstrate affection and concern does
20 not constitute reasonable contact and planning under
21 subdivision (n). In the absence of evidence to the
22 contrary, the ability to visit, communicate, maintain
23 contact, pay expenses and plan for the future shall be
24 presumed. The subjective intent of the parent, whether
25 expressed or otherwise, unsupported by evidence of the
26 foregoing parental acts manifesting that intent, shall not
27 preclude a determination that the parent has intended to
28 forgo his or her parental rights. In making this
29 determination, the court may consider but shall not require
30 a showing of diligent efforts by an authorized agency to
31 encourage the parent to perform the acts specified in
32 subdivision (n).

33 It shall be an affirmative defense to any allegation
34 under paragraph (2) of this subsection that the father's
35 failure was due to circumstances beyond his control or to
36 impediments created by the mother or any other person

1 having legal custody. Proof of that fact need only be by a
2 preponderance of the evidence.

3 (o) Repeated or continuous failure by the parents,
4 although physically and financially able, to provide the
5 child with adequate food, clothing, or shelter.

6 (p) Inability to discharge parental responsibilities
7 supported by competent evidence from a psychiatrist,
8 licensed clinical social worker, or clinical psychologist
9 of mental impairment, mental illness or mental retardation
10 as defined in Section 1-116 of the Mental Health and
11 Developmental Disabilities Code, or developmental
12 disability as defined in Section 1-106 of that Code, and
13 there is sufficient justification to believe that the
14 inability to discharge parental responsibilities shall
15 extend beyond a reasonable time period. However, this
16 subdivision (p) shall not be construed so as to permit a
17 licensed clinical social worker to conduct any medical
18 diagnosis to determine mental illness or mental
19 impairment.

20 (q) The parent has been criminally convicted of
21 aggravated battery, heinous battery, or attempted murder
22 of any child.

23 (r) The child is in the temporary custody or
24 guardianship of the Department of Children and Family
25 Services, the parent is incarcerated as a result of
26 criminal conviction at the time the petition or motion for
27 termination of parental rights is filed, prior to
28 incarceration the parent had little or no contact with the
29 child or provided little or no support for the child, and
30 the parent's incarceration will prevent the parent from
31 discharging his or her parental responsibilities for the
32 child for a period in excess of 2 years after the filing of
33 the petition or motion for termination of parental rights.

34 (s) The child is in the temporary custody or
35 guardianship of the Department of Children and Family
36 Services, the parent is incarcerated at the time the

1 petition or motion for termination of parental rights is
2 filed, the parent has been repeatedly incarcerated as a
3 result of criminal convictions, and the parent's repeated
4 incarceration has prevented the parent from discharging
5 his or her parental responsibilities for the child.

6 (t) A finding that at birth the child's blood, urine,
7 or meconium contained any amount of a controlled substance
8 as defined in subsection (f) of Section 102 of the Illinois
9 Controlled Substances Act, or a metabolite of a controlled
10 substance, with the exception of controlled substances or
11 metabolites of such substances, the presence of which in
12 the newborn infant was the result of medical treatment
13 administered to the mother or the newborn infant, and that
14 the biological mother of this child is the biological
15 mother of at least one other child who was adjudicated a
16 neglected minor under subsection (c) of Section 2-3 of the
17 Juvenile Court Act of 1987, after which the biological
18 mother had the opportunity to enroll in and participate in
19 a clinically appropriate substance abuse counseling,
20 treatment, and rehabilitation program.

21 E. "Parent" means the father or mother of a lawful child of
22 the parties or child born out of wedlock. For the purpose of
23 this Act, a person who has executed a final and irrevocable
24 consent to adoption or a final and irrevocable surrender for
25 purposes of adoption, or whose parental rights have been
26 terminated by a court, is not a parent of the child who was the
27 subject of the consent or surrender, unless the consent is void
28 pursuant to subsection O of Section 10.

29 F. A person is available for adoption when the person is:

30 (a) a child who has been surrendered for adoption to an
31 agency and to whose adoption the agency has thereafter
32 consented;

33 (b) a child to whose adoption a person authorized by
34 law, other than his parents, has consented, or to whose
35 adoption no consent is required pursuant to Section 8 of
36 this Act;

1 (c) a child who is in the custody of persons who intend
2 to adopt him through placement made by his parents;

3 (c-1) a child for whom a parent has signed a specific
4 consent pursuant to subsection 0 of Section 10;

5 (d) an adult who meets the conditions set forth in
6 Section 3 of this Act; or

7 (e) a child who has been relinquished as defined in
8 Section 10 of the Abandoned Newborn Infant Protection Act.

9 A person who would otherwise be available for adoption
10 shall not be deemed unavailable for adoption solely by reason
11 of his or her death.

12 G. The singular includes the plural and the plural includes
13 the singular and the "male" includes the "female", as the
14 context of this Act may require.

15 H. "Adoption disruption" occurs when an adoptive placement
16 does not prove successful and it becomes necessary for the
17 child to be removed from placement before the adoption is
18 finalized.

19 I. "Foreign placing agency" is an agency or individual
20 operating in a country or territory outside the United States
21 that is authorized by its country to place children for
22 adoption either directly with families in the United States or
23 through United States based international agencies.

24 J. "Immediate relatives" means the biological parents, the
25 parents of the biological parents and siblings of the
26 biological parents.

27 K. "Intercountry adoption" is a process by which a child
28 from a country other than the United States is adopted.

29 L. "Intercountry Adoption Coordinator" is a staff person of
30 the Department of Children and Family Services appointed by the
31 Director to coordinate the provision of services by the public
32 and private sector to prospective parents of foreign-born
33 children.

34 M. "Interstate Compact on the Placement of Children" is a
35 law enacted by most states for the purpose of establishing
36 uniform procedures for handling the interstate placement of

1 children in foster homes, adoptive homes, or other child care
2 facilities.

3 N. "Non-Compact state" means a state that has not enacted
4 the Interstate Compact on the Placement of Children.

5 O. "Preadoption requirements" are any conditions
6 established by the laws or regulations of the Federal
7 Government or of each state that must be met prior to the
8 placement of a child in an adoptive home.

9 P. "Abused child" means a child whose parent or immediate
10 family member, or any person responsible for the child's
11 welfare, or any individual residing in the same home as the
12 child, or a paramour of the child's parent:

13 (a) inflicts, causes to be inflicted, or allows to be
14 inflicted upon the child physical injury, by other than
15 accidental means, that causes death, disfigurement,
16 impairment of physical or emotional health, or loss or
17 impairment of any bodily function;

18 (b) creates a substantial risk of physical injury to
19 the child by other than accidental means which would be
20 likely to cause death, disfigurement, impairment of
21 physical or emotional health, or loss or impairment of any
22 bodily function;

23 (c) commits or allows to be committed any sex offense
24 against the child, as sex offenses are defined in the
25 Criminal Code of 1961 and extending those definitions of
26 sex offenses to include children under 18 years of age;

27 (d) commits or allows to be committed an act or acts of
28 torture upon the child; or

29 (e) inflicts excessive corporal punishment.

30 Q. "Neglected child" means any child whose parent or other
31 person responsible for the child's welfare withholds or denies
32 nourishment or medically indicated treatment including food or
33 care denied solely on the basis of the present or anticipated
34 mental or physical impairment as determined by a physician
35 acting alone or in consultation with other physicians or
36 otherwise does not provide the proper or necessary support,

1 education as required by law, or medical or other remedial care
2 recognized under State law as necessary for a child's
3 well-being, or other care necessary for his or her well-being,
4 including adequate food, clothing and shelter; or who is
5 abandoned by his or her parents or other person responsible for
6 the child's welfare.

7 A child shall not be considered neglected or abused for the
8 sole reason that the child's parent or other person responsible
9 for his or her welfare depends upon spiritual means through
10 prayer alone for the treatment or cure of disease or remedial
11 care as provided under Section 4 of the Abused and Neglected
12 Child Reporting Act. A child shall not be considered neglected
13 or abused for the sole reason that the child's parent or other
14 person responsible for the child's welfare failed to vaccinate,
15 delayed vaccination, or refused vaccination for the child due
16 to a waiver on religious or medical grounds as permitted by
17 law.

18 R. "Putative father" means a man who may be a child's
19 father, but who (1) is not married to the child's mother on or
20 before the date that the child was or is to be born and (2) has
21 not established paternity of the child in a court proceeding
22 before the filing of a petition for the adoption of the child.
23 The term includes a male who is less than 18 years of age.
24 "Putative father" does not mean a man who is the child's father
25 as a result of criminal sexual abuse or assault as defined
26 under Article 12 of the Criminal Code of 1961.

27 S. "Standby adoption" means an adoption in which a parent
28 consents to custody and termination of parental rights to
29 become effective upon the occurrence of a future event, which
30 is either the death of the parent or the request of the parent
31 for the entry of a final judgment of adoption.

32 T. (Blank).

33 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,
34 eff. 1-1-06; revised 8-23-05.)

1 Sec. 18.05. The Illinois Adoption Registry and Medical
2 Information Exchange.

3 (a) General function. Subject to appropriation, the
4 Department of Public Health shall administer the Illinois
5 Adoption Registry and Medical Information Exchange in the
6 manner outlined in subsections (b) and (c) for the purpose of
7 facilitating the voluntary exchange of medical information
8 between mutually consenting members of birth and adoptive
9 families. The Department shall establish rules for the
10 confidential operation of the Illinois Adoption Registry. The
11 Department shall conduct a public information campaign through
12 public service announcements and other forms of media coverage
13 and, until December 31, 2010, through notices enclosed with
14 driver's license renewal applications, shall inform the public
15 of the Illinois Adoption Registry and Medical Information
16 Exchange. The Illinois Adoption Registry shall also maintain an
17 informational Internet site where interested parties may
18 access information about the Illinois Adoption Registry and
19 Medical Information Exchange and download all necessary
20 application forms. The Illinois Adoption Registry shall
21 maintain statistical records regarding Registry participation
22 and publish and circulate to the public informational material
23 about the function and operation of the Registry.

24 (b) Establishment of the Adoption/Surrender Records File.
25 When a person has voluntarily registered with the Illinois
26 Adoption Registry and completed an Illinois Adoption Registry
27 Application or a Registration Identification Form, the
28 Registry shall establish a new Adoption/Surrender Records
29 File. Such file may concern an adoption that was finalized by a
30 court action in the State of Illinois, an adoption of a person
31 born in Illinois finalized by a court action in a state other
32 than Illinois or in a foreign country, a surrender taken in the
33 State of Illinois, or an adoption filed according to Section
34 16.1 of the Vital Records Act under a Record of Foreign Birth
35 that was not finalized by a court action in the State of
36 Illinois. Such file may be established for adoptions or

1 surrenders finalized prior to as well as after the effective
2 date of this amendatory Act. A file may be created in any
3 manner to preserve documents including but not limited to
4 microfilm, optical imaging, or electronic documents.

5 (c) Contents of the Adoption/Surrender Records File. An
6 established Adoption/Surrender Records File shall be limited
7 to the following items, to the extent that they are available:

8 (1) The General Information Section and Medical
9 Information Exchange Questionnaire of any Illinois
10 Adoption Registry Application or a Registration
11 Identification Form which has been voluntarily completed
12 by any registered party.

13 (2) Any photographs voluntarily provided by any
14 registrant for any other registered party at the time of
15 registration or any time thereafter. All such photographs
16 shall be submitted in an unsealed envelope no larger than 8
17 1/2" x 11", and shall not include identifying information
18 pertaining to any person other than the registrant who
19 submitted them. Any such identifying information shall be
20 redacted by the Department or the information shall be
21 returned for removal of identifying information.

22 (3) Any Information Exchange Authorization or Denial
23 of Information Exchange which has been filed by a
24 registrant.

25 (4) For all adoptions finalized after January 1, 2000,
26 copies of the original certificate of live birth and the
27 certificate of adoption.

28 (5) Any updated address submitted by any registered
29 party about himself or herself.

30 (6) Any proof of death which has been submitted by a
31 registrant.

32 (7) Any birth certificate that has been submitted by a
33 registrant.

34 (8) Any marriage certificate that has been submitted by
35 a registrant.

36 (9) Any proof of guardianship that has been submitted

1 by a registrant.

2 (d) An established Adoption/Surrender Records File for an
3 adoption filed in Illinois under a Record of Foreign Birth that
4 was not finalized in a court action in the State of Illinois
5 shall be limited to the following items submitted to the State
6 Registrar of Vital Records under Section 16.1 of the Vital
7 Records Act, to the extent that they are available:

8 (1) Evidence as to the child's birth date and
9 birthplace (including the country of birth and, if
10 available, the city and province of birth) provided by the
11 original birth certificate, or by a certified copy,
12 extract, or translation thereof or by other document
13 essentially equivalent thereto (the records of the U.S.
14 Immigration and Naturalization Service or of the U.S.
15 Department of State to be considered essentially
16 equivalent thereto).

17 (2) A certified copy, extract, or translation of the
18 adoption decree or other document essentially equivalent
19 thereto (the records of the U.S. Immigration and
20 Naturalization Service or of the U.S. Department of State
21 to be considered essentially equivalent thereto).

22 (3) A copy of the IR-3 visa.

23 (4) The name and address of the adoption agency that
24 handled the adoption.

25 (Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; revised
26 8-19-05.)

27 Section 700. The Illinois Domestic Violence Act of 1986 is
28 amended by changing Sections 219, 223, 224, and 302 as follows:

29 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

30 Sec. 219. Plenary order of protection. A plenary order of
31 protection shall issue if petitioner has served notice of the
32 hearing for that order on respondent, in accordance with
33 Section 211, and satisfies the requirements of this Section for
34 one or more of the requested remedies. For each remedy

1 requested, petitioner must establish that:

2 (1) the court has jurisdiction under Section 208;

3 (2) the requirements of Section 214 are satisfied; ~~and~~

4 (3) a general appearance was made or filed by or for
5 respondent or process was served on respondent in the manner
6 required by Section 210; and

7 (4) respondent has answered or is in default.

8 (Source: P.A. 84-1305; revised 2-25-02.)

9 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

10 Sec. 223. Enforcement of orders of protection.

11 (a) When violation is crime. A violation of any order of
12 protection, whether issued in a civil or criminal proceeding,
13 shall be enforced by a criminal court when:

14 (1) The respondent commits the crime of violation of an
15 order of protection pursuant to Section 12-30 of the
16 Criminal Code of 1961, by having knowingly violated:

17 (i) remedies described in paragraphs (1), (2),
18 (3), (14), or (14.5) of subsection (b) of Section 214
19 of this Act; or

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraphs (1), (2),
22 (3), (14), and (14.5) of subsection (b) of Section 214
23 of this Act, in a valid order of protection which is
24 authorized under the laws of another state, tribe, or
25 United States territory; or

26 (iii) any other remedy when the act constitutes a
27 crime against the protected parties as defined by the
28 Criminal Code of 1961.

29 Prosecution for a violation of an order of protection
30 shall not bar concurrent prosecution for any other crime,
31 including any crime that may have been committed at the
32 time of the violation of the order of protection; or

33 (2) The respondent commits the crime of child abduction
34 pursuant to Section 10-5 of the Criminal Code of 1961, by
35 having knowingly violated:

1 (i) remedies described in paragraphs (5), (6) or
2 (8) of subsection (b) of Section 214 of this Act; or

3 (ii) a remedy, which is substantially similar to
4 the remedies authorized under paragraphs (5), (6), or
5 (8) of subsection (b) of Section 214 of this Act, in a
6 valid order of protection which is authorized under the
7 laws of another state, tribe, or United States
8 territory.

9 (b) When violation is contempt of court. A violation of any
10 valid Illinois order of protection, whether issued in a civil
11 or criminal proceeding, may be enforced through civil or
12 criminal contempt procedures, as appropriate, by any court with
13 jurisdiction, regardless where the act or acts which violated
14 the order of protection were committed, to the extent
15 consistent with the venue provisions of this Act. Nothing in
16 this Act shall preclude any Illinois court from enforcing any
17 valid order of protection issued in another state. Illinois
18 courts may enforce orders of protection through both criminal
19 prosecution and contempt proceedings, unless the action which
20 is second in time is barred by collateral estoppel or the
21 constitutional prohibition against double jeopardy.

22 (1) In a contempt proceeding where the petition for a
23 rule to show cause sets forth facts evidencing an immediate
24 danger that the respondent will flee the jurisdiction,
25 conceal a child, or inflict physical abuse on the
26 petitioner or minor children or on dependent adults in
27 petitioner's care, the court may order the attachment of
28 the respondent without prior service of the rule to show
29 cause or the petition for a rule to show cause. Bond shall
30 be set unless specifically denied in writing.

31 (2) A petition for a rule to show cause for violation
32 of an order of protection shall be treated as an expedited
33 proceeding.

34 (c) Violation of custody or support orders. A violation of
35 remedies described in paragraphs (5), (6), (8), or (9) of
36 subsection (b) of Section 214 of this Act may be enforced by

1 any remedy provided by Section 611 of the Illinois Marriage and
2 Dissolution of Marriage Act. The court may enforce any order
3 for support issued under paragraph (12) of subsection (b) of
4 Section 214 in the manner provided for under Parts ~~Articles~~ V
5 and VII of the Illinois Marriage and Dissolution of Marriage
6 Act.

7 (d) Actual knowledge. An order of protection may be
8 enforced pursuant to this Section if the respondent violates
9 the order after the respondent has actual knowledge of its
10 contents as shown through one of the following means:

11 (1) By service, delivery, or notice under Section 210.

12 (2) By notice under Section 210.1 or 211.

13 (3) By service of an order of protection under Section
14 222.

15 (4) By other means demonstrating actual knowledge of
16 the contents of the order.

17 (e) The enforcement of an order of protection in civil or
18 criminal court shall not be affected by either of the
19 following:

20 (1) The existence of a separate, correlative order,
21 entered under Section 215.

22 (2) Any finding or order entered in a conjoined
23 criminal proceeding.

24 (f) Circumstances. The court, when determining whether or
25 not a violation of an order of protection has occurred, shall
26 not require physical manifestations of abuse on the person of
27 the victim.

28 (g) Penalties.

29 (1) Except as provided in paragraph (3) of this
30 subsection, where the court finds the commission of a crime
31 or contempt of court under subsections (a) or (b) of this
32 Section, the penalty shall be the penalty that generally
33 applies in such criminal or contempt proceedings, and may
34 include one or more of the following: incarceration,
35 payment of restitution, a fine, payment of attorneys' fees
36 and costs, or community service.

1 (2) The court shall hear and take into account evidence
2 of any factors in aggravation or mitigation before deciding
3 an appropriate penalty under paragraph (1) of this
4 subsection.

5 (3) To the extent permitted by law, the court is
6 encouraged to:

7 (i) increase the penalty for the knowing violation
8 of any order of protection over any penalty previously
9 imposed by any court for respondent's violation of any
10 order of protection or penal statute involving
11 petitioner as victim and respondent as defendant;

12 (ii) impose a minimum penalty of 24 hours
13 imprisonment for respondent's first violation of any
14 order of protection; and

15 (iii) impose a minimum penalty of 48 hours
16 imprisonment for respondent's second or subsequent
17 violation of an order of protection

18 unless the court explicitly finds that an increased penalty
19 or that period of imprisonment would be manifestly unjust.

20 (4) In addition to any other penalties imposed for a
21 violation of an order of protection, a criminal court may
22 consider evidence of any violations of an order of
23 protection:

24 (i) to increase, revoke or modify the bail bond on
25 an underlying criminal charge pursuant to Section
26 110-6 of the Code of Criminal Procedure of 1963;

27 (ii) to revoke or modify an order of probation,
28 conditional discharge or supervision, pursuant to
29 Section 5-6-4 of the Unified Code of Corrections;

30 (iii) to revoke or modify a sentence of periodic
31 imprisonment, pursuant to Section 5-7-2 of the Unified
32 Code of Corrections.

33 (5) In addition to any other penalties, the court shall
34 impose an additional fine of \$20 as authorized by Section
35 5-9-1.11 of the Unified Code of Corrections upon any person
36 convicted of or placed on supervision for a violation of an

1 order of protection. The additional fine shall be imposed
2 for each violation of this Section.

3 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

4 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

5 Sec. 224. Modification and re-opening of orders.

6 (a) Except as otherwise provided in this Section, upon
7 motion by petitioner, the court may modify an emergency,
8 interim, or plenary order of protection:

9 (1) If respondent has abused petitioner since the
10 hearing for that order, by adding or altering one or more
11 remedies, as authorized by Section 214; and

12 (2) Otherwise, by adding any remedy authorized by
13 Section 214 which was:

14 (i) reserved in that order of protection;

15 (ii) not requested for inclusion in that order of
16 protection; or

17 (iii) denied on procedural grounds, but not on the
18 merits.

19 (b) Upon motion by petitioner or respondent, the court may
20 modify any prior order of protection's remedy for custody,
21 visitation or payment of support in accordance with the
22 relevant provisions of the Illinois Marriage and Dissolution of
23 Marriage Act. Each order of protection shall be entered in the
24 Law Enforcement Agencies Automated Data System on the same day
25 it is issued by the court.

26 (c) After 30 days following entry of a plenary order of
27 protection, a court may modify that order only when changes in
28 the applicable law or facts since that plenary order was
29 entered warrant a modification of its terms.

30 (d) Upon 2 days' notice to petitioner, in accordance with
31 Section 211 of this Act, or such shorter notice as the court
32 may prescribe, a respondent subject to an emergency or interim
33 order of protection issued under this Act may appear and
34 petition the court to re-hear the original or amended petition.
35 Any petition to re-hear shall be verified and shall allege the

1 following:

2 (1) that respondent did not receive prior notice of the
3 initial hearing in which the emergency, interim, or plenary
4 order was entered under Sections 211 and 217; and

5 (2) that respondent had a meritorious defense to the
6 order or any of its remedies or that the order or any of
7 its remedies was not authorized by this Act.

8 (e) In the event that the emergency or interim order
9 granted petitioner exclusive possession and the petition of
10 respondent seeks to re-open or vacate that grant, the court
11 shall set a date for hearing within 14 days on all issues
12 relating to exclusive possession. Under no circumstances shall
13 a court continue a hearing concerning exclusive possession
14 beyond the 14th day, except by agreement of the parties. Other
15 issues raised by the pleadings may be consolidated for the
16 hearing if neither party nor the court objects.

17 (f) This Section does not limit the means, otherwise
18 available by law, for vacating or modifying orders of
19 protection.

20 (Source: P.A. 87-1186; revised 2-17-03.)

21 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

22 Sec. 302. Data maintenance by law enforcement agencies.

23 (a) All sheriffs shall furnish to the Department of State
24 Police, on the same day as received, in the form and detail the
25 Department requires, copies of any recorded emergency,
26 interim, or plenary orders of protection issued by the court,
27 and any foreign orders of protection filed by the clerk of the
28 court, and transmitted to the sheriff by the clerk of the court
29 pursuant to subsection (b) of Section 222 of this Act. Each
30 order of protection shall be entered in the Law Enforcement
31 Agencies Automated Data System on the same day it is issued by
32 the court. If an emergency order of protection was issued in
33 accordance with subsection (c) of Section 217, the order shall
34 be entered in the Law Enforcement Agencies Automated Data
35 System as soon as possible after receipt from the clerk.

1 (b) The Department of State Police shall maintain a
2 complete and systematic record and index of all valid and
3 recorded orders of protection issued pursuant to this Act. The
4 data shall be used to inform all dispatchers and law
5 enforcement officers at the scene of an alleged incident of
6 abuse, neglect, or exploitation or violation of an order of
7 protection of any recorded prior incident of abuse, neglect, or
8 exploitation involving the abused, neglected, or exploited
9 party and the effective dates and terms of any recorded order
10 of protection.

11 (c) The data, records and transmittals required under this
12 Section shall pertain to any valid emergency, interim or
13 plenary order of protection, whether issued in a civil or
14 criminal proceeding or authorized under the laws of another
15 state, tribe, or United States territory.

16 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
17 2-17-03.)

18 Section 705. The Parental Notice of Abortion Act of 1995 is
19 amended by changing Section 10 as follows:

20 (750 ILCS 70/10)

21 Sec. 10. Definitions. As used in this Act:

22 "Abortion" means the use of any instrument, medicine, drug,
23 or any other substance or device to terminate the pregnancy of
24 a woman known to be pregnant with an intention other than to
25 increase the probability of a live birth, to preserve the life
26 or health of a child after live birth, or to remove a dead
27 fetus.

28 "Actual notice" means the giving of notice directly, in
29 person, or by telephone.

30 "Adult family member" means a person over 21 years of age
31 who is the parent, grandparent, step-parent living in the
32 household, or legal guardian.

33 "Constructive notice" means notice by certified mail to the
34 last known address of the person entitled to notice with

1 delivery deemed to have occurred 48 hours after the certified
2 notice is mailed.

3 "Incompetent" means any person who has been adjudged as
4 mentally ill or developmentally disabled and who, because of
5 her mental illness or developmental disability, is not fully
6 able to manage her person and for whom a guardian of the person
7 has been appointed under Section 11a-3(a) (1) of the Probate Act
8 of 1975.

9 "Medical emergency" means a condition that, on the basis of
10 the physician's good faith clinical judgment, so complicates
11 the medical condition of a pregnant woman as to necessitate the
12 immediate abortion of her pregnancy to avert her death or for
13 which a delay will create serious risk of substantial and
14 irreversible impairment of major bodily function.

15 "Minor" means any person under 18 years of age who is not
16 or has not been married or who has not been emancipated under
17 the Emancipation of ~~Mature~~ Minors Act.

18 "Neglect" means the failure of an adult family member to
19 supply a child with necessary food, clothing, shelter, or
20 medical care when reasonably able to do so or the failure to
21 protect a child from conditions or actions that imminently and
22 seriously endanger the child's physical or mental health when
23 reasonably able to do so.

24 "Physical abuse" means any physical injury intentionally
25 inflicted by an adult family member on a child.

26 "Physician" means any person licensed to practice medicine
27 in all its branches under the Illinois Medical Practice Act of
28 1987.

29 "Sexual abuse" means any sexual conduct or sexual
30 penetration as defined in Section 12-12 of the Criminal Code of
31 1961 that is prohibited by the criminal laws of the State of
32 Illinois and committed against a minor by an adult family
33 member as defined in this Act.

34 (Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

35 Section 710. The Probate Act of 1975 is amended by changing

1 Sections 6-5 and 11a-18 as follows:

2 (755 ILCS 5/6-5) (from Ch. 110 1/2, par. 6-5)

3 Sec. 6-5. Deposition of witness.) When a witness to a will
4 resides outside the county in which the will is offered for
5 probate or is unable to attend court and can be found and is
6 mentally and physically capable of testifying, the court, upon
7 the petition of any person seeking probate of the will and upon
8 such notice of the petition to persons interested as the court
9 directs, may issue a commission with the will or a photographic
10 copy thereof attached. The commission shall be directed to any
11 judge, notary public, mayor or other chief magistrate of a city
12 or United States ~~State~~ consul, vice-consul, consular agent,
13 secretary of legation or commissioned officer in active service
14 of the armed forces of the United States and shall authorize
15 and require him to cause that witness to come before him at
16 such time and place as he designates and to take the deposition
17 of the witness on oath or affirmation and upon all such written
18 interrogatories and cross-interrogatories as may be enclosed
19 with the commission. With the least possible delay the person
20 taking the deposition shall certify it, the commission, and the
21 interrogatories to the court from which the commission issued.
22 When the deposition of a witness is so taken and returned to
23 the court, his testimony has the same effect as if he testified
24 in the court from which the commission issued. When the
25 commission is issued to the officer by his official title only
26 and not by name, the seal of his office attached to his
27 certificate is sufficient evidence of his identity and official
28 character.

29 (Source: P.A. 81-213; revised 10-11-05.)

30 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

31 Sec. 11a-18. Duties of the estate guardian.

32 (a) To the extent specified in the order establishing the
33 guardianship, the guardian of the estate shall have the care,
34 management and investment of the estate, shall manage the

1 estate frugally and shall apply the income and principal of the
2 estate so far as necessary for the comfort and suitable support
3 and education of the ward, his minor and adult dependent
4 children, and persons related by blood or marriage who are
5 dependent upon or entitled to support from him, or for any
6 other purpose which the court deems to be for the best
7 interests of the ward, and the court may approve the making on
8 behalf of the ward of such agreements as the court determines
9 to be for the ward's best interests. The guardian may make
10 disbursement of his ward's funds and estate directly to the
11 ward or other distributee or in such other manner and in such
12 amounts as the court directs. If the estate of a ward is
13 derived in whole or in part from payments of compensation,
14 adjusted compensation, pension, insurance or other similar
15 benefits made directly to the estate by the Veterans
16 Administration, notice of the application for leave to invest
17 or expend the ward's funds or estate, together with a copy of
18 the petition and proposed order, shall be given to the
19 Veterans' Administration Regional Office in this State at least
20 7 days before the hearing on the application.

21 (a-5) The probate court, upon petition of a guardian, other
22 than the guardian of a minor, and after notice to all other
23 persons interested as the court directs, may authorize the
24 guardian to exercise any or all powers over the estate and
25 business affairs of the ward that the ward could exercise if
26 present and not under disability. The court may authorize the
27 taking of an action or the application of funds not required
28 for the ward's current and future maintenance and support in
29 any manner approved by the court as being in keeping with the
30 ward's wishes so far as they can be ascertained. The court must
31 consider the permanence of the ward's disabling condition and
32 the natural objects of the ward's bounty. In ascertaining and
33 carrying out the ward's wishes the court may consider, but
34 shall not be limited to, minimization of State or federal
35 income, estate, or inheritance taxes; and providing gifts to
36 charities, relatives, and friends that would be likely

1 recipients of donations from the ward. The ward's wishes as
2 best they can be ascertained shall be carried out, whether or
3 not tax savings are involved. Actions or applications of funds
4 may include, but shall not be limited to, the following:

5 (1) making gifts of income or principal, or both, of
6 the estate, either outright or in trust;

7 (2) conveying, releasing, or disclaiming his or her
8 contingent and expectant interests in property, including
9 marital property rights and any right of survivorship
10 incident to joint tenancy or tenancy by the entirety;

11 (3) releasing or disclaiming his or her powers as
12 trustee, personal representative, custodian for minors, or
13 guardian;

14 (4) exercising, releasing, or disclaiming his or her
15 powers as donee of a power of appointment;

16 (5) entering into contracts;

17 (6) creating for the benefit of the ward or others,
18 revocable or irrevocable trusts of his or her property that
19 may extend beyond his or her disability or life;~~;~~

20 (7) exercising options of the ward to purchase or
21 exchange securities or other property;

22 (8) exercising the rights of the ward to elect benefit
23 or payment options, to terminate, to change beneficiaries
24 or ownership, to assign rights, to borrow, or to receive
25 cash value in return for a surrender of rights under any
26 one or more of the following:

27 (i) life insurance policies, plans, or benefits~~;~~

28 (ii) annuity policies, plans, or benefits~~;~~

29 (iii) mutual fund and other dividend investment
30 plans~~;~~

31 (iv) retirement, profit sharing, and employee
32 welfare plans and benefits;

33 (9) exercising his or her right to claim or disclaim an
34 elective share in the estate of his or her deceased spouse
35 and to renounce any interest by testate or intestate
36 succession or by inter vivos transfer;

1 (10) changing the ward's residence or domicile; or

2 (11) modifying by means of codicil or trust amendment
3 the terms of the ward's will or any revocable trust created
4 by the ward, as the court may consider advisable in light
5 of changes in applicable tax laws.

6 The guardian in his or her petition shall briefly outline
7 the action or application of funds for which he or she seeks
8 approval, the results expected to be accomplished thereby, and
9 the tax savings, if any, expected to accrue. The proposed
10 action or application of funds may include gifts of the ward's
11 personal property or real estate, but transfers of real estate
12 shall be subject to the requirements of Section 20 of this Act.
13 Gifts may be for the benefit of prospective legatees, devisees,
14 or heirs apparent of the ward or may be made to individuals or
15 charities in which the ward is believed to have an interest.
16 The guardian shall also indicate in the petition that any
17 planned disposition is consistent with the intentions of the
18 ward insofar as they can be ascertained, and if the ward's
19 intentions cannot be ascertained, the ward will be presumed to
20 favor reduction in the incidents of various forms of taxation
21 and the partial distribution of his or her estate as provided
22 in this subsection. The guardian shall not, however, be
23 required to include as a beneficiary or fiduciary any person
24 who he has reason to believe would be excluded by the ward. A
25 guardian shall be required to investigate and pursue a ward's
26 eligibility for governmental benefits.

27 (b) Upon the direction of the court which issued his
28 letters, a guardian may perform the contracts of his ward which
29 were legally subsisting at the time of the commencement of the
30 ward's disability. The court may authorize the guardian to
31 execute and deliver any bill of sale, deed or other instrument.

32 (c) The guardian of the estate of a ward shall appear for
33 and represent the ward in all legal proceedings unless another
34 person is appointed for that purpose as guardian or next
35 friend. This does not impair the power of any court to appoint
36 a guardian ad litem or next friend to defend the interests of

1 the ward in that court, or to appoint or allow any person as
2 the next friend of a ward to commence, prosecute or defend any
3 proceeding in his behalf. Without impairing the power of the
4 court in any respect, if the guardian of the estate of a ward
5 and another person as next friend shall appear for and
6 represent the ward in a legal proceeding in which the
7 compensation of the attorney or attorneys representing the
8 guardian and next friend is solely determined under a
9 contingent fee arrangement, the guardian of the estate of the
10 ward shall not participate in or have any duty to review the
11 prosecution of the action, to participate in or review the
12 appropriateness of any settlement of the action, or to
13 participate in or review any determination of the
14 appropriateness of any fees awarded to the attorney or
15 attorneys employed in the prosecution of the action.

16 (d) Adjudication of disability shall not revoke or
17 otherwise terminate a trust which is revocable by the ward. A
18 guardian of the estate shall have no authority to revoke a
19 trust that is revocable by the ward, except that the court may
20 authorize a guardian to revoke a Totten trust or similar
21 deposit or withdrawable capital account in trust to the extent
22 necessary to provide funds for the purposes specified in
23 paragraph (a) of this Section. If the trustee of any trust for
24 the benefit of the ward has discretionary power to apply income
25 or principal for the ward's benefit, the trustee shall not be
26 required to distribute any of the income or principal to the
27 guardian of the ward's estate, but the guardian may bring an
28 action on behalf of the ward to compel the trustee to exercise
29 the trustee's discretion or to seek relief from an abuse of
30 discretion. This paragraph shall not limit the right of a
31 guardian of the estate to receive accountings from the trustee
32 on behalf of the ward.

33 (e) Absent court order pursuant to the "Illinois Power of
34 Attorney Act" ~~enacted by the 85th General Assembly~~ directing a
35 guardian to exercise powers of the principal under an agency
36 that survives disability, the guardian will have no power, duty

1 or liability with respect to any property subject to the
2 agency. This subsection (e) applies to all agencies, whenever
3 and wherever executed.

4 (f) Upon petition by any interested person (including the
5 standby or short-term guardian), with such notice to interested
6 persons as the court directs and a finding by the court that it
7 is in the best interest of the disabled person, the court may
8 terminate or limit the authority of a standby or short-term
9 guardian or may enter such other orders as the court deems
10 necessary to provide for the best interest of the disabled
11 person. The petition for termination or limitation of the
12 authority of a standby or short-term guardian may, but need
13 not, be combined with a petition to have another guardian
14 appointed for the disabled person.

15 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;
16 90-796, eff. 12-15-98; revised 1-20-03.)

17 Section 715. The Illinois Living Will Act is amended by
18 changing Section 3 as follows:

19 (755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

20 Sec. 3. Execution of a Document.

21 (a) An individual of sound mind and having reached the age
22 of majority or having obtained the status of an emancipated
23 person pursuant to the "~~Emancipation of Mature~~ Emancipation of Mature Minors Act", as
24 now or hereafter amended, may execute a document directing that
25 if he is suffering from a terminal condition, then death
26 delaying procedures shall not be utilized for the prolongation
27 of his life.

28 (b) The declaration must be signed by the declarant, or
29 another at the declarant's direction, and witnessed by 2
30 individuals 18 years of age or older.

31 (c) The declaration of a qualified patient diagnosed as
32 pregnant by the attending physician shall be given no force and
33 effect as long as in the opinion of the attending physician it
34 is possible that the fetus could develop to the point of live

1 birth with the continued application of death delaying
2 procedures.

3 (d) If the patient is able, it shall be the responsibility
4 of the patient to provide for notification to his or her
5 attending physician of the existence of a declaration, to
6 provide the declaration to the physician and to ask the
7 attending physician whether he or she is willing to comply with
8 its provisions. An attending physician who is so notified shall
9 make the declaration, or copy of the declaration, a part of the
10 patient's medical records. If the physician is at any time
11 unwilling to comply with its provisions, the physician shall
12 promptly so advise the declarant. If the physician is unwilling
13 to comply with its provisions and the patient is able, it is
14 the patient's responsibility to initiate the transfer to
15 another physician of the patient's choosing. If the physician
16 is unwilling to comply with its provisions and the patient is
17 at any time not able to initiate the transfer, then the
18 attending physician shall without delay notify the person with
19 the highest priority, as set forth in this subsection, who is
20 available, able, and willing to make arrangements for the
21 transfer of the patient and the appropriate medical records to
22 another physician for the effectuation of the patient's
23 declaration. The order of priority is as follows: (1) any
24 person authorized by the patient to make such arrangements, (2)
25 a guardian of the person of the patient, without the necessity
26 of obtaining a court order to do so, and (3) any member of the
27 patient's family.

28 (e) The declaration may, but need not, be in the following
29 form, and in addition may include other specific directions.
30 Should any specific direction be determined to be invalid, such
31 invalidity shall not affect other directions of the declaration
32 which can be given effect without the invalid direction, and to
33 this end the directions in the declaration are severable.

34 DECLARATION

35 This declaration is made this day of
36 (month, year). I,, being of

1 sound mind, willfully and voluntarily make known my desires
2 that my moment of death shall not be artificially postponed.

3 If at any time I should have an incurable and irreversible
4 injury, disease, or illness judged to be a terminal condition
5 by my attending physician who has personally examined me and
6 has determined that my death is imminent except for death
7 delaying procedures, I direct that such procedures which would
8 only prolong the dying process be withheld or withdrawn, and
9 that I be permitted to die naturally with only the
10 administration of medication, sustenance, or the performance
11 of any medical procedure deemed necessary by my attending
12 physician to provide me with comfort care.

13 In the absence of my ability to give directions regarding
14 the use of such death delaying procedures, it is my intention
15 that this declaration shall be honored by my family and
16 physician as the final expression of my legal right to refuse
17 medical or surgical treatment and accept the consequences from
18 such refusal.

19 Signed
20 City, County and State of Residence

21 The declarant is personally known to me and I believe him
22 or her to be of sound mind. I saw the declarant sign the
23 declaration in my presence (or the declarant acknowledged in my
24 presence that he or she had signed the declaration) and I
25 signed the declaration as a witness in the presence of the
26 declarant. I did not sign the declarant's signature above for
27 or at the direction of the declarant. At the date of this
28 instrument, I am not entitled to any portion of the estate of
29 the declarant according to the laws of intestate succession or,
30 to the best of my knowledge and belief, under any will of
31 declarant or other instrument taking effect at declarant's
32 death, or directly financially responsible for declarant's
33 medical care.

34 Witness

35 Witness

1 Section 720. The Health Care Surrogate Act is amended by
2 changing Sections 10 and 65 as follows:

3 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

4 Sec. 10. Definitions.

5 "Adult" means a person who is (i) 18 years of age or older
6 or (ii) an emancipated minor under the Emancipation of ~~Mature~~
7 Minors Act.

8 "Artificial nutrition and hydration" means supplying food
9 and water through a conduit, such as a tube or intravenous
10 line, where the recipient is not required to chew or swallow
11 voluntarily, including, but not limited to, nasogastric tubes,
12 gastrostomies, jejunostomies, and intravenous infusions.
13 Artificial nutrition and hydration does not include assisted
14 feeding, such as spoon or bottle feeding.

15 "Available" means that a person is not "unavailable". A
16 person is unavailable if (i) the person's existence is not
17 known, (ii) the person has not been able to be contacted by
18 telephone or mail, or (iii) the person lacks decisional
19 capacity, refuses to accept the office of surrogate, or is
20 unwilling to respond in a manner that indicates a choice among
21 the treatment matters at issue.

22 "Attending physician" means the physician selected by or
23 assigned to the patient who has primary responsibility for
24 treatment and care of the patient and who is a licensed
25 physician in Illinois. If more than one physician shares that
26 responsibility, any of those physicians may act as the
27 attending physician under this Act.

28 "Close friend" means any person 18 years of age or older
29 who has exhibited special care and concern for the patient and
30 who presents an affidavit to the attending physician stating
31 that he or she (i) is a close friend of the patient, (ii) is
32 willing and able to become involved in the patient's health
33 care, and (iii) has maintained such regular contact with the
34 patient as to be familiar with the patient's activities,

1 health, and religious and moral beliefs. The affidavit must
2 also state facts and circumstances that demonstrate that
3 familiarity.

4 "Death" means when, according to accepted medical
5 standards, there is (i) an irreversible cessation of
6 circulatory and respiratory functions or (ii) an irreversible
7 cessation of all functions of the entire brain, including the
8 brain stem.

9 "Decisional capacity" means the ability to understand and
10 appreciate the nature and consequences of a decision regarding
11 medical treatment or forgoing life-sustaining treatment and
12 the ability to reach and communicate an informed decision in
13 the matter as determined by the attending physician.

14 "Forgo life-sustaining treatment" means to withhold,
15 withdraw, or terminate all or any portion of life-sustaining
16 treatment with knowledge that the patient's death is likely to
17 result.

18 "Guardian" means a court appointed guardian of the person
19 who serves as a representative of a minor or as a
20 representative of a person under legal disability.

21 "Health care facility" means a type of health care provider
22 commonly known by a wide variety of titles, including but not
23 limited to, hospitals, medical centers, nursing homes,
24 rehabilitation centers, long term or tertiary care facilities,
25 and other facilities established to administer health care and
26 provide overnight stays in their ordinary course of business or
27 practice.

28 "Health care provider" means a person that is licensed,
29 certified, or otherwise authorized or permitted by the law of
30 this State to administer health care in the ordinary course of
31 business or practice of a profession, including, but not
32 limited to, physicians, nurses, health care facilities, and any
33 employee, officer, director, agent, or person under contract
34 with such a person.

35 "Imminent" (as in "death is imminent") means a
36 determination made by the attending physician according to

1 accepted medical standards that death will occur in a
2 relatively short period of time, even if life-sustaining
3 treatment is initiated or continued.

4 "Life-sustaining treatment" means any medical treatment,
5 procedure, or intervention that, in the judgment of the
6 attending physician, when applied to a patient with a
7 qualifying condition, would not be effective to remove the
8 qualifying condition or would serve only to prolong the dying
9 process. Those procedures can include, but are not limited to,
10 assisted ventilation, renal dialysis, surgical procedures,
11 blood transfusions, and the administration of drugs,
12 antibiotics, and artificial nutrition and hydration.

13 "Minor" means an individual who is not an adult as defined
14 in this Act.

15 "Parent" means a person who is the natural or adoptive
16 mother or father of the child and whose parental rights have
17 not been terminated by a court of law.

18 "Patient" means an adult or minor individual, unless
19 otherwise specified, under the care or treatment of a licensed
20 physician or other health care provider.

21 "Person" means an individual, a corporation, a business
22 trust, a trust, a partnership, an association, a government, a
23 governmental subdivision or agency, or any other legal entity.

24 "Qualifying condition" means the existence of one or more
25 of the following conditions in a patient certified in writing
26 in the patient's medical record by the attending physician and
27 by at least one other qualified physician:

28 (1) "Terminal condition" means an illness or injury for
29 which there is no reasonable prospect of cure or recovery,
30 death is imminent, and the application of life-sustaining
31 treatment would only prolong the dying process.

32 (2) "Permanent unconsciousness" means a condition
33 that, to a high degree of medical certainty, (i) will last
34 permanently, without improvement, (ii) in which thought,
35 sensation, purposeful action, social interaction, and
36 awareness of self and environment are absent, and (iii) for

1 which initiating or continuing life-sustaining treatment,
2 in light of the patient's medical condition, provides only
3 minimal medical benefit.

4 (3) "Incurable or irreversible condition" means an
5 illness or injury (i) for which there is no reasonable
6 prospect of cure or recovery, (ii) that ultimately will
7 cause the patient's death even if life-sustaining
8 treatment is initiated or continued, (iii) that imposes
9 severe pain or otherwise imposes an inhumane burden on the
10 patient, and (iv) for which initiating or continuing
11 life-sustaining treatment, in light of the patient's
12 medical condition, provides only minimal medical benefit.

13 The determination that a patient has a qualifying condition
14 creates no presumption regarding the application or
15 non-application of life-sustaining treatment. It is only after
16 a determination by the attending physician that the patient has
17 a qualifying condition that the surrogate decision maker may
18 consider whether or not to forgo life-sustaining treatment. In
19 making this decision, the surrogate shall weigh the burdens on
20 the patient of initiating or continuing life-sustaining
21 treatment against the benefits of that treatment.

22 "Qualified physician" means a physician licensed to
23 practice medicine in all of its branches in Illinois who has
24 personally examined the patient.

25 "Surrogate decision maker" means an adult individual or
26 individuals who (i) have decisional capacity, (ii) are
27 available upon reasonable inquiry, (iii) are willing to make
28 medical treatment decisions on behalf of a patient who lacks
29 decisional capacity, and (iv) are identified by the attending
30 physician in accordance with the provisions of this Act as the
31 person or persons who are to make those decisions in accordance
32 with the provisions of this Act.

33 (Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97;
34 90-655, eff. 7-30-98; revised 10-9-03.)

1 Sec. 65. Do-not-resuscitate orders.

2 (a) An individual of sound mind and having reached the age
3 of majority or having obtained the status of an emancipated
4 person pursuant to the Emancipation of ~~Mature~~ Minors Act may
5 execute a document (consistent with the Department of Public
6 Health Uniform DNR Order Form) directing that resuscitating
7 efforts shall not be implemented. Such an order may also be
8 executed by an attending physician. Notwithstanding the
9 existence of a DNR order, appropriate organ donation treatment
10 may be applied or continued temporarily in the event of the
11 patient's death, in accordance with subsection (g) of Section
12 20 of this Act, if the patient is an organ donor.

13 (b) Consent to a DNR order may be obtained from the
14 individual, or from another person at the individual's
15 direction, or from the individual's legal guardian, agent under
16 a power of attorney for health care, or surrogate decision
17 maker, and witnessed by 2 individuals 18 years of age or older.

18 (c) The DNR order may, but need not, be in the form adopted
19 by the Department of Public Health pursuant to Section 2310-600
20 of the Department of Public Health Powers and Duties Law (20
21 ILCS 2310/2310-600).

22 (d) A health care professional or health care provider may
23 presume, in the absence of knowledge to the contrary, that a
24 completed Department of Public Health Uniform DNR Order form or
25 a copy of that form is a valid DNR order. A health care
26 professional or health care provider, or an employee of a
27 health care professional or health care provider, who in good
28 faith complies with a do-not-resuscitate order made in
29 accordance with this Act is not, as a result of that
30 compliance, subject to any criminal or civil liability, except
31 for willful and wanton misconduct, and may not be found to have
32 committed an act of unprofessional conduct.

33 (Source: P.A. 92-356, eff. 10-1-01; 93-794, eff. 7-22-04;
34 revised 11-5-04.)

35 Section 725. The Illinois Anatomical Gift Act is amended by

1 adding Section 5-27 (incorporating and renumbering Section 3.5
2 of the Organ Donation Request Act from Public Act 93-888) as
3 follows:

4 (755 ILCS 50/5-27) (was 755 ILCS 60/3.5)

5 Sec. 5-27 ~~3.5~~. Notification of patient; family rights and
6 options.

7 (a) In this Section, "donation after cardiac death" means
8 the donation of organs from a ventilated patient without a
9 certification of brain death and with a do-not-resuscitate
10 order, if a decision has been reached by the physician and the
11 family to withdraw life support and if the donation does not
12 occur until after the declaration of cardiac death.

13 (b) If (i) a potential organ donor, or an individual given
14 authority under subsection (b) of Section 5-25 ~~2~~ to consent to
15 an organ donation, expresses an interest in organ donation,
16 (ii) there has not been a certification of brain death for the
17 potential donor, and (iii) the potential donor is a patient at
18 a hospital that does not allow donation after cardiac death,
19 then the organ procurement agency shall inform the patient or
20 the individual given authority to consent to organ donation
21 that the hospital does not allow donation after cardiac death.

22 (c) In addition to providing oral notification, the organ
23 procurement agency shall develop a written form that indicates
24 to the patient or the individual given authority to consent to
25 organ donation, at a minimum, the following information:

26 (1) That the patient or the individual given authority
27 to consent to organ donation has received literature and
28 has been counseled by (representative's name) of the (organ
29 procurement agency name).

30 (2) That all organ donation options have been explained
31 to the patient or the individual given authority to consent
32 to organ donation, including the option of donation after
33 cardiac death.

34 (3) That the patient or the individual given authority
35 to consent to organ donation is aware that the hospital

1 where the potential donor is a patient does not allow
2 donation after cardiac death.

3 (4) That the patient or the individual given authority
4 to consent to organ donation has been informed of the right
5 to request a patient transfer to a facility allowing
6 donation after cardiac death.

7 (5) That the patient or the individual given authority
8 to consent to organ donation has been informed of another
9 hospital that will allow donation after cardiac death and
10 will accept a patient transfer for the purpose of donation
11 after cardiac death; and that the cost of transferring the
12 patient to that other hospital will be covered by the organ
13 procurement agency, with no additional cost to the patient
14 or the individual given authority to consent to organ
15 donation.

16 The form required under this subsection must include a
17 place for the signatures of the patient or the individual given
18 authority to consent to organ donation and the representative
19 of the organ procurement agency and space to provide the date
20 that the form was signed.

21 (Source: Incorporates P.A. 93-888, eff. 8-9-04; revised
22 1-16-05.)

23 Section 730. The Cemetery Perpetual Trust Authorization
24 Act is amended by changing Section 2 as follows:

25 (760 ILCS 95/2) (from Ch. 21, par. 64)

26 Sec. 2. Any incorporated cemetery association incorporated
27 not for pecuniary profit, may if it elects to do so, receive
28 and hold money, funds and property in perpetual trust pursuant
29 to the provisions of this act. Such election shall be evidenced
30 by a by-law or resolution adopted by the board of directors, or
31 board of trustees of the incorporated cemetery association. Any
32 person is authorized to give, donate or bequeath any sum of
33 money or any funds, securities, or property of any kind to the
34 cemetery association, in perpetual trust, for the maintenance,

1 care, repair, upkeep or ornamentation of the cemetery, or any
2 lot or lots, or grave or graves in the cemetery, specified in
3 the instrument making the gift, donation or legacy. The
4 cemetery association may receive and hold in perpetual trust,
5 any such money, funds, securities and property so given,
6 donated or bequeathed to it, and may convert the property,
7 funds and securities into money and shall invest and keep
8 invested the proceeds thereof and the money so given, donated
9 and bequeathed, in safe and secure income bearing investments,
10 including investments in income producing real estate,
11 provided the purchase price of the real estate shall not exceed
12 the fair market value thereof on the date of its purchase as
13 such value is determined by the board of directors or board of
14 trustees of the association. The principal of the trust fund
15 shall be kept intact and the income arising therefrom shall be
16 perpetually applied for the uses and purposes specified in the
17 instrument making the gift, donation or legacy and for no other
18 purpose.

19 The by-laws of the cemetery association shall provide for a
20 permanent committee to manage and control the trust funds so
21 given, donated and bequeathed to it. The members of the
22 committee shall be appointed by the board of directors, or
23 board of trustees of the cemetery association from among the
24 members of the board of directors or board of trustees. The
25 committee shall choose a chairman, a secretary and a treasurer
26 from among the members, and shall have the management and
27 control of the trust funds of the cemetery association so
28 given, donated and bequeathed in trust, under the supervision
29 of the board of directors or board of trustees. The treasurer
30 of the committee shall execute a bond to the People of the
31 State of Illinois for the use of the cemetery association, in a
32 penal sum of not less than double the amount of the trust funds
33 coming into his possession as treasurer, conditioned for the
34 faithful performance of his duties and the faithful accounting
35 for all money or funds which by virtue of his treasurership
36 ~~treasureship~~ come into his possession, and be in such form and

1 with such securities as may be prescribed and approved by the
2 board of directors, or board of trustees, and shall be approved
3 by such board of directors, or board of trustees, and filed
4 with the secretary of the cemetery association.

5 The treasurer of the committee shall have the custody of
6 all money, funds and property received in trust by the cemetery
7 association and shall invest the same in accordance with the
8 directions of the committee as approved by the board of
9 directors or board of trustees of the cemetery association, and
10 shall receive and have the custody of all of the income arising
11 from such investments and as the income is received by him, he
12 shall pay it to the treasurer of the cemetery association, and
13 he shall keep permanent books of record of all such trust funds
14 and of all receipts arising therefrom and disbursements
15 thereof, and shall annually make a written report to the board
16 of directors or board of trustees of the cemetery association,
17 under oath, showing receipts and disbursements, including a
18 statement showing the amount and principal of trust funds on
19 hand and how invested, which report shall be audited by the
20 board of directors, or board of trustees, and if found correct,
21 shall be approved, and filed with the secretary of the cemetery
22 association.

23 The secretary of the committee shall keep, in a book
24 provided for such purpose, a permanent record of the
25 proceedings of the committee, signed by the president and
26 attested by the secretary, and shall also keep a permanent
27 record of the several trust funds, the amounts thereof, and for
28 what uses and purposes, respectively, and he shall annually, at
29 the time the treasurer makes his report, make a written report
30 under oath, to the board of directors or board of trustees,
31 stating therein substantially the same matter required to be
32 reported by the treasurer of the committee, which report, if
33 found to be correct, shall be approved, and filed with the
34 secretary of the association.

35 The treasurer shall execute a bond to the People of the
36 State of Illinois, in a penal sum of not less than double the

1 amount of money or funds coming into his possession as such
2 treasurer, conditioned for the faithful performance of his
3 duties and the faithful accounting of all money or funds which
4 by virtue of his office come into his possession and be in such
5 form and with such securities as may be prescribed and approved
6 by the board of directors, or board of trustees, and shall be
7 approved by such board of directors or board of trustees and
8 filed with the secretary of the cemetery association.

9 The trust funds, gifts and legacies mentioned in this
10 section and the income arising therefrom shall be exempt from
11 taxation and from the operation of all laws of mortmain, and
12 the laws against perpetuities and accumulations.

13 Where the cemetery is a privately operated cemetery, as
14 defined in section 2 of the Cemetery Care Act, approved July
15 21, 1947, as amended, or where the lot or lots or grave or
16 graves are in a privately operated cemetery, as defined in
17 section 2 of that Act, then such cemetery association or such
18 committee, shall also comply with the provisions of the
19 Cemetery Care Act.

20 (Source: P.A. 83-388; revised 10-19-05.)

21 Section 735. The Drilling Operations Act is amended by
22 changing Section 4 as follows:

23 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

24 Sec. 4. Notice.

25 (a) Prior to commencement of the drilling of a well, the
26 operator shall give written notice to the surface owner of the
27 operator's intent to commence drilling operations.

28 (b) The operator shall, for the purpose of giving notice as
29 herein required, secure from the assessor's office within 90
30 days prior to the giving of the notice, a certification which
31 shall identify the person in whose name the lands on which
32 drilling operations are to be commenced and who is assessed at
33 the time the certification is made. The written certification
34 made by the assessor of the surface owner shall be conclusive

1 evidence of the surface ownership and of the operator's
2 compliance with the provisions of this Act.

3 (c) The notice required to be given by the operator to the
4 surface owner shall identify the following:

5 (1) The location of the proposed entry on the surface
6 for drilling operations, and the date on or after which
7 drilling operations shall be commenced.

8 (2) A photocopy of the drilling application to the
9 Department of Natural Resources for the well to be drilled.

10 (3) The name, address and telephone number of the
11 operator.

12 (4) An offer to discuss with the surface owner those
13 matters set forth in Section 5 hereof prior to commencement
14 of drilling operations.

15 ~~(5)~~ If the surface owner elects to meet the operator, the
16 surface owner shall request the operator to schedule a meeting
17 at a mutually agreed time and place within the limitations set
18 forth herein. Failure of the surface owner to contact the
19 operator at least 5 days prior to the proposed commencement of
20 drilling operations shall be conclusively deemed a waiver of
21 the right to meet by the surface owner.

22 ~~(6)~~ The meeting shall be scheduled between the hours of
23 9:00 in the morning and the setting of the sun of the same day
24 and shall be at least 3 days prior to commencement of drilling
25 operations. Unless agreed to otherwise, the place shall be
26 located within the county in which drilling operations are to
27 be commenced where the operator or his agent shall be available
28 to discuss with the surface owner or his agent those matters
29 set forth in Section 5 hereof.

30 ~~(7)~~ The notice herein required shall be given to the
31 surface owner by either:

32 (A) certified mail addressed to the surface owner at
33 the address shown in the certification obtained from the
34 assessor, which shall be postmarked at least 10 days prior
35 to the commencement of drilling operations; or

36 (B) personal delivery to the surface owner at least 8

1 days prior to the commencement of drilling operations.

2 (C) Notice to the surface owner as defined in this Act
3 shall be deemed conclusive notice to the record owners of
4 all interest in the surface.

5 (Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

6 Section 740. The Cemetery Protection Act is amended by
7 changing Section 1 as follows:

8 (765 ILCS 835/1) (from Ch. 21, par. 15)

9 Sec. 1. (a) Any person who acts without proper legal
10 authority and who willfully and knowingly destroys or damages
11 the remains of a deceased human being or who desecrates human
12 remains is guilty of a Class 3 felony.

13 (a-5) Any person who acts without proper legal authority
14 and who willfully and knowingly removes any portion of the
15 remains of a deceased human being from a burial ground where
16 skeletal remains are buried or from a grave, crypt, vault,
17 mausoleum, or other repository of human remains is guilty of a
18 Class 4 felony.

19 (b) Any person who acts without proper legal authority and
20 who willfully and knowingly:

21 (1) obliterates, vandalizes, or desecrates a burial
22 ground where skeletal remains are buried or a grave, crypt,
23 vault, mausoleum, or other repository of human remains;

24 (2) obliterates, vandalizes, or desecrates a park or
25 other area clearly designated to preserve and perpetuate
26 the memory of a deceased person or group of persons;

27 (3) obliterates, vandalizes, or desecrates plants,
28 trees, shrubs, or flowers located upon or around a
29 repository for human remains or within a human graveyard or
30 cemetery; or

31 (4) obliterates, vandalizes, or desecrates a fence,
32 rail, curb, or other structure of a similar nature intended
33 for the protection or for the ornamentation of any tomb,
34 monument, gravestone, or other structure of like

1 character;
2 is guilty of a Class A misdemeanor if the amount of the damage
3 is less than \$500, a Class 4 felony if the amount of the damage
4 is at least \$500 and less than \$10,000, a Class 3 felony if the
5 amount of the damage is at least \$10,000 and less than
6 \$100,000, or a Class 2 felony if the damage is \$100,000 or more
7 and shall provide restitution to the cemetery authority or
8 property owner for the amount of any damage caused.

9 (b-5) Any person who acts without proper legal authority
10 and who willfully and knowingly defaces, vandalizes, injures,
11 or removes a gravestone or other memorial, monument, or marker
12 commemorating a deceased person or group of persons, whether
13 located within or outside of a recognized cemetery, memorial
14 park, or battlefield is guilty of a Class 4 felony for damaging
15 at least one but no more than 4 gravestones, a Class 3 felony
16 for damaging at least 5 but no more than 10 gravestones, or a
17 Class 2 felony for damaging more than 10 gravestones and shall
18 provide restitution to the cemetery authority or property owner
19 for the amount of any damage caused.

20 (b-7) Any person who acts without proper legal authority
21 and who willfully and knowingly removes with the intent to
22 resell a gravestone or other memorial, monument, or marker
23 commemorating a deceased person or group of persons, whether
24 located within or outside a recognized cemetery, memorial park,
25 or battlefield, is guilty of a Class 2 felony.

26 (c) The provisions of this Section shall not apply to the
27 removal or unavoidable breakage or injury by a cemetery
28 authority of anything placed in or upon any portion of its
29 cemetery in violation of any of the rules and regulations of
30 the cemetery authority, nor to the removal of anything placed
31 in the cemetery by or with the consent of the cemetery
32 authority that in the judgment of the cemetery authority has
33 become wrecked, unsightly, or dilapidated.

34 (d) If an unemancipated minor is found guilty of violating
35 any of the provisions of subsection (b) of this Section and is
36 unable to provide restitution to the cemetery authority or

1 property owner, the parents or legal guardians of that minor
2 shall provide restitution to the cemetery authority or property
3 owner for the amount of any damage caused, up to the total
4 amount allowed under the Parental Responsibility Law.

5 (d-5) Any person who commits any of the following:

6 (1) any unauthorized, non-related third party or
7 person who enters any sheds, crematories, or employee
8 areas;

9 (2) any non-cemetery personnel who solicits cemetery
10 mourners or funeral directors on the grounds or in the
11 offices or chapels of a cemetery before, during, or after a
12 burial;

13 (3) any person who harasses or threatens any employee
14 of a cemetery on cemetery grounds; or

15 (4) any unauthorized person who removes, destroys, or
16 disturbs any cemetery devices or property placed for safety
17 of visitors and cemetery employees;

18 is guilty of a Class A misdemeanor for the first offense and of
19 a Class 4 felony for a second or subsequent offense.

20 (e) Any person who shall hunt, shoot or discharge any gun,
21 pistol or other missile, within the limits of any cemetery, or
22 shall cause any shot or missile to be discharged into or over
23 any portion thereof, or shall violate any of the rules made and
24 established by the board of directors of such cemetery, for the
25 protection or government thereof, is guilty of a Class C
26 misdemeanor.

27 (f) Any person who knowingly enters or knowingly remains
28 upon the premises of a public or private cemetery without
29 authorization during hours that the cemetery is posted as
30 closed to the public is guilty of a Class A misdemeanor.

31 (g) All fines when recovered, shall be paid over by the
32 court or officer receiving the same to the cemetery authority
33 and be applied, as far as possible in repairing the injury, if
34 any, caused by such offense. Provided, nothing contained in
35 this Act shall deprive such cemetery authority, or the owner of
36 any interment, entombment, or inurement right or monument from

1 maintaining an action for the recovery of damages caused by any
2 injury caused by a violation of the provisions of this Act, or
3 of the rules established by the board of directors of such
4 cemetery authority. Nothing in this Section shall be construed
5 to prohibit the discharge of firearms loaded with blank
6 ammunition as part of any funeral, any memorial observance or
7 any other patriotic or military ceremony.

8 (Source: P.A. 94-44, eff. 6-17-05; 94-608, eff. 8-16-05;
9 revised 8-29-05.)

10 Section 745. The Illinois Human Rights Act is amended by
11 changing Sections 2-104 and 7A-102 as follows:

12 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

13 Sec. 2-104. Exemptions.

14 (A) Nothing contained in this Act shall prohibit an
15 employer, employment agency or labor organization from:

16 (1) Bona Fide Qualification. Hiring or selecting
17 between persons for bona fide occupational qualifications
18 or any reason except those civil-rights violations
19 specifically identified in this Article.

20 (2) Veterans. Giving preferential treatment to
21 veterans and their relatives as required by the laws or
22 regulations of the United States or this State or a unit of
23 local government.

24 (3) Unfavorable Discharge From Military Service. Using
25 unfavorable discharge from military service as a valid
26 employment criterion when authorized by federal law or
27 regulation or when a position of employment involves the
28 exercise of fiduciary responsibilities as defined by rules
29 and regulations which the Department shall adopt.

30 (4) Ability Tests. Giving or acting upon the results of
31 any professionally developed ability test provided that
32 such test, its administration, or action upon the results,
33 is not used as a subterfuge for or does not have the effect
34 of unlawful discrimination.

1 (5) Merit and Retirement Systems.

2 (a) Applying different standards of compensation,
3 or different terms, conditions or privileges of
4 employment pursuant to a merit or retirement system
5 provided that such system or its administration is not
6 used as a subterfuge for or does not have the effect of
7 unlawful discrimination.

8 (b) Effecting compulsory retirement of any
9 employee who has attained 65 years of age and who, for
10 the 2-year period immediately preceding retirement, is
11 employed in a bona fide executive or a high
12 policymaking position, if such employee is entitled to
13 an immediate nonforfeitable annual retirement benefit
14 from a pension, profit-sharing, savings, or deferred
15 compensation plan, or any combination of such plans of
16 the employer of such employee, which equals, in the
17 aggregate, at least \$44,000. If any such retirement
18 benefit is in a form other than a straight life annuity
19 (with no ancillary benefits) or if the employees
20 contribute to any such plan or make rollover
21 contributions, the retirement benefit shall be
22 adjusted in accordance with regulations prescribed by
23 the Department, so that the benefit is the equivalent
24 of a straight life annuity (with no ancillary benefits)
25 under a plan to which employees do not contribute and
26 under which no rollover contributions are made.

27 (c) Until January 1, 1994, effecting compulsory
28 retirement of any employee who has attained 70 years of
29 age, and who is serving under a contract of unlimited
30 tenure (or similar arrangement providing for unlimited
31 tenure) at an institution of higher education as
32 defined by Section 1201(a) of the Higher Education Act
33 of 1965.

34 (6) Training and Apprenticeship programs. Establishing
35 an educational requirement as a prerequisite to selection
36 for a training or apprenticeship program, provided such

1 requirement does not operate to discriminate on the basis
2 of any prohibited classification except age.

3 (7) Police and Firefighter/Paramedic Retirement.
4 Imposing a mandatory retirement age for
5 firefighters/paramedics or law enforcement officers and
6 discharging or retiring such individuals pursuant to the
7 mandatory retirement age if such action is taken pursuant
8 to a bona fide retirement plan provided that the law
9 enforcement officer or firefighter/paramedic has attained:

10 (a) the age of retirement in effect under
11 applicable State or local law on March 3, 1983; or

12 (b) if the applicable State or local law was
13 enacted after the date of enactment of the federal Age
14 Discrimination in Employment Act Amendments of 1996
15 (P.L. 104-208), the age of retirement in effect on the
16 date of such discharge under such law.

17 This paragraph (7) shall not apply with respect to any
18 cause of action arising under the Illinois Human Rights Act
19 as in effect prior to the effective date of this amendatory
20 Act of 1997.

21 (8) Police and Firefighter/Paramedic Appointment.
22 Failing or refusing to hire any individual because of such
23 individual's age if such action is taken with respect to
24 the employment of an individual as a firefighter/paramedic
25 or as a law enforcement officer and the individual has
26 attained:

27 (a) the age of hiring or appointment in effect
28 under applicable State or local law on March 3, 1983;
29 or

30 (b) the age of hiring in effect on the date of such
31 failure or refusal to hire under applicable State or
32 local law enacted after the date of enactment of the
33 federal Age Discrimination in Employment Act
34 Amendments of 1996 (P.L. 104-208).

35 As used in paragraph (7) or (8):

36 "Firefighter/paramedic" means an employee, the duties

1 of whose position are primarily to perform work directly
2 connected with the control and extinguishment of fires or
3 the maintenance and use of firefighting apparatus and
4 equipment, or to provide emergency medical services,
5 including an employee engaged in this activity who is
6 transferred to a supervisory or administrative position.

7 "Law enforcement officer" means an employee, the
8 duties of whose position are primarily the investigation,
9 apprehension, or detention of individuals suspected or
10 convicted of criminal offenses, including an employee
11 engaged in this activity who is transferred to a
12 supervisory or administrative position.

13 (9) Citizenship Status. Making legitimate distinctions
14 based on citizenship status if specifically authorized or
15 required by State or federal law.

16 (B) With respect to any employee who is subject to a
17 collective bargaining agreement:

18 (a) which is in effect on June 30, 1986,

19 (b) which terminates after January 1, 1987,

20 (c) any provision of which was entered into by a labor
21 organization as defined by Section 6(d)(4) of the Fair
22 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

23 (d) which contains any provision that would be
24 superseded by this amendatory Act of 1987 (Public Act
25 85-748),

26 such amendatory Act of 1987 shall not apply until the
27 termination of such collective bargaining agreement or January
28 1, 1990, whichever occurs first.

29 (C) (1) For purposes of this Act, the term "handicap" shall
30 not include any employee or applicant who is currently engaging
31 in the illegal use of drugs, when an employer acts on the basis
32 of such use.

33 (2) Paragraph (1) shall not apply where an employee or
34 applicant for employment:

35 (a) has successfully completed a supervised drug
36 rehabilitation program and is no longer engaging in the

1 illegal use of drugs, or has otherwise been rehabilitated
2 successfully and is no longer engaging in such use;

3 (b) is participating in a supervised rehabilitation
4 program and is no longer engaging in such use; or

5 (c) is erroneously regarded as engaging in such use,
6 but is not engaging in such use.

7 It shall not be a violation of this Act for an employer to
8 adopt or administer reasonable policies or procedures,
9 including but not limited to drug testing, designed to ensure
10 that an individual described in subparagraph (a) or (b) is no
11 longer engaging in the illegal use of drugs.

12 (3) An employer:

13 (a) may prohibit the illegal use of drugs and the use
14 of alcohol at the workplace by all employees;

15 (b) may require that employees shall not be under the
16 influence of alcohol or be engaging in the illegal use of
17 drugs at the workplace;

18 (c) may require that employees behave in conformance
19 with the requirements established under the federal
20 Drug-Free Workplace Act of 1988 (41 ~~44~~ U.S.C. 701 et seq.)
21 and the Drug Free Workplace Act;

22 (d) may hold an employee who engages in the illegal use
23 of drugs or who is an alcoholic to the same qualification
24 standards for employment or job performance and behavior
25 that such employer holds other employees, even if any
26 unsatisfactory performance or behavior is related to the
27 drug use or alcoholism of such employee; and

28 (e) may, with respect to federal regulations regarding
29 alcohol and the illegal use of drugs, require that:

30 (i) employees comply with the standards
31 established in such regulations of the United States
32 Department of Defense, if the employees of the employer
33 are employed in an industry subject to such
34 regulations, including complying with regulations (if
35 any) that apply to employment in sensitive positions in
36 such an industry, in the case of employees of the

1 employer who are employed in such positions (as defined
2 in the regulations of the Department of Defense);

3 (ii) employees comply with the standards
4 established in such regulations of the Nuclear
5 Regulatory Commission, if the employees of the
6 employer are employed in an industry subject to such
7 regulations, including complying with regulations (if
8 any) that apply to employment in sensitive positions in
9 such an industry, in the case of employees of the
10 employer who are employed in such positions (as defined
11 in the regulations of the Nuclear Regulatory
12 Commission); and

13 (iii) employees comply with the standards
14 established in such regulations of the United States
15 Department of Transportation, if the employees of the
16 employer are employed in a transportation industry
17 subject to such regulations, including complying with
18 such regulations (if any) that apply to employment in
19 sensitive positions in such an industry, in the case of
20 employees of the employer who are employed in such
21 positions (as defined in the regulations of the United
22 States Department of Transportation).

23 (4) For purposes of this Act, a test to determine the
24 illegal use of drugs shall not be considered a medical
25 examination. Nothing in this Act shall be construed to
26 encourage, prohibit, or authorize the conducting of drug
27 testing for the illegal use of drugs by job applicants or
28 employees or making employment decisions based on such test
29 results.

30 (5) Nothing in this Act shall be construed to encourage,
31 prohibit, restrict, or authorize the otherwise lawful exercise
32 by an employer subject to the jurisdiction of the United States
33 Department of Transportation of authority to:

34 (a) test employees of such employer in, and applicants
35 for, positions involving safety-sensitive duties for the
36 illegal use of drugs and for on-duty impairment by alcohol;

1 and

2 (b) remove such persons who test positive for illegal
3 use of drugs and on-duty impairment by alcohol pursuant to
4 subparagraph (a) from safety-sensitive duties in
5 implementing paragraph (3).

6 (Source: P.A. 90-481, eff. 8-17-97; revised 10-11-05.)

7 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

8 Sec. 7A-102. Procedures.

9 (A) Charge.

10 (1) Within 180 days after the date that a civil rights
11 violation allegedly has been committed, a charge in writing
12 under oath or affirmation may be filed with the Department
13 by an aggrieved party or issued by the Department itself
14 under the signature of the Director.

15 (2) The charge shall be in such detail as to
16 substantially apprise any party properly concerned as to
17 the time, place, and facts surrounding the alleged civil
18 rights violation.

19 (B) Notice, and Response, and Review of Charge. The
20 Department shall, within 10 days of the date on which the
21 charge was filed, serve a copy of the charge on the respondent.
22 This period shall not be construed to be jurisdictional. The
23 charging party and the respondent may each file a position
24 statement and other materials with the Department regarding the
25 charge of alleged discrimination within 60 days of receipt of
26 the notice of the charge. The position statements and other
27 materials filed shall remain confidential unless otherwise
28 agreed to by the party providing the information and shall not
29 be served on or made available to the other party during
30 pendency of a charge with the Department. The Department shall
31 require the respondent to file a verified response to the
32 allegations contained in the charge within 60 days of receipt
33 of the notice of the charge. The respondent shall serve a copy
34 of its response on the complainant or his representative. All
35 allegations contained in the charge not timely denied by the

1 respondent shall be deemed admitted, unless the respondent
2 states that it is without sufficient information to form a
3 belief with respect to such allegation. The Department may
4 issue a notice of default directed to any respondent who fails
5 to file a verified response to a charge within 60 days of
6 receipt of the notice of the charge, unless the respondent can
7 demonstrate good cause as to why such notice should not issue.
8 The term "good cause" shall be defined by rule promulgated by
9 the Department. Within 30 days of receipt of the respondent's
10 response, the complainant may file a reply to said response and
11 shall serve a copy of said reply on the respondent or his
12 representative. A party shall have the right to supplement his
13 response or reply at any time that the investigation of the
14 charge is pending. The Department shall, within 10 days of the
15 date on which the charge was filed, and again no later than 335
16 days thereafter, send by certified or registered mail written
17 notice to the complainant and to the respondent informing the
18 complainant of the right to file a complaint with the Human
19 Rights Commission under subparagraph (2) of paragraph (G),
20 including in such notice the dates within which the complainant
21 may exercise this right. In the notice the Department shall
22 notify the complainant that the charge of civil rights
23 violation will be dismissed with prejudice and with no right to
24 further proceed if a written complaint is not timely filed with
25 the Commission by the complainant pursuant to subparagraph (2)
26 of paragraph (G) or by the Department pursuant to subparagraph
27 (1) of paragraph (G).

28 (B-1) Mediation. The complainant and respondent may agree
29 to voluntarily submit the charge to mediation without waiving
30 any rights that are otherwise available to either party
31 pursuant to this Act and without incurring any obligation to
32 accept the result of the mediation process. Nothing occurring
33 in mediation shall be disclosed by the Department or admissible
34 in evidence in any subsequent proceeding unless the complainant
35 and the respondent agree in writing that such disclosure be
36 made.

1 (C) Investigation.

2 (1) After the respondent has been notified, the
3 Department shall conduct a full investigation of the
4 allegations set forth in the charge.

5 (2) The Director or his or her designated
6 representatives shall have authority to request any member
7 of the Commission to issue subpoenas to compel the
8 attendance of a witness or the production for examination
9 of any books, records or documents whatsoever.

10 (3) If any witness whose testimony is required for any
11 investigation resides outside the State, or through
12 illness or any other good cause as determined by the
13 Director is unable to be interviewed by the investigator or
14 appear at a fact finding conference, his or her testimony
15 or deposition may be taken, within or without the State, in
16 the same manner as is provided for in the taking of
17 depositions in civil cases in circuit courts.

18 (4) Upon reasonable notice to the complainant and the
19 respondent, the Department shall conduct a fact finding
20 conference prior to 365 days after the date on which the
21 charge was filed, unless the Director has determined
22 whether there is substantial evidence that the alleged
23 civil rights violation has been committed or the charge has
24 been dismissed for lack of jurisdiction. If the parties
25 agree in writing, the fact finding conference may be held
26 at a time after the 365 day limit. Any party's failure to
27 attend the conference without good cause shall result in
28 dismissal or default. The term "good cause" shall be
29 defined by rule promulgated by the Department. A notice of
30 dismissal or default shall be issued by the Director and
31 shall notify the relevant party that a request for review
32 may be filed in writing with the Chief Legal Counsel of the
33 Department within 30 days of receipt of notice of dismissal
34 or default.

35 (D) Report.

36 (1) Each charge shall be the subject of a report to the

1 Director. The report shall be a confidential document
2 subject to review by the Director, authorized Department
3 employees, the parties, and, where indicated by this Act,
4 members of the Commission or their designated hearing
5 officers.

6 (2) Upon review of the report, the Director shall
7 determine whether there is substantial evidence that the
8 alleged civil rights violation has been committed. The
9 determination of substantial evidence is limited to
10 determining the need for further consideration of the
11 charge pursuant to this Act and includes, but is not
12 limited to, findings of fact and conclusions, as well as
13 the reasons for the determinations on all material issues.
14 Substantial evidence is evidence which a reasonable mind
15 accepts as sufficient to support a particular conclusion
16 and which consists of more than a mere scintilla but may be
17 somewhat less than a preponderance.

18 (a) If the Director determines that there is no
19 substantial evidence, the charge shall be dismissed by
20 order of the Director and the complainant notified that
21 he or she may seek review of the dismissal order before
22 the Chief Legal Counsel of the Department. The
23 complainant shall have 30 days from receipt of notice
24 to file a request for review by the Chief Legal Counsel
25 of the Department.

26 (b) If the Director determines that there is
27 substantial evidence, he or she shall designate a
28 Department employee who is an attorney licensed to
29 practice in Illinois to endeavor to eliminate the
30 effect of the alleged civil rights violation and to
31 prevent its repetition by means of conference and
32 conciliation.

33 (E) Conciliation.

34 (1) When the Department determines that a formal
35 conciliation conference is necessary, the complainant and
36 respondent shall be notified of the time and place of the

1 conference by registered or certified mail at least 10 days
2 prior thereto and either or both parties shall appear at
3 the conference in person or by attorney.

4 (2) The place fixed for the conference shall be within
5 35 miles of the place where the civil rights violation is
6 alleged to have been committed.

7 (3) Nothing occurring at the conference shall be
8 disclosed by the Department unless the complainant and
9 respondent agree in writing that such disclosure be made.

10 (F) Complaint.

11 (1) When there is a failure to settle or adjust any
12 charge through conciliation, the Department shall prepare
13 a written complaint, under oath or affirmation, stating the
14 nature of the civil rights violation substantially as
15 alleged in the charge previously filed and the relief
16 sought on behalf of the aggrieved party.

17 (2) The complaint shall be filed with the Commission.

18 (G) Time Limit.

19 (1) When a charge of a civil rights violation has been
20 properly filed, the Department, within 365 days thereof or
21 within any extension of that period agreed to in writing by
22 all parties, shall either issue and file a complaint in the
23 manner and form set forth in this Section or shall order
24 that no complaint be issued and dismiss the charge with
25 prejudice without any further right to proceed except in
26 cases in which the order was procured by fraud or duress.
27 Any such order shall be duly served upon both the
28 complainant and the respondent.

29 (2) Between 365 and 395 days after the charge is filed,
30 or such longer period agreed to in writing by all parties,
31 the aggrieved party may file a complaint with the
32 Commission, if the Director has not sooner issued a report
33 and determination pursuant to paragraphs (D) (1) and (D) (2)
34 of this Section. The form of the complaint shall be in
35 accordance with the provisions of paragraph (F). The
36 aggrieved party shall notify the Department that a

1 complaint has been filed and shall serve a copy of the
2 complaint on the Department on the same date that the
3 complaint is filed with the Commission.

4 (3) If an aggrieved party files a complaint with the
5 Human Rights Commission pursuant to paragraph (2) of this
6 subsection, or if the time period for filing a complaint
7 has expired, the Department shall immediately cease its
8 investigation and dismiss the charge of civil rights
9 violation. Any final order entered by the Chief Legal
10 Counsel under this Section is appealable in accordance with
11 paragraph (A)(1) of Section 8-111. Failure to immediately
12 cease an investigation and dismiss the charge of civil
13 rights violation as provided in this paragraph (3)
14 constitutes grounds for entry of an order by the circuit
15 court permanently enjoining the investigation. The
16 Department may also be liable for any costs and other
17 damages incurred by the respondent as a result of the
18 action of the Department.

19 (4) The Department shall stay any administrative
20 proceedings under this Section after the filing of a civil
21 action by or on behalf of the aggrieved party under any
22 federal or State law seeking relief with respect to the
23 alleged civil rights violation.

24 (H) This amendatory Act of 1995 applies to causes of action
25 filed on or after January 1, 1996.

26 (I) This amendatory Act of 1996 applies to causes of action
27 filed on or after January 1, 1996.

28 (Source: P.A. 94-146, eff. 7-8-05; 94-326, eff. 7-26-05;
29 revised 8-19-05.)

30 Section 750. The Business Corporation Act of 1983 is
31 amended by changing Sections 15.10 and 15.95 as follows:

32 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

33 Sec. 15.10. Fees for filing documents. The Secretary of
34 State shall charge and collect for:

- 1 (a) Filing articles of incorporation, \$150.
- 2 (b) Filing articles of amendment, \$50, unless the amendment
3 is a restatement of the articles of incorporation, in which
4 case the fee shall be \$150.
- 5 (c) Filing articles of merger or consolidation, \$100, but
6 if the merger or consolidation involves more than 2
7 corporations, \$50 for each additional corporation.
- 8 (d) Filing articles of share exchange, \$100.
- 9 (e) Filing articles of dissolution, \$5.
- 10 (f) Filing application to reserve a corporate name, \$25.
- 11 (g) Filing a notice of transfer of a reserved corporate
12 name, \$25.
- 13 (h) Filing statement of change of address of registered
14 office or change of registered agent, or both, \$25.
- 15 (i) Filing statement of the establishment of a series of
16 shares, \$25.
- 17 (j) Filing an application of a foreign corporation for
18 authority to transact business in this State, \$150.
- 19 (k) Filing an application of a foreign corporation for
20 amended authority to transact business in this State, \$25.
- 21 (l) Filing a copy of amendment to the articles of
22 incorporation of a foreign corporation holding authority to
23 transact business in this State, \$50, unless the amendment is a
24 restatement of the articles of incorporation, in which case the
25 fee shall be \$150.
- 26 (m) Filing a copy of articles of merger of a foreign
27 corporation holding a certificate of authority to transact
28 business in this State, \$100, but if the merger involves more
29 than 2 corporations, \$50 for each additional corporation.
- 30 (n) Filing an application for withdrawal and final report
31 or a copy of articles of dissolution of a foreign corporation,
32 \$25.
- 33 (o) Filing an annual report, interim annual report, or
34 final transition annual report of a domestic or foreign
35 corporation, \$75.
- 36 (p) Filing an application for reinstatement of a domestic

1 or a foreign corporation, \$200.

2 (q) Filing an application for use of an assumed corporate
3 name, \$150 for each year or part thereof ending in 0 or 5, \$120
4 for each year or part thereof ending in 1 or 6, \$90 for each
5 year or part thereof ending in 2 or 7, \$60 for each year or part
6 thereof ending in 3 or 8, \$30 for each year or part thereof
7 ending in 4 or 9, between the date of filing the application
8 and the date of the renewal of the assumed corporate name; and
9 a renewal fee for each assumed corporate name, \$150.

10 (r) To change an assumed corporate name for the period
11 remaining until the renewal date of the original assumed name,
12 \$25.

13 (s) Filing an application for cancellation of an assumed
14 corporate name, \$5.

15 (t) Filing an application to register the corporate name of
16 a foreign corporation, \$50; and an annual renewal fee for the
17 registered name, \$50.

18 (u) Filing an application for cancellation of a registered
19 name of a foreign corporation, \$25.

20 (v) Filing a statement of correction, \$50.

21 (w) Filing a petition for refund or adjustment, \$5.

22 (x) Filing a statement of election of an extended filing
23 month, \$25.

24 (y) Filing any other statement or report, \$5.

25 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
26 eff. 7-1-03; revised 9-5-03.)

27 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

28 Sec. 15.95. Department of Business Services Special
29 Operations Fund.

30 (a) A special fund in the State treasury known as the
31 Division of Corporations Special Operations Fund is renamed the
32 Department of Business Services Special Operations Fund.
33 Moneys deposited into the Fund shall, subject to appropriation,
34 be used by the Department of Business Services of the Office of
35 the Secretary of State, hereinafter "Department", to create and

1 maintain the capability to perform expedited services in
2 response to special requests made by the public for same day or
3 24 hour service. Moneys deposited into the Fund shall be used
4 for, but not limited to, expenditures for personal services,
5 retirement, social security, contractual services, equipment,
6 electronic data processing, and telecommunications.

7 (b) The balance in the Fund at the end of any fiscal year
8 shall not exceed \$600,000 and any amount in excess thereof
9 shall be transferred to the General Revenue Fund.

10 (c) All fees payable to the Secretary of State under this
11 Section shall be deposited into the Fund. No other fees or
12 taxes collected under this Act shall be deposited into the
13 Fund.

14 (d) "Expedited services" means services rendered within
15 the same day, or within 24 hours from the time, the request
16 therefor is submitted by the filer, law firm, service company,
17 or messenger physically in person or, at the Secretary of
18 State's discretion, by electronic means, to the Department's
19 Springfield Office and includes requests for certified copies,
20 photocopies, and certificates of good standing or fact made to
21 the Department's Springfield Office in person or by telephone,
22 or requests for certificates of good standing or fact made in
23 person or by telephone to the Department's Chicago Office.

24 (e) Fees for expedited services shall be as follows:

25 Restatement of articles, \$200;

26 Merger, consolidation or exchange, \$200;

27 Articles of incorporation, \$100;

28 Articles of amendment, \$100;

29 Revocation of dissolution, \$100;

30 Reinstatement, \$100;

31 Application for authority, \$100;

32 Cumulative report of changes in issued shares or paid-in
33 capital, \$100;

34 Report following merger or consolidation, \$100;

35 Certificate of good standing or fact, \$20;

36 All other filings, copies of documents, annual reports

1 filed on or after January 1, 1984, and copies of documents of
2 dissolved or revoked corporations having a file number over
3 5199, \$50.

4 (f) Expedited services shall not be available for a
5 statement of correction, a petition for refund or adjustment,
6 or a request involving annual reports filed before January 1,
7 1984 or involving dissolved corporations with a file number
8 below 5200.

9 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
10 eff. 7-1-03; revised 9-5-03.)

11 Section 755. The Limited Liability Company Act is amended
12 by changing Sections 1-25, 15-3, and 50-10 as follows:

13 (805 ILCS 180/1-25)

14 Sec. 1-25. Nature of business. A limited liability company
15 may be formed for any lawful purpose or business except:

16 (1) (blank);

17 (2) insurance unless, for the purpose of carrying on
18 business as a member of a group including incorporated and
19 individual unincorporated underwriters, the Director of
20 Insurance finds that the group meets the requirements of
21 subsection (3) of Section 86 of the Illinois Insurance Code
22 and the limited liability company, if insolvent, is subject
23 to liquidation by the Director of Insurance under Article
24 XIII of the Illinois Insurance Code;

25 (3) the practice of dentistry unless all the members
26 and managers are licensed as dentists under the Illinois
27 Dental Practice Act; or

28 (4) the practice of medicine unless all the managers,
29 if any, are licensed to practice medicine under the Medical
30 Practice Act of 1987 and each member is either:

31 (A) licensed to practice medicine under the
32 Medical Practice Act of 1987; or

33 (B) a registered medical corporation or
34 corporations organized pursuant to the Medical

1 Corporation Act; or

2 (C) a professional corporation organized pursuant
3 to the Professional Service Corporation Act of
4 physicians licensed to practice medicine in all its
5 branches; or

6 (D) a limited liability company that satisfies the
7 requirements of subparagraph (A), (B), or (C).

8 (Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561,
9 eff. 1-1-04; revised 9-5-03.)

10 (805 ILCS 180/15-3)

11 Sec. 15-3. General standards of member and manager's
12 conduct.

13 (a) The fiduciary duties a member owes to a member-managed
14 company and its other members include the duty of loyalty and
15 the duty of care referred to in subsections (b) and (c) of this
16 Section.

17 (b) A member's duty of loyalty to a member-managed company
18 and its other members includes the following:

19 (1) to account to the company and to hold as trustee
20 for it any property, profit, or benefit derived by the
21 member in the conduct or winding up of the company's
22 business or derived from a use by the member of the
23 company's property, including the appropriation of a
24 company's opportunity;

25 (2) to act fairly when a member deals with the company
26 in the conduct or winding up of the company's business as
27 or on behalf of a party having an interest adverse to the
28 company; and

29 (3) to refrain from competing with the company in the
30 conduct of the company's business before the dissolution of
31 the company.

32 (c) A member's duty of care to a member-managed company and
33 its other members in the conduct of and ~~a~~ winding up of the
34 company's business is limited to refraining from engaging in
35 grossly negligent or reckless conduct, intentional misconduct,

1 or a knowing violation of law.

2 (d) A member shall discharge his or her duties to a
3 member-managed company and its other members under this Act or
4 under the operating agreement and exercise any rights
5 consistent with the obligation of good faith and fair dealing.

6 (e) A member of a member-managed company does not violate a
7 duty or obligation under this Act or under the operating
8 agreement merely because the member's conduct furthers the
9 member's own interest.

10 (f) This Section applies to a person winding up the limited
11 liability company's business as the personal or legal
12 representative of the last surviving member as if the person
13 were a member.

14 (g) In a manager-managed company:

15 (1) a member who is not also a manager owes no duties
16 to the company or to the other members solely by reason of
17 being a member;

18 (2) a manager is held to the same standards of conduct
19 prescribed for members in subsections (b), (c), (d), and
20 (e) of this Section;

21 (3) a member who pursuant to the operating agreement
22 exercises some or all of the authority of a manager in the
23 management and conduct of the company's business is held to
24 the standards of conduct in subsections (b), (c), (d), and
25 (e) of this Section to the extent that the member exercises
26 the managerial authority vested in a manager by this Act;
27 and

28 (4) a manager is relieved of liability imposed by law
29 for violations of the standards prescribed by subsections
30 (b), (c), (d), and (e) to the extent of the managerial
31 authority delegated to the members by the operating
32 agreement.

33 (Source: P.A. 90-424, eff. 1-1-98; revised 10-18-05.)

34 (805 ILCS 180/50-10)

35 Sec. 50-10. Fees.

1 (a) The Secretary of State shall charge and collect in
2 accordance with the provisions of this Act and rules
3 promulgated under its authority all of the following:

4 (1) Fees for filing documents.

5 (2) Miscellaneous charges.

6 (3) Fees for the sale of lists of filings and for
7 copies of any documents.

8 (b) The Secretary of State shall charge and collect for all
9 of the following:

10 (1) Filing articles of organization (domestic),
11 application for admission (foreign), and restated articles
12 of organization (domestic), \$500. Notwithstanding the
13 foregoing, the fee for filing articles of organization
14 (domestic), application for admission (foreign), and
15 restated articles of organization (domestic) in connection
16 with a limited liability company with a series pursuant to
17 Section 37-40 of this Act is \$750.

18 (2) Filing amendments (domestic or foreign), \$150.

19 (3) Filing articles of dissolution or application for
20 withdrawal, \$100.

21 (4) Filing an application to reserve a name, \$300.

22 (5) Renewal fee for reserved name, \$100.

23 (6) Filing a notice of a transfer of a reserved name,
24 \$100.

25 (7) Registration of a name, \$300.

26 (8) Renewal of registration of a name, \$100.

27 (9) Filing an application for use of an assumed name
28 under Section 1-20 of this Act, \$150 for each year or part
29 thereof ending in 0 or 5, \$120 for each year or part
30 thereof ending in 1 or 6, \$90 for each year or part thereof
31 ending in 2 or 7, \$60 for each year or part thereof ending
32 in 3 or 8, \$30 for each year or part thereof ending in 4 or
33 9, and a renewal for each assumed name, \$150.

34 (10) Filing an application for change of an assumed
35 name, \$100.

36 (11) Filing an annual report of a limited liability

1 company or foreign limited liability company, \$250, if
2 filed as required by this Act, plus a penalty if
3 delinquent. Notwithstanding the foregoing, the fee for
4 filing an annual report of a limited liability company or
5 foreign limited liability company is \$250 plus \$50 for each
6 series for which a certificate of designation has been
7 filed pursuant to Section 37-40 of this Act, plus a penalty
8 if delinquent.

9 (12) Filing an application for reinstatement of a
10 limited liability company or foreign limited liability
11 company \$500.

12 (13) Filing Articles of Merger, \$100 plus \$50 for each
13 party to the merger in excess of the first 2 parties.

14 (14) Filing an Agreement of Conversion or Statement of
15 Conversion, \$100.

16 (15) Filing a statement of change of address of
17 registered office or change of registered agent, or both,
18 or filing a statement of correction, \$25.

19 (16) Filing a petition for refund, \$15.

20 (17) Filing any other document, \$100.

21 (18) Filing a certificate of designation of a limited
22 liability company with a series pursuant to Section 37-40
23 of this Act, \$50.

24 (c) The Secretary of State shall charge and collect all of
25 the following:

26 (1) For furnishing a copy or certified copy of any
27 document, instrument, or paper relating to a limited
28 liability company or foreign limited liability company, or
29 for a certificate, \$25.

30 (2) For the transfer of information by computer process
31 media to any purchaser, fees established by rule.

32 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,
33 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

34 Section 760. The Uniform Commercial Code is amended by
35 changing Section 8-106 as follows:

1 (810 ILCS 5/8-106) (from Ch. 26, par. 8-106)

2 Sec. 8-106. Control.

3 (a) A purchaser has "control" of a certificated security in
4 bearer form if the certificated security is delivered to the
5 purchaser.

6 (b) A purchaser has "control" of a certificated security in
7 registered form if the certificated security is delivered to
8 the purchaser, and:

9 (1) the certificate is indorsed to the purchaser or in
10 blank by an effective indorsement; or

11 (2) the certificate is registered in the name of the
12 purchaser, upon original issue or registration of transfer
13 by the issuer.

14 (c) A purchaser has "control" of an uncertificated security
15 if:

16 (1) the uncertificated security is delivered to the
17 purchaser; or

18 (2) the issuer has agreed that it will comply with
19 instructions originated by the purchaser without further
20 consent by the registered owner. ~~or~~

21 ~~(3) another person has control of the security~~
22 ~~entitlement on behalf of the purchaser or, having~~
23 ~~previously acquired control of the security entitlement,~~
24 ~~acknowledges that it has control on behalf of the~~
25 ~~purchaser.~~

26 (d) A purchaser has "control" of a security entitlement if:

27 (1) the purchaser becomes the entitlement holder; ~~or~~

28 (2) the securities intermediary has agreed that it will
29 comply with entitlement orders originated by the purchaser
30 without further consent by the entitlement holder; or

31 (3) another person has control of the security
32 entitlement on behalf of the purchaser or, having
33 previously acquired control of the security entitlement,
34 acknowledges that it has control on behalf of the
35 purchaser.

1 (e) If an interest in a security entitlement is granted by
2 the entitlement holder to the entitlement holder's own
3 securities intermediary, the securities intermediary has
4 control.

5 (f) A purchaser who has satisfied the requirements of
6 subsection (c) or (d) has control even if the registered owner
7 in the case of subsection (c) or the entitlement holder in the
8 case of subsection (d) retains the right to make substitutions
9 for the uncertificated security or security entitlement, to
10 originate instructions or entitlement orders to the issuer or
11 securities intermediary, or otherwise to deal with the
12 uncertificated security or security entitlement.

13 (g) An issuer or a securities intermediary may not enter
14 into an agreement of the kind described in subsection (c) (2) or
15 (d) (2) without the consent of the registered owner or
16 entitlement holder, but an issuer or a securities intermediary
17 is not required to enter into such an agreement even though the
18 registered owner or entitlement holder so directs. An issuer or
19 securities intermediary that has entered into such an agreement
20 is not required to confirm the existence of the agreement to
21 another party unless requested to do so by the registered owner
22 or entitlement holder.

23 (Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

24 Section 765. The Payday Loan Reform Act is amended by
25 renumbering Section 99 as follows:

26 (815 ILCS 122/99-99) (was 815 ILCS 122/99)

27 Sec. 99-99 ~~99~~. Effective date. This Act takes effect 180
28 days after becoming law.

29 (Source: P.A. 94-13, eff. 12-6-05; revised 9-22-05.)

30 Section 770. The Interest Act is amended by changing
31 Section 4 as follows:

32 (815 ILCS 205/4) (from Ch. 17, par. 6404)

1 Sec. 4. General interest rate.

2 (1) Except as otherwise provided in ~~this~~ Section 4.05, in
3 all written contracts it shall be lawful for the parties to
4 stipulate or agree that 9% per annum, or any less sum of
5 interest, shall be taken and paid upon every \$100 of money
6 loaned or in any manner due and owing from any person to any
7 other person or corporation in this state, and after that rate
8 for a greater or less sum, or for a longer or shorter time,
9 except as herein provided.

10 The maximum rate of interest that may lawfully be
11 contracted for is determined by the law applicable thereto at
12 the time the contract is made. Any provision in any contract,
13 whether made before or after July 1, 1969, which provides for
14 or purports to authorize, contingent upon a change in the
15 Illinois law after the contract is made, any rate of interest
16 greater than the maximum lawful rate at the time the contract
17 is made, is void.

18 It is lawful for a state bank or a branch of an
19 out-of-state bank, as those terms are defined in Section 2 of
20 the Illinois Banking Act, to receive or to contract to receive
21 and collect interest and charges at any rate or rates agreed
22 upon by the bank or branch and the borrower. It is lawful for a
23 savings bank chartered under the Savings Bank Act or a savings
24 association chartered under the Illinois Savings and Loan Act
25 of 1985 to receive or contract to receive and collect interest
26 and charges at any rate agreed upon by the savings bank or
27 savings association and the borrower.

28 It is lawful to receive or to contract to receive and
29 collect interest and charges as authorized by this Act and as
30 authorized by the Consumer Installment Loan Act and by the
31 "Consumer Finance Act", approved July 10, 1935, as now or
32 hereafter amended, or by the Payday Loan Reform Act. It is
33 lawful to charge, contract for, and receive any rate or amount
34 of interest or compensation with respect to the following
35 transactions:

36 (a) Any loan made to a corporation;

1 (b) Advances of money, repayable on demand, to an
2 amount not less than \$5,000, which are made upon warehouse
3 receipts, bills of lading, certificates of stock,
4 certificates of deposit, bills of exchange, bonds or other
5 negotiable instruments pledged as collateral security for
6 such repayment, if evidenced by a writing;

7 (c) Any credit transaction between a merchandise
8 wholesaler and retailer; any business loan to a business
9 association or copartnership or to a person owning and
10 operating a business as sole proprietor or to any persons
11 owning and operating a business as joint venturers, joint
12 tenants or tenants in common, or to any limited
13 partnership, or to any trustee owning and operating a
14 business or whose beneficiaries own and operate a business,
15 except that any loan which is secured (1) by an assignment
16 of an individual obligor's salary, wages, commissions or
17 other compensation for services, or (2) by his household
18 furniture or other goods used for his personal, family or
19 household purposes shall be deemed not to be a loan within
20 the meaning of this subsection; and provided further that a
21 loan which otherwise qualifies as a business loan within
22 the meaning of this subsection shall not be deemed as not
23 so qualifying because of the inclusion, with other security
24 consisting of business assets of any such obligor, of real
25 estate occupied by an individual obligor solely as his
26 residence. The term "business" shall be deemed to mean a
27 commercial, agricultural or industrial enterprise which is
28 carried on for the purpose of investment or profit, but
29 shall not be deemed to mean the ownership or maintenance of
30 real estate occupied by an individual obligor solely as his
31 residence;

32 (d) Any loan made in accordance with the provisions of
33 Subchapter I of Chapter 13 of Title 12 of the United States
34 Code, which is designated as "Housing Renovation and
35 Modernization";

36 (e) Any mortgage loan insured or upon which a

1 commitment to insure has been issued under the provisions
2 of the National Housing Act, Chapter 13 of Title 12 of the
3 United States Code;

4 (f) Any mortgage loan guaranteed or upon which a
5 commitment to guaranty has been issued under the provisions
6 of the Veterans' Benefits Act, Subchapter II of Chapter 37
7 of Title 38 of the United States Code;

8 (g) Interest charged by a broker or dealer registered
9 under the Securities Exchange Act of 1934, as amended, or
10 registered under the Illinois Securities Law of 1953,
11 approved July 13, 1953, as now or hereafter amended, on a
12 debit balance in an account for a customer if such debit
13 balance is payable at will without penalty and is secured
14 by securities as defined in Uniform Commercial
15 Code-Investment Securities;

16 (h) Any loan made by a participating bank as part of
17 any loan guarantee program which provides for loans and for
18 the refinancing of such loans to medical students, interns
19 and residents and which are guaranteed by the American
20 Medical Association Education and Research Foundation;

21 (i) Any loan made, guaranteed, or insured in accordance
22 with the provisions of the Housing Act of 1949, Subchapter
23 III of Chapter 8A of Title 42 of the United States Code and
24 the Consolidated Farm and Rural Development Act,
25 Subchapters I, II, and III of Chapter 50 of Title 7 of the
26 United States Code;

27 (j) Any loan by an employee pension benefit plan, as
28 defined in Section 3 (2) of the Employee Retirement Income
29 Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an
30 individual participating in such plan, provided that such
31 loan satisfies the prohibited transaction exemption
32 requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108
33 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d)
34 (1)) of the Employee Retirement Income Security Act of
35 1974;

36 (k) Written contracts, agreements or bonds for deed

1 providing for installment purchase of real estate;

2 (1) Loans secured by a mortgage on real estate;

3 (m) Loans made by a sole proprietorship, partnership,
4 or corporation to an employee or to a person who has been
5 offered employment by such sole proprietorship,
6 partnership, or corporation made for the sole purpose of
7 transferring an employee or person who has been offered
8 employment to another office maintained and operated by the
9 same sole proprietorship, partnership, or corporation;

10 (n) Loans to or for the benefit of students made by an
11 institution of higher education.

12 (2) Except for loans described in subparagraph (a), (c),
13 (d), (e), (f) or (i) of subsection (1) of this Section, and
14 except to the extent permitted by the applicable statute for
15 loans made pursuant to Section 4a or pursuant to the Consumer
16 Installment Loan Act:

17 (a) Whenever the rate of interest exceeds 8% per annum
18 on any written contract, agreement or bond for deed
19 providing for the installment purchase of residential real
20 estate, or on any loan secured by a mortgage on residential
21 real estate, it shall be unlawful to provide for a
22 prepayment penalty or other charge for prepayment.

23 (b) No agreement, note or other instrument evidencing a
24 loan secured by a mortgage on residential real estate, or
25 written contract, agreement or bond for deed providing for
26 the installment purchase of residential real estate, may
27 provide for any change in the contract rate of interest
28 during the term thereof. However, if the Congress of the
29 United States or any federal agency authorizes any class of
30 lender to enter, within limitations, into mortgage
31 contracts or written contracts, agreements or bonds for
32 deed in which the rate of interest may be changed during
33 the term of the contract, any person, firm, corporation or
34 other entity not otherwise prohibited from entering into
35 mortgage contracts or written contracts, agreements or
36 bonds for deed in Illinois may enter into mortgage

1 contracts or written contracts, agreements or bonds for
2 deed in which the rate of interest may be changed during
3 the term of the contract, within the same limitations.

4 (3) In any contract or loan which is secured by a mortgage,
5 deed of trust, or conveyance in the nature of a mortgage, on
6 residential real estate, the interest which is computed,
7 calculated, charged, or collected pursuant to such contract or
8 loan, or pursuant to any regulation or rule promulgated
9 pursuant to this Act, may not be computed, calculated, charged
10 or collected for any period of time occurring after the date on
11 which the total indebtedness, with the exception of late
12 payment penalties, is paid in full.

13 For purposes of this Section, a prepayment shall mean the
14 payment of the total indebtedness, with the exception of late
15 payment penalties if incurred or charged, on any date before
16 the date specified in the contract or loan agreement on which
17 the total indebtedness shall be paid in full, or before the
18 date on which all payments, if timely made, shall have been
19 made. In the event of a prepayment of the indebtedness which is
20 made on a date after the date on which interest on the
21 indebtedness was last computed, calculated, charged, or
22 collected but before the next date on which interest on the
23 indebtedness was to be calculated, computed, charged, or
24 collected, the lender may calculate, charge and collect
25 interest on the indebtedness for the period which elapsed
26 between the date on which the prepayment is made and the date
27 on which interest on the indebtedness was last computed,
28 calculated, charged or collected at a rate equal to 1/360 of
29 the annual rate for each day which so elapsed, which rate shall
30 be applied to the indebtedness outstanding as of the date of
31 prepayment. The lender shall refund to the borrower any
32 interest charged or collected which exceeds that which the
33 lender may charge or collect pursuant to the preceding
34 sentence. The provisions of this amendatory Act of 1985 shall
35 apply only to contracts or loans entered into on or after the
36 effective date of this amendatory Act, but shall not apply to

1 contracts or loans entered into on or after that date that are
2 subject to Section 4a of this Act, the Consumer Installment
3 Loan Act, the Payday Loan Reform Act, or the Retail Installment
4 Sales Act, or that provide for the refund of precomputed
5 interest on prepayment in the manner provided by such Act.

6 (Source: P.A. 94-13, eff. 12-6-05; 94-635, eff. 8-22-05;
7 revised 8-29-05.)

8 Section 775. The Automotive Collision Repair Act is amended
9 by changing Section 50 as follows:

10 (815 ILCS 308/50)

11 Sec. 50. Consumer disclosures; required signs. Every motor
12 vehicle repair facility shall post in a prominent place on the
13 business premises one or more signs, readily visible to
14 customers, in the following form:

15 YOUR CUSTOMER RIGHTS. UNLESS THE FACILITY PROVIDES A FIRM PRICE
16 QUOTATION, YOU ARE ENTITLED BY LAW TO:

17 1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN \$100
18 UNLESS ABSENT FACE-TO-FACE CONTACT (SEE ITEM 3 BELOW).

19 2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE
20 ESTIMATED TOTAL PRE-SALES-TAX COST BY MORE THAN 10% OR THAT
21 EXCEED THE LIMITED PRICE ESTIMATE.

22 3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR MOTOR
23 VEHICLE IS LEFT WITH THE COLLISION REPAIR FACILITY WITHOUT
24 FACE-TO-FACE CONTACT BETWEEN YOU AND THE COLLISION REPAIR
25 FACILITY PERSONNEL.

26 IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE ~~ACCORANCE~~ WITH
27 THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF
28 THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.

1 The first line of each sign shall be in letters not less
2 than 1.5 inches in height, and the remaining lines shall be in
3 letters not less than 0.5 inch in height.

4 (Source: P.A. 93-565, eff. 1-1-04; revised 10-11-05.)

5 Section 780. The Consumer Fraud and Deceptive Business
6 Practices Act is amended by changing Sections 1, 2Z, and 2LL
7 and by setting forth, renumbering, and changing multiple
8 versions of Sections 2MM, 2QQ, and 2VV as follows:

9 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

10 Sec. 1. (a) The term "advertisement" includes the attempt
11 by publication, dissemination, solicitation or circulation to
12 induce directly or indirectly any person to enter into any
13 obligation or acquire any title or interest in any merchandise
14 and includes every work device to disguise any form of business
15 solicitation by using such terms as "renewal", "invoice",
16 "bill", "statement", or "reminder", to create an impression of
17 existing obligation when there is none, or other language to
18 mislead any person in relation to any sought after commercial
19 transaction.†

20 (b) The term "merchandise" includes any objects, wares,
21 goods, commodities, intangibles, real estate situated outside
22 the State of Illinois, or services.†

23 (c) The term "person" includes any natural person or his
24 legal representative, partnership, corporation (domestic and
25 foreign), company, trust, business entity or association, and
26 any agent, employee, salesman, partner, officer, director,
27 member, stockholder, associate, trustee or cestui que trust
28 thereof.†

29 (d) The term "sale" includes any sale, offer for sale, or
30 attempt to sell any merchandise for cash or on credit.

31 (e) The term "consumer" means any person who purchases or
32 contracts for the purchase of merchandise not for resale in the
33 ordinary course of his trade or business but for his use or
34 that of a member of his household.

1 (f) The terms "trade" and "commerce" mean the advertising,
2 offering for sale, sale, or distribution of any services and
3 any property, tangible or intangible, real, personal or mixed,
4 and any other article, commodity, or thing of value wherever
5 situated, and shall include any trade or commerce directly or
6 indirectly affecting the people of this State.

7 (g) The term "pyramid sales scheme" includes any plan or
8 operation whereby a person in exchange for money or other thing
9 of value acquires the opportunity to receive a benefit or thing
10 of value, which is primarily based upon the inducement of
11 additional persons, by himself or others, regardless of number,
12 to participate in the same plan or operation and is not
13 primarily contingent on the volume or quantity of goods,
14 services, or other property sold or distributed or to be sold
15 or distributed to persons for purposes of resale to consumers.
16 For purposes of this subsection, "money or other thing of
17 value" shall not include payments made for sales demonstration
18 equipment and materials furnished on a nonprofit basis for use
19 in making sales and not for resale.

20 (Source: P.A. 83-808; revised 10-18-05.)

21 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

22 Sec. 2Z. Violations of other Acts. Any person who knowingly
23 violates the Automotive Repair Act, the Automotive Collision
24 Repair Act, the Home Repair and Remodeling Act, the Dance
25 Studio Act, the Physical Fitness Services Act, the Hearing
26 Instrument Consumer Protection Act, the Illinois Union Label
27 Act, the Job Referral and Job Listing Services Consumer
28 Protection Act, the Travel Promotion Consumer Protection Act,
29 the Credit Services Organizations Act, the Automatic Telephone
30 Dialers Act, the Pay-Per-Call Services Consumer Protection
31 Act, the Telephone Solicitations Act, the Illinois Funeral or
32 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
33 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
34 Loan Act, the Payday Loan Reform Act, subsection (a) or (b) of
35 Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform

1 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use
2 Tax Act, the Electronic Mail Act, paragraph (6) of subsection
3 (k) of Section 6-305 of the Illinois Vehicle Code, Article 3 of
4 the Residential Real Property Disclosure Act, the Automatic
5 Contract Renewal Act, or the Personal Information Protection
6 Act commits an unlawful practice within the meaning of this
7 Act.

8 (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,
9 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,
10 eff. 1-1-06; revised 8-19-05.)

11 (815 ILCS 505/2LL)

12 Sec. 2LL. Halal food; disclosure.

13 (a) As used in this Section:

14 "Dealer" means any establishment that advertises,
15 represents, or holds itself out as growing animals in a halal
16 way or selling, preparing, or maintaining food as halal,
17 including, but not limited to, manufacturers, animals' farms,
18 slaughterhouses, wholesalers, stores, restaurants, hotels,
19 catering facilities, butcher shops, summer camps, bakeries,
20 delicatessens, supermarkets, grocery stores, licensed health
21 care facilities, freezer dealers, and food plan companies.
22 These establishments may also sell, prepare or maintain food
23 not represented as halal.

24 "Director" means the Director of Agriculture.

25 "Food" means an animal grown to become food for human
26 consumption, a food, a food product, a food ingredient, a
27 dietary supplement, or a beverage.

28 "Halal" means prepared under and maintained in strict
29 compliance with the laws and customs of the Islamic religion
30 including but not limited to those laws and customs of
31 zabiha/zabeeha ~~zabiha/zabeeha~~ (slaughtered according to
32 appropriate Islamic codes), and as expressed by reliable
33 recognized Islamic entities and scholars.

34 (b) Any dealer who grows animals represented to be grown in
35 a halal way or who prepares, distributes, sells, or exposes for

1 sale any food represented to be halal shall disclose the basis
2 upon which those representations are made by posting the
3 information required by the Director, in accordance with rules
4 adopted by the Director, on a sign of a type and size specified
5 by the Director, in a conspicuous place upon the premises at
6 which the food is sold or exposed for sale, as required by the
7 Director.

8 (c) Any person subject to the requirements of subsection
9 (b) does not commit an unlawful practice if the person shows by
10 a preponderance of the evidence that the person relied in good
11 faith upon the representations of an animals' farm,
12 slaughterhouse, manufacturer, processor, packer, or
13 distributor of any food represented to be halal.

14 (d) Possession by a dealer of any animal grown to become
15 food for consumption or any food not in conformance with the
16 disclosure required by subsection (b) with respect to that food
17 is presumptive evidence that the person is in possession of
18 that food with the intent to sell.

19 (e) Any dealer who grows animals represented to be grown in
20 a halal way or who prepares, distributes, sells, or exposes for
21 sale any food represented to be halal shall comply with all
22 requirements of the Director, including, but not limited to,
23 recordkeeping, labeling and filing, in accordance with rules
24 adopted by the Director.

25 (f) Neither an animal represented to be grown in a halal
26 way to become food for human consumption, nor a food commodity
27 represented as halal, may be offered for sale by a dealer until
28 the dealer has registered, with the Director, documenting
29 information of the certifying Islamic entity specialized in
30 halal food or the supervising Muslim Inspector of Halal Food.

31 (g) The Director shall adopt rules to carry out this
32 Section in accordance with the Illinois Administrative
33 Procedure Act.

34 (h) It is an unlawful practice under this Act to violate
35 this Section or the rules adopted by the Director to carry out
36 this Section.

1 (Source: P.A. 92-394, eff. 1-1-02; 92-651, eff. 7-11-02;
2 revised 10-18-05.)

3 (815 ILCS 505/2MM)

4 Sec. 2MM. Verification of accuracy of credit reporting
5 information used to extend consumers credit and security freeze
6 on credit report for identity theft victims.

7 (a) A credit card issuer who mails an offer or solicitation
8 to apply for a credit card and who receives a completed
9 application in response to the offer or solicitation which
10 lists an address that is not substantially the same as the
11 address on the offer or solicitation may not issue a credit
12 card based on that application until reasonable steps have been
13 taken to verify the applicant's change of address.

14 (b) Any person who uses a consumer credit report in
15 connection with the approval of credit based on the application
16 for an extension of credit, and who has received notification
17 of a police report filed with a consumer reporting agency that
18 the applicant has been a victim of financial identity theft, as
19 defined in Section 16G-15 of the Criminal Code of 1961, may not
20 lend money or extend credit without taking reasonable steps to
21 verify the consumer's identity and confirm that the application
22 for an extension of credit is not the result of financial
23 identity theft.

24 (c) A consumer who has been the victim of identity theft
25 may place a security freeze on his or her credit report by
26 making a request in writing by certified mail to a consumer
27 credit reporting agency with a valid copy of a police report,
28 investigative report, or complaint that the consumer has filed
29 with a law enforcement agency about unlawful use of his or her
30 personal information by another person. A credit reporting
31 agency shall not charge a fee for placing, removing, or
32 removing for a specific party or period of time a security
33 freeze on a credit report. A security freeze shall prohibit,
34 subject to the exceptions under subsection (i) of this Section,
35 the credit reporting agency from releasing the consumer's

1 credit report or any information from it without the express
2 authorization of the consumer. When a security freeze is in
3 place, information from a consumer's credit report shall not be
4 released to a third party without prior express authorization
5 from the consumer. This subsection does not prevent a credit
6 reporting agency from advising a third party that a security
7 freeze is in effect with respect to the consumer's credit
8 report.

9 (d) A credit reporting agency shall place a security freeze
10 on a consumer's credit report no later than 5 business days
11 after receiving a written request from the consumer.

12 (e) The credit reporting agency shall send a written
13 confirmation of the security freeze to the consumer within 10
14 business days and shall provide the consumer with a unique
15 personal identification number or password, other than the
16 consumer's Social Security number, to be used by the consumer
17 when providing authorization for the release of his or her
18 credit for a specific party or period of time.

19 (f) If the consumer wishes to allow his or her credit
20 report to be accessed for a specific party or period of time
21 while a freeze is in place, he or she shall contact the
22 consumer credit reporting agency, request that the freeze be
23 temporarily lifted, and provide the following:

24 (1) Proper identification;

25 (2) The unique personal identification number or
26 password provided by the credit reporting agency; and

27 (3) The proper information regarding the third party or
28 time period for which the report shall be available to
29 users of the credit report.

30 (g) A credit reporting agency may develop procedures
31 involving the use of telephone, fax, the Internet, or other
32 electronic media to receive and process a request from a
33 consumer to temporarily lift a freeze on a credit report
34 pursuant to subsection (f) in an expedited manner.

35 (h) A credit reporting agency that receives a request from
36 a consumer to temporarily lift a freeze on a credit report

1 pursuant to subsection (f), shall comply with the request no
2 later than 3 business days after receiving the request.

3 (i) A credit reporting agency shall remove or temporarily
4 lift a freeze placed on a consumer's credit report only in the
5 following cases:

6 (1) upon consumer request, pursuant to subsection (f)
7 or subsection (1) of this Section; or

8 (2) if the consumer's credit report was frozen due to a
9 material misrepresentation of fact by the consumer.

10 If a consumer credit reporting agency intends to remove a
11 freeze upon a consumer's credit report pursuant to this
12 subsection, the consumer credit reporting agency shall notify
13 the consumer in writing prior to removing the freeze on the
14 consumer's credit report.

15 (j) If a third party requests access to a credit report on
16 which a security freeze is in effect, and this request is in
17 connection with an application for credit or any other use, and
18 the consumer does not allow his or her credit report to be
19 accessed for that specific party or period of time, the third
20 party may treat the application as incomplete.

21 (k) If a consumer requests a security freeze, the credit
22 reporting agency shall disclose to the consumer the process of
23 placing and temporarily lifting a security freeze, and the
24 process for allowing access to information from the consumer's
25 credit report for a specific party or period of time while the
26 freeze is in place.

27 (l) A security freeze shall remain in place until the
28 consumer requests that the security freeze be removed. A credit
29 reporting agency shall remove a security freeze within 3
30 business days of receiving a request for removal from the
31 consumer, who provides both of the following:

32 (1) Proper identification; and

33 (2) The unique personal identification number or
34 password provided by the credit reporting agency.

35 (m) A consumer credit reporting agency shall require proper
36 identification of the person making a request to place or

1 remove a security freeze.

2 (n) The provisions of subsections (c) through (m) of this
3 Section do not apply to the use of a consumer credit report by
4 any of the following:

5 (1) A person or entity, or a subsidiary, affiliate, or
6 agent of that person or entity, or an assignee of a
7 financial obligation owing by the consumer to that person
8 or entity, or a prospective assignee of a financial
9 obligation owing by the consumer to that person or entity
10 in conjunction with the proposed purchase of the financial
11 obligation, with which the consumer has or had prior to
12 assignment an account or contract, including a demand
13 deposit account, or to whom the consumer issued a
14 negotiable instrument, for the purposes of reviewing the
15 account or collecting the financial obligation owing for
16 the account, contract, or negotiable instrument. For
17 purposes of this subsection, "reviewing the account"
18 includes activities related to account maintenance,
19 monitoring, credit line increases, and account upgrades
20 and enhancements.

21 (2) A subsidiary, affiliate, agent, assignee, or
22 prospective assignee of a person to whom access has been
23 granted under subsection (f) of this Section for purposes
24 of facilitating the extension of credit or other
25 permissible use.

26 (3) Any state or local agency, law enforcement agency,
27 trial court, or private collection agency acting pursuant
28 to a court order, warrant, or subpoena.

29 (4) A child support agency acting pursuant to Title
30 IV-D of the Social Security Act.

31 (5) The relevant state agency or its agents or assigns
32 acting to investigate Medicaid fraud.

33 (6) The Department of Revenue or its agents or assigns
34 acting to investigate or collect delinquent taxes or unpaid
35 court orders or to fulfill any of its other statutory
36 responsibilities.

1 (7) The use of credit information for the purposes of
2 prescreening as provided for by the federal Fair Credit
3 Reporting Act.

4 (8) Any person or entity administering a credit file
5 monitoring subscription service to which the consumer has
6 subscribed.

7 (9) Any person or entity for the purpose of providing a
8 consumer with a copy of his or her credit report upon the
9 consumer's request.

10 (o) If a security freeze is in place, a credit reporting
11 agency shall not change any of the following official
12 information in a credit report without sending a written
13 confirmation of the change to the consumer within 30 days of
14 the change being posted to the consumer's file: (i) name, (ii)
15 date of birth, (iii) Social Security number, and (iv) address.
16 Written confirmation is not required for technical
17 modifications of a consumer's official information, including
18 name and street abbreviations, complete spellings, or
19 transposition of numbers or letters. In the case of an address
20 change, the written confirmation shall be sent to both the new
21 address and to the former address.

22 (p) The following entities are not required to place a
23 security freeze in a credit report, provided, however, that any
24 person that is not required to place a security freeze on a
25 credit report under paragraph (3) of this subsection, shall be
26 subject to any security freeze placed on a credit report by
27 another credit reporting agency from which it obtains
28 information:

29 (1) A check services or fraud prevention services
30 company, which issues reports on incidents of fraud or
31 authorizations for the purpose of approving or processing
32 negotiable instruments, electronic funds transfers, or
33 similar methods of payment.

34 (2) A deposit account information service company,
35 which issues reports regarding account closures due to
36 fraud, substantial overdrafts, ATM abuse, or similar

1 negative information regarding a consumer to inquiring
2 banks or other financial institutions for use only in
3 reviewing a consumer request for a deposit account at the
4 inquiring bank or financial institution.

5 (3) A credit reporting agency that:

6 (A) acts only to resell credit information by
7 assembling and merging information contained in a
8 database of one or more credit reporting agencies; and

9 (B) does not maintain a permanent database of
10 credit information from which new credit reports are
11 produced.

12 (q) For purposes of this Section:

13 "Extension of credit" does not include an increase in an
14 existing open-end credit plan, as defined in Regulation Z of
15 the Federal Reserve System (12 C.F.R. 226.2), or any change to
16 or review of an existing credit account.

17 "Proper identification" means information generally deemed
18 sufficient to identify a person. Only if the consumer is unable
19 to reasonably identify himself or herself with the information
20 described above, may a consumer credit reporting agency require
21 additional information concerning the consumer's employment
22 and personal or family history in order to verify his or her
23 identity.

24 (r) Any person who violates this Section commits an
25 unlawful practice within the meaning of this Act.

26 (Source: P.A. 93-195, eff. 1-1-04; 94-74, eff. 1-1-06.)

27 (815 ILCS 505/2NN)

28 Sec. 2NN ~~2MM~~. Receipts; credit card and debit card account
29 numbers.

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

31 "Cardholder" has the meaning ascribed to it in Section 2.02
32 of the Illinois Credit Card and Debit Card Act.

33 "Credit card" has the meaning ascribed to it in Section
34 2.03 of the Illinois Credit Card and Debit Card Act.

35 "Debit card" has the meaning ascribed to it in Section 2.15

1 of the Illinois Credit Card and Debit Card Act.

2 "Issuer" has the meaning ascribed to it in Section 2.08 of
3 the Illinois Credit Card and Debit Card Act.

4 "Person" has the meaning ascribed to it in Section 2.09 of
5 the Illinois Credit Card and Debit Card Act.

6 "Provider" means a person who furnishes money, goods,
7 services, or anything else of value upon presentation, whether
8 physically, in writing, verbally, electronically, or
9 otherwise, of a credit card or debit card by the cardholder, or
10 any agent or employee of that person.

11 (b) Except as otherwise provided in this Section, no
12 provider may print or otherwise produce or reproduce or permit
13 the printing or other production or reproduction of the
14 following: (i) any part of the credit card or debit card
15 account number, other than the last 4 digits or other
16 characters, (ii) the credit card or debit card expiration date
17 on any receipt provided or made available to the cardholder.

18 (c) This Section does not apply to a credit card or debit
19 card transaction in which the sole means available to the
20 provider of recording the credit card or debit card account
21 number is by handwriting or by imprint of the card.

22 (d) This Section does not apply to receipts issued for
23 transactions on the electronic benefits transfer card system in
24 accordance with 7 CFR 274.12(g)(3).

25 (e) A violation of this Section constitutes an unlawful
26 practice within the meaning of this Act.

27 (f) This Section is operative on January 1, 2005.

28 (Source: P.A. 93-231, eff. 1-1-04; revised 9-26-03.)

29 (815 ILCS 505/2PP)

30 Sec. 2PP ~~2MM~~. Mail; disclosure. It is an unlawful practice
31 under this Act to knowingly mail or send or cause to be mailed
32 or sent a postcard or letter to a recipient in this State if:

33 (1) the postcard or letter contains a request that the
34 recipient call a telephone number; and

35 (2) the postcard or letter is mailed or sent to induce

1 the recipient to call the telephone number so that goods,
2 services, or other merchandise, as defined in Section 1,
3 may be offered for sale to the recipient; and

4 (3) the postcard or letter does not disclose that
5 goods, services, or other merchandise, as defined in
6 Section 1, may be offered for sale if the recipient calls
7 the telephone number.

8 (Source: P.A. 93-459, eff. 1-1-04; revised 9-26-03.)

9 (815 ILCS 505/2QQ)

10 Sec. 2QQ. Insurance cards; social security number.

11 (a) As used in this Section, "insurance card" means a card
12 that a person or entity provides to an individual so that the
13 individual may present the card to establish the eligibility of
14 the individual or his or her dependents to receive health,
15 dental, optical, or accident insurance benefits, prescription
16 drug benefits, or benefits under a managed care plan or a plan
17 provided by a health maintenance organization, a health
18 services plan corporation, or a similar entity.

19 (b) A person or entity may not print an individual's social
20 security number on an insurance card. A person or entity that
21 provides an insurance card must print on the card an
22 identification number unique to the holder of the card in the
23 format prescribed by Section 15 of the Uniform Prescription
24 Drug Information Card Act.

25 (c) An insurance card issued to an individual before the
26 effective date of this amendatory Act of the 93rd General
27 Assembly that does not comply with subsection (b) must be
28 replaced by January 1, 2006 with an insurance card that
29 complies with subsection (b) if the individual's eligibility
30 for benefits continues after the effective date of this
31 amendatory Act of the 93rd General Assembly.

32 (d) A violation of this Section constitutes an unlawful
33 practice within the meaning of this Act.

34 (Source: P.A. 93-728, eff. 1-1-05.)

1 (815 ILCS 505/2RR)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 2RR 200. Use of Social Security numbers.

5 (a) Except as otherwise provided in this Section, a person
6 may not do any of the following:

7 (1) Publicly post or publicly display in any manner an
8 individual's social security number. As used in this
9 Section, "publicly post" or "publicly display" means to
10 intentionally communicate or otherwise make available to
11 the general public.

12 (2) Print an individual's social security number on any
13 card required for the individual to access products or
14 services provided by the person or entity; however, a
15 person or entity that provides an insurance card must print
16 on the card an identification number unique to the holder
17 of the card in the format prescribed by Section 15 of the
18 Uniform Prescription Drug Information Card Act.

19 (3) Require an individual to transmit his or her social
20 security number over the Internet, unless the connection is
21 secure or the social security number is encrypted.

22 (4) Require an individual to use his or her social
23 security number to access an Internet web site, unless a
24 password or unique personal identification number or other
25 authentication device is also required to access the
26 Internet Web site.

27 (5) Print an individual's social security number on any
28 materials that are mailed to the individual, unless State
29 or federal law requires the social security number to be on
30 the document to be mailed. Notwithstanding any provision in
31 this Section to the contrary, social security numbers may
32 be included in applications and forms sent by mail,
33 including documents sent as part of an application or
34 enrollment process or to establish, amend, or terminate an
35 account, contract, or policy or to confirm the accuracy of
36 the social security number. A social security number that

1 may permissibly be mailed under this Section may not be
2 printed, in whole or in part, on a postcard or other mailer
3 that does not require an envelope or be visible on an
4 envelope or visible without the envelope having been
5 opened.

6 (b) A person that used, before July 1, 2005, an
7 individual's social security number in a manner inconsistent
8 with subsection (a) may continue using that individual's social
9 security number in the same manner on or after July 1, 2005 if
10 all of the following conditions are met:

11 (1) The use of the social security number is
12 continuous. If the use is stopped for any reason,
13 subsection (a) shall apply.

14 (2) The individual is provided an annual disclosure
15 that informs the individual that he or she has the right to
16 stop the use of his or her social security number in a
17 manner prohibited by subsection (a).

18 A written request by an individual to stop the use of his
19 or her social security number in a manner prohibited by
20 subsection (a) shall be implemented within 30 days of the
21 receipt of the request. There shall be no fee or charge for
22 implementing the request. A person shall not deny services to
23 an individual because the individual makes such a written
24 request.

25 (c) This Section does not apply to the collection, use, or
26 release of a social security number as required by State or
27 federal law or the use of a social security number for internal
28 verification or administrative purposes. This Section does not
29 apply to the collection, use, or release of a social security
30 number by the State, a subdivision of the State, or an
31 individual in the employ of the State or a subdivision of the
32 State in connection with his or her official duties.

33 (d) This Section does not apply to documents that are
34 recorded or required to be open to the public under State or
35 federal law, applicable case law, Supreme Court Rule, or the
36 Constitution of the State of Illinois.

1 (e) If a federal law takes effect requiring the United
2 States Department of Health and Human Services to establish a
3 national unique patient health identifier program, any person
4 who complies with the federal law shall be deemed to be in
5 compliance with this Section.

6 (f) A person may not encode or embed a social security
7 number in or on a card or document, including, but not limited
8 to, using a bar code, chip, magnetic strip, or other
9 technology, in place of removing the social security number as
10 required by this Section.

11 (g) Any person who violates this Section commits an
12 unlawful practice within the meaning of this Act.

13 (Source: P.A. 93-739, eff. 7-1-06; revised 11-10-04.)

14 (815 ILCS 505/2SS)

15 Sec. 2SS ~~200~~. Gift certificates.

16 (a) "Gift certificate" means a record evidencing a promise,
17 made for consideration, by the seller or issuer of the record
18 that goods or services will be provided to the holder of the
19 record for the value shown in the record and includes, but is
20 not limited to, a record that contains a microprocessor chip,
21 magnetic stripe or other means for the storage of information
22 that is prefunded and for which the value is decremented upon
23 each use, a gift card, an electronic gift card, stored-value
24 card or certificate, a store card or a similar record or card.
25 For purposes of this Act, the term "gift certificate" does not
26 include any of the following:

27 (i) prepaid telecommunications and technology cards
28 including, but not limited to, prepaid telephone calling
29 cards, prepaid technical support cards, and prepaid
30 Internet disks that are distributed to or purchased by a
31 consumer;

32 (ii) prepaid telecommunications and technology cards
33 including, but not limited to, prepaid telephone calling
34 cards, prepaid technical support cards, and prepaid
35 Internet disks that are provided to a consumer pursuant to

1 any award, loyalty, or promotion program without any money
2 or other thing of value being given in exchange for the
3 card; or

4 (iii) any gift certificate usable with multiple
5 sellers of goods or services.

6 (b) Any gift certificate subject to a fee must contain a
7 statement clearly and conspicuously printed on the gift
8 certificate stating whether there is a fee, the amount of the
9 fee, how often the fee will occur, that the fee is triggered by
10 inactivity of the gift certificate, and at what point the fee
11 will be charged. The statement may appear on the front or back
12 of the gift certificate in a location where it is visible to
13 any purchaser prior to the purchase.

14 (c) Any gift certificate subject to an expiration date must
15 contain a statement clearly and conspicuously printed on the
16 gift certificate stating the expiration date. The statement may
17 appear on the front or back of the gift certificate in a
18 location where it is visible to any purchaser prior to the
19 purchase.

20 (d) Subsection (c) does not apply to any gift certificate
21 that contains a toll free phone number and a statement clearly
22 and conspicuously printed on the gift certificate stating that
23 holders can call the toll free number to find out the balance
24 on the gift certificate, if applicable, and the expiration
25 date. The toll free number and statement may appear on the
26 front or back of the gift certificate in a location where it is
27 visible to any purchaser prior to the purchase.

28 (e) This Section does not apply to any of the following
29 gift certificates:

30 (i) Gift certificates that are distributed by the
31 issuer to a consumer pursuant to an awards, loyalty, or
32 promotional program without any money or thing of value
33 being given in exchange for the gift certificate by the
34 consumer.

35 (ii) Gift certificates that are sold below face value
36 at a volume discount to employers or to nonprofit and

1 charitable organizations for fundraising purposes if the
2 expiration date on those gift certificates is not more than
3 30 days after the date of sale.

4 (iii) Gift certificates that are issued for a food
5 product.

6 (Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

7 (815 ILCS 505/2TT)

8 Sec. 2TT ~~200~~. Prepaid calling service.

9 (a) For purposes of this Section ~~200~~, the terms "Prepaid
10 Calling Service", "Prepaid Calling Service Provider", "Prepaid
11 Calling Service Retailer", and "Prepaid Calling Service
12 Reseller" shall have the same definitions as those in Sections
13 13-230, 13-231, 13-232, and 13-233, respectively, of the Public
14 Utilities Act.

15 For the purposes of this Section, "international preferred
16 destination" means a prepaid calling service that advertises a
17 specific international destination either on the card, the
18 packaging material accompanying the card, or through an
19 offering of sale of the service.

20 (b) On and after July 1, 2005, it is an unlawful practice
21 under this Act for any prepaid calling service provider or
22 prepaid calling service reseller to sell or offer to sell
23 prepaid calling service to any prepaid calling service retailer
24 unless the prepaid calling service provider has applied for and
25 received a Certificate of Prepaid Calling Service Provider
26 Authority from the Illinois Commerce Commission pursuant to the
27 Public Utilities Act and the prepaid calling service provider
28 or prepaid calling service reseller shows proof of the prepaid
29 calling service provider's Certificate of Prepaid Calling
30 Service Provider Authority to the prepaid calling service
31 retailer.

32 (c) On and after July 1, 2005, it is an unlawful practice
33 under this Act for any prepaid calling service retailer to sell
34 or offer to sell prepaid calling service to any consumer unless
35 the prepaid calling service retailer retains proof of

1 certification of the prepaid calling service provider by the
2 Illinois Commerce Commission pursuant to the Public Utilities
3 Act. The prepaid calling service retailer must retain proof of
4 certification for one year or the duration of the contract with
5 the reseller, whichever is longer. A prepaid calling service
6 retailer with multiple locations selling prepaid calling cards
7 under contract with a prepaid calling service provider may keep
8 the certification at a central location provided, however, that
9 the prepaid calling service retailer make a copy of the
10 certification available upon reasonable request within 48
11 hours.

12 (d) On and after July 1, 2005, no prepaid calling service
13 provider or prepaid calling service reseller shall sell or
14 offer to sell prepaid calling service, as those terms are
15 defined in Article XIII of the Public Utilities Act, to any
16 Illinois consumer, either directly or through a prepaid calling
17 service retailer, unless the following disclosures are made
18 clearly and conspicuously:

19 (1) At a minimum, the following terms and conditions
20 shall be disclosed clearly and conspicuously on the prepaid
21 calling card, if applicable:

22 (A) the full name of the Prepaid Calling Service
23 Provider as certificated by the Illinois Commerce
24 Commission;

25 (B) the toll-free customer service number;

26 (C) an access number that is toll-free or a number
27 local to the prepaid calling retailer; and

28 (D) the refund policy or a statement that the
29 refund policy is located on the packaging materials.

30 (2) At a minimum, all the material terms and conditions
31 pertaining to the specific prepaid calling card shall be
32 disclosed clearly and conspicuously on the packaging
33 materials accompanying the prepaid calling card including,
34 but not limited to, the following, if applicable:

35 (A) the value of the card in minutes or the
36 domestic rate per minute of the card;

1 (B) all surcharges and fees applicable to the use
2 of the domestic prepaid calling service;

3 (C) all applicable rates for international
4 preferred destinations;

5 (D) all applicable surcharges and fees for
6 international preferred destinations;

7 (E) a disclosure statement indicating that all
8 rates, surcharges, and fees applicable to
9 international calls are available through the
10 toll-free customer service number and a statement
11 disclosing if international rates vary from domestic
12 rates; and

13 (F) the expiration policy.

14 (3) At a minimum, the following information shall be
15 disclosed clearly and conspicuously and accurately through
16 the toll-free customer service telephone number through
17 which the customer is able to speak with a live customer
18 service representative:

19 (A) the Illinois Commerce Commission certificate
20 number of the Prepaid Calling Service Provider;

21 (B) all applicable rates, terms, surcharges, and
22 fees for domestic and international calls;

23 (C) all information necessary to determine the
24 cost of a given call;

25 (D) the balance of use in the consumer's account;
26 and

27 (E) the applicable expiration date or period.

28 The disclosures required under this subsection (d) do not
29 apply to the recharging of dollars or minutes to a previously
30 purchased card allowing prepaid calling service.

31 (Source: P.A. 93-1002, eff. 1-1-05; revised 11-10-04.)

32 (815 ILCS 505/2UU)

33 Sec. 2UU ~~200~~. Internet service; cancellation.

34 (a) As used in this Section:

35 "Internet service provider" means a person who provides a

1 service that combines computer processing, information
2 storage, protocol conversion, and routing with transmission to
3 enable a consumer to access Internet content and services.

4 (b) This Section applies only to agreements under which an
5 Internet service provider provides service to consumers, for
6 home and personal use, for a one-year term that is
7 automatically renewed for another one-year term unless a
8 consumer cancels the service.

9 (c) An Internet service provider must give a consumer who
10 is an Illinois resident the following: (1) a secure method at
11 the Internet service provider's web site that the consumer may
12 use to cancel the service, which method shall not require the
13 consumer to make a telephone call or send U.S. Postal Service
14 mail to effectuate the cancellation; and (2) instructions that
15 the consumer may follow to cancel the service at the Internet
16 service provider's web site.

17 (d) A person who violates this Section commits an unlawful
18 practice within the meaning of this Act.

19 (Source: P.A. 93-1016, eff. 1-1-05; revised 11-10-04.)

20 (815 ILCS 505/2VV)

21 Sec. 2VV. Credit and public utility service; identity
22 theft. It is an unlawful practice for a person to deny credit
23 or public utility service to or reduce the credit limit of a
24 consumer solely because the consumer has been a victim of
25 identity theft as defined in Section 16G-15 of the Criminal
26 Code of 1961, if the consumer:

27 (1) has provided a copy of an identity theft report as
28 defined under the federal Fair Credit Reporting Act and
29 implementing regulations evidencing the consumer's claim
30 of identity theft;

31 (2) has provided a properly completed copy of a
32 standardized affidavit of identity theft developed and
33 made available by the Federal Trade Commission pursuant to
34 15 U.S.C. 1681g or an affidavit of fact that is acceptable
35 to the person for that purpose;

1 (3) has obtained placement of an extended fraud alert
2 in his or her file maintained by a nationwide consumer
3 reporting agency, in accordance with the requirements of
4 the federal Fair Credit Reporting Act; and

5 (4) is able to establish his or her identity and
6 address to the satisfaction of the person providing credit
7 or utility services.

8 (Source: P.A. 94-37, eff. 6-16-05.)

9 (815 ILCS 505/2WW)

10 Sec. 2WW ~~2VV~~. Wireless telephone service provider; third
11 party billings. A wireless telephone service provider shall
12 provide a contact telephone number and brief description of the
13 service for all third-party billings on the consumer's bill, to
14 the extent allowed by federal law, or through a customer
15 service representative. For purposes of this Section,
16 "third-party billings" means any billing done by a wireless
17 telephone service provider on behalf of a third party where the
18 wireless telephone service provider is merely the billing agent
19 for the third party with no ability to provide refunds,
20 credits, or otherwise adjust the billings.

21 (Source: P.A. 94-567, eff. 1-1-06; revised 9-22-05.)

22 Section 785. The Prevailing Wage Act is amended by changing
23 Sections 2 and 4 as follows:

24 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

25 Sec. 2. This Act applies to the wages of laborers,
26 mechanics and other workers employed in any public works, as
27 hereinafter defined, by any public body and to anyone under
28 contracts for public works.

29 As used in this Act, unless the context indicates
30 otherwise:

31 "Public works" means all fixed works constructed by any
32 public body, other than work done directly by any public
33 utility company, whether or not done under public supervision

1 or direction, or paid for wholly or in part out of public
2 funds. "Public works" as defined herein includes all projects
3 financed in whole or in part with bonds issued under the
4 Industrial Project Revenue Bond Act (Article 11, Division 74 of
5 the Illinois Municipal Code), the Industrial Building Revenue
6 Bond Act, the Illinois Finance Authority Act, the Illinois
7 Sports Facilities Authority Act, or the Build Illinois Bond
8 Act, and all projects financed in whole or in part with loans
9 or other funds made available pursuant to the Build Illinois
10 Act. "Public works" also includes all projects financed in
11 whole or in part with funds from the Fund for Illinois' Future
12 under Section 6z-47 of the State Finance Act, funds for school
13 construction under Section 5 of the General Obligation Bond
14 Act, funds authorized under Section 3 of the School
15 Construction Bond Act, funds for school infrastructure under
16 Section 6z-45 of the State Finance Act, and funds for
17 transportation purposes under Section 4 of the General
18 Obligation Bond Act. "Public works" also includes all projects
19 financed in whole or in part with funds from the Department of
20 Commerce and Economic Opportunity ~~Community Affairs~~ under the
21 Illinois Renewable Fuels Development Program Act for which
22 there is no project labor agreement.

23 "Construction" means all work on public works involving
24 laborers, workers or mechanics.

25 "Locality" means the county where the physical work upon
26 public works is performed, except (1) that if there is not
27 available in the county a sufficient number of competent
28 skilled laborers, workers and mechanics to construct the public
29 works efficiently and properly, "locality" includes any other
30 county nearest the one in which the work or construction is to
31 be performed and from which such persons may be obtained in
32 sufficient numbers to perform the work and (2) that, with
33 respect to contracts for highway work with the Department of
34 Transportation of this State, "locality" may at the discretion
35 of the Secretary of the Department of Transportation be
36 construed to include two or more adjacent counties from which

1 workers may be accessible for work on such construction.

2 "Public body" means the State or any officer, board or
3 commission of the State or any political subdivision or
4 department thereof, or any institution supported in whole or in
5 part by public funds, and includes every county, city, town,
6 village, township, school district, irrigation, utility,
7 reclamation improvement or other district and every other
8 political subdivision, district or municipality of the state
9 whether such political subdivision, municipality or district
10 operates under a special charter or not.

11 The terms "general prevailing rate of hourly wages",
12 "general prevailing rate of wages" or "prevailing rate of
13 wages" when used in this Act mean the hourly cash wages plus
14 fringe benefits for training and apprenticeship programs
15 approved by the U.S. Department of Labor, Bureau of
16 Apprenticeship and Training, health and welfare, insurance,
17 vacations and pensions paid generally, in the locality in which
18 the work is being performed, to employees engaged in work of a
19 similar character on public works.

20 (Source: P.A. 92-16, eff. 6-28-01; 93-15, eff. 6-11-03; 93-16,
21 eff. 1-1-04; 93-205, eff. 1-1-04; revised 1-12-04.)

22 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

23 Sec. 4. (a) The public body awarding any contract for
24 public work or otherwise undertaking any public works, shall
25 ascertain the general prevailing rate of hourly wages in the
26 locality in which the work is to be performed, for each craft
27 or type of worker or mechanic needed to execute the contract,
28 and where the public body performs the work without letting a
29 contract therefor, shall ascertain the prevailing rate of wages
30 on a per hour basis in the locality, and such public body shall
31 specify in the resolution or ordinance and in the call for bids
32 for the contract, that the general prevailing rate of wages in
33 the locality for each craft or type of worker or mechanic
34 needed to execute the contract or perform such work, also the
35 general prevailing rate for legal holiday and overtime work, as

1 ascertained by the public body or by the Department of Labor
2 shall be paid for each craft or type of worker needed to
3 execute the contract or to perform such work, and it shall be
4 mandatory upon the contractor to whom the contract is awarded
5 and upon any subcontractor under him, and where the public body
6 performs the work, upon the public body, to pay not less than
7 the specified rates to all laborers, workers and mechanics
8 employed by them in the execution of the contract or such work;
9 provided, however, that if the public body desires that the
10 Department of Labor ascertain the prevailing rate of wages, it
11 shall notify the Department of Labor to ascertain the general
12 prevailing rate of hourly wages for work under contract, or for
13 work performed by a public body without letting a contract as
14 required in the locality in which the work is to be performed,
15 for each craft or type of worker or mechanic needed to execute
16 the contract or project or work to be performed. Upon such
17 notification the Department of Labor shall ascertain such
18 general prevailing rate of wages, and certify the prevailing
19 wage to such public body. The public body awarding the contract
20 shall cause to be inserted in the project specifications and
21 the contract a stipulation to the effect that not less than the
22 prevailing rate of wages as found by the public body or
23 Department of Labor or determined by the court on review shall
24 be paid to all laborers, workers and mechanics performing work
25 under the contract.

26 (b) It shall also be mandatory upon the contractor to whom
27 the contract is awarded to insert into each subcontract and
28 into the project specifications for each subcontract a written
29 stipulation to the effect that not less than the prevailing
30 rate of wages shall be paid to all laborers, workers, and
31 mechanics performing work under the contract. It shall also be
32 mandatory upon each subcontractor to cause to be inserted into
33 each lower tiered subcontract and into the project
34 specifications for each lower tiered subcontract a stipulation
35 to the effect that not less than the prevailing rate of wages
36 shall be paid to all laborers, workers, and mechanics

1 performing work under the contract. A contractor or
2 subcontractor who fails to comply with this subsection (b) is
3 in violation of this Act.

4 (c) It shall also require in all such contractor's bonds
5 that the contractor include such provision as will guarantee
6 the faithful performance of such prevailing wage clause as
7 provided by contract. All bid specifications shall list the
8 specified rates to all laborers, workers and mechanics in the
9 locality for each craft or type of worker or mechanic needed to
10 execute the contract.

11 (d) If the Department of Labor revises the prevailing rate
12 of hourly wages to be paid by the public body, the revised rate
13 shall apply to such contract, and the public body shall be
14 responsible to notify the contractor and each subcontractor, of
15 the revised rate.

16 (e) Two or more investigatory hearings under this Section
17 on the issue of establishing a new prevailing wage
18 classification for a particular craft or type of worker shall
19 be consolidated in a single hearing before the Department. Such
20 consolidation shall occur whether each separate investigatory
21 hearing is conducted by a public body or the Department. The
22 party requesting a consolidated investigatory hearing shall
23 have the burden of establishing that there is no existing
24 prevailing wage classification for the particular craft or type
25 of worker in any of the localities under consideration.

26 (f) It shall be mandatory upon the contractor or
27 construction manager to whom a contract for public works is
28 awarded to post, at a location on the project site of the
29 public works that is easily accessible to the workers engaged
30 on the project, the prevailing wage rates for each craft or
31 type of worker or mechanic needed to execute the contract or
32 project or work to be performed. A failure to post a prevailing
33 wage rate as required by this Section is a violation of this
34 Act.

35 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,
36 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

1 Section 790. The Workers' Compensation Act is amended by
2 changing Section 4d as follows:

3 (820 ILCS 305/4d)

4 Sec. 4d. Illinois Workers' Compensation Commission
5 Operations Fund Fee.

6 (a) As of the effective date of this amendatory Act of the
7 93rd General Assembly, each employer that self-insures its
8 liabilities arising under this Act or Workers' Occupational
9 Diseases Act shall pay a fee measured by the annual actual
10 wages paid in this State of such an employer in the manner
11 provided in this Section. Such proceeds shall be deposited in
12 the Illinois Workers' Compensation Commission Operations Fund.
13 If an employer survives or was formed by a merger,
14 consolidation, reorganization, or reincorporation, the actual
15 wages paid in this State of all employers party to the merger,
16 consolidation, reorganization, or reincorporation shall, for
17 purposes of determining the amount of the fee imposed by this
18 Section, be regarded as those of the surviving or new employer.

19 (b) Beginning on July 30, 2004 (the effective date of
20 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of
21 each year thereafter, the Chairman shall charge and collect an
22 annual Illinois Workers' Compensation Commission Operations
23 Fund Fee from every employer subject to subsection (a) of this
24 Section equal to 0.0075% of its annual actual wages paid in
25 this State as reported in each employer's annual self-insurance
26 renewal filed for the previous year as required by Section 4 of
27 this Act and Section 4 of the Workers' Occupational Diseases
28 Act. All sums collected by the Commission under the provisions
29 of this Section shall be paid promptly after the receipt of the
30 same, accompanied by a detailed statement thereof, into the
31 Illinois Workers' Compensation Commission Operations Fund. The
32 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~
33 ~~2004~~ shall be collected instead of the fee due on July 1, 2004
34 under Public Act 93-32. Payment of the fee due under Public Act

1 93-840 ~~this amendatory Act of 2004~~ shall discharge the
2 employer's obligations due on July 1, 2004.

3 (c) In addition to the authority specifically granted under
4 Section 16, the Chairman shall have such authority to adopt
5 rules or establish forms as may be reasonably necessary for
6 purposes of enforcing this Section. The Commission shall have
7 authority to defer, waive, or abate the fee or any penalties
8 imposed by this Section if in the Commission's opinion the
9 employer's solvency and ability to meet its obligations to pay
10 workers' compensation benefits would be immediately threatened
11 by payment of the fee due.

12 (d) When an employer fails to pay the full amount of any
13 annual Illinois Workers' Compensation Commission Operations
14 Fund Fee of \$100 or more due under this Section, there shall be
15 added to the amount due as a penalty the greater of \$1,000 or
16 an amount equal to 5% of the deficiency for each month or part
17 of a month that the deficiency remains unpaid.

18 (e) The Commission may enforce the collection of any
19 delinquent payment, penalty or portion thereof by legal action
20 or in any other manner by which the collection of debts due the
21 State of Illinois may be enforced under the laws of this State.

22 (f) Whenever it appears to the satisfaction of the Chairman
23 that an employer has paid pursuant to this Act an Illinois
24 Workers' Compensation Commission Operations Fund Fee in an
25 amount in excess of the amount legally collectable from the
26 employer, the Chairman shall issue a credit memorandum for an
27 amount equal to the amount of such overpayment. A credit
28 memorandum may be applied for the 2-year period from the date
29 of issuance against the payment of any amount due during that
30 period under the fee imposed by this Section or, subject to
31 reasonable rule of the Commission including requirement of
32 notification, may be assigned to any other employer subject to
33 regulation under this Act. Any application of credit memoranda
34 after the period provided for in this Section is void.

35 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
36 eff. 7-30-04; revised 10-25-04.)

1 Section 795. The Workers' Occupational Diseases Act is
2 amended by changing Section 1 as follows:

3 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

4 Sec. 1. This Act shall be known and may be cited as the
5 "Workers' Occupational Diseases Act".

6 (a) The term "employer" as used in this Act shall be
7 construed to be:

8 1. The State and each county, city, town, township,
9 incorporated village, school district, body politic, or
10 municipal corporation therein.

11 2. Every person, firm, public or private corporation,
12 including hospitals, public service, eleemosynary,
13 religious or charitable corporations or associations, who
14 has any person in service or under any contract for hire,
15 express or implied, oral or written.

16 3. Where an employer operating under and subject to the
17 provisions of this Act loans an employee to another such
18 employer and such loaned employee sustains a compensable
19 occupational disease in the employment of such borrowing
20 employer and where such borrowing employer does not provide
21 or pay the benefits or payments due such employee, such
22 loaning employer shall be liable to provide or pay all
23 benefits or payments due such employee under this Act and
24 as to such employee the liability of such loaning and
25 borrowing employers shall be joint and several, provided
26 that such loaning employer shall in the absence of
27 agreement to the contrary be entitled to receive from such
28 borrowing employer full reimbursement for all sums paid or
29 incurred pursuant to this paragraph together with
30 reasonable attorneys' fees and expenses in any hearings
31 before the Illinois Workers' Compensation Commission or in
32 any action to secure such reimbursement. Where any benefit
33 is provided or paid by such loaning employer, the employee
34 shall have the duty of rendering reasonable co-operation in

1 any hearings, trials or proceedings in the case, including
2 such proceedings for reimbursement.

3 Where an employee files an Application for Adjustment
4 of Claim with the Illinois Workers' Compensation
5 Commission alleging that his or her claim is covered by the
6 provisions of the preceding paragraph, and joining both the
7 alleged loaning and borrowing employers, they and each of
8 them, upon written demand by the employee and within 7 days
9 after receipt of such demand, shall have the duty of filing
10 with the Illinois Workers' Compensation Commission a
11 written admission or denial of the allegation that the
12 claim is covered by the provisions of the preceding
13 paragraph and in default of such filing or if any such
14 denial be ultimately determined not to have been bona fide
15 then the provisions of Paragraph K of Section 19 of this
16 Act shall apply.

17 An employer whose business or enterprise or a
18 substantial part thereof consists of hiring, procuring or
19 furnishing employees to or for other employers operating
20 under and subject to the provisions of this Act for the
21 performance of the work of such other employers and who
22 pays such employees their salary or wage notwithstanding
23 that they are doing the work of such other employers shall
24 be deemed a loaning employer within the meaning and
25 provisions of this Section.

26 (b) The term "employee" as used in this Act, shall be
27 construed to mean:

28 1. Every person in the service of the State, county,
29 city, town, township, incorporated village or school
30 district, body politic or municipal corporation therein,
31 whether by election, appointment or contract of hire,
32 express or implied, oral or written, including any official
33 of the State, or of any county, city, town, township,
34 incorporated village, school district, body politic or
35 municipal corporation therein and except any duly
36 appointed member of the fire department in any city whose

1 population exceeds 500,000 according to the last Federal or
2 State census, and except any member of a fire insurance
3 patrol maintained by a board of underwriters in this State.
4 One employed by a contractor who has contracted with the
5 State, or a county, city, town, township, incorporated
6 village, school district, body politic or municipal
7 corporation therein, through its representatives, shall
8 not be considered as an employee of the State, county,
9 city, town, township, incorporated village, school
10 district, body politic or municipal corporation which made
11 the contract.

12 2. Every person in the service of another under any
13 contract of hire, express or implied, oral or written, who
14 contracts an occupational disease while working in the
15 State of Illinois, or who contracts an occupational disease
16 while working outside of the State of Illinois but where
17 the contract of hire is made within the State of Illinois,
18 and any person whose employment is principally localized
19 within the State of Illinois, regardless of the place where
20 the disease was contracted or place where the contract of
21 hire was made, including aliens, and minors who, for the
22 purpose of this Act, except Section 3 hereof, shall be
23 considered the same and have the same power to contract,
24 receive payments and give quittances therefor, as adult
25 employees. An employee or his or her dependents under this
26 Act who shall have a cause of action by reason of an
27 occupational disease, disablement or death arising out of
28 and in the course of his or her employment may elect or
29 pursue his or her remedy in the State where the disease was
30 contracted, or in the State where the contract of hire is
31 made, or in the State where the employment is principally
32 localized.

33 (c) "Commission" means the Illinois Workers' Compensation
34 Commission created by the Workers' Compensation Act, approved
35 July 9, 1951, as amended.

36 (d) In this Act the term "Occupational Disease" means a

1 disease arising out of and in the course of the employment or
2 which has become aggravated and rendered disabling as a result
3 of the exposure of the employment. Such aggravation shall arise
4 out of a risk peculiar to or increased by the employment and
5 not common to the general public.

6 A disease shall be deemed to arise out of the employment if
7 there is apparent to the rational mind, upon consideration of
8 all the circumstances, a causal connection between the
9 conditions under which the work is performed and the
10 occupational disease. The disease need not to have been
11 foreseen or expected but after its contraction it must appear
12 to have had its origin or aggravation in a risk connected with
13 the employment and to have flowed from that source as a
14 rational consequence.

15 An employee shall be conclusively deemed to have been
16 exposed to the hazards of an occupational disease when, for any
17 length of time however short, he or she is employed in an
18 occupation or process in which the hazard of the disease
19 exists; provided however, that in a claim of exposure to atomic
20 radiation, the fact of such exposure must be verified by the
21 records of the central registry of radiation exposure
22 maintained by the Department of Public Health or by some other
23 recognized governmental agency maintaining records of such
24 exposures whenever and to the extent that the records are on
25 file with the Department of Public Health or the agency.

26 Any injury to or disease or death of an employee arising
27 from the administration of a vaccine, including without
28 limitation smallpox vaccine, to prepare for, or as a response
29 to, a threatened or potential bioterrorist incident to the
30 employee as part of a voluntary inoculation program in
31 connection with the person's employment or in connection with
32 any governmental program or recommendation for the inoculation
33 of workers in the employee's occupation, geographical area, or
34 other category that includes the employee is deemed to arise
35 out of and in the course of the employment for all purposes
36 under this Act. This paragraph added by Public Act 93-829 ~~this~~

1 ~~amendatory Act of the 93rd General Assembly~~ is declarative of
2 existing law and is not a new enactment.

3 The employer liable for the compensation in this Act
4 provided shall be the employer in whose employment the employee
5 was last exposed to the hazard of the occupational disease
6 claimed upon regardless of the length of time of such last
7 exposure, except, in cases of silicosis or asbestosis, the only
8 employer liable shall be the last employer in whose employment
9 the employee was last exposed during a period of 60 days or
10 more after the effective date of this Act, to the hazard of
11 such occupational disease, and, in such cases, an exposure
12 during a period of less than 60 days, after the effective date
13 of this Act, shall not be deemed a last exposure. If a miner
14 who is suffering or suffered from pneumoconiosis was employed
15 for 10 years or more in one or more coal mines there shall,
16 effective July 1, 1973 be a rebuttable presumption that his or
17 her pneumoconiosis arose out of such employment.

18 If a deceased miner was employed for 10 years or more in
19 one or more coal mines and died from a respirable disease there
20 shall, effective July 1, 1973, be a rebuttable presumption that
21 his or her death was due to pneumoconiosis.

22 The insurance carrier liable shall be the carrier whose
23 policy was in effect covering the employer liable on the last
24 day of the exposure rendering such employer liable in
25 accordance with the provisions of this Act.

26 (e) "Disablement" means an impairment or partial
27 impairment, temporary or permanent, in the function of the body
28 or any of the members of the body, or the event of becoming
29 disabled from earning full wages at the work in which the
30 employee was engaged when last exposed to the hazards of the
31 occupational disease by the employer from whom he or she claims
32 compensation, or equal wages in other suitable employment; and
33 "disability" means the state of being so incapacitated.

34 (f) No compensation shall be payable for or on account of
35 any occupational disease unless disablement, as herein
36 defined, occurs within two years after the last day of the last

1 exposure to the hazards of the disease, except in cases of
2 occupational disease caused by berylliosis or by the inhalation
3 of silica dust or asbestos dust and, in such cases, within 3
4 years after the last day of the last exposure to the hazards of
5 such disease and except in the case of occupational disease
6 caused by exposure to radiological materials or equipment, and
7 in such case, within 25 years after the last day of last
8 exposure to the hazards of such disease.

9 (Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04;
10 revised 10-25-04.)

11 Section 995. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 996. No revival or extension. This Act does not
19 revive or extend any Section or Act otherwise repealed.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.

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