

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 2008 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 In certain cases in which a repealed Act or Section  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16 incorporate amendments to the repealed Act or Section into the  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

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

4 (d) Public Acts 94-1069 through 95-702 were considered in  
5 the preparation of the combining revisories included in this  
6 Act. Many of those combining revisories contain no striking or  
7 underscoring because no additional changes are being made in  
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing  
10 Sections 4.18, 4.26, 4.27, and 4.28 as follows:

11 (5 ILCS 80/4.18)

12 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
13 2008.

14 (a) The following Acts are repealed on January 1, 2008:

15 The Home Medical Equipment and Services Provider  
16 License Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and  
19 Disciplinary Act.

20 The Physician Assistant Practice Act of 1987.

21 The Structural Pest Control Act.

22 (b) The following Acts are repealed on December 31, 2008:

23 The Medical Practice Act of 1987.

24 The Environmental Health Practitioner Licensing Act.

1 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
2 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff.  
3 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639,  
4 eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07;  
5 revised 12-17-07.)

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, and Nail Technology  
14 Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 ~~The Illinois Petroleum Education and Marketing Act.~~

20 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;  
21 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.  
22 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,  
23 eff. 1-1-06; 94-708, eff. 12-5-05; 94-1085, eff. 1-19-07;  
24 95-331, eff. 8-21-07; revised 12-18-07.)

1 (5 ILCS 80/4.27)

2 Sec. 4.27. Acts repealed on January 1, 2017. The following  
3 ~~Acts~~ are repealed on January 1, 2017:

4 The Illinois Optometric Practice Act of 1987.

5 The Clinical Psychologist Licensing Act.

6 The Boiler and Pressure Vessel Repairer Regulation Act.

7 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII,  
8 XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

9 (Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06;  
10 94-956, eff. 6-27-06; 94-1076, eff. 12-29-06; 95-331, eff.  
11 8-21-07; revised 10-29-07.)

12 (5 ILCS 80/4.28)

13 Sec. 4.28. Acts ~~Act~~ repealed on January 1, 2018. The  
14 following Acts are ~~Act is~~ repealed on January 1, 2018:

15 The Illinois Petroleum Education and Marketing Act.

16 The Podiatric Medical Practice Act of 1987.

17 The Acupuncture Practice Act.

18 The Illinois Speech-Language Pathology and Audiology  
19 Practice Act.

20 The Interpreter for the Deaf Licensure Act of 2007.

21 The Nurse Practice Act.

22 The Clinical Social Work and Social Work Practice Act.

23 The Pharmacy Practice Act.

24 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
25 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.

1 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
2 eff. 10-29-07; revised 12-17-07.)

3 (5 ILCS 80/4.17 rep.)

4 Section 7. The Regulatory Sunset Act is amended by  
5 repealing Section 4.17.

6 Section 10. The State Employees Group Insurance Act of 1971  
7 is amended by changing Section 6.11 as follows:

8 (5 ILCS 375/6.11)

9 Sec. 6.11. Required health benefits; Illinois Insurance  
10 Code requirements. The program of health benefits shall provide  
11 the post-mastectomy care benefits required to be covered by a  
12 policy of accident and health insurance under Section 356t of  
13 the Illinois Insurance Code. The program of health benefits  
14 shall provide the coverage required under Sections 356g.5,  
15 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, ~~and~~ 356z.9, and  
16 356z.10 ~~356z.9~~ of the Illinois Insurance Code. The program of  
17 health benefits must comply with Section 155.37 of the Illinois  
18 Insurance Code.

19 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
20 95-520, eff. 8-28-07; revised 12-4-07.)

21 Section 15. The Election Code is amended by changing  
22 Section 17-23 as follows:

1 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

2 Sec. 17-23. Pollwatchers in a general election shall be  
3 authorized in the following manner:

4 (1) Each established political party shall be entitled to  
5 appoint two pollwatchers per precinct. Such pollwatchers must  
6 be affiliated with the political party for which they are  
7 pollwatching. For all elections, the pollwatchers must be  
8 registered to vote in Illinois.

9 (2) Each candidate shall be entitled to appoint two  
10 pollwatchers per precinct. For all elections, the pollwatchers  
11 must be registered to vote in Illinois.

12 (3) Each organization of citizens within the county or  
13 political subdivision, which has among its purposes or  
14 interests the investigation or prosecution of election frauds,  
15 and which shall have registered its name and address and the  
16 name and addresses of its principal officers with the proper  
17 election authority at least 40 days before the election, shall  
18 be entitled to appoint one pollwatcher per precinct. For all  
19 elections, the pollwatcher must be registered to vote in  
20 Illinois.

21 (3.5) Each State nonpartisan civic organization within the  
22 county or political subdivision shall be entitled to appoint  
23 one pollwatcher per precinct, provided that no more than 2  
24 pollwatchers appointed by State nonpartisan civic  
25 organizations shall be present in a precinct polling place at

1 the same time. Each organization shall have registered the  
2 names and addresses of its principal officers with the proper  
3 election authority at least 40 days before the election. The  
4 pollwatchers must be registered to vote in Illinois. For the  
5 purpose of this paragraph, a "State nonpartisan civic  
6 organization" means any corporation, unincorporated  
7 association, or organization that:

8 (i) as part of its written articles of incorporation,  
9 bylaws, or charter or by separate written declaration, has  
10 among its stated purposes the provision of voter  
11 information and education, the protection of individual  
12 voters' rights, and the promotion of free and equal  
13 elections;

14 (ii) is organized or primarily conducts its activities  
15 within the State of Illinois; and

16 (iii) continuously maintains an office or business  
17 location within the State of Illinois, together with a  
18 current listed telephone number (a post office box number  
19 without a current listed telephone number is not  
20 sufficient).

21 (4) In any general election held to elect candidates for  
22 the offices of a municipality of less than 3,000,000 population  
23 that is situated in 2 or more counties, a pollwatcher who is a  
24 resident of Illinois shall be eligible to serve as a  
25 pollwatcher in any poll located within such municipality,  
26 provided that such pollwatcher otherwise complies with the

1       respective requirements of subsections (1) through (3) of this  
2       Section and is a registered voter in Illinois.

3           (5) Each organized group of proponents or opponents of a  
4       ballot proposition, which shall have registered the name and  
5       address of its organization or committee and the name and  
6       address of its chairman with the proper election authority at  
7       least 40 days before the election, shall be entitled to appoint  
8       one pollwatcher per precinct. The pollwatcher must be  
9       registered to vote in Illinois.

10       All pollwatchers shall be required to have proper  
11       credentials. Such credentials shall be printed in sufficient  
12       quantities, shall be issued by and under the facsimile  
13       signature(s) of the election authority and shall be available  
14       for distribution at least 2 weeks prior to the election. Such  
15       credentials shall be authorized by the real or facsimile  
16       signature of the State or local party official or the candidate  
17       or the presiding officer of the civic organization or the  
18       chairman of the proponent or opponent group, as the case may  
19       be. The election authority may not require any such party  
20       official or the candidate or the presiding officer of the civic  
21       organization or the chairman of the proponent or opponent group  
22       to submit the names or other information concerning  
23       pollwatchers before making credentials available to such  
24       persons or organizations.

25       Pollwatcher credentials shall be in substantially the  
26       following form:



POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)
..... TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

.....
(Precinct and/or Ward in ..... (Signature of Pollwatcher)

1 Which Pollwatcher Resides)

2 Pollwatchers must present their credentials to the Judges  
3 of Election upon entering the polling place. Pollwatcher  
4 credentials properly executed and signed shall be proof of the  
5 qualifications of the pollwatcher authorized thereby. Such  
6 credentials are retained by the Judges and returned to the  
7 Election Authority at the end of the day of election with the  
8 other election materials. Once a pollwatcher has surrendered a  
9 valid credential, he may leave and reenter the polling place  
10 provided that such continuing action does not disrupt the  
11 conduct of the election. Pollwatchers may be substituted during  
12 the course of the day, but established political parties,  
13 candidates and qualified civic organizations can have only as  
14 many pollwatchers at any given time as are authorized in this  
15 Article. A substitute must present his signed credential to the  
16 judges of election upon entering the polling place. Election  
17 authorities must provide a sufficient number of credentials to  
18 allow for substitution of pollwatchers. After the polls have  
19 closed pollwatchers shall be allowed to remain until the  
20 canvass of votes is completed; but may leave and reenter only  
21 in cases of necessity, provided that such action is not so  
22 continuous as to disrupt the canvass of votes.

23 Candidates seeking office in a district or municipality  
24 encompassing 2 or more counties shall be admitted to any and  
25 all polling places throughout such district or municipality

1 without regard to the counties in which such candidates are  
2 registered to vote. Actions of such candidates shall be  
3 governed in each polling place by the same privileges and  
4 limitations that apply to pollwatchers as provided in this  
5 Section. Any such candidate who engages in an activity in a  
6 polling place which could reasonably be construed by a majority  
7 of the judges of election as campaign activity shall be removed  
8 forthwith from such polling place.

9 Candidates seeking office in a district or municipality  
10 encompassing 2 or more counties who desire to be admitted to  
11 polling places on election day in such district or municipality  
12 shall be required to have proper credentials. Such credentials  
13 shall be printed in sufficient quantities, shall be issued by  
14 and under the facsimile signature of the election authority of  
15 the election jurisdiction where the polling place in which the  
16 candidate seeks admittance is located, and shall be available  
17 for distribution at least 2 weeks prior to the election. Such  
18 credentials shall be signed by the candidate.

19 Candidate credentials shall be in substantially the  
20 following form:

21 CANDIDATE CREDENTIALS

22 TO THE JUDGES OF ELECTION:

23 In accordance with the provisions of the Election Code, I  
24 ..... (name of candidate) hereby certify that I am a candidate  
25 for ..... (name of office) and seek admittance to .....

1 precinct of the ..... ward (if applicable) of the .....  
 2 (township or municipality) of ..... at the ..... election  
 3 to be held on (insert date).

4 .....	.....
5 (Signature of Candidate)	OFFICE FOR WHICH
6	CANDIDATE SEEKS
7	NOMINATION OR
8	ELECTION

9 Pollwatchers shall be permitted to observe all proceedings  
 10 and view all reasonably requested records relating to the  
 11 conduct of the election, provided the secrecy of the ballot is  
 12 not impinged, and to station themselves in a position in the  
 13 voting room as will enable them to observe the judges making  
 14 the signature comparison between the voter application and the  
 15 voter registration record card; provided, however, that such  
 16 pollwatchers shall not be permitted to station themselves in  
 17 such close proximity to the judges of election so as to  
 18 interfere with the orderly conduct of the election and shall  
 19 not, in any event, be permitted to handle election materials.  
 20 Pollwatchers may challenge for cause the voting qualifications  
 21 of a person offering to vote and may call to the attention of  
 22 the judges of election any incorrect procedure or apparent  
 23 violations of this Code.

24 If a majority of the judges of election determine that the  
 25 polling place has become too overcrowded with pollwatchers so

1 as to interfere with the orderly conduct of the election, the  
2 judges shall, by lot, limit such pollwatchers to a reasonable  
3 number, except that each established or new political party  
4 shall be permitted to have at least one pollwatcher present.

5 Representatives of an election authority, with regard to an  
6 election under its jurisdiction, the State Board of Elections,  
7 and law enforcement agencies, including but not limited to a  
8 United States Attorney, a State's attorney, the Attorney  
9 General, and a State, county, or local police department, in  
10 the performance of their official election duties, shall be  
11 permitted at all times to enter and remain in the polling  
12 place. Upon entering the polling place, such representatives  
13 shall display their official credentials or other  
14 identification to the judges of election.

15 Uniformed police officers assigned to polling place duty  
16 shall follow all lawful instructions of the judges of election.

17 The provisions of this Section shall also apply to  
18 supervised casting of absentee ballots as provided in Section  
19 19-12.2 of this Act.

20 (Source: P.A. 94-645, eff. 8-22-05; 95-267, eff. 8-17-07;  
21 95-699, eff. 11-9-07; revised 11-14-07.)

22 Section 20. The Attorney General Act is amended by changing  
23 Section 6.5 as follows:

24 (15 ILCS 205/6.5)

1           Sec. 6.5. Consumer Utilities Unit.

2           (a) The General Assembly finds that the health, welfare,  
3 and prosperity of all Illinois citizens, and the public's  
4 interest in adequate, safe, reliable, cost-effective electric,  
5 natural gas, water, cable, video, and telecommunications  
6 services, requires effective public representation by the  
7 Attorney General to protect the rights and interests of the  
8 public in the provision of all elements of electric, natural  
9 gas, water, cable, video, and telecommunications service both  
10 during and after the transition to a competitive market, and  
11 that to ensure that the benefits of competition in the  
12 provision of electric, natural gas, water, cable, video, and  
13 telecommunications services to all consumers are attained,  
14 there shall be created within the Office of the Attorney  
15 General a Consumer Utilities Unit.

16           (b) As used in this Section: "Electric services" means  
17 services sold by an electric service provider. "Electric  
18 service provider" shall mean anyone who sells, contracts to  
19 sell, or markets electric power, generation, distribution,  
20 transmission, or services (including metering and billing) in  
21 connection therewith. Electric service providers shall include  
22 any electric utility and any alternative retail electric  
23 supplier as defined in Section 16-102 of the Public Utilities  
24 Act.

25           (b-5) As used in this Section: "Telecommunications  
26 services" means services sold by a telecommunications carrier,

1 as provided for in Section 13-203 of the Public Utilities Act.  
2 "Telecommunications carrier" means anyone who sells, contracts  
3 to sell, or markets telecommunications services, whether  
4 noncompetitive or competitive, including access services,  
5 interconnection services, or any services in connection  
6 therewith. Telecommunications carriers include any carrier as  
7 defined in Section 13-202 of the Public Utilities Act.

8 (b-10) As used in this Section, + "natural gas services"  
9 means natural gas services sold by a "gas utility" or by an  
10 "alternative gas supplier", as those terms are defined in  
11 Section 19-105 of the Public Utilities Act.

12 (b-15) As used in this Section, + "water services" means  
13 services sold by any corporation, company, limited liability  
14 company, association, joint stock company or association,  
15 firm, partnership, or individual, its lessees, trustees, or  
16 receivers appointed by any court and that owns, controls,  
17 operates, or manages within this State, directly or indirectly,  
18 for public use, any plant, equipment, or property used or to be  
19 used for or in connection with (i) the production, storage,  
20 transmission, sale, delivery, or furnishing of water or (ii)  
21 the treatment, storage, transmission, disposal, sale of  
22 services, delivery, or furnishing of sewage or sewage services.

23 (b-20) As used in this Section, + "cable service and video  
24 service" means services sold by anyone who sells, contracts to  
25 sell, + or markets cable services or video services pursuant to a  
26 State-issued authorization under the Cable and Video

1 Competition Law of 2007.

2 (c) There is created within the Office of the Attorney  
3 General a Consumer Utilities Unit, consisting of Assistant  
4 Attorneys General appointed by the Attorney General, who,  
5 together with such other staff as is deemed necessary by the  
6 Attorney General, shall have the power and duty on behalf of  
7 the people of the State to intervene in, initiate, enforce, and  
8 defend all legal proceedings on matters relating to the  
9 provision, marketing, and sale of electric, natural gas, water,  
10 and telecommunications service whenever the Attorney General  
11 determines that such action is necessary to promote or protect  
12 the rights and interests of all Illinois citizens, classes of  
13 customers, and users of electric, natural gas, water, and  
14 telecommunications services.

15 (d) In addition to the investigative and enforcement powers  
16 available to the Attorney General, including without  
17 limitation those under the Consumer Fraud and Deceptive  
18 Business Practices Act, the Illinois Antitrust Act, and any  
19 other law of this State, the Attorney General shall be a party  
20 as a matter of right to all proceedings, investigations, and  
21 related matters involving the provision of electric, natural  
22 gas, water, and telecommunications services before the  
23 Illinois Commerce Commission, the courts, and other public  
24 bodies. Upon request, the Office of the Attorney General shall  
25 have access to and the use of all files, records, data, and  
26 documents in the possession or control of the Commission. The



1 Office of the Attorney General may use information obtained  
2 under this Section, including information that is designated as  
3 and that qualifies for confidential treatment, which  
4 information the Attorney General's office shall maintain as  
5 confidential, to be used for law enforcement purposes only,  
6 which information may be shared with other law enforcement  
7 officials. Nothing in this Section is intended to take away or  
8 limit any of the powers the Attorney General has pursuant to  
9 common law or other statutory law.

10 (Source: P.A. 94-291, eff. 7-21-05; 95-9, eff. 6-30-07; revised  
11 7-9-07.)

12 Section 25. The State Treasurer Act is amended by changing  
13 Section 16.5 as follows:

14 (15 ILCS 505/16.5)

15 Sec. 16.5. College Savings Pool. The State Treasurer may  
16 establish and administer a College Savings Pool to supplement  
17 and enhance the investment opportunities otherwise available  
18 to persons seeking to finance the costs of higher education.  
19 The State Treasurer, in administering the College Savings Pool,  
20 may receive moneys paid into the pool by a participant and may  
21 serve as the fiscal agent of that participant for the purpose  
22 of holding and investing those moneys.

23 "Participant", as used in this Section, means any person  
24 who has authority to withdraw funds, change the designated

1 beneficiary, or otherwise exercise control over an account.  
2 "Donor", as used in this Section, means any person who makes  
3 investments in the pool. "Designated beneficiary", as used in  
4 this Section, means any person on whose behalf an account is  
5 established in the College Savings Pool by a participant. Both  
6 in-state and out-of-state persons may be participants, donors,  
7 and designated beneficiaries in the College Savings Pool.

8       New accounts in the College Savings Pool may be processed  
9 through participating financial institutions. "Participating  
10 financial institution", as used in this Section, means any  
11 financial institution insured by the Federal Deposit Insurance  
12 Corporation and lawfully doing business in the State of  
13 Illinois and any credit union approved by the State Treasurer  
14 and lawfully doing business in the State of Illinois that  
15 agrees to process new accounts in the College Savings Pool.  
16 Participating financial institutions may charge a processing  
17 fee to participants to open an account in the pool that shall  
18 not exceed \$30 until the year 2001. Beginning in 2001 and every  
19 year thereafter, the maximum fee limit shall be adjusted by the  
20 Treasurer based on the Consumer Price Index for the North  
21 Central Region as published by the United States Department of  
22 Labor, Bureau of Labor Statistics for the immediately preceding  
23 calendar year. Every contribution received by a financial  
24 institution for investment in the College Savings Pool shall be  
25 transferred from the financial institution to a location  
26 selected by the State Treasurer within one business day

1 following the day that the funds must be made available in  
2 accordance with federal law. All communications from the State  
3 Treasurer to participants and donors shall reference the  
4 participating financial institution at which the account was  
5 processed.

6 The Treasurer may invest the moneys in the College Savings  
7 Pool in the same manner and~~r~~ in the same types of investments  
8 provided for the investment of moneys by the Illinois State  
9 Board of Investment. To enhance the safety and liquidity of the  
10 College Savings Pool, to ensure the diversification of the  
11 investment portfolio of the pool, and in an effort to keep  
12 investment dollars in the State of Illinois, the State  
13 Treasurer may make a percentage of each account available for  
14 investment in participating financial institutions doing  
15 business in the State. The State Treasurer may deposit with the  
16 participating financial institution at which the account was  
17 processed the following percentage of each account at a  
18 prevailing rate offered by the institution, provided that the  
19 deposit is federally insured or fully collateralized and the  
20 institution accepts the deposit: 10% of the total amount of  
21 each account for which the current age of the beneficiary is  
22 less than 7 years of age, 20% of the total amount of each  
23 account for which the beneficiary is at least 7 years of age  
24 and less than 12 years of age, and 50% of the total amount of  
25 each account for which the current age of the beneficiary is at  
26 least 12 years of age. The Treasurer shall develop, publish,

1 and implement an investment policy covering the investment of  
2 the moneys in the College Savings Pool. The policy shall be  
3 published (i) at least once each year in at least one newspaper  
4 of general circulation in both Springfield and Chicago and (ii)  
5 each year as part of the audit of the College Savings Pool by  
6 the Auditor General, which shall be distributed to all  
7 participants. The Treasurer shall notify all participants in  
8 writing, and the Treasurer shall publish in a newspaper of  
9 general circulation in both Chicago and Springfield, any  
10 changes to the previously published investment policy at least  
11 30 calendar days before implementing the policy. Any investment  
12 policy adopted by the Treasurer shall be reviewed and updated  
13 if necessary within 90 days following the date that the State  
14 Treasurer takes office.

15 Participants shall be required to use moneys distributed  
16 from the College Savings Pool for qualified expenses at  
17 eligible educational institutions. "Qualified expenses", as  
18 used in this Section, means the following: (i) tuition, fees,  
19 and the costs of books, supplies, and equipment required for  
20 enrollment or attendance at an eligible educational  
21 institution and (ii) certain room and board expenses incurred  
22 while attending an eligible educational institution at least  
23 half-time. "Eligible educational institutions", as used in  
24 this Section, means public and private colleges, junior  
25 colleges, graduate schools, and certain vocational  
26 institutions that are described in Section 481 of the Higher

1 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to  
2 participate in Department of Education student aid programs. A  
3 student shall be considered to be enrolled at least half-time  
4 if the student is enrolled for at least half the full-time  
5 academic work load for the course of study the student is  
6 pursuing as determined under the standards of the institution  
7 at which the student is enrolled. Distributions made from the  
8 pool for qualified expenses shall be made directly to the  
9 eligible educational institution, directly to a vendor, or in  
10 the form of a check payable to both the beneficiary and the  
11 institution or vendor. Any moneys that are distributed in any  
12 other manner or that are used for expenses other than qualified  
13 expenses at an eligible educational institution shall be  
14 subject to a penalty of 10% of the earnings unless the  
15 beneficiary dies, becomes disabled, or receives a scholarship  
16 that equals or exceeds the distribution. Penalties shall be  
17 withheld at the time the distribution is made.

18 The Treasurer shall limit the contributions that may be  
19 made on behalf of a designated beneficiary based on the  
20 limitations established by the Internal Revenue Service. The  
21 contributions made on behalf of a beneficiary who is also a  
22 beneficiary under the Illinois Prepaid Tuition Program shall be  
23 further restricted to ensure that the contributions in both  
24 programs combined do not exceed the limit established for the  
25 College Savings Pool. The Treasurer shall provide the Illinois  
26 Student Assistance Commission each year at a time designated by

1 the Commission, an electronic report of all participant  
2 accounts in the Treasurer's College Savings Pool, listing total  
3 contributions and disbursements from each individual account  
4 during the previous calendar year. As soon thereafter as is  
5 possible following receipt of the Treasurer's report, the  
6 Illinois Student Assistance Commission shall, in turn, provide  
7 the Treasurer with an electronic report listing those College  
8 Savings Pool participants who also participate in the State's  
9 prepaid tuition program, administered by the Commission. The  
10 Commission shall be responsible for filing any combined tax  
11 reports regarding State qualified savings programs required by  
12 the United States Internal Revenue Service. The Treasurer shall  
13 work with the Illinois Student Assistance Commission to  
14 coordinate the marketing of the College Savings Pool and the  
15 Illinois Prepaid Tuition Program when considered beneficial by  
16 the Treasurer and the Director of the Illinois Student  
17 Assistance Commission. The Treasurer's office shall not  
18 publicize or otherwise market the College Savings Pool or  
19 accept any moneys into the College Savings Pool prior to March  
20 1, 2000. The Treasurer shall provide a separate accounting for  
21 each designated beneficiary to each participant, the Illinois  
22 Student Assistance Commission, and the participating financial  
23 institution at which the account was processed. No interest in  
24 the program may be pledged as security for a loan. Moneys held  
25 in an account invested in the Illinois College Savings Pool  
26 shall be exempt from all claims of the creditors of the

1 participant, donor, or designated beneficiary of that account,  
2 except for the non-exempt College Savings Pool transfers to or  
3 from the account as defined under subsection (j) of Section  
4 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

5 The assets of the College Savings Pool and its income and  
6 operation shall be exempt from all taxation by the State of  
7 Illinois and any of its subdivisions. The accrued earnings on  
8 investments in the Pool once disbursed on behalf of a  
9 designated beneficiary shall be similarly exempt from all  
10 taxation by the State of Illinois and its subdivisions, so long  
11 as they are used for qualified expenses. Contributions to a  
12 College Savings Pool account during the taxable year may be  
13 deducted from adjusted gross income as provided in Section 203  
14 of the Illinois Income Tax Act. The provisions of this  
15 paragraph are exempt from Section 250 of the Illinois Income  
16 Tax Act.

17 The Treasurer shall adopt rules he or she considers  
18 necessary for the efficient administration of the College  
19 Savings Pool. The rules shall provide whatever additional  
20 parameters and restrictions are necessary to ensure that the  
21 College Savings Pool meets all of the requirements for a  
22 qualified state tuition program under Section 529 of the  
23 Internal Revenue Code (26 U.S.C. 529). The rules shall provide  
24 for the administration expenses of the pool to be paid from its  
25 earnings and for the investment earnings in excess of the  
26 expenses and all moneys collected as penalties to be credited

1 or paid monthly to the several participants in the pool in a  
2 manner which equitably reflects the differing amounts of their  
3 respective investments in the pool and the differing periods of  
4 time for which those amounts were in the custody of the pool.  
5 Also, the rules shall require the maintenance of records that  
6 enable the Treasurer's office to produce a report for each  
7 account in the pool at least annually that documents the  
8 account balance and investment earnings. Notice of any proposed  
9 amendments to the rules and regulations shall be provided to  
10 all participants prior to adoption. Amendments to rules and  
11 regulations shall apply only to contributions made after the  
12 adoption of the amendment.

13       Upon creating the College Savings Pool, the State Treasurer  
14 shall give bond with 2 or more sufficient sureties, payable to  
15 and for the benefit of the participants in the College Savings  
16 Pool, in the penal sum of \$1,000,000, conditioned upon the  
17 faithful discharge of his or her duties in relation to the  
18 College Savings Pool.

19       (Source: P.A. 95-23, eff. 8-3-07; 95-306, eff. 1-1-08; 95-521,  
20 eff. 8-28-07; revised 10-30-07.)

21       Section 30. The Illinois Act on the Aging is amended by  
22 changing Sections 4.01 and 4.02 and by setting forth and  
23 renumbering multiple versions of Section 4.08 as follows:

24       (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)



1           Sec. 4.01. Additional powers and duties of the Department.  
2           In addition to powers and duties otherwise provided by law, the  
3           Department shall have the following powers and duties:

4           (1) To evaluate all programs, services, and facilities for  
5           the aged and for minority senior citizens within the State and  
6           determine the extent to which present public or private  
7           programs, services and facilities meet the needs of the aged.

8           (2) To coordinate and evaluate all programs, services, and  
9           facilities for the Aging and for minority senior citizens  
10          presently furnished by State agencies and make appropriate  
11          recommendations regarding such services, programs and  
12          facilities to the Governor and/or the General Assembly.

13          (3) To function as the sole State agency to develop a  
14          comprehensive plan to meet the needs of the State's senior  
15          citizens and the State's minority senior citizens.

16          (4) To receive and disburse State and federal funds made  
17          available directly to the Department including those funds made  
18          available under the Older Americans Act and the Senior  
19          Community Service Employment Program for providing services  
20          for senior citizens and minority senior citizens or for  
21          purposes related thereto, and shall develop and administer any  
22          State Plan for the Aging required by federal law.

23          (5) To solicit, accept, hold, and administer in behalf of  
24          the State any grants or legacies of money, securities, or  
25          property to the State of Illinois for services to senior  
26          citizens and minority senior citizens or purposes related

1 thereto.

2 (6) To provide consultation and assistance to communities,  
3 area agencies on aging, and groups developing local services  
4 for senior citizens and minority senior citizens.

5 (7) To promote community education regarding the problems  
6 of senior citizens and minority senior citizens through  
7 institutes, publications, radio, television and the local  
8 press.

9 (8) To cooperate with agencies of the federal government in  
10 studies and conferences designed to examine the needs of senior  
11 citizens and minority senior citizens and to prepare programs  
12 and facilities to meet those needs.

13 (9) To establish and maintain information and referral  
14 sources throughout the State when not provided by other  
15 agencies.

16 (10) To provide the staff support as may reasonably be  
17 required by the Council and the Coordinating Committee of State  
18 Agencies Serving Older Persons.

19 (11) To make and enforce rules and regulations necessary  
20 and proper to the performance of its duties.

21 (12) To establish and fund programs or projects or  
22 experimental facilities that are specially designed as  
23 alternatives to institutional care.

24 (13) To develop a training program to train the counselors  
25 presently employed by the Department's aging network to provide  
26 Medicare beneficiaries with counseling and advocacy in

1 Medicare, private health insurance, and related health care  
2 coverage plans. The Department shall report to the General  
3 Assembly on the implementation of the training program on or  
4 before December 1, 1986.

5 (14) To make a grant to an institution of higher learning  
6 to study the feasibility of establishing and implementing an  
7 affirmative action employment plan for the recruitment,  
8 hiring, training and retraining of persons 60 or more years old  
9 for jobs for which their employment would not be precluded by  
10 law.

11 (15) To present one award annually in each of the  
12 categories of community service, education, the performance  
13 and graphic arts, and the labor force to outstanding Illinois  
14 senior citizens and minority senior citizens in recognition of  
15 their individual contributions to either community service,  
16 education, the performance and graphic arts, or the labor  
17 force. The awards shall be presented to four senior citizens  
18 and minority senior citizens selected from a list of 44  
19 nominees compiled annually by the Department. Nominations  
20 shall be solicited from senior citizens' service providers,  
21 area agencies on aging, senior citizens' centers, and senior  
22 citizens' organizations. The Department shall consult with the  
23 Coordinating Committee of State Agencies Serving Older Persons  
24 to determine which of the nominees shall be the recipient in  
25 each category of community service. The Department shall  
26 establish a central location within the State to be designated

1 as the Senior Illinoisans Hall of Fame for the public display  
2 of all the annual awards, or replicas thereof.

3 (16) To establish multipurpose senior centers through area  
4 agencies on aging and to fund those new and existing  
5 multipurpose senior centers through area agencies on aging, the  
6 establishment and funding to begin in such areas of the State  
7 as the Department shall designate by rule and as specifically  
8 appropriated funds become available.

9 (17) To develop the content and format of the  
10 acknowledgment regarding non-recourse reverse mortgage loans  
11 under Section 6.1 of the Illinois Banking Act; to provide  
12 independent consumer information on reverse mortgages and  
13 alternatives; and to refer consumers to independent counseling  
14 services with expertise in reverse mortgages.

15 (18) To develop a pamphlet in English and Spanish which may  
16 be used by physicians licensed to practice medicine in all of  
17 its branches pursuant to the Medical Practice Act of 1987,  
18 pharmacists licensed pursuant to the Pharmacy Practice Act, and  
19 Illinois residents 65 years of age or older for the purpose of  
20 assisting physicians, pharmacists, and patients in monitoring  
21 prescriptions provided by various physicians and to aid persons  
22 65 years of age or older in complying with directions for  
23 proper use of pharmaceutical prescriptions. The pamphlet may  
24 provide space for recording information including but not  
25 limited to the following:

26 (a) name and telephone number of the patient;

1           (b) name and telephone number of the prescribing  
2           physician;

3           (c) date of prescription;

4           (d) name of drug prescribed;

5           (e) directions for patient compliance; and

6           (f) name and telephone number of dispensing pharmacy.

7           In developing the pamphlet, the Department shall consult  
8           with the Illinois State Medical Society, the Center for  
9           Minority Health Services, the Illinois Pharmacists Association  
10          and senior citizens organizations. The Department shall  
11          distribute the pamphlets to physicians, pharmacists and  
12          persons 65 years of age or older or various senior citizen  
13          organizations throughout the State.

14          (19) To conduct a study by April 1, 1994 of the feasibility  
15          of implementing the Senior Companion Program throughout the  
16          State for the fiscal year beginning July 1, 1994.

17          (20) With respect to contracts in effect on July 1, 1994,  
18          the Department shall increase the grant amounts so that the  
19          reimbursement rates paid through the community care program for  
20          chore housekeeping services and home care aides are at the same  
21          rate, which shall be the higher of the 2 rates currently paid.  
22          With respect to all contracts entered into, renewed, or  
23          extended on or after July 1, 1994, the reimbursement rates paid  
24          through the community care program for chore housekeeping  
25          services and home care aides shall be the same.

26          (21) From funds appropriated to the Department from the

1 Meals on Wheels Fund, a special fund in the State treasury that  
2 is hereby created, and in accordance with State and federal  
3 guidelines and the intrastate funding formula, to make grants  
4 to area agencies on aging, designated by the Department, for  
5 the sole purpose of delivering meals to homebound persons 60  
6 years of age and older.

7 (22) To distribute, through its area agencies on aging,  
8 information alerting seniors on safety issues regarding  
9 emergency weather conditions, including extreme heat and cold,  
10 flooding, tornadoes, electrical storms, and other severe storm  
11 weather. The information shall include all necessary  
12 instructions for safety and all emergency telephone numbers of  
13 organizations that will provide additional information and  
14 assistance.

15 (23) To develop guidelines for the organization and  
16 implementation of Volunteer Services Credit Programs to be  
17 administered by Area Agencies on Aging or community based  
18 senior service organizations. The Department shall hold public  
19 hearings on the proposed guidelines for public comment,  
20 suggestion, and determination of public interest. The  
21 guidelines shall be based on the findings of other states and  
22 of community organizations in Illinois that are currently  
23 operating volunteer services credit programs or demonstration  
24 volunteer services credit programs. The Department shall offer  
25 guidelines for all aspects of the programs including, but not  
26 limited to, the following:

- 1 (a) types of services to be offered by volunteers;
- 2 (b) types of services to be received upon the  
3 redemption of service credits;
- 4 (c) issues of liability for the volunteers and the  
5 administering organizations;
- 6 (d) methods of tracking service credits earned and  
7 service credits redeemed;
- 8 (e) issues of time limits for redemption of service  
9 credits;
- 10 (f) methods of recruitment of volunteers;
- 11 (g) utilization of community volunteers, community  
12 service groups, and other resources for delivering  
13 services to be received by service credit program clients;
- 14 (h) accountability and assurance that services will be  
15 available to individuals who have earned service credits;  
16 and
- 17 (i) volunteer screening and qualifications.

18 The Department shall submit a written copy of the guidelines to  
19 the General Assembly by July 1, 1998.

20 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;  
21 revised 10-30-07.)

22 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

23 (Text of Section before amendment by P.A. 95-565)

24 Sec. 4.02. The Department shall establish a program of  
25 services to prevent unnecessary institutionalization of

1 persons age 60 and older in need of long term care or who are  
2 established as persons who suffer from Alzheimer's disease or a  
3 related disorder under the Alzheimer's Disease Assistance Act,  
4 thereby enabling them to remain in their own homes or in other  
5 living arrangements. Such preventive services, which may be  
6 coordinated with other programs for the aged and monitored by  
7 area agencies on aging in cooperation with the Department, may  
8 include, but are not limited to, any or all of the following:

9 (a) home health services;

10 (b) home nursing services;

11 (c) home care aide services;

12 (d) chore and housekeeping services;

13 (e) adult day services;

14 (f) home-delivered meals;

15 (g) education in self-care;

16 (h) personal care services;

17 (i) adult day health services;

18 (j) habilitation services;

19 (k) respite care;

20 (k-5) community reintegration services;

21 (l) other nonmedical social services that may enable  
22 the person to become self-supporting; or

23 (m) clearinghouse for information provided by senior  
24 citizen home owners who want to rent rooms to or share  
25 living space with other senior citizens.

26 The Department shall establish eligibility standards for



1 such services taking into consideration the unique economic and  
2 social needs of the target population for whom they are to be  
3 provided. Such eligibility standards shall be based on the  
4 recipient's ability to pay for services; provided, however,  
5 that in determining the amount and nature of services for which  
6 a person may qualify, consideration shall not be given to the  
7 value of cash, property or other assets held in the name of the  
8 person's spouse pursuant to a written agreement dividing  
9 marital property into equal but separate shares or pursuant to  
10 a transfer of the person's interest in a home to his spouse,  
11 provided that the spouse's share of the marital property is not  
12 made available to the person seeking such services.

13 Beginning July 1, 2002, the Department shall require as a  
14 condition of eligibility that all financially eligible  
15 applicants and recipients apply for medical assistance under  
16 Article V of the Illinois Public Aid Code in accordance with  
17 rules promulgated by the Department.

18 The Department shall, in conjunction with the Department of  
19 Public Aid (now Department of Healthcare and Family Services),  
20 seek appropriate amendments under Sections 1915 and 1924 of the  
21 Social Security Act. The purpose of the amendments shall be to  
22 extend eligibility for home and community based services under  
23 Sections 1915 and 1924 of the Social Security Act to persons  
24 who transfer to or for the benefit of a spouse those amounts of  
25 income and resources allowed under Section 1924 of the Social  
26 Security Act. Subject to the approval of such amendments, the

1 Department shall extend the provisions of Section 5-4 of the  
2 Illinois Public Aid Code to persons who, but for the provision  
3 of home or community-based services, would require the level of  
4 care provided in an institution, as is provided for in federal  
5 law. Those persons no longer found to be eligible for receiving  
6 noninstitutional services due to changes in the eligibility  
7 criteria shall be given 60 days notice prior to actual  
8 termination. Those persons receiving notice of termination may  
9 contact the Department and request the determination be  
10 appealed at any time during the 60 day notice period. With the  
11 exception of the lengthened notice and time frame for the  
12 appeal request, the appeal process shall follow the normal  
13 procedure. In addition, each person affected regardless of the  
14 circumstances for discontinued eligibility shall be given  
15 notice and the opportunity to purchase the necessary services  
16 through the Community Care Program. If the individual does not  
17 elect to purchase services, the Department shall advise the  
18 individual of alternative services. The target population  
19 identified for the purposes of this Section are persons age 60  
20 and older with an identified service need. Priority shall be  
21 given to those who are at imminent risk of  
22 institutionalization. The services shall be provided to  
23 eligible persons age 60 and older to the extent that the cost  
24 of the services together with the other personal maintenance  
25 expenses of the persons are reasonably related to the standards  
26 established for care in a group facility appropriate to the

1 person's condition. These non-institutional services, pilot  
2 projects or experimental facilities may be provided as part of  
3 or in addition to those authorized by federal law or those  
4 funded and administered by the Department of Human Services.  
5 The Departments of Human Services, Healthcare and Family  
6 Services, Public Health, Veterans' Affairs, and Commerce and  
7 Economic Opportunity and other appropriate agencies of State,  
8 federal and local governments shall cooperate with the  
9 Department on Aging in the establishment and development of the  
10 non-institutional services. The Department shall require an  
11 annual audit from all chore/housekeeping and home care aide  
12 vendors contracting with the Department under this Section. The  
13 annual audit shall assure that each audited vendor's procedures  
14 are in compliance with Department's financial reporting  
15 guidelines requiring an administrative and employee wage and  
16 benefits cost split as defined in administrative rules. The  
17 audit is a public record under the Freedom of Information Act.  
18 The Department shall execute, relative to the nursing home  
19 prescreening project, written inter-agency agreements with the  
20 Department of Human Services and the Department of Healthcare  
21 and Family Services, to effect the following: (1) intake  
22 procedures and common eligibility criteria for those persons  
23 who are receiving non-institutional services; and (2) the  
24 establishment and development of non-institutional services in  
25 areas of the State where they are not currently available or  
26 are undeveloped. On and after July 1, 1996, all nursing home

1 prescreenings for individuals 60 years of age or older shall be  
2 conducted by the Department.

3 As part of the Department on Aging's routine training of  
4 case managers and case manager supervisors, the Department may  
5 include information on family futures planning for persons who  
6 are age 60 or older and who are caregivers of their adult  
7 children with developmental disabilities. The content of the  
8 training shall be at the Department's discretion.

9 The Department is authorized to establish a system of  
10 recipient copayment for services provided under this Section,  
11 such copayment to be based upon the recipient's ability to pay  
12 but in no case to exceed the actual cost of the services  
13 provided. Additionally, any portion of a person's income which  
14 is equal to or less than the federal poverty standard shall not  
15 be considered by the Department in determining the copayment.  
16 The level of such copayment shall be adjusted whenever  
17 necessary to reflect any change in the officially designated  
18 federal poverty standard.

19 The Department, or the Department's authorized  
20 representative, shall recover the amount of moneys expended for  
21 services provided to or in behalf of a person under this  
22 Section by a claim against the person's estate or against the  
23 estate of the person's surviving spouse, but no recovery may be  
24 had until after the death of the surviving spouse, if any, and  
25 then only at such time when there is no surviving child who is  
26 under age 21, blind, or permanently and totally disabled. This

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

22 The Department shall develop procedures to enhance  
23 availability of services on evenings, weekends, and on an  
24 emergency basis to meet the respite needs of caregivers.  
25 Procedures shall be developed to permit the utilization of  
26 services in successive blocks of 24 hours up to the monthly

1 maximum established by the Department. Workers providing these  
2 services shall be appropriately trained.

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

22 The Department is required to develop a system to ensure  
23 that persons working as home care aides and chore housekeepers  
24 receive increases in their wages when the federal minimum wage  
25 is increased by requiring vendors to certify that they are  
26 meeting the federal minimum wage statute for home care aides

1 and chore housekeepers. An employer that cannot ensure that the  
2 minimum wage increase is being given to home care aides and  
3 chore housekeepers shall be denied any increase in  
4 reimbursement costs.

5 The Community Care Program Advisory Committee is created in  
6 the Department on Aging. The Director shall appoint individuals  
7 to serve in the Committee, who shall serve at their own  
8 expense. Members of the Committee must abide by all applicable  
9 ethics laws. The Committee shall advise the Department on  
10 issues related to the Department's program of services to  
11 prevent unnecessary institutionalization. The Committee shall  
12 meet on a bi-monthly basis and shall serve to identify and  
13 advise the Department on present and potential issues affecting  
14 the service delivery network, the program's clients, and the  
15 Department and to recommend solution strategies. Persons  
16 appointed to the Committee shall be appointed on, but not  
17 limited to, their own and their agency's experience with the  
18 program, geographic representation, and willingness to serve.  
19 The Director shall appoint members to the Committee to  
20 represent provider, advocacy, policy research, and other  
21 constituencies committed to the delivery of high quality home  
22 and community-based services to older adults. Representatives  
23 shall be appointed to ensure representation from community care  
24 providers including, but not limited to, adult day service  
25 providers, homemaker providers, case coordination and case  
26 management units, emergency home response providers, statewide

1 trade or labor unions that represent home care ~~homecare~~ aides  
2 and direct care staff, area agencies on aging, adults over age  
3 60, membership organizations representing older adults, and  
4 other organizational entities, providers of care, or  
5 individuals with demonstrated interest and expertise in the  
6 field of home and community care as determined by the Director.

7 Nominations may be presented from any agency or State  
8 association with interest in the program. The Director, or his  
9 or her designee, shall serve as the permanent co-chair of the  
10 advisory committee. One other co-chair shall be nominated and  
11 approved by the members of the committee on an annual basis.  
12 Committee members' terms of appointment shall be for 4 years  
13 with one-quarter of the appointees' terms expiring each year. A  
14 member shall continue to serve until his or her replacement is  
15 named. The Department shall fill vacancies that have a  
16 remaining term of over one year, and this replacement shall  
17 occur through the annual replacement of expiring terms. The  
18 Director shall designate Department staff to provide technical  
19 assistance and staff support to the committee. Department  
20 representation shall not constitute membership of the  
21 committee. All Committee papers, issues, recommendations,  
22 reports, and meeting memoranda are advisory only. The Director,  
23 or his or her designee, shall make a written report, as  
24 requested by the Committee, regarding issues before the  
25 Committee.

26 The Department on Aging and the Department of Human



1 Services shall cooperate in the development and submission of  
2 an annual report on programs and services provided under this  
3 Section. Such joint report shall be filed with the Governor and  
4 the General Assembly on or before September 30 each year.

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

15 Those persons previously found eligible for receiving  
16 non-institutional services whose services were discontinued  
17 under the Emergency Budget Act of Fiscal Year 1992, and who do  
18 not meet the eligibility standards in effect on or after July  
19 1, 1992, shall remain ineligible on and after July 1, 1992.  
20 Those persons previously not required to cost-share and who  
21 were required to cost-share effective March 1, 1992, shall  
22 continue to meet cost-share requirements on and after July 1,  
23 1992. Beginning July 1, 1992, all clients will be required to  
24 meet eligibility, cost-share, and other requirements and will  
25 have services discontinued or altered when they fail to meet  
26 these requirements.

1 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,  
2 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;  
3 95-473, eff. 8-27-07; revised 10-30-07.)

4 (Text of Section after amendment by P.A. 95-565)

5 Sec. 4.02. Community Care Program. The Department shall  
6 establish a program of services to prevent unnecessary  
7 institutionalization of persons age 60 and older in need of  
8 long term care or who are established as persons who suffer  
9 from Alzheimer's disease or a related disorder under the  
10 Alzheimer's Disease Assistance Act, thereby enabling them to  
11 remain in their own homes or in other living arrangements. Such  
12 preventive services, which may be coordinated with other  
13 programs for the aged and monitored by area agencies on aging  
14 in cooperation with the Department, may include, but are not  
15 limited to, any or all of the following:

- 16 (a) (blank);  
17 (b) (blank);  
18 (c) home care aide services;  
19 (d) personal assistant services;  
20 (e) adult day services;  
21 (f) home-delivered meals;  
22 (g) education in self-care;  
23 (h) personal care services;  
24 (i) adult day health services;  
25 (j) habilitation services;

- 1           (k) respite care;
- 2           (k-5) community reintegration services;
- 3           (k-6) flexible senior services;
- 4           (k-7) medication management;
- 5           (k-8) emergency home response;
- 6           (l) other nonmedical social services that may enable
- 7           the person to become self-supporting; or
- 8           (m) clearinghouse for information provided by senior
- 9           citizen home owners who want to rent rooms to or share
- 10          living space with other senior citizens.

11          The Department shall establish eligibility standards for

12          such services taking into consideration the unique economic and

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

14          provided. Such eligibility standards shall be based on the

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

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

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

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

19          person's spouse pursuant to a written agreement dividing

20          marital property into equal but separate shares or pursuant to

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

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

23          made available to the person seeking such services.

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

25          condition of eligibility that all financially eligible

26          applicants apply for medical assistance under Article V of the

1 Illinois Public Aid Code in accordance with rules promulgated  
2 by the Department.

3 Beginning January 1, 2008, the Department shall require as  
4 a condition of eligibility that all new financially eligible  
5 applicants apply for and enroll in medical assistance under  
6 Article V of the Illinois Public Aid Code in accordance with  
7 rules promulgated by the Department.

8 The Department shall, in conjunction with the Department of  
9 Public Aid (now Department of Healthcare and Family Services),  
10 seek appropriate amendments under Sections 1915 and 1924 of the  
11 Social Security Act. The purpose of the amendments shall be to  
12 extend eligibility for home and community based services under  
13 Sections 1915 and 1924 of the Social Security Act to persons  
14 who transfer to or for the benefit of a spouse those amounts of  
15 income and resources allowed under Section 1924 of the Social  
16 Security Act. Subject to the approval of such amendments, the  
17 Department shall extend the provisions of Section 5-4 of the  
18 Illinois Public Aid Code to persons who, but for the provision  
19 of home or community-based services, would require the level of  
20 care provided in an institution, as is provided for in federal  
21 law. Those persons no longer found to be eligible for receiving  
22 noninstitutional services due to changes in the eligibility  
23 criteria shall be given 60 days notice prior to actual  
24 termination. Those persons receiving notice of termination may  
25 contact the Department and request the determination be  
26 appealed at any time during the 60 day notice period. With the

1 exception of the lengthened notice and time frame for the  
2 appeal request, the appeal process shall follow the normal  
3 procedure. In addition, each person affected regardless of the  
4 circumstances for discontinued eligibility shall be given  
5 notice and the opportunity to purchase the necessary services  
6 through the Community Care Program. If the individual does not  
7 elect to purchase services, the Department shall advise the  
8 individual of alternative services. The target population  
9 identified for the purposes of this Section are persons age 60  
10 and older with an identified service need. Priority shall be  
11 given to those who are at imminent risk of  
12 institutionalization. The services shall be provided to  
13 eligible persons age 60 and older to the extent that the cost  
14 of the services together with the other personal maintenance  
15 expenses of the persons are reasonably related to the standards  
16 established for care in a group facility appropriate to the  
17 person's condition. These non-institutional services, pilot  
18 projects or experimental facilities may be provided as part of  
19 or in addition to those authorized by federal law or those  
20 funded and administered by the Department of Human Services.  
21 The Departments of Human Services, Healthcare and Family  
22 Services, Public Health, Veterans' Affairs, and Commerce and  
23 Economic Opportunity and other appropriate agencies of State,  
24 federal and local governments shall cooperate with the  
25 Department on Aging in the establishment and development of the  
26 non-institutional services. The Department shall require an

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

1 recipient copayment for services provided under this Section,  
2 such copayment to be based upon the recipient's ability to pay  
3 but in no case to exceed the actual cost of the services  
4 provided. Additionally, any portion of a person's income which  
5 is equal to or less than the federal poverty standard shall not  
6 be considered by the Department in determining the copayment.  
7 The level of such copayment shall be adjusted whenever  
8 necessary to reflect any change in the officially designated  
9 federal poverty standard.

10 The Department, or the Department's authorized  
11 representative, shall recover the amount of moneys expended for  
12 services provided to or in behalf of a person under this  
13 Section by a claim against the person's estate or against the  
14 estate of the person's surviving spouse, but no recovery may be  
15 had until after the death of the surviving spouse, if any, and  
16 then only at such time when there is no surviving child who is  
17 under age 21, blind, or permanently and totally disabled. This  
18 paragraph, however, shall not bar recovery, at the death of the  
19 person, of moneys for services provided to the person or in  
20 behalf of the person under this Section to which the person was  
21 not entitled; provided that such recovery shall not be enforced  
22 against any real estate while it is occupied as a homestead by  
23 the surviving spouse or other dependent, if no claims by other  
24 creditors have been filed against the estate, or, if such  
25 claims have been filed, they remain dormant for failure of  
26 prosecution or failure of the claimant to compel administration

1 of the estate for the purpose of payment. This paragraph shall  
2 not bar recovery from the estate of a spouse, under Sections  
3 1915 and 1924 of the Social Security Act and Section 5-4 of the  
4 Illinois Public Aid Code, who precedes a person receiving  
5 services under this Section in death. All moneys for services  
6 paid to or in behalf of the person under this Section shall be  
7 claimed for recovery from the deceased spouse's estate.  
8 "Homestead", as used in this paragraph, means the dwelling  
9 house and contiguous real estate occupied by a surviving spouse  
10 or relative, as defined by the rules and regulations of the  
11 Department of Healthcare and Family Services, regardless of the  
12 value of the property.

13 The Department shall increase the effectiveness of the  
14 existing Community Care Program by:

15 (1) ensuring that in-home services included in the care  
16 plan are available on evenings and weekends;

17 (2) ensuring that care plans contain the services that  
18 eligible participants ~~participants~~ need based on the  
19 number of days in a month, not limited to specific blocks  
20 of time, as identified by the comprehensive assessment tool  
21 selected by the Department for use statewide, not to exceed  
22 the total monthly service cost maximum allowed for each  
23 service; ~~the.~~ The Department shall develop administrative  
24 rules to implement this item (2);

25 (3) ensuring that the participants have the right to  
26 choose the services contained in their care plan and to



1 direct how those services are provided, based on  
2 administrative rules established by the Department;

3 (4) ensuring that the determination of need tool is  
4 accurate in determining the participants' level of need; to  
5 achieve this, the Department, in conjunction with the Older  
6 Adult Services Advisory Committee, shall institute a study  
7 of the relationship between the Determination of Need  
8 scores, level of need, service cost maximums, and the  
9 development and utilization of service plans no later than  
10 May 1, 2008; findings and recommendations shall be  
11 presented to the Governor and the General Assembly no later  
12 than January 1, 2009; recommendations shall include all  
13 needed changes to the service cost maximums schedule and  
14 additional covered services;

15 (5) ensuring that homemakers can provide personal care  
16 services that may or may not involve contact with clients,  
17 including but not limited to:

- 18 (A) bathing;  
19 (B) grooming;  
20 (C) toileting;  
21 (D) nail care;  
22 (E) transferring;  
23 (F) respiratory services;  
24 (G) exercise; or  
25 (H) positioning;

26 (6) ensuring that homemaker program vendors are not

1 restricted from hiring homemakers who are family members of  
2 clients or recommended by clients; the Department may not,  
3 by rule or policy, require homemakers who are family  
4 members of clients or recommended by clients to accept  
5 assignments in homes other than the client; and

6 (7) ensuring that the State may access maximum federal  
7 matching funds by seeking approval for the Centers for  
8 Medicare and Medicaid Services for modifications to the  
9 State's home and community based services waiver and  
10 additional waiver opportunities in order to maximize  
11 federal matching funds; this shall include, but not be  
12 limited to, modification that reflects all changes in the  
13 Community Care Program services and all increases in the  
14 services cost maximum.

15 By January 1, 2009 or as soon after the end of the Cash and  
16 Counseling Demonstration Project as is practicable, the  
17 Department may, based on its evaluation of the demonstration  
18 project, promulgate rules concerning personal assistant  
19 services, to include, but need not be limited to,  
20 qualifications, employment screening, rights under fair labor  
21 standards, training, fiduciary agent, and supervision  
22 requirements. All applicants shall be subject to the provisions  
23 of the Health Care Worker Background Check Act.

24 The Department shall develop procedures to enhance  
25 availability of services on evenings, weekends, and on an  
26 emergency basis to meet the respite needs of caregivers.

1 Procedures shall be developed to permit the utilization of  
2 services in successive blocks of 24 hours up to the monthly  
3 maximum established by the Department. Workers providing these  
4 services shall be appropriately trained.

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

24 The Department is required to develop a system to ensure  
25 that persons working as home care aides and personal assistants  
26 ~~chore housekeepers~~ receive increases in their wages when the

1 federal minimum wage is increased by requiring vendors to  
2 certify that they are meeting the federal minimum wage statute  
3 for home care aides and personal assistants ~~chore housekeepers~~.  
4 An employer that cannot ensure that the minimum wage increase  
5 is being given to home care aides and personal assistants ~~chore~~  
6 ~~housekeepers~~ shall be denied any increase in reimbursement  
7 costs.

8 The Community Care Program Advisory Committee is created in  
9 the Department on Aging. The Director shall appoint individuals  
10 to serve in the Committee, who shall serve at their own  
11 expense. Members of the Committee must abide by all applicable  
12 ethics laws. The Committee shall advise the Department on  
13 issues related to the Department's program of services to  
14 prevent unnecessary institutionalization. The Committee shall  
15 meet on a bi-monthly basis and shall serve to identify and  
16 advise the Department on present and potential issues affecting  
17 the service delivery network, the program's clients, and the  
18 Department and to recommend solution strategies. Persons  
19 appointed to the Committee shall be appointed on, but not  
20 limited to, their own and their agency's experience with the  
21 program, geographic representation, and willingness to serve.  
22 The Director shall appoint members to the Committee to  
23 represent provider, advocacy, policy research, and other  
24 constituencies committed to the delivery of high quality home  
25 and community-based services to older adults. Representatives  
26 shall be appointed to ensure representation from community care

1 providers including, but not limited to, adult day service  
2 providers, homemaker providers, case coordination and case  
3 management units, emergency home response providers, statewide  
4 trade or labor unions that represent home care ~~homecare~~ aides  
5 and direct care staff, area agencies on aging, adults over age  
6 60, membership organizations representing older adults, and  
7 other organizational entities, providers of care, or  
8 individuals with demonstrated interest and expertise in the  
9 field of home and community care as determined by the Director.

10 Nominations may be presented from any agency or State  
11 association with interest in the program. The Director, or his  
12 or her designee, shall serve as the permanent co-chair of the  
13 advisory committee. One other co-chair shall be nominated and  
14 approved by the members of the committee on an annual basis.  
15 Committee members' terms of appointment shall be for 4 years  
16 with one-quarter of the appointees' terms expiring each year. A  
17 member shall continue to serve until his or her replacement is  
18 named. The Department shall fill vacancies that have a  
19 remaining term of over one year, and this replacement shall  
20 occur through the annual replacement of expiring terms. The  
21 Director shall designate Department staff to provide technical  
22 assistance and staff support to the committee. Department  
23 representation shall not constitute membership of the  
24 committee. All Committee papers, issues, recommendations,  
25 reports, and meeting memoranda are advisory only. The Director,  
26 or his or her designee, shall make a written report, as

1 requested by the Committee, regarding issues before the  
2 Committee.

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

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

18 Those persons previously found eligible for receiving  
19 non-institutional services whose services were discontinued  
20 under the Emergency Budget Act of Fiscal Year 1992, and who do  
21 not meet the eligibility standards in effect on or after July  
22 1, 1992, shall remain ineligible on and after July 1, 1992.  
23 Those persons previously not required to cost-share and who  
24 were required to cost-share effective March 1, 1992, shall  
25 continue to meet cost-share requirements on and after July 1,  
26 1992. Beginning July 1, 1992, all clients will be required to

1 meet eligibility, cost-share, and other requirements and will  
2 have services discontinued or altered when they fail to meet  
3 these requirements.

4 For the purposes of this Section, "flexible senior  
5 services" refers to services that require one-time or periodic  
6 expenditures including, but not limited to, respite care, home  
7 modification, assistive technology, housing assistance, and  
8 transportation.

9 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,  
10 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;  
11 95-473, eff. 8-27-07; 95-565, eff. 6-1-08; revised 10-30-07.)

12 (20 ILCS 105/4.08)

13 Sec. 4.08. Rural and small town meals program. Subject to  
14 appropriation, the Department may establish a program to ensure  
15 the availability of congregate or home-delivered meals in  
16 communities with populations of under 5,000 that are not  
17 located within the large urban counties of Cook, DuPage, Kane,  
18 Lake, or Will.

19 The Department may meet these requirements by entering into  
20 agreements with Area Agencies on Aging or Department designees,  
21 which shall in turn enter into grants or contractual agreements  
22 with such local entities as restaurants, cafes, churches,  
23 facilities licensed under the Nursing Home Care Act, the  
24 Assisted Living and Shared Housing Act, or the Hospital  
25 Licensing Act, facilities certified by the Department of

1 Healthcare and Family Services, senior centers, or Older  
2 American Act designated nutrition service providers.

3 First consideration shall be given to entities that can  
4 cost effectively meet the needs of seniors in the community by  
5 preparing the food locally.

6 In no instance shall funds provided pursuant to this  
7 Section be used to replace funds allocated to a given area or  
8 program as of the effective date of this amendatory Act of the  
9 95th General Assembly.

10 The Department shall establish guidelines and standards by  
11 administrative rule, which shall include submission of an  
12 expenditure plan by the recipient of the funds.

13 (Source: P.A. 95-68, eff. 8-13-07.)

14 (20 ILCS 105/4.09)

15 Sec. 4.09 ~~4.08~~. Medication management program. Subject to  
16 appropriation, the Department shall establish a program to  
17 assist persons 60 years of age or older in managing their  
18 medications. The Department shall establish guidelines and  
19 standards for the program by rule.

20 (Source: P.A. 95-535, eff. 8-28-07; revised 12-5-07.)

21 Section 35. The Children and Family Services Act is amended  
22 by changing Section 5 as follows:

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



1 (Text of Section before amendment by P.A. 95-642)

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

6 (a) For purposes of this Section:

7 (1) "Children" means persons found within the State who  
8 are under the age of 18 years. The term also includes  
9 persons under age 19 who:

10 (A) were committed to the Department pursuant to  
11 the Juvenile Court Act or the Juvenile Court Act of  
12 1987, as amended, prior to the age of 18 and who  
13 continue under the jurisdiction of the court; or

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

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of  
2 the following purposes:

3 (A) protecting and promoting the health, safety  
4 and welfare of children, including homeless, dependent  
5 or neglected children;

6 (B) remedying, or assisting in the solution of  
7 problems which may result in, the neglect, abuse,  
8 exploitation or delinquency of children;

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

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

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

24 (F) assuring safe and adequate care of children  
25 away from their homes, in cases where the child cannot  
26 be returned home or cannot be placed for adoption. At

1           the time of placement, the Department shall consider  
2           concurrent planning, as described in subsection (1-1)  
3           of this Section so that permanency may occur at the  
4           earliest opportunity. Consideration should be given so  
5           that if reunification fails or is delayed, the  
6           placement made is the best available placement to  
7           provide permanency for the child;

8                   (G) (blank);

9                   (H) (blank); and

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

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

20                           (ii) who are persons with a developmental  
21           disability, as defined in the Mental Health and  
22           Developmental Disabilities Code, or

23                           (iii) who are female children who are  
24           pregnant, pregnant and parenting or parenting, or

25                           (iv) who are siblings, in facilities that  
26           provide separate living quarters for children 18

1                   years of age and older and for children under 18  
2                   years of age.

3           (b) Nothing in this Section shall be construed to authorize  
4 the expenditure of public funds for the purpose of performing  
5 abortions.

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

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

1 Act; and youth service programs receiving grant funds under  
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

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

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

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

21 (10) interstate services.

22 Rules and regulations established by the Department shall  
23 include provisions for training Department staff and the staff  
24 of Department grantees, through contracts with other agencies  
25 or resources, in alcohol and drug abuse screening techniques  
26 approved by the Department of Human Services, as a successor to

1 the Department of Alcoholism and Substance Abuse, for the  
2 purpose of identifying children and adults who should be  
3 referred to an alcohol and drug abuse treatment program for  
4 professional evaluation.

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

14 (i) Service programs shall be available throughout the  
15 State and shall include but not be limited to the following  
16 services:

- 17 (1) case management;
- 18 (2) homemakers;
- 19 (3) counseling;
- 20 (4) parent education;
- 21 (5) day care; and
- 22 (6) emergency assistance and advocacy.

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1           (3) respite care; and

2           (4) in-home health services.

3           The Department shall provide transportation for any of the  
4 services it makes available to children or families or for  
5 which it refers children or families.

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

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
2 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
3 who were wards of the Department for 12 months immediately  
4 prior to the appointment of the guardian.

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

12 Any financial assistance provided under this subsection is  
13 inalienable by assignment, sale, execution, attachment,  
14 garnishment, or any other remedy for recovery or collection of  
15 a judgment or debt.

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

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

24 (l) Before July 1, 2000, the Department may provide, and  
25 beginning July 1, 2000, the Department shall offer family  
26 preservation services, as defined in Section 8.2 of the Abused



1 and Neglected Child Reporting Act, to help families, including  
2 adoptive and extended families. Family preservation services  
3 shall be offered (i) to prevent the placement of children in  
4 substitute care when the children can be cared for at home or  
5 in the custody of the person responsible for the children's  
6 welfare, (ii) to reunite children with their families, or (iii)  
7 to maintain an adoptive placement. Family preservation  
8 services shall only be offered when doing so will not endanger  
9 the children's health or safety. With respect to children who  
10 are in substitute care pursuant to the Juvenile Court Act of  
11 1987, family preservation services shall not be offered if a  
12 goal other than those of subdivisions (A), (B), or (B-1) of  
13 subsection (2) of Section 2-28 of that Act has been set.  
14 Nothing in this paragraph shall be construed to create a  
15 private right of action or claim on the part of any individual  
16 or child welfare agency.

17 The Department shall notify the child and his family of the  
18 Department's responsibility to offer and provide family  
19 preservation services as identified in the service plan. The  
20 child and his family shall be eligible for services as soon as  
21 the report is determined to be "indicated". The Department may  
22 offer services to any child or family with respect to whom a  
23 report of suspected child abuse or neglect has been filed,  
24 prior to concluding its investigation under Section 7.12 of the  
25 Abused and Neglected Child Reporting Act. However, the child's  
26 or family's willingness to accept services shall not be

1 considered in the investigation. The Department may also  
2 provide services to any child or family who is the subject of  
3 any report of suspected child abuse or neglect or may refer  
4 such child or family to services available from other agencies  
5 in the community, even if the report is determined to be  
6 unfounded, if the conditions in the child's or family's home  
7 are reasonably likely to subject the child or family to future  
8 reports of suspected child abuse or neglect. Acceptance of such  
9 services shall be voluntary.

10 The Department may, at its discretion except for those  
11 children also adjudicated neglected or dependent, accept for  
12 care and training any child who has been adjudicated addicted,  
13 as a truant minor in need of supervision or as a minor  
14 requiring authoritative intervention, under the Juvenile Court  
15 Act or the Juvenile Court Act of 1987, but no such child shall  
16 be committed to the Department by any court without the  
17 approval of the Department. A minor charged with a criminal  
18 offense under the Criminal Code of 1961 or adjudicated  
19 delinquent shall not be placed in the custody of or committed  
20 to the Department by any court, except a minor less than 13  
21 years of age committed to the Department under Section 5-710 of  
22 the Juvenile Court Act of 1987.

23 (1-1) The legislature recognizes that the best interests of  
24 the child require that the child be placed in the most  
25 permanent living arrangement as soon as is practically  
26 possible. To achieve this goal, the legislature directs the

1 Department of Children and Family Services to conduct  
2 concurrent planning so that permanency may occur at the  
3 earliest opportunity. Permanent living arrangements may  
4 include prevention of placement of a child outside the home of  
5 the family when the child can be cared for at home without  
6 endangering the child's health or safety; reunification with  
7 the family, when safe and appropriate, if temporary placement  
8 is necessary; or movement of the child toward the most  
9 permanent living arrangement and permanent legal status.

10 When determining reasonable efforts to be made with respect  
11 to a child, as described in this subsection, and in making such  
12 reasonable efforts, the child's health and safety shall be the  
13 paramount concern.

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

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and  
2 best interests. At the time of placement, consideration should  
3 also be given so that if reunification fails or is delayed, the  
4 placement made is the best available placement to provide  
5 permanency for the child.

6 The Department shall adopt rules addressing concurrent  
7 planning for reunification and permanency. The Department  
8 shall consider the following factors when determining  
9 appropriateness of concurrent planning:

- 10 (1) the likelihood of prompt reunification;
- 11 (2) the past history of the family;
- 12 (3) the barriers to reunification being addressed by  
13 the family;
- 14 (4) the level of cooperation of the family;
- 15 (5) the foster parents' willingness to work with the  
16 family to reunite;
- 17 (6) the willingness and ability of the foster family to  
18 provide an adoptive home or long-term placement;
- 19 (7) the age of the child;
- 20 (8) placement of siblings.

21 (m) The Department may assume temporary custody of any  
22 child if:

- 23 (1) it has received a written consent to such temporary  
24 custody signed by the parents of the child or by the parent  
25 having custody of the child if the parents are not living  
26 together or by the guardian or custodian of the child if

1           the child is not in the custody of either parent, or  
2           (2) the child is found in the State and neither a  
3           parent, guardian nor custodian of the child can be located.  
4       If the child is found in his or her residence without a parent,  
5       guardian, custodian or responsible caretaker, the Department  
6       may, instead of removing the child and assuming temporary  
7       custody, place an authorized representative of the Department  
8       in that residence until such time as a parent, guardian or  
9       custodian enters the home and expresses a willingness and  
10      apparent ability to ensure the child's health and safety and  
11      resume permanent charge of the child, or until a relative  
12      enters the home and is willing and able to ensure the child's  
13      health and safety and assume charge of the child until a  
14      parent, guardian or custodian enters the home and expresses  
15      such willingness and ability to ensure the child's safety and  
16      resume permanent charge. After a caretaker has remained in the  
17      home for a period not to exceed 12 hours, the Department must  
18      follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
19      5-415 of the Juvenile Court Act of 1987.

20           The Department shall have the authority, responsibilities  
21      and duties that a legal custodian of the child would have  
22      pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
23      Act of 1987. Whenever a child is taken into temporary custody  
24      pursuant to an investigation under the Abused and Neglected  
25      Child Reporting Act, or pursuant to a referral and acceptance  
26      under the Juvenile Court Act of 1987 of a minor in limited

1 custody, the Department, during the period of temporary custody  
2 and before the child is brought before a judicial officer as  
3 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
4 Court Act of 1987, shall have the authority, responsibilities  
5 and duties that a legal custodian of the child would have under  
6 subsection (9) of Section 1-3 of the Juvenile Court Act of  
7 1987.

8 The Department shall ensure that any child taken into  
9 custody is scheduled for an appointment for a medical  
10 examination.

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

1 (m-1) The Department may place children under 18 years of  
2 age in a secure child care facility licensed by the Department  
3 that cares for children who are in need of secure living  
4 arrangements for their health, safety, and well-being after a  
5 determination is made by the facility director and the Director  
6 or the Director's designate prior to admission to the facility  
7 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
8 This subsection (m-1) does not apply to a child who is subject  
9 to placement in a correctional facility operated pursuant to  
10 Section 3-15-2 of the Unified Code of Corrections, unless the  
11 child is a ward who was placed under the care of the Department  
12 before being subject to placement in a correctional facility  
13 and a court of competent jurisdiction has ordered placement of  
14 the child in a secure care facility.

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

1 training and supervision of such a child that exceed the  
2 average per capita cost of maintaining and of caring for a  
3 child in institutions for dependent or neglected children  
4 operated by the Department. However, such restriction on  
5 payments does not apply in cases where children require  
6 specialized care and treatment for problems of severe emotional  
7 disturbance, physical disability, social adjustment, or any  
8 combination thereof and suitable facilities for the placement  
9 of such children are not available at payment rates within the  
10 limitations set forth in this Section. All reimbursements for  
11 services delivered shall be absolutely inalienable by  
12 assignment, sale, attachment, garnishment or otherwise.

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



1 initial review by a private child welfare agency or (ii) a  
2 prospective adoptive parent who alleges a violation of  
3 subsection (j-5) of this Section. An appeal of a decision  
4 concerning a change in the placement of a child shall be  
5 conducted in an expedited manner.

6 (p) There is hereby created the Department of Children and  
7 Family Services Emergency Assistance Fund from which the  
8 Department may provide special financial assistance to  
9 families which are in economic crisis when such assistance is  
10 not available through other public or private sources and the  
11 assistance is deemed necessary to prevent dissolution of the  
12 family unit or to reunite families which have been separated  
13 due to child abuse and neglect. The Department shall establish  
14 administrative rules specifying the criteria for determining  
15 eligibility for and the amount and nature of assistance to be  
16 provided. The Department may also enter into written agreements  
17 with private and public social service agencies to provide  
18 emergency financial services to families referred by the  
19 Department. Special financial assistance payments shall be  
20 available to a family no more than once during each fiscal year  
21 and the total payments to a family may not exceed \$500 during a  
22 fiscal year.

23 (q) The Department may receive and use, in their entirety,  
24 for the benefit of children any gift, donation or bequest of  
25 money or other property which is received on behalf of such  
26 children, or any financial benefits to which such children are

1 or may become entitled while under the jurisdiction or care of  
2 the Department.

3 The Department shall set up and administer no-cost,  
4 interest-bearing accounts in appropriate financial  
5 institutions for children for whom the Department is legally  
6 responsible and who have been determined eligible for Veterans'  
7 Benefits, Social Security benefits, assistance allotments from  
8 the armed forces, court ordered payments, parental voluntary  
9 payments, Supplemental Security Income, Railroad Retirement  
10 payments, Black Lung benefits, or other miscellaneous  
11 payments. Interest earned by each account shall be credited to  
12 the account, unless disbursed in accordance with this  
13 subsection.

14 In disbursing funds from children's accounts, the  
15 Department shall:

16 (1) Establish standards in accordance with State and  
17 federal laws for disbursing money from children's  
18 accounts. In all circumstances, the Department's  
19 "Guardianship Administrator" or his or her designee must  
20 approve disbursements from children's accounts. The  
21 Department shall be responsible for keeping complete  
22 records of all disbursements for each account for any  
23 purpose.

24 (2) Calculate on a monthly basis the amounts paid from  
25 State funds for the child's board and care, medical care  
26 not covered under Medicaid, and social services; and

1 utilize funds from the child's account, as covered by  
2 regulation, to reimburse those costs. Monthly,  
3 disbursements from all children's accounts, up to 1/12 of  
4 \$13,000,000, shall be deposited by the Department into the  
5 General Revenue Fund and the balance over 1/12 of  
6 \$13,000,000 into the DCFS Children's Services Fund.

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

12 (r) The Department shall promulgate regulations  
13 encouraging all adoption agencies to voluntarily forward to the  
14 Department or its agent names and addresses of all persons who  
15 have applied for and have been approved for adoption of a  
16 hard-to-place or handicapped child and the names of such  
17 children who have not been placed for adoption. A list of such  
18 names and addresses shall be maintained by the Department or  
19 its agent, and coded lists which maintain the confidentiality  
20 of the person seeking to adopt the child and of the child shall  
21 be made available, without charge, to every adoption agency in  
22 the State to assist the agencies in placing such children for  
23 adoption. The Department may delegate to an agent its duty to  
24 maintain and make available such lists. The Department shall  
25 ensure that such agent maintains the confidentiality of the  
26 person seeking to adopt the child and of the child.

1           (s) The Department of Children and Family Services may  
2 establish and implement a program to reimburse Department and  
3 private child welfare agency foster parents licensed by the  
4 Department of Children and Family Services for damages  
5 sustained by the foster parents as a result of the malicious or  
6 negligent acts of foster children, as well as providing third  
7 party coverage for such foster parents with regard to actions  
8 of foster children to other individuals. Such coverage will be  
9 secondary to the foster parent liability insurance policy, if  
10 applicable. The program shall be funded through appropriations  
11 from the General Revenue Fund, specifically designated for such  
12 purposes.

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

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

19                 (2) the court has ordered one or both of the parties to  
20                 the proceeding to reimburse the Department for its  
21                 reasonable costs for providing such services in accordance  
22                 with Department rules, or has determined that neither party  
23                 is financially able to pay.

24           The Department shall provide written notification to the  
25 court of the specific arrangements for supervised visitation  
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to  
2 the costs incurred except in cases where the court has  
3 determined the parties are financially unable to pay. The court  
4 may order additional periodic reports as appropriate.

5 (u) In addition to other information that must be provided,  
6 whenever the Department places a child with a prospective  
7 adoptive parent or parents or in a licensed foster home, group  
8 home, child care institution, or in a relative home, the  
9 Department shall provide to the prospective adoptive parent or  
10 parents or other caretaker:

11 (1) available detailed information concerning the  
12 child's educational and health history, copies of  
13 immunization records (including insurance and medical card  
14 information), a history of the child's previous  
15 placements, if any, and reasons for placement changes  
16 excluding any information that identifies or reveals the  
17 location of any previous caretaker;

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

21 (3) information containing details of the child's  
22 individualized educational plan when the child is  
23 receiving special education services.

24 The caretaker shall be informed of any known social or  
25 behavioral information (including, but not limited to,  
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to  
2 care for and safeguard the children to be placed or currently  
3 in the home. The Department may prepare a written summary of  
4 the information required by this paragraph, which may be  
5 provided to the foster or prospective adoptive parent in  
6 advance of a placement. The foster or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

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

1 level.

2 (u-5) Effective July 1, 1995, only foster care placements  
3 licensed as foster family homes pursuant to the Child Care Act  
4 of 1969 shall be eligible to receive foster care payments from  
5 the Department. Relative caregivers who, as of July 1, 1995,  
6 were approved pursuant to approved relative placement rules  
7 previously promulgated by the Department at 89 Ill. Adm. Code  
8 335 and had submitted an application for licensure as a foster  
9 family home may continue to receive foster care payments only  
10 until the Department determines that they may be licensed as a  
11 foster family home or that their application for licensure is  
12 denied or until September 30, 1995, whichever occurs first.

13 (v) The Department shall access criminal history record  
14 information as defined in the Illinois Uniform Conviction  
15 Information Act and information maintained in the adjudicatory  
16 and dispositional record system as defined in Section 2605-355  
17 of the Department of State Police Law (20 ILCS 2605/2605-355)  
18 if the Department determines the information is necessary to  
19 perform its duties under the Abused and Neglected Child  
20 Reporting Act, the Child Care Act of 1969, and the Children and  
21 Family Services Act. The Department shall provide for  
22 interactive computerized communication and processing  
23 equipment that permits direct on-line communication with the  
24 Department of State Police's central criminal history data  
25 repository. The Department shall comply with all certification  
26 requirements and provide certified operators who have been

1 trained by personnel from the Department of State Police. In  
2 addition, one Office of the Inspector General investigator  
3 shall have training in the use of the criminal history  
4 information access system and have access to the terminal. The  
5 Department of Children and Family Services and its employees  
6 shall abide by rules and regulations established by the  
7 Department of State Police relating to the access and  
8 dissemination of this information.

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

21 (v-2) Prior to final approval for placement of a child, the  
22 Department shall check its child abuse and neglect registry for  
23 information concerning prospective foster and adoptive  
24 parents, and any adult living in the home. If any prospective  
25 foster or adoptive parent or other adult living in the home has  
26 resided in another state in the preceding 5 years, the



1 Department shall request a check of that other state's child  
2 abuse and neglect registry.

3 (w) Within 120 days of August 20, 1995 (the effective date  
4 of Public Act 89-392), the Department shall prepare and submit  
5 to the Governor and the General Assembly, a written plan for  
6 the development of in-state licensed secure child care  
7 facilities that care for children who are in need of secure  
8 living arrangements for their health, safety, and well-being.  
9 For purposes of this subsection, secure care facility shall  
10 mean a facility that is designed and operated to ensure that  
11 all entrances and exits from the facility, a building or a  
12 distinct part of the building, are under the exclusive control  
13 of the staff of the facility, whether or not the child has the  
14 freedom of movement within the perimeter of the facility,  
15 building, or distinct part of the building. The plan shall  
16 include descriptions of the types of facilities that are needed  
17 in Illinois; the cost of developing these secure care  
18 facilities; the estimated number of placements; the potential  
19 cost savings resulting from the movement of children currently  
20 out-of-state who are projected to be returned to Illinois; the  
21 necessary geographic distribution of these facilities in  
22 Illinois; and a proposed timetable for development of such  
23 facilities.

24 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
25 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; revised 10-30-07.)

1 (Text of Section after amendment by P.A. 95-642)

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

6 (a) For purposes of this Section:

7 (1) "Children" means persons found within the State who  
8 are under the age of 18 years. The term also includes  
9 persons under age 19 who:

10 (A) were committed to the Department pursuant to  
11 the Juvenile Court Act or the Juvenile Court Act of  
12 1987, as amended, prior to the age of 18 and who  
13 continue under the jurisdiction of the court; or

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

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of  
2 the following purposes:

3 (A) protecting and promoting the health, safety  
4 and welfare of children, including homeless, dependent  
5 or neglected children;

6 (B) remedying, or assisting in the solution of  
7 problems which may result in, the neglect, abuse,  
8 exploitation or delinquency of children;

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

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

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

24 (F) assuring safe and adequate care of children  
25 away from their homes, in cases where the child cannot  
26 be returned home or cannot be placed for adoption. At

1 the time of placement, the Department shall consider  
2 concurrent planning, as described in subsection (l-1)  
3 of this Section so that permanency may occur at the  
4 earliest opportunity. Consideration should be given so  
5 that if reunification fails or is delayed, the  
6 placement made is the best available placement to  
7 provide permanency for the child;

8 (G) (blank);

9 (H) (blank); and

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

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

20 (ii) who are persons with a developmental  
21 disability, as defined in the Mental Health and  
22 Developmental Disabilities Code, or

23 (iii) who are female children who are  
24 pregnant, pregnant and parenting or parenting, or

25 (iv) who are siblings, in facilities that  
26 provide separate living quarters for children 18

1           years of age and older and for children under 18  
2           years of age.

3           (b) Nothing in this Section shall be construed to authorize  
4 the expenditure of public funds for the purpose of performing  
5 abortions.

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

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

1 Act; and youth service programs receiving grant funds under  
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

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

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

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

21 (10) interstate services.

22 Rules and regulations established by the Department shall  
23 include provisions for training Department staff and the staff  
24 of Department grantees, through contracts with other agencies  
25 or resources, in alcohol and drug abuse screening techniques  
26 approved by the Department of Human Services, as a successor to

1 the Department of Alcoholism and Substance Abuse, for the  
2 purpose of identifying children and adults who should be  
3 referred to an alcohol and drug abuse treatment program for  
4 professional evaluation.

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

14 (i) Service programs shall be available throughout the  
15 State and shall include but not be limited to the following  
16 services:

- 17 (1) case management;
- 18 (2) homemakers;
- 19 (3) counseling;
- 20 (4) parent education;
- 21 (5) day care; and
- 22 (6) emergency assistance and advocacy.

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1           (3) respite care; and

2           (4) in-home health services.

3           The Department shall provide transportation for any of the  
4 services it makes available to children or families or for  
5 which it refers children or families.

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



1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
2 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
3 who were wards of the Department for 12 months immediately  
4 prior to the appointment of the guardian.

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

12 Any financial assistance provided under this subsection is  
13 inalienable by assignment, sale, execution, attachment,  
14 garnishment, or any other remedy for recovery or collection of  
15 a judgment or debt.

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

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

24 (l) Before July 1, 2000, the Department may provide, and  
25 beginning July 1, 2000, the Department shall offer family  
26 preservation services, as defined in Section 8.2 of the Abused

1 and Neglected Child Reporting Act, to help families, including  
2 adoptive and extended families. Family preservation services  
3 shall be offered (i) to prevent the placement of children in  
4 substitute care when the children can be cared for at home or  
5 in the custody of the person responsible for the children's  
6 welfare, (ii) to reunite children with their families, or (iii)  
7 to maintain an adoptive placement. Family preservation  
8 services shall only be offered when doing so will not endanger  
9 the children's health or safety. With respect to children who  
10 are in substitute care pursuant to the Juvenile Court Act of  
11 1987, family preservation services shall not be offered if a  
12 goal other than those of subdivisions (A), (B), or (B-1) of  
13 subsection (2) of Section 2-28 of that Act has been set.  
14 Nothing in this paragraph shall be construed to create a  
15 private right of action or claim on the part of any individual  
16 or child welfare agency.

17 The Department shall notify the child and his family of the  
18 Department's responsibility to offer and provide family  
19 preservation services as identified in the service plan. The  
20 child and his family shall be eligible for services as soon as  
21 the report is determined to be "indicated". The Department may  
22 offer services to any child or family with respect to whom a  
23 report of suspected child abuse or neglect has been filed,  
24 prior to concluding its investigation under Section 7.12 of the  
25 Abused and Neglected Child Reporting Act. However, the child's  
26 or family's willingness to accept services shall not be

1 considered in the investigation. The Department may also  
2 provide services to any child or family who is the subject of  
3 any report of suspected child abuse or neglect or may refer  
4 such child or family to services available from other agencies  
5 in the community, even if the report is determined to be  
6 unfounded, if the conditions in the child's or family's home  
7 are reasonably likely to subject the child or family to future  
8 reports of suspected child abuse or neglect. Acceptance of such  
9 services shall be voluntary.

10 The Department may, at its discretion except for those  
11 children also adjudicated neglected or dependent, accept for  
12 care and training any child who has been adjudicated addicted,  
13 as a truant minor in need of supervision or as a minor  
14 requiring authoritative intervention, under the Juvenile Court  
15 Act or the Juvenile Court Act of 1987, but no such child shall  
16 be committed to the Department by any court without the  
17 approval of the Department. A minor charged with a criminal  
18 offense under the Criminal Code of 1961 or adjudicated  
19 delinquent shall not be placed in the custody of or committed  
20 to the Department by any court, except a minor less than 15  
21 years of age committed to the Department under Section 5-710 of  
22 the Juvenile Court Act of 1987 or a minor for whom an  
23 independent basis of abuse, neglect, or dependency exists,  
24 which must be defined by departmental rule. An independent  
25 basis exists when the allegations or adjudication of abuse,  
26 neglect, or dependency do not arise from the same facts,

1 incident, or circumstances which give rise to a charge or  
2 adjudication of delinquency.

3 (1-1) The legislature recognizes that the best interests of  
4 the child require that the child be placed in the most  
5 permanent living arrangement as soon as is practically  
6 possible. To achieve this goal, the legislature directs the  
7 Department of Children and Family Services to conduct  
8 concurrent planning so that permanency may occur at the  
9 earliest opportunity. Permanent living arrangements may  
10 include prevention of placement of a child outside the home of  
11 the family when the child can be cared for at home without  
12 endangering the child's health or safety; reunification with  
13 the family, when safe and appropriate, if temporary placement  
14 is necessary; or movement of the child toward the most  
15 permanent living arrangement and permanent legal status.

16 When determining reasonable efforts to be made with respect  
17 to a child, as described in this subsection, and in making such  
18 reasonable efforts, the child's health and safety shall be the  
19 paramount concern.

20 When a child is placed in foster care, the Department shall  
21 ensure and document that reasonable efforts were made to  
22 prevent or eliminate the need to remove the child from the  
23 child's home. The Department must make reasonable efforts to  
24 reunify the family when temporary placement of the child occurs  
25 unless otherwise required, pursuant to the Juvenile Court Act  
26 of 1987. At any time after the dispositional hearing where the

1 Department believes that further reunification services would  
2 be ineffective, it may request a finding from the court that  
3 reasonable efforts are no longer appropriate. The Department is  
4 not required to provide further reunification services after  
5 such a finding.

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

12 The Department shall adopt rules addressing concurrent  
13 planning for reunification and permanency. The Department  
14 shall consider the following factors when determining  
15 appropriateness of concurrent planning:

- 16 (1) the likelihood of prompt reunification;
- 17 (2) the past history of the family;
- 18 (3) the barriers to reunification being addressed by  
19 the family;
- 20 (4) the level of cooperation of the family;
- 21 (5) the foster parents' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the foster family to  
24 provide an adoptive home or long-term placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings.

1 (m) The Department may assume temporary custody of any  
2 child if:

3 (1) it has received a written consent to such temporary  
4 custody signed by the parents of the child or by the parent  
5 having custody of the child if the parents are not living  
6 together or by the guardian or custodian of the child if  
7 the child is not in the custody of either parent, or

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

10 If the child is found in his or her residence without a parent,  
11 guardian, custodian or responsible caretaker, the Department  
12 may, instead of removing the child and assuming temporary  
13 custody, place an authorized representative of the Department  
14 in that residence until such time as a parent, guardian or  
15 custodian enters the home and expresses a willingness and  
16 apparent ability to ensure the child's health and safety and  
17 resume permanent charge of the child, or until a relative  
18 enters the home and is willing and able to ensure the child's  
19 health and safety and assume charge of the child until a  
20 parent, guardian or custodian enters the home and expresses  
21 such willingness and ability to ensure the child's safety and  
22 resume permanent charge. After a caretaker has remained in the  
23 home for a period not to exceed 12 hours, the Department must  
24 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
25 5-415 of the Juvenile Court Act of 1987.

26 The Department shall have the authority, responsibilities

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

14 The Department shall ensure that any child taken into  
15 custody is scheduled for an appointment for a medical  
16 examination.

17 A parent, guardian or custodian of a child in the temporary  
18 custody of the Department who would have custody of the child  
19 if he were not in the temporary custody of the Department may  
20 deliver to the Department a signed request that the Department  
21 surrender the temporary custody of the child. The Department  
22 may retain temporary custody of the child for 10 days after the  
23 receipt of the request, during which period the Department may  
24 cause to be filed a petition pursuant to the Juvenile Court Act  
25 of 1987. If a petition is so filed, the Department shall retain  
26 temporary custody of the child until the court orders

1 otherwise. If a petition is not filed within the 10 day period,  
2 the child shall be surrendered to the custody of the requesting  
3 parent, guardian or custodian not later than the expiration of  
4 the 10 day period, at which time the authority and duties of  
5 the Department with respect to the temporary custody of the  
6 child shall terminate.

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

21 (n) The Department may place children under 18 years of age  
22 in licensed child care facilities when in the opinion of the  
23 Department, appropriate services aimed at family preservation  
24 have been unsuccessful and cannot ensure the child's health and  
25 safety or are unavailable and such placement would be for their  
26 best interest. Payment for board, clothing, care, training and



1 supervision of any child placed in a licensed child care  
2 facility may be made by the Department, by the parents or  
3 guardians of the estates of those children, or by both the  
4 Department and the parents or guardians, except that no  
5 payments shall be made by the Department for any child placed  
6 in a licensed child care facility for board, clothing, care,  
7 training and supervision of such a child that exceed the  
8 average per capita cost of maintaining and of caring for a  
9 child in institutions for dependent or neglected children  
10 operated by the Department. However, such restriction on  
11 payments does not apply in cases where children require  
12 specialized care and treatment for problems of severe emotional  
13 disturbance, physical disability, social adjustment, or any  
14 combination thereof and suitable facilities for the placement  
15 of such children are not available at payment rates within the  
16 limitations set forth in this Section. All reimbursements for  
17 services delivered shall be absolutely inalienable by  
18 assignment, sale, attachment, garnishment or otherwise.

19 (o) The Department shall establish an administrative  
20 review and appeal process for children and families who request  
21 or receive child welfare services from the Department. Children  
22 who are wards of the Department and are placed by private child  
23 welfare agencies, and foster families with whom those children  
24 are placed, shall be afforded the same procedural and appeal  
25 rights as children and families in the case of placement by the  
26 Department, including the right to an initial review of a

1 private agency decision by that agency. The Department shall  
2 insure that any private child welfare agency, which accepts  
3 wards of the Department for placement, affords those rights to  
4 children and foster families. The Department shall accept for  
5 administrative review and an appeal hearing a complaint made by  
6 (i) a child or foster family concerning a decision following an  
7 initial review by a private child welfare agency or (ii) a  
8 prospective adoptive parent who alleges a violation of  
9 subsection (j-5) of this Section. An appeal of a decision  
10 concerning a change in the placement of a child shall be  
11 conducted in an expedited manner.

12 (p) There is hereby created the Department of Children and  
13 Family Services Emergency Assistance Fund from which the  
14 Department may provide special financial assistance to  
15 families which are in economic crisis when such assistance is  
16 not available through other public or private sources and the  
17 assistance is deemed necessary to prevent dissolution of the  
18 family unit or to reunite families which have been separated  
19 due to child abuse and neglect. The Department shall establish  
20 administrative rules specifying the criteria for determining  
21 eligibility for and the amount and nature of assistance to be  
22 provided. The Department may also enter into written agreements  
23 with private and public social service agencies to provide  
24 emergency financial services to families referred by the  
25 Department. Special financial assistance payments shall be  
26 available to a family no more than once during each fiscal year

1 and the total payments to a family may not exceed \$500 during a  
2 fiscal year.

3 (q) The Department may receive and use, in their entirety,  
4 for the benefit of children any gift, donation or bequest of  
5 money or other property which is received on behalf of such  
6 children, or any financial benefits to which such children are  
7 or may become entitled while under the jurisdiction or care of  
8 the Department.

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

20 In disbursing funds from children's accounts, the  
21 Department shall:

22 (1) Establish standards in accordance with State and  
23 federal laws for disbursing money from children's  
24 accounts. In all circumstances, the Department's  
25 "Guardianship Administrator" or his or her designee must  
26 approve disbursements from children's accounts. The

1 Department shall be responsible for keeping complete  
2 records of all disbursements for each account for any  
3 purpose.

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

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

18 (r) The Department shall promulgate regulations  
19 encouraging all adoption agencies to voluntarily forward to the  
20 Department or its agent names and addresses of all persons who  
21 have applied for and have been approved for adoption of a  
22 hard-to-place or handicapped child and the names of such  
23 children who have not been placed for adoption. A list of such  
24 names and addresses shall be maintained by the Department or  
25 its agent, and coded lists which maintain the confidentiality  
26 of the person seeking to adopt the child and of the child shall

1 be made available, without charge, to every adoption agency in  
2 the State to assist the agencies in placing such children for  
3 adoption. The Department may delegate to an agent its duty to  
4 maintain and make available such lists. The Department shall  
5 ensure that such agent maintains the confidentiality of the  
6 person seeking to adopt the child and of the child.

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

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

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

25 (2) the court has ordered one or both of the parties to  
26 the proceeding to reimburse the Department for its

1 reasonable costs for providing such services in accordance  
2 with Department rules, or has determined that neither party  
3 is financially able to pay.

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

11 (u) In addition to other information that must be provided,  
12 whenever the Department places a child with a prospective  
13 adoptive parent or parents or in a licensed foster home, group  
14 home, child care institution, or in a relative home, the  
15 Department shall provide to the prospective adoptive parent or  
16 parents or other caretaker:

17 (1) available detailed information concerning the  
18 child's educational and health history, copies of  
19 immunization records (including insurance and medical card  
20 information), a history of the child's previous  
21 placements, if any, and reasons for placement changes  
22 excluding any information that identifies or reveals the  
23 location of any previous caretaker;

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

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

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

19           The information described in this subsection shall be  
20 provided in writing. In the case of emergency placements when  
21 time does not allow prior review, preparation, and collection  
22 of written information, the Department shall provide such  
23 information as it becomes available. Within 10 business days  
24 after placement, the Department shall obtain from the  
25 prospective adoptive parent or parents or other caretaker a  
26 signed verification of receipt of the information provided.

1 Within 10 business days after placement, the Department shall  
2 provide to the child's guardian ad litem a copy of the  
3 information provided to the prospective adoptive parent or  
4 parents or other caretaker. The information provided to the  
5 prospective adoptive parent or parents or other caretaker shall  
6 be reviewed and approved regarding accuracy at the supervisory  
7 level.

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

19 (v) The Department shall access criminal history record  
20 information as defined in the Illinois Uniform Conviction  
21 Information Act and information maintained in the adjudicatory  
22 and dispositional record system as defined in Section 2605-355  
23 of the Department of State Police Law (20 ILCS 2605/2605-355)  
24 if the Department determines the information is necessary to  
25 perform its duties under the Abused and Neglected Child  
26 Reporting Act, the Child Care Act of 1969, and the Children and



1 Family Services Act. The Department shall provide for  
2 interactive computerized communication and processing  
3 equipment that permits direct on-line communication with the  
4 Department of State Police's central criminal history data  
5 repository. The Department shall comply with all certification  
6 requirements and provide certified operators who have been  
7 trained by personnel from the Department of State Police. In  
8 addition, one Office of the Inspector General investigator  
9 shall have training in the use of the criminal history  
10 information access system and have access to the terminal. The  
11 Department of Children and Family Services and its employees  
12 shall abide by rules and regulations established by the  
13 Department of State Police relating to the access and  
14 dissemination of this information.

15 (v-1) Prior to final approval for placement of a child, the  
16 Department shall conduct a criminal records background check of  
17 the prospective foster or adoptive parent, including  
18 fingerprint-based checks of national crime information  
19 databases. Final approval for placement shall not be granted if  
20 the record check reveals a felony conviction for child abuse or  
21 neglect, for spousal abuse, for a crime against children, or  
22 for a crime involving violence, including rape, sexual assault,  
23 or homicide, but not including other physical assault or  
24 battery, or if there is a felony conviction for physical  
25 assault, battery, or a drug-related offense committed within  
26 the past 5 years.

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

9 (w) Within 120 days of August 20, 1995 (the effective date  
10 of Public Act 89-392), the Department shall prepare and submit  
11 to the Governor and the General Assembly, a written plan for  
12 the development of in-state licensed secure child care  
13 facilities that care for children who are in need of secure  
14 living arrangements for their health, safety, and well-being.  
15 For purposes of this subsection, secure care facility shall  
16 mean a facility that is designed and operated to ensure that  
17 all entrances and exits from the facility, a building or a  
18 distinct part of the building, are under the exclusive control  
19 of the staff of the facility, whether or not the child has the  
20 freedom of movement within the perimeter of the facility,  
21 building, or distinct part of the building. The plan shall  
22 include descriptions of the types of facilities that are needed  
23 in Illinois; the cost of developing these secure care  
24 facilities; the estimated number of placements; the potential  
25 cost savings resulting from the movement of children currently  
26 out-of-state who are projected to be returned to Illinois; the

1 necessary geographic distribution of these facilities in  
2 Illinois; and a proposed timetable for development of such  
3 facilities.

4 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
5 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;  
6 revised 10-30-07.)

7 Section 40. The Child Death Review Team Act is amended by  
8 changing Sections 20 and 40 as follows:

9 (20 ILCS 515/20)

10 (Text of Section before amendment by P.A. 95-405 and  
11 95-527)

12 Sec. 20. Reviews of child deaths.

13 (a) Every child death shall be reviewed by the team in the  
14 subregion which has primary case management responsibility.  
15 The deceased child must be one of the following:

16 (1) A ward of the Department.

17 (2) The subject of an open service case maintained by  
18 the Department.

19 (3) The subject of a pending child abuse or neglect  
20 investigation.

21 (4) A child who was the subject of an abuse or neglect  
22 investigation at any time during the 12 months preceding  
23 the child's death.

24 (5) Any other child whose death is reported to the

1 State central register as a result of alleged child abuse  
2 or neglect which report is subsequently indicated.

3 A child death review team may, at its discretion, review  
4 other sudden, unexpected, or unexplained child deaths.

5 (b) A child death review team's purpose in conducting  
6 reviews of child deaths is to do the following:

7 (1) Assist in determining the cause and manner of the  
8 child's death, when requested.

9 (2) Evaluate means by which the death might have been  
10 prevented.

11 (3) Report its findings to appropriate agencies and  
12 make recommendations that may help to reduce the number of  
13 child deaths caused by abuse or neglect.

14 (4) Promote continuing education for professionals  
15 involved in investigating, treating, and preventing child  
16 abuse and neglect as a means of preventing child deaths due  
17 to abuse or neglect.

18 (5) Make specific recommendations to the Director and  
19 the Inspector General of the Department concerning the  
20 prevention of child deaths due to abuse or neglect and the  
21 establishment of protocols for investigating child deaths.

22 (c) A child death review team shall review a child death as  
23 soon as practical and not later than 90 days following the  
24 completion by the Department of the investigation of the death  
25 under the Abused and Neglected Child Reporting Act. When there  
26 has been no investigation by the Department, the child death

1 review team shall review a child's death within 90 days after  
2 obtaining the information necessary to complete the review from  
3 the coroner, pathologist, medical examiner, or law enforcement  
4 agency, depending on the nature of the case. A child death  
5 review team shall meet at least once in each calendar quarter.

6 (d) The Director shall, within 90 days, review and reply to  
7 recommendations made by a team under item (5) of subsection  
8 (b). The Director shall implement recommendations as feasible  
9 and appropriate and shall respond in writing to explain the  
10 implementation or nonimplementation of the recommendations.

11 (Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

12 (Text of Section after amendment by P.A. 95-405 and 95-527)  
13 Sec. 20. Reviews of child deaths.

14 (a) Every child death shall be reviewed by the team in the  
15 subregion which has primary case management responsibility.  
16 The deceased child must be one of the following:

17 (1) A ward of the Department.

18 (2) The subject of an open service case maintained by  
19 the Department.

20 (3) The subject of a pending child abuse or neglect  
21 investigation.

22 (4) A child who was the subject of an abuse or neglect  
23 investigation at any time during the 12 months preceding  
24 the child's death.

25 (5) Any other child whose death is reported to the

1 State central register as a result of alleged child abuse  
2 or neglect which report is subsequently indicated.

3 A child death review team may, at its discretion, review  
4 other sudden, unexpected, or unexplained child deaths, and  
5 cases of serious or fatal injuries to a child identified under  
6 the Child Advocacy Center Act.

7 (b) A child death review team's purpose in conducting  
8 reviews of child deaths is to do the following:

9 (1) Assist in determining the cause and manner of the  
10 child's death, when requested.

11 (2) Evaluate means by which the death might have been  
12 prevented.

13 (3) Report its findings to appropriate agencies and  
14 make recommendations that may help to reduce the number of  
15 child deaths caused by abuse or neglect.

16 (4) Promote continuing education for professionals  
17 involved in investigating, treating, and preventing child  
18 abuse and neglect as a means of preventing child deaths due  
19 to abuse or neglect.

20 (5) Make specific recommendations to the Director and  
21 the Inspector General of the Department concerning the  
22 prevention of child deaths due to abuse or neglect and the  
23 establishment of protocols for investigating child deaths.

24 (c) A child death review team shall review a child death as  
25 soon as practical and not later than 90 days following the  
26 completion by the Department of the investigation of the death

1 under the Abused and Neglected Child Reporting Act. When there  
2 has been no investigation by the Department, the child death  
3 review team shall review a child's death within 90 days after  
4 obtaining the information necessary to complete the review from  
5 the coroner, pathologist, medical examiner, or law enforcement  
6 agency, depending on the nature of the case. A child death  
7 review team shall meet at least once in each calendar quarter.

8 (d) The Director shall, within 90 days, review and reply to  
9 recommendations made by a team under item (5) of subsection  
10 (b). With respect to each recommendation made by a team, the  
11 Director shall submit his or her reply both to the chairperson  
12 of that team and to the chairperson of the Executive Council.  
13 The Director's reply to each recommendation must include a  
14 statement as to whether the Director intends to implement the  
15 recommendation.

16 The Director shall implement recommendations as feasible  
17 and appropriate and shall respond in writing to explain the  
18 implementation or nonimplementation of the recommendations.

19 (e) Within 90 days after the Director submits a reply with  
20 respect to a recommendation as required by subsection (d), the  
21 Director must submit an additional report that sets forth in  
22 detail the way, if any, in which the Director will implement  
23 the recommendation and the schedule for implementing the  
24 recommendation. The Director shall submit this report to the  
25 chairperson of the team that made the recommendation and to the  
26 chairperson of the Executive Council.

1           (f) Within 180 days after the Director submits a report  
2 under subsection (e) concerning the implementation of a  
3 recommendation, the Director shall submit a further report to  
4 the chairperson of the team that made the recommendation and to  
5 the chairperson of the Executive Council. This report shall set  
6 forth the specific changes in the Department's policies and  
7 procedures that have been made in response to the  
8 recommendation.

9           (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; revised  
10 10-30-07.)

11           (20 ILCS 515/40)

12           (Text of Section before amendment by P.A. 95-405 and  
13 95-527)

14           Sec. 40. Illinois Child Death Review Teams Executive  
15 Council.

16           (a) The Illinois Child Death Review Teams Executive  
17 Council, consisting of the chairpersons of the 9 child death  
18 review teams in Illinois, is the coordinating and oversight  
19 body for child death review teams and activities in Illinois.  
20 The vice-chairperson of a child death review team, as  
21 designated by the chairperson, may serve as a back-up member or  
22 an alternate member of the Executive Council, if the  
23 chairperson of the child death review team is unavailable to  
24 serve on the Executive Council. The Inspector General of the  
25 Department, ex officio, is a non-voting member of the Executive



1 Council. The Director may appoint to the Executive Council any  
2 ex-officio members deemed necessary. Persons with expertise  
3 needed by the Executive Council may be invited to meetings. The  
4 Executive Council must select from its members a chairperson  
5 and a vice-chairperson, each to serve a 2-year, renewable term.

6 The Executive Council must meet at least 4 times during  
7 each calendar year.

8 (b) The Department must provide or arrange for the staff  
9 support necessary for the Executive Council to carry out its  
10 duties. The Director, in cooperation and consultation with the  
11 Executive Council, shall appoint, reappoint, and remove team  
12 members.

13 (c) The Executive Council has, but is not limited to, the  
14 following duties:

15 (1) To serve as the voice of child death review teams  
16 in Illinois.

17 (2) To oversee the regional teams in order to ensure  
18 that the teams' work is coordinated and in compliance with  
19 the statutes and the operating protocol.

20 (3) To ensure that the data, results, findings, and  
21 recommendations of the teams are adequately used to make  
22 any necessary changes in the policies, procedures, and  
23 statutes in order to protect children in a timely manner.

24 (4) To collaborate with the General Assembly, the  
25 Department, and others in order to develop any legislation  
26 needed to prevent child fatalities and to protect children.

1           (5) To assist in the development of quarterly and  
2           annual reports based on the work and the findings of the  
3           teams.

4           (6) To ensure that the regional teams' review processes  
5           are standardized in order to convey data, findings, and  
6           recommendations in a usable format.

7           (7) To serve as a link with child death review teams  
8           throughout the country and to participate in national child  
9           death review team activities.

10          (8) To develop an annual statewide symposium to update  
11          the knowledge and skills of child death review team members  
12          and to promote the exchange of information between teams.

13          (9) To provide the child death review teams with the  
14          most current information and practices concerning child  
15          death review and related topics.

16          (10) To perform any other functions necessary to  
17          enhance the capability of the child death review teams to  
18          reduce and prevent child injuries and fatalities.

19          (d) In any instance when a child death review team does not  
20          operate in accordance with established protocol, the Director,  
21          in consultation and cooperation with the Executive Council,  
22          must take any necessary actions to bring the team into  
23          compliance with the protocol.

24          (Source: P.A. 92-468, eff. 8-22-01.)

25          (Text of Section after amendment by P.A. 95-405 and 95-527)

1           Sec. 40. Illinois Child Death Review Teams Executive  
2 Council.

3           (a) The Illinois Child Death Review Teams Executive  
4 Council, consisting of the chairpersons of the 9 child death  
5 review teams in Illinois, is the coordinating and oversight  
6 body for child death review teams and activities in Illinois.  
7 The vice-chairperson of a child death review team, as  
8 designated by the chairperson, may serve as a back-up member or  
9 an alternate member of the Executive Council, if the  
10 chairperson of the child death review team is unavailable to  
11 serve on the Executive Council. The Inspector General of the  
12 Department, ex officio, is a non-voting member of the Executive  
13 Council. The Director may appoint to the Executive Council any  
14 ex-officio members deemed necessary. Persons with expertise  
15 needed by the Executive Council may be invited to meetings. The  
16 Executive Council must select from its members a chairperson  
17 and a vice-chairperson, each to serve a 2-year, renewable term.

18           The Executive Council must meet at least 4 times during  
19 each calendar year. At each such meeting, in addition to any  
20 other matters under consideration, the Executive Council shall  
21 review all replies and reports received from the Director  
22 pursuant to subsections (d), (e), and (f) of Section 20 since  
23 the Executive Council's previous meeting. The Executive  
24 Council's review must include consideration of the Director's  
25 proposed manner of and schedule for implementing each  
26 recommendation made by a child death review team.

1           (b) The Department must provide or arrange for the staff  
2 support necessary for the Executive Council to carry out its  
3 duties. The Director, in cooperation and consultation with the  
4 Executive Council, shall appoint, reappoint, and remove team  
5 members. From funds available, the Director may select from a  
6 list of 2 or more candidates recommended by the Executive  
7 Council to serve as the Child Death Review Teams Executive  
8 Director. The Child Death Review Teams Executive Director shall  
9 oversee the operations of the child death review teams and  
10 shall report directly to the Executive Council.

11           (c) The Executive Council has, but is not limited to, the  
12 following duties:

13                 (1) To serve as the voice of child death review teams  
14 in Illinois.

15                 (2) To oversee the regional teams in order to ensure  
16 that the teams' work is coordinated and in compliance with  
17 the statutes and the operating protocol.

18                 (3) To ensure that the data, results, findings, and  
19 recommendations of the teams are adequately used to make  
20 any necessary changes in the policies, procedures, and  
21 statutes in order to protect children in a timely manner.

22                 (4) To collaborate with the General Assembly, the  
23 Department, and others in order to develop any legislation  
24 needed to prevent child fatalities and to protect children.

25                 (5) To assist in the development of quarterly and  
26 annual reports based on the work and the findings of the

1 teams.

2 (6) To ensure that the regional teams' review processes  
3 are standardized in order to convey data, findings, and  
4 recommendations in a usable format.

5 (7) To serve as a link with child death review teams  
6 throughout the country and to participate in national child  
7 death review team activities.

8 (8) To develop an annual statewide symposium to update  
9 the knowledge and skills of child death review team members  
10 and to promote the exchange of information between teams.

11 (9) To provide the child death review teams with the  
12 most current information and practices concerning child  
13 death review and related topics.

14 (10) To perform any other functions necessary to  
15 enhance the capability of the child death review teams to  
16 reduce and prevent child injuries and fatalities.

17 (c-5) The Executive Council shall prepare an annual report.  
18 The report must include, but need not be limited to, (i) each  
19 recommendation made by a child death review team pursuant to  
20 item (5) of subsection (b) of Section 20 during the period  
21 covered by the report, (ii) the Director's proposed schedule  
22 for implementing each such recommendation, and (iii) a  
23 description of the specific changes in the Department's  
24 policies and procedures that have been made in response to the  
25 recommendation. The Executive Council shall send a copy of its  
26 annual report to each of the following:

1 (1) The Governor.

2 (2) Each member of the Senate or the House of  
3 Representatives whose legislative district lies wholly or  
4 partly within the region covered by any child death review  
5 team whose recommendation is addressed in the annual  
6 report.

7 (3) Each member of each child death review team in the  
8 State.

9 (d) In any instance when a child death review team does not  
10 operate in accordance with established protocol, the Director,  
11 in consultation and cooperation with the Executive Council,  
12 must take any necessary actions to bring the team into  
13 compliance with the protocol.

14 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; revised  
15 10-30-07.)

16 Section 45. The Illinois Lottery Law is amended by changing  
17 Sections 2 and 20 and by setting forth and renumbering multiple  
18 versions of Section 21.7 as follows:

19 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

20 Sec. 2. This Act is enacted to implement and establish  
21 within the State a lottery to be operated by the State, the  
22 entire net proceeds of which are to be used for the support of  
23 the State's Common School Fund, except as provided in Sections  
24 21.2, 21.5, 21.6, ~~and~~ 21.7, and 21.8 ~~21.7~~.

1 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;  
2 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff.  
3 10-11-07; revised 12-5-07.)

4 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

5 Sec. 20. State Lottery Fund.

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

17 (b) The receipt and distribution of moneys under Section  
18 21.5 of this Act shall be in accordance with Section 21.5.

19 (c) The receipt and distribution of moneys under Section  
20 21.6 of this Act shall be in accordance with Section 21.6.

21 (d) The receipt and distribution of moneys under Section  
22 21.7 of this Act shall be in accordance with Section 21.7.

23 (e) ~~(d)~~ The receipt and distribution of moneys under  
24 Section 21.8 ~~21.7~~ of this Act shall be in accordance with  
25 Section 21.8 ~~21.7~~.

1 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;  
2 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff.  
3 10-11-07; revised 12-5-07.)

4 (20 ILCS 1605/21.7)

5 Sec. 21.7. Scratch-out Multiple Sclerosis scratch-off  
6 game.

7 (a) The Department shall offer a special instant  
8 scratch-off game for the benefit of research pertaining to  
9 multiple sclerosis. The game shall commence on July 1, 2008 or  
10 as soon thereafter, in the discretion of the Director, as is  
11 reasonably practical. The operation of the game shall be  
12 governed by this Act and any rules adopted by the Department.  
13 If any provision of this Section is inconsistent with any other  
14 provision of this Act, then this Section governs.

15 (b) The Multiple Sclerosis Research Fund is created as a  
16 special fund in the State treasury. The net revenue from the  
17 scratch-out multiple sclerosis scratch-off game created under  
18 this Section shall be deposited into the Fund for appropriation  
19 by the General Assembly to the Department of Public Health for  
20 the purpose of making grants to organizations in Illinois that  
21 conduct research pertaining to the repair of damage caused by  
22 an acquired demyelinating disease of the central nervous  
23 system.

24 Moneys received for the purposes of this Section,  
25 including, without limitation, net revenue from the special



1 instant scratch-off game and from gifts, grants, and awards  
2 from any public or private entity, must be deposited into the  
3 Fund. Any interest earned on moneys in the Fund must be  
4 deposited into the Fund.

5 For purposes of this Section, the term "research" includes,  
6 without limitation, expenditures to develop and advance the  
7 understanding, techniques, and modalities effective for  
8 maintaining function, mobility, and strength through  
9 preventive physical therapy or other treatments and to develop  
10 and advance the repair of myelin, neuron, and axon damage  
11 caused by an acquired demyelinating disease of the central  
12 nervous system and the restoration of function, including but  
13 not limited to, nervous system repair or neuroregeneration.

14 The grant funds may not be used for institutional,  
15 organizational, or community-based overhead costs, indirect  
16 costs, or levies.

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

22 (c) During the time that tickets are sold for the  
23 scratch-out multiple sclerosis scratch-off game, the  
24 Department shall not unreasonably diminish the efforts devoted  
25 to marketing any other instant scratch-off lottery game.

26 (d) The Department may adopt any rules necessary to

1 implement and administer the provisions of this Section.

2 (Source: P.A. 95-673, eff. 10-11-07.)

3 (20 ILCS 1605/21.8)

4 Sec. 21.8 ~~21.7~~. Quality of Life scratch-off game.

5 (a) The Department shall offer a special instant  
6 scratch-off game with the title of "Quality of Life". The game  
7 shall commence on July 1, 2007 or as soon thereafter, in the  
8 discretion of the Director, as is reasonably practical, and  
9 shall be discontinued on December 31, 2012. The operation of  
10 the game is governed by this Act and by any rules adopted by  
11 the Department. The Department must consult with the Quality of  
12 Life Board, which is established under Section 2310-348 of the  
13 Department of Public Health Powers and Duties Law of the Civil  
14 Administrative Code of Illinois, regarding the design and  
15 promotion of the game. If any provision of this Section is  
16 inconsistent with any other provision of this Act, then this  
17 Section governs.

18 (b) The Quality of Life Endowment Fund is created as a  
19 special fund in the State treasury. The net revenue from the  
20 Quality of Life special instant scratch-off game must be  
21 deposited into the Fund for appropriation by the General  
22 Assembly solely to the Department of Public Health for the  
23 purpose of HIV/AIDS-prevention education and for making grants  
24 to public or private entities in Illinois for the purpose of  
25 funding organizations that serve the highest at-risk

1 categories for contracting HIV or developing AIDS. Grants shall  
2 be targeted to serve at-risk populations in proportion to the  
3 distribution of recent reported Illinois HIV/AIDS cases among  
4 risk groups as reported by the Illinois Department of Public  
5 Health. The recipient organizations must be engaged in  
6 HIV/AIDS-prevention education and HIV/AIDS healthcare  
7 treatment. The Department must, before grants are awarded,  
8 provide copies of all grant applications to the Quality of Life  
9 Board, receive and review the Board's recommendations and  
10 comments, and consult with the Board regarding the grants.  
11 Organizational size will determine an organization's  
12 competitive slot in the "Request for Proposal" process.  
13 Organizations with an annual budget of \$300,000 or less will  
14 compete with like size organizations for 50% of the Quality of  
15 Life annual fund. Organizations with an annual budget of  
16 \$300,001 to \$700,000 will compete with like organizations for  
17 25% of the Quality of Life annual fund, and organizations with  
18 an annual budget of \$700,001 and upward will compete with like  
19 organizations for 25% of the Quality of Life annual fund. The  
20 lottery may designate a percentage of proceeds for marketing  
21 purpose. The grant funds may not be used for institutional,  
22 organizational, or community-based overhead costs, indirect  
23 costs, or levies.

24 Grants awarded from the Fund are intended to augment the  
25 current and future State funding for the prevention and  
26 treatment of HIV/AIDS and are not intended to replace that

1 funding.

2 Moneys received for the purposes of this Section,  
3 including, without limitation, net revenue from the special  
4 instant scratch-off game and gifts, grants, and awards from any  
5 public or private entity, must be deposited into the Fund. Any  
6 interest earned on moneys in the Fund must be deposited into  
7 the Fund.

8 For purposes of this subsection, "net revenue" means the  
9 total amount for which tickets have been sold less the sum of  
10 the amount paid out in prizes and the actual administrative  
11 expenses of the Department solely related to the Quality of  
12 Life game.

13 (c) During the time that tickets are sold for the Quality  
14 of Life game, the Department shall not unreasonably diminish  
15 the efforts devoted to marketing any other instant scratch-off  
16 lottery game.

17 (d) The Department may adopt any rules necessary to  
18 implement and administer the provisions of this Section in  
19 consultation with the Quality of Life Board.

20 (Source: P.A. 95-674, eff. 10-11-07; revised 12-5-07.)

21 Section 50. The Mental Health and Developmental  
22 Disabilities Administrative Act is amended by changing Section  
23 56 as follows:

24 (20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

1           Sec. 56. The Secretary, upon making a determination based  
2 upon information in the possession of the Department, that  
3 continuation in practice of a licensed health care professional  
4 would constitute an immediate danger to the public, shall  
5 submit a written communication to the Director of Professional  
6 Regulation indicating such determination and additionally  
7 providing a complete summary of the information upon which such  
8 determination is based, and recommending that the Director of  
9 Professional Regulation immediately suspend such person's  
10 license. All relevant evidence, or copies thereof, in the  
11 Department's possession may also be submitted in conjunction  
12 with the written communication. A copy of such written  
13 communication, which is exempt from the copying and inspection  
14 provisions of the Freedom of Information Act, shall at the time  
15 of submittal to the Director of Professional Regulation be  
16 simultaneously mailed to the last known business address of  
17 such licensed health care professional by certified or  
18 registered postage, United States Mail, return receipt  
19 requested. Any evidence, or copies thereof, which is submitted  
20 in conjunction with the written communication is also exempt  
21 from the copying and inspection provisions of the Freedom of  
22 Information Act.

23           For the purposes of this Section, "licensed health care  
24 professional" means any person licensed under the Illinois  
25 Dental Practice Act, the Nurse Practice Act, the Medical  
26 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric

1 Medical Practice Act of 1987, and the Illinois Optometric  
2 Practice Act of 1987.

3 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
4 revised 12-5-07.)

5 Section 55. The Department of Human Services (Mental Health  
6 and Developmental Disabilities) Law of the Civil  
7 Administrative Code of Illinois is amended by changing Section  
8 1710-100 as follows:

9 (20 ILCS 1710/1710-100) (was 20 ILCS 1710/53d)

10 (Text of Section before amendment by P.A. 95-523)

11 Sec. 1710-100. Grants to Illinois Special Olympics. The  
12 Department shall make grants to the Illinois Special Olympics  
13 for area and statewide athletic competitions from  
14 appropriations to the Department from the Illinois Special  
15 Olympics Checkoff Fund, a special fund created in the State  
16 treasury.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (Text of Section after amendment by P.A. 95-523)

19 Sec. 1710-100. Grants to Special Olympics Illinois. The  
20 Department shall make grants to ~~the~~ Special Olympics Illinois  
21 for area and statewide athletic competitions from  
22 appropriations to the Department from the Special Olympics  
23 Illinois Fund, a special fund created in the State treasury.

1 (Source: P.A. 95-523, eff. 6-1-08; revised 11-13-07.)

2 Section 60. The Department of Public Health Powers and  
3 Duties Law of the Civil Administrative Code of Illinois is  
4 amended by changing Section 2310-140, by renumbering Section  
5 216, and by setting forth and renumbering multiple versions of  
6 Section 2310-361 as follows:

7 (20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)

8 Sec. 2310-140. Recommending suspension of licensed health  
9 care professional. The Director, upon making a determination  
10 based upon information in the possession of the Department that  
11 continuation in practice of a licensed health care professional  
12 would constitute an immediate danger to the public, shall  
13 submit a written communication to the Director of Professional  
14 Regulation indicating that determination and additionally (i)  
15 providing a complete summary of the information upon which the  
16 determination is based and (ii) recommending that the Director  
17 of Professional Regulation immediately suspend the person's  
18 license. All relevant evidence, or copies thereof, in the  
19 Department's possession may also be submitted in conjunction  
20 with the written communication. A copy of the written  
21 communication, which is exempt from the copying and inspection  
22 provisions of the Freedom of Information Act, shall at the time  
23 of submittal to the Director of Professional Regulation be  
24 simultaneously mailed to the last known business address of the

1 licensed health care professional by certified or registered  
2 postage, United States Mail, return receipt requested. Any  
3 evidence, or copies thereof, that is submitted in conjunction  
4 with the written communication is also exempt from the copying  
5 and inspection provisions of the Freedom of Information Act.

6 For the purposes of this Section, "licensed health care  
7 professional" means any person licensed under the Illinois  
8 Dental Practice Act, the Nurse Practice Act, the Medical  
9 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric  
10 Medical Practice Act of 1987, or the Illinois Optometric  
11 Practice Act of 1987.

12 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
13 revised 12-5-07.)

14 (20 ILCS 2310/2310-216)

15 Sec. 2310-216 ~~216~~. Culturally Competent Healthcare  
16 Demonstration Program.

17 (a) Research demonstrates that racial and ethnic  
18 minorities generally receive health care that is of a lesser  
19 quality than the majority population and have poorer health  
20 outcomes on a number of measures. The 2007 State Health  
21 Improvement Plan calls for increased cultural competence in  
22 Illinois health care settings, based on national standards that  
23 indicate cultural competence is an important aspect of the  
24 quality of health care delivered to racial, ethnic, religious,  
25 and other minorities. Based on the research and national



1 standards, the General Assembly finds that increasing cultural  
2 competence among health care providers will improve the quality  
3 of health care delivered to minorities in Illinois.

4 (b) Subject to appropriation for this purpose, the  
5 Department shall establish the Culturally Competent Health  
6 Care Demonstration Program. For purposes of this Section,  
7 "culturally competent health care" means the ability of health  
8 care providers to understand and respond to the cultural and  
9 linguistic needs brought by patients to the health care  
10 encounter. The Program shall establish models that reflect best  
11 practices in culturally competent health care and that expand  
12 the delivery of culturally competent health care in Illinois.

13 (c) The Program shall consist of (i) demonstration grants  
14 awarded by the Department to public or private health care  
15 entities geographically distributed around the State; (ii) an  
16 ongoing collaborative learning project among the grantees; and  
17 (iii) an evaluation of the effect of the demonstration grants  
18 in improving the quality of health care for racial and ethnic  
19 minorities. The Department may contract with a vendor with  
20 experience in racial and ethnic health disparities and cultural  
21 competency to conduct the evaluation and provide support for  
22 the collaborative learning project. The vendor shall be a  
23 not-for-profit organization that represents a partnership of  
24 public, private, and voluntary health organizations that  
25 focuses on prevention, development of the public health system,  
26 and the reduction of racial and ethnic health disparities, and

1 that engages health disparities stakeholders in its efforts.

2 (Source: P.A. 95-630, eff. 9-25-07; revised 12-5-07.)

3 (20 ILCS 2310/2310-361)

4 Sec. 2310-361. The Lung Cancer Research Fund. The Lung  
5 Cancer Research Fund is created as a special fund in the State  
6 treasury. From appropriations to the Department from the Fund,  
7 the Department shall make grants to public or private  
8 not-for-profit entities for the purpose of lung cancer  
9 research.

10 (Source: P.A. 95-434, eff. 8-27-07.)

11 (20 ILCS 2310/2310-362)

12 Sec. 2310-362 ~~2310-361~~. The Autoimmune Disease Research  
13 Fund.

14 (a) The Autoimmune Disease Research Fund is created as a  
15 special fund in the State treasury. From appropriations to the  
16 Department from the Fund, the Department shall make grants to  
17 public and private entities in the State for the purpose of  
18 funding research for the treatment and cure of autoimmune  
19 diseases.

20 (b) For the purposes of this Section:

21 "Autoimmune disease" means any disease that results from an  
22 aberrant immune response, including, without limitation,  
23 rheumatoid arthritis, systemic lupus erythematosus, and  
24 scleroderma.

1 "Research" includes, without limitation, expenditures to  
2 develop and advance the understanding, techniques, and  
3 modalities effective in the detection, prevention, screening,  
4 and treatment of autoimmune disease and may include clinical  
5 trials. "Research" does not include institutional overhead  
6 costs, indirect costs, other organizational levies, or costs of  
7 community-based support services.

8 (c) Moneys received for the purposes of this Section,  
9 including, without limitation, income tax checkoff receipts  
10 and gifts, grants, and awards from any public or private  
11 entity, must be deposited into the Fund. Any interest earnings  
12 that are attributable to moneys in the Fund must be deposited  
13 into the Fund.

14 (Source: P.A. 95-435, eff. 8-27-07; revised 12-5-07.)

15 Section 65. The Disabilities Services Act of 2003 is  
16 amended by adding a heading to Article 99 immediately before  
17 Section 90 of the Act as follows:

18 (20 ILCS 2407/Art. 99 heading new)

19 ARTICLE 99. AMENDATORY PROVISIONS; EFFECTIVE DATE

20 Section 70. The Department of Veterans Affairs Act is  
21 amended by changing Section 2.07 and by setting forth and  
22 renumbering multiple versions of Section 20 as follows:

1 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

2 Sec. 2.07. The Department shall employ and maintain  
3 sufficient and qualified staff at the veterans' homes to  
4 fulfill the requirements of this Act. The Department shall  
5 report to the General Assembly, by January 1 and July 1 of each  
6 year, the number of staff employed in providing direct patient  
7 care at their veterans' homes, the compliance or noncompliance  
8 with staffing standards established by the United States  
9 Department of Veterans Affairs for such care, and in the event  
10 of noncompliance with such standards, the number of staff  
11 required for compliance. For purposes of this Section, a nurse  
12 who has a license application pending with the State shall not  
13 be deemed unqualified by the Department if the nurse is in  
14 compliance with Section 50-15 of the Nurse Practice Act  
15 ~~65/5-15(i)~~.

16 All contracts between the State and outside contractors to  
17 provide workers to staff and service the Anna Veterans Home  
18 shall be canceled in accordance with the terms of those  
19 contracts. Upon cancellation, each worker or staff member shall  
20 be offered certified employment status under the Illinois  
21 Personnel Code with the State of Illinois. To the extent it is  
22 reasonably practicable, the position offered to each person  
23 shall be at the same facility and shall consist of the same  
24 duties and hours as previously existed under the canceled  
25 contract or contracts.

26 (Source: P.A. 94-703, eff. 6-1-06; 95-331, eff. 8-21-07;

1 95-639, eff. 10-5-07; revised 12-6-07.)

2 (20 ILCS 2805/20)

3 Sec. 20. Illinois Discharged Servicemember Task Force. The  
4 Illinois Discharged Servicemember Task Force is hereby created  
5 within the Department of Veterans Affairs. The Task Force shall  
6 investigate the re-entry process for service members who return  
7 to civilian life after being engaged in an active theater. The  
8 investigation shall include the effects of post-traumatic  
9 stress disorder, homelessness, disabilities, and other issues  
10 the Task Force finds relevant to the re-entry process. The Task  
11 Force shall include the following members:

12 (a) a representative of the Department of Veterans  
13 Affairs, who shall chair the committee;

14 (b) a representative from the Department of Military  
15 Affairs;

16 (c) a representative from the Office of the Illinois  
17 Attorney General;

18 (d) a member of the General Assembly appointed by the  
19 Speaker of the House;

20 (e) a member of the General Assembly appointed by the  
21 House Minority Leader;

22 (f) a member of the General Assembly appointed by the  
23 President of the Senate;

24 (g) a member of the General Assembly appointed by the  
25 Senate Minority Leader;

1 (h) 4 members chosen by the Department of Veterans  
2 Affairs, who shall represent statewide veterans'  
3 organizations or veterans' homeless shelters;

4 (i) one member appointed by the Lieutenant Governor;  
5 and

6 (j) a representative of the United States Department of  
7 Veterans Affairs shall be invited to participate.

8 Vacancies in the Task Force shall be filled by the initial  
9 appointing authority. Task Force members shall serve without  
10 compensation, but may be reimbursed for necessary expenses  
11 incurred in performing duties associated with the Task Force.

12 By July 1, 2008 and by July 1 of each year thereafter, the  
13 Task Force shall present an annual report of its findings to  
14 the Governor, the Attorney General, the Director of Veterans'  
15 Affairs, the Lieutenant Governor, and the Secretary of the  
16 United States Department of Veterans Affairs.

17 If the Task Force becomes inactive because active theaters  
18 cease, the Director of Veterans Affairs may reactivate the Task  
19 Force if active theaters are reestablished.

20 (Source: P.A. 95-294, eff. 8-20-07.)

21 (20 ILCS 2805/25)

22 Sec. 25 ~~20~~. Payments to veterans service organizations.

23 (a) In this Section:

24 "Veterans service officer" means an individual employed by  
25 a veterans service organization and accredited by the United

1 States Department of Veterans Affairs to process claims and  
2 other benefits for veterans and their spouses and  
3 beneficiaries.

4 "Veterans service organization" means an organization that  
5 meets all of the following criteria:

6 (1) It is formed by and for United States military  
7 veterans.

8 (2) It is chartered by the United States Congress and  
9 incorporated in the State of Illinois.

10 (3) It maintained a state headquarters office in  
11 Illinois for the 10-year period immediately preceding July  
12 1, 2006.

13 (4) It maintains at least one office in this State  
14 staffed by a veterans service officer.

15 (5) It is capable of preparing a power of attorney for  
16 a veteran and processing claims for veterans services.

17 (6) It is not funded by the State of Illinois or by any  
18 county in this State.

19 "Veterans services" means the representation of veterans  
20 in federal hearings to secure benefits for veterans and their  
21 spouses and beneficiaries:

22 (1) Disability compensation benefits.

23 (2) Disability pension benefits.

24 (3) Dependents' indemnity compensation.

25 (4) Widow's death pension.

26 (5) Burial benefits.

1 (6) Confirmed and continued claims.

2 (7) Vocational rehabilitation and education.

3 (8) Waivers of indebtedness.

4 (9) Miscellaneous.

5 (b) The Veterans Service Organization Reimbursement Fund  
6 is created as a special fund in the State treasury. Subject to  
7 appropriation, the Department shall use moneys appropriated  
8 from the Fund to make payments to a veterans service  
9 organization for veterans services rendered on behalf of  
10 veterans and their spouses and beneficiaries by a veterans  
11 service officer employed by the organization. The payment shall  
12 be computed at the rate of \$0.010 for each dollar of benefits  
13 obtained for veterans or their spouses or beneficiaries  
14 residing in Illinois as a result of the efforts of the veterans  
15 service officer. There shall be no payment under this Section  
16 for the value of health care received in a health care facility  
17 under the jurisdiction of the United States Veterans  
18 Administration. A veterans service organization may receive  
19 compensation under this Fund or it may apply for grants from  
20 the Illinois Veterans Assistance Fund, but in no event may a  
21 veterans service organization receive moneys from both funds  
22 during the same fiscal year. Funding for each applicant is  
23 subject to renewal by the Department on an annual basis.

24 (c) To be eligible for a payment under this Section, a  
25 veterans service organization must document the amount of  
26 moneys obtained for veterans and their spouses and



1 beneficiaries in the form and manner required by the  
2 Department. The documentation must include the submission to  
3 the Department of a copy of the organization's report or  
4 reports to the United States Department of Veterans Affairs  
5 stating the amount of moneys obtained by the organization for  
6 veterans and their spouses and beneficiaries in the State  
7 fiscal year for which payment under this Section is requested.  
8 The organization must submit the copy of the report or reports  
9 to the Department no later than July 31 following the end of  
10 the State fiscal year for which payment is requested.

11 (d) The Department shall make the payment under this  
12 Section to a veterans service organization in a single annual  
13 payment for each State fiscal year, beginning with the State  
14 fiscal year that begins on July 1, 2007. The Department must  
15 make the payment for a State fiscal year on or before December  
16 31 of the succeeding State fiscal year.

17 (e) A veterans service organization shall use moneys  
18 received under this Section only for the purpose of paying the  
19 salary and expenses of one or more veterans service officers  
20 and the organization's related expenses incurred in employing  
21 the officer or officers for the processing of claims and other  
22 benefits for veterans and their spouses and beneficiaries.

23 (Source: P.A. 95-629, eff. 9-25-07; revised 12-6-07.)

24 Section 75. The Building Authority Act is amended by  
25 changing Section 5 as follows:

1 (20 ILCS 3110/5) (from Ch. 127, par. 213.5)

2 Sec. 5. Powers. To accomplish projects of the kind listed  
3 in Section 3 above, the Authority shall possess the following  
4 powers:

5 (a) Acquire by purchase or otherwise (including the power  
6 of condemnation in the manner provided for the exercise of the  
7 right of eminent domain under the Eminent Domain Act),  
8 construct, complete, remodel and install fixed equipment in any  
9 and all buildings and other facilities as the General Assembly  
10 by law declares to be in the public interest.

11 Whenever the General Assembly has by law declared it to be  
12 in the public interest for the Authority to acquire any real  
13 estate, construct, complete, remodel and install fixed  
14 equipment in buildings and other facilities for public  
15 community college districts, the Director of the Department of  
16 Central Management Services shall, when requested by any such  
17 public community college district board, enter into a lease by  
18 and on behalf of and for the use of such public community  
19 college district board to the extent appropriations have been  
20 made by the General Assembly to pay the rents under the terms  
21 of such lease.

22 In the course of such activities, acquire property of any  
23 and every kind and description, whether real, personal or  
24 mixed, by gift, purchase or otherwise. It may also acquire real  
25 estate of the State of Illinois controlled by any officer,

1 department, board, commission, or other agency of the State, or  
2 the Board of Trustees of the University of Illinois, the Board  
3 of Trustees of Southern Illinois University, the Board of  
4 Trustees of Chicago State University, the Board of Trustees of  
5 Eastern Illinois University, the Board of Trustees of Governors  
6 State University, the Board of Trustees of Illinois State  
7 University, the Board of Trustees of Northeastern Illinois  
8 University, the Board of Trustees of Northern Illinois  
9 University, the Board of Trustees of Western Illinois  
10 University, or any public community college district board, the  
11 jurisdiction of which is transferred by such officer,  
12 department, board, commission, or other agency or the Board of  
13 Trustees of Southern Illinois University, the Board of Trustees  
14 of Chicago State University, the Board of Trustees of Eastern  
15 Illinois University, the Board of Trustees of Governors State  
16 University, the Board of Trustees of Illinois State University,  
17 the Board of Trustees of Northeastern Illinois University, the  
18 Board of Trustees of Northern Illinois University, the Board of  
19 Trustees of Western Illinois University, or any public  
20 community college district board to the Authority. The Board of  
21 Trustees of the University of Illinois, the Board of Trustees  
22 of Southern Illinois University, the Board of Trustees of  
23 Chicago State University, the Board of Trustees of Eastern  
24 Illinois University, the Board of Trustees of Governors State  
25 University, the Board of Trustees of Illinois State University,  
26 the Board of Trustees of Northeastern Illinois University, the

1 Board of Trustees of Northern Illinois University, the Board of  
2 Trustees of Western Illinois University, and any public  
3 community college district board, respectively, shall prepare  
4 plans and specifications for and have supervision over any  
5 project to be undertaken by the Authority for their use. Before  
6 any other particular construction is undertaken, plans and  
7 specifications shall be approved by the lessee provided for  
8 under (b) below, except as indicated above.

9 (b) Execute leases of facilities and sites to, and charge  
10 for the use of any such facilities and sites by, any officer,  
11 department, board, commission or other agency of the State of  
12 Illinois, or the Director of the Department of Central  
13 Management Services when the Director is requested to, by and  
14 on behalf of, or for the use of, any officer, department,  
15 board, commission or other agency of the State of Illinois, or  
16 by the Board of Trustees of the University of Illinois, the  
17 Board of Trustees of Southern Illinois University, the Board of  
18 Trustees of Chicago State University, the Board of Trustees of  
19 Eastern Illinois University, the Board of Trustees of Governors  
20 State University, the Board of Trustees of Illinois State  
21 University, the Board of Trustees of Northeastern Illinois  
22 University, the Board of Trustees of Northern Illinois  
23 University, the Board of Trustees of Western Illinois  
24 University, or any public community college district board.  
25 Such leases may be entered into contemporaneously with any  
26 financing to be done by the Authority and payments under the

1 terms of the lease shall begin at any time after execution of  
2 any such lease.

3 (c) In the event of non-payment of rents reserved in such  
4 leases, maintain and operate such facilities and sites or  
5 execute leases thereof to others for any suitable purposes.  
6 Such leases to the officers, departments, boards, commissions,  
7 other agencies, the respective Boards of Trustees, or any  
8 public community college district board shall contain the  
9 provision that rents under such leases shall be payable solely  
10 from appropriations to be made by the General Assembly for the  
11 payment of such rent and any revenues derived from the  
12 operation of the leased premises.

13 (d) Borrow money and issue and sell bonds in such amount or  
14 amounts as the Authority may determine for the purpose of  
15 acquiring, constructing, completing or remodeling, or putting  
16 fixed equipment in any such facility; refund and refinance the  
17 same from time to time as often as advantageous and in the  
18 public interest to do so; and pledge any and all income of such  
19 Authority, and any revenues derived from such facilities, or  
20 any combination thereof, to secure the payment of such bonds  
21 and to redeem such bonds. All such bonds are subject to the  
22 provisions of Section 6 of this Act.

23 In addition to the permanent financing authorized by  
24 Sections 5 and 6 of this Act, the Illinois Building Authority  
25 may borrow money and issue interim notes in evidence thereof  
26 for any of the projects, or to perform any of the duties

1 authorized under this Act, and in addition may borrow money and  
2 issue interim notes for planning, architectural and  
3 engineering, acquisition of land, and purchase of fixed  
4 equipment as follows:

5 1. Whenever the Authority considers it advisable and in  
6 the interests of the Authority to borrow funds temporarily  
7 for any of the purposes enumerated in this Section, the  
8 Authority may from time to time, and pursuant to  
9 appropriate resolution, issue interim notes to evidence  
10 such borrowings including funds for the payment of interest  
11 on such borrowings and funds for all necessary and  
12 incidental expenses in connection with any of the purposes  
13 provided for by this Section and this Act until the date of  
14 the permanent financing. Any resolution authorizing the  
15 issuance of such notes shall describe the project to be  
16 undertaken and shall specify the principal amount, rate of  
17 interest (not exceeding the maximum rate authorized by the  
18 Bond Authorization Act, as amended at the time of the  
19 making of the contract,) and maturity date, but not to  
20 exceed 5 years from date of issue, and such other terms as  
21 may be specified in such resolution; however, time of  
22 payment of any such notes may be extended for a period of  
23 not exceeding 3 years from the maturity date thereof.

24 The Authority may provide for the registration of the  
25 notes in the name of the owner either as to principal  
26 alone, or as to both principal and interest, on such terms

1 and conditions as the Authority may determine by the  
2 resolution authorizing their issue. The notes shall be  
3 issued from time to time by the Authority as funds are  
4 borrowed, in the manner the Authority may determine.  
5 Interest on the notes may be made payable semiannually,  
6 annually or at maturity. The notes may be made redeemable,  
7 prior to maturity, at the option of the Authority, in the  
8 manner and upon the terms fixed by the resolution  
9 authorizing their issuance. The notes may be executed in  
10 the name of the Authority by the Chairman of the Authority  
11 or by any other officer or officers of the Authority as the  
12 Authority by resolution may direct, shall be attested by  
13 the Secretary or such other officer or officers of the  
14 Authority as the Authority may by resolution direct, and be  
15 sealed with the Authority's corporate seal. All such notes  
16 and the interest thereon may be secured by a pledge of any  
17 income and revenue derived by the Authority from the  
18 project to be undertaken with the proceeds of the notes and  
19 shall be payable solely from such income and revenue and  
20 from the proceeds to be derived from the sale of any  
21 revenue bonds for permanent financing authorized to be  
22 issued under Sections 5 and 6 of this Act, and from the  
23 property acquired with the proceeds of the notes.

24 Contemporaneously with the issue of revenue bonds as  
25 provided by this Act, all interim notes, even though they  
26 may not then have matured, shall be paid, both principal

1 and interest to date of payment, from the funds derived  
2 from the sale of revenue bonds for the permanent financing  
3 and such interim notes shall be surrendered and canceled.

4 2. The Authority, in order further to secure the  
5 payment of the interim notes, is, in addition to the  
6 foregoing, authorized and empowered to make any other or  
7 additional covenants, terms and conditions not  
8 inconsistent with the provisions of subparagraph (a) of  
9 this Section, and do any and all acts and things as may be  
10 necessary or convenient or desirable in order to secure  
11 payment of its interim notes, or in the discretion of the  
12 Authority, as will tend to make the interim notes more  
13 acceptable to lenders, notwithstanding that the covenants,  
14 acts or things may not be enumerated herein; however,  
15 nothing contained in this subparagraph shall authorize the  
16 Authority to secure the payment of the interim notes out of  
17 property or facilities, other than the facilities acquired  
18 with the proceeds of the interim notes, and any net income  
19 and revenue derived from the facilities and the proceeds of  
20 revenue bonds as hereinabove provided.

21 (e) Convey property, without charge, to the State or to the  
22 appropriate corporate agency of the State or to any public  
23 community college district board if and when all debts which  
24 have been secured by the income from such property have been  
25 paid.

26 (f) Enter into contracts regarding any matter connected



1 with any corporate purpose within the objects and purposes of  
2 this Act.

3 (g) Employ agents and employees necessary to carry out the  
4 duties and purposes of the Authority.

5 (h) Adopt all necessary by-laws, rules and regulations for  
6 the conduct of the business and affairs of the Authority, and  
7 for the management and use of facilities and sites acquired  
8 under the powers granted by this Act.

9 (i) Have and use a common seal and alter the same at  
10 pleasure.

11 The Interim notes shall constitute State debt of the State  
12 of Illinois within the meaning of any of the provisions of the  
13 Constitution and statutes of the State of Illinois.

14 No member, officer, agent or employee of the Authority, nor  
15 any other person who executes interim notes, shall be liable  
16 personally by reason of the issuance thereof.

17 With respect to instruments for the payment of money issued  
18 under this Section either before, on, or after the effective  
19 date of this amendatory Act of 1989, it is and always has been  
20 the intention of the General Assembly (i) that the Omnibus Bond  
21 Acts are and always have been supplementary grants of power to  
22 issue instruments in accordance with the Omnibus Bond Acts,  
23 regardless of any provision of this Act that may appear to be  
24 or to have been more restrictive than those Acts, (ii) that the  
25 provisions of this Section are not a limitation on the  
26 supplementary authority granted by the Omnibus Bond Acts, and

1 (iii) that instruments issued under this Section within the  
2 supplementary authority granted by the Omnibus Bond Acts are  
3 not invalid because of any provision of this Act that may  
4 appear to be or to have been more restrictive than those Acts.  
5 (Source: P.A. 94-1055, eff. 1-1-07; 94-1105, eff. 6-1-07;  
6 revised 12-26-07.)

7 Section 80. The Illinois Finance Authority Act is amended  
8 by changing Sections 801-40 and 845-5 and by setting forth and  
9 renumbering multiple versions of Section 825-90 as follows:

10 (20 ILCS 3501/801-40)

11 Sec. 801-40. In addition to the powers otherwise authorized  
12 by law and in addition to the foregoing general corporate  
13 powers, the Authority shall also have the following additional  
14 specific powers to be exercised in furtherance of the purposes  
15 of this Act.

16 (a) The Authority shall have power (i) to accept grants,  
17 loans or appropriations from the federal government or the  
18 State, or any agency or instrumentality thereof, to be used for  
19 the operating expenses of the Authority, or for any purposes of  
20 the Authority, including the making of direct loans of such  
21 funds with respect to projects, and (ii) to enter into any  
22 agreement with the federal government or the State, or any  
23 agency or instrumentality thereof, in relationship to such  
24 grants, loans or appropriations.

1           (b) The Authority shall have power to procure and enter  
2 into contracts for any type of insurance and indemnity  
3 agreements covering loss or damage to property from any cause,  
4 including loss of use and occupancy, or covering any other  
5 insurable risk.

6           (c) The Authority shall have the continuing power to issue  
7 bonds for its corporate purposes. Bonds may be issued by the  
8 Authority in one or more series and may provide for the payment  
9 of any interest deemed necessary on such bonds, of the costs of  
10 issuance of such bonds, of any premium on any insurance, or of  
11 the cost of any guarantees, letters of credit or other similar  
12 documents, may provide for the funding of the reserves deemed  
13 necessary in connection with such bonds, and may provide for  
14 the refunding or advance refunding of any bonds or for accounts  
15 deemed necessary in connection with any purpose of the  
16 Authority. The bonds may bear interest payable at any time or  
17 times and at any rate or rates, notwithstanding any other  
18 provision of law to the contrary, and such rate or rates may be  
19 established by an index or formula which may be implemented or  
20 established by persons appointed or retained therefor by the  
21 Authority, or may bear no interest or may bear interest payable  
22 at maturity or upon redemption prior to maturity, may bear such  
23 date or dates, may be payable at such time or times and at such  
24 place or places, may mature at any time or times not later than  
25 40 years from the date of issuance, may be sold at public or  
26 private sale at such time or times and at such price or prices,

1 may be secured by such pledges, reserves, guarantees, letters  
2 of credit, insurance contracts or other similar credit support  
3 or liquidity instruments, may be executed in such manner, may  
4 be subject to redemption prior to maturity, may provide for the  
5 registration of the bonds, and may be subject to such other  
6 terms and conditions all as may be provided by the resolution  
7 or indenture authorizing the issuance of such bonds. The holder  
8 or holders of any bonds issued by the Authority may bring suits  
9 at law or proceedings in equity to compel the performance and  
10 observance by any person or by the Authority or any of its  
11 agents or employees of any contract or covenant made with the  
12 holders of such bonds and to compel such person or the  
13 Authority and any of its agents or employees to perform any  
14 duties required to be performed for the benefit of the holders  
15 of any such bonds by the provision of the resolution  
16 authorizing their issuance, and to enjoin such person or the  
17 Authority and any of its agents or employees from taking any  
18 action in conflict with any such contract or covenant.  
19 Notwithstanding the form and tenor of any such bonds and in the  
20 absence of any express recital on the face thereof that it is  
21 non-negotiable, all such bonds shall be negotiable  
22 instruments. Pending the preparation and execution of any such  
23 bonds, temporary bonds may be issued as provided by the  
24 resolution. The bonds shall be sold by the Authority in such  
25 manner as it shall determine. The bonds may be secured as  
26 provided in the authorizing resolution by the receipts,

1 revenues, income and other available funds of the Authority and  
2 by any amounts derived by the Authority from the loan agreement  
3 or lease agreement with respect to the project or projects; and  
4 bonds may be issued as general obligations of the Authority  
5 payable from such revenues, funds and obligations of the  
6 Authority as the bond resolution shall provide, or may be  
7 issued as limited obligations with a claim for payment solely  
8 from such revenues, funds and obligations as the bond  
9 resolution shall provide. The Authority may grant a specific  
10 pledge or assignment of and lien on or security interest in  
11 such rights, revenues, income, or amounts and may grant a  
12 specific pledge or assignment of and lien on or security  
13 interest in any reserves, funds or accounts established in the  
14 resolution authorizing the issuance of bonds. Any such pledge,  
15 assignment, lien or security interest for the benefit of the  
16 holders of the Authority's bonds shall be valid and binding  
17 from the time the bonds are issued without any physical  
18 delivery or further act, and shall be valid and binding as  
19 against and prior to the claims of all other parties having  
20 claims against the Authority or any other person irrespective  
21 of whether the other parties have notice of the pledge,  
22 assignment, lien or security interest. As evidence of such  
23 pledge, assignment, lien and security interest, the Authority  
24 may execute and deliver a mortgage, trust agreement, indenture  
25 or security agreement or an assignment thereof. A remedy for  
26 any breach or default of the terms of any such agreement by the

1 Authority may be by mandamus proceedings in any court of  
2 competent jurisdiction to compel the performance and  
3 compliance therewith, but the agreement may prescribe by whom  
4 or on whose behalf such action may be instituted. It is  
5 expressly understood that the Authority may, but need not,  
6 acquire title to any project with respect to which it exercises  
7 its authority.

8 (d) With respect to the powers granted by this Act, the  
9 Authority may adopt rules and regulations prescribing the  
10 procedures by which persons may apply for assistance under this  
11 Act. Nothing herein shall be deemed to preclude the Authority,  
12 prior to the filing of any formal application, from conducting  
13 preliminary discussions and investigations with respect to the  
14 subject matter of any prospective application.

15 (e) The Authority shall have power to acquire by purchase,  
16 lease, gift or otherwise any property or rights therein from  
17 any person useful for its purposes, whether improved for the  
18 purposes of any prospective project, or unimproved. The  
19 Authority may also accept any donation of funds for its  
20 purposes from any such source. The Authority shall have no  
21 independent power of condemnation but may acquire any property  
22 or rights therein obtained upon condemnation by any other  
23 authority, governmental entity or unit of local government with  
24 such power.

25 (f) The Authority shall have power to develop, construct  
26 and improve either under its own direction, or through

1 collaboration with any approved applicant, or to acquire  
2 through purchase or otherwise, any project, using for such  
3 purpose the proceeds derived from the sale of its bonds or from  
4 governmental loans or grants, and to hold title in the name of  
5 the Authority to such projects.

6 (g) The Authority shall have power to lease pursuant to a  
7 lease agreement any project so developed and constructed or  
8 acquired to the approved tenant on such terms and conditions as  
9 may be appropriate to further the purposes of this Act and to  
10 maintain the credit of the Authority. Any such lease may  
11 provide for either the Authority or the approved tenant to  
12 assume initially, in whole or in part, the costs of  
13 maintenance, repair and improvements during the leasehold  
14 period. In no case, however, shall the total rentals from any  
15 project during any initial leasehold period or the total loan  
16 repayments to be made pursuant to any loan agreement, be less  
17 than an amount necessary to return over such lease or loan  
18 period (1) all costs incurred in connection with the  
19 development, construction, acquisition or improvement of the  
20 project and for repair, maintenance and improvements thereto  
21 during the period of the lease or loan; provided, however, that  
22 the rentals or loan repayments need not include costs met  
23 through the use of funds other than those obtained by the  
24 Authority through the issuance of its bonds or governmental  
25 loans; (2) a reasonable percentage additive to be agreed upon  
26 by the Authority and the borrower or tenant to cover a properly

1 allocable portion of the Authority's general expenses,  
2 including, but not limited to, administrative expenses,  
3 salaries and general insurance, and (3) an amount sufficient to  
4 pay when due all principal of, interest and premium, if any on,  
5 any bonds issued by the Authority with respect to the project.  
6 The portion of total rentals payable under clause (3) of this  
7 subsection (g) shall be deposited in such special accounts,  
8 including all sinking funds, acquisition or construction  
9 funds, debt service and other funds as provided by any  
10 resolution, mortgage or trust agreement of the Authority  
11 pursuant to which any bond is issued.

12 (h) The Authority has the power, upon the termination of  
13 any leasehold period of any project, to sell or lease for a  
14 further term or terms such project on such terms and conditions  
15 as the Authority shall deem reasonable and consistent with the  
16 purposes of the Act. The net proceeds from all such sales and  
17 the revenues or income from such leases shall be used to  
18 satisfy any indebtedness of the Authority with respect to such  
19 project and any balance may be used to pay any expenses of the  
20 Authority or be used for the further development, construction,  
21 acquisition or improvement of projects. In the event any  
22 project is vacated by a tenant prior to the termination of the  
23 initial leasehold period, the Authority shall sell or lease the  
24 facilities of the project on the most advantageous terms  
25 available. The net proceeds of any such disposition shall be  
26 treated in the same manner as the proceeds from sales or the



1 revenues or income from leases subsequent to the termination of  
2 any initial leasehold period.

3 (i) The Authority shall have the power to make loans to  
4 persons to finance a project, to enter into loan agreements  
5 with respect thereto, and to accept guarantees from persons of  
6 its loans or the resultant evidences of obligations of the  
7 Authority.

8 (j) The Authority may fix, determine, charge and collect  
9 any premiums, fees, charges, costs and expenses, including,  
10 without limitation, any application fees, commitment fees,  
11 program fees, financing charges or publication fees from any  
12 person in connection with its activities under this Act.

13 (k) In addition to the funds established as provided  
14 herein, the Authority shall have the power to create and  
15 establish such reserve funds and accounts as may be necessary  
16 or desirable to accomplish its purposes under this Act and to  
17 deposit its available monies into the funds and accounts.

18 (l) At the request of the governing body of any unit of  
19 local government, the Authority is authorized to market such  
20 local government's revenue bond offerings by preparing bond  
21 issues for sale, advertising for sealed bids, receiving bids at  
22 its offices, making the award to the bidder that offers the  
23 most favorable terms or arranging for negotiated placements or  
24 underwritings of such securities. The Authority may, at its  
25 discretion, offer for concurrent sale the revenue bonds of  
26 several local governments. Sales by the Authority of revenue

1 bonds under this Section shall in no way imply State guarantee  
2 of such debt issue. The Authority may require such financial  
3 information from participating local governments as it deems  
4 necessary in order to carry out the purposes of this subsection  
5 (1).

6 (m) The Authority may make grants to any county to which  
7 Division 5-37 of the Counties Code is applicable to assist in  
8 the financing of capital development, construction and  
9 renovation of new or existing facilities for hospitals and  
10 health care facilities under that Act. Such grants may only be  
11 made from funds appropriated for such purposes from the Build  
12 Illinois Bond Fund.

13 (n) The Authority may establish an urban development action  
14 grant program for the purpose of assisting municipalities in  
15 Illinois which are experiencing severe economic distress to  
16 help stimulate economic development activities needed to aid in  
17 economic recovery. The Authority shall determine the types of  
18 activities and projects for which the urban development action  
19 grants may be used, provided that such projects and activities  
20 are broadly defined to include all reasonable projects and  
21 activities the primary objectives of which are the development  
22 of viable urban communities, including decent housing and a  
23 suitable living environment, and expansion of economic  
24 opportunity, principally for persons of low and moderate  
25 incomes. The Authority shall enter into grant agreements from  
26 monies appropriated for such purposes from the Build Illinois

1 Bond Fund. The Authority shall monitor the use of the grants,  
2 and shall provide for audits of the funds as well as recovery  
3 by the Authority of any funds determined to have been spent in  
4 violation of this subsection (n) or any rule or regulation  
5 promulgated hereunder. The Authority shall provide technical  
6 assistance with regard to the effective use of the urban  
7 development action grants. The Authority shall file an annual  
8 report to the General Assembly concerning the progress of the  
9 grant program.

10 (o) The Authority may establish a Housing Partnership  
11 Program whereby the Authority provides zero-interest loans to  
12 municipalities for the purpose of assisting in the financing of  
13 projects for the rehabilitation of affordable multi-family  
14 housing for low and moderate income residents. The Authority  
15 may provide such loans only upon a municipality's providing  
16 evidence that it has obtained private funding for the  
17 rehabilitation project. The Authority shall provide 3 State  
18 dollars for every 7 dollars obtained by the municipality from  
19 sources other than the State of Illinois. The loans shall be  
20 made from monies appropriated for such purpose from the Build  
21 Illinois Bond Fund. The total amount of loans available under  
22 the Housing Partnership Program shall not exceed \$30,000,000.  
23 State loan monies under this subsection shall be used only for  
24 the acquisition and rehabilitation of existing buildings  
25 containing 4 or more dwelling units. The terms of any loan made  
26 by the municipality under this subsection shall require

1 repayment of the loan to the municipality upon any sale or  
2 other transfer of the project.

3 (p) The Authority may award grants to universities and  
4 research institutions, research consortiums and other  
5 not-for-profit entities for the purposes of: remodeling or  
6 otherwise physically altering existing laboratory or research  
7 facilities, expansion or physical additions to existing  
8 laboratory or research facilities, construction of new  
9 laboratory or research facilities or acquisition of modern  
10 equipment to support laboratory or research operations  
11 provided that such grants (i) be used solely in support of  
12 project and equipment acquisitions which enhance technology  
13 transfer, and (ii) not constitute more than 60 percent of the  
14 total project or acquisition cost.

15 (q) Grants may be awarded by the Authority to units of  
16 local government for the purpose of developing the appropriate  
17 infrastructure or defraying other costs to the local government  
18 in support of laboratory or research facilities provided that  
19 such grants may not exceed 40% of the cost to the unit of local  
20 government.

21 (r) The Authority may establish a Direct Loan Program to  
22 make loans to individuals, partnerships or corporations for the  
23 purpose of an industrial project, as defined in Section 801-10  
24 of this Act. For the purposes of such program and not by way of  
25 limitation on any other program of the Authority, the Authority  
26 shall have the power to issue bonds, notes, or other evidences

1 of indebtedness including commercial paper for purposes of  
2 providing a fund of capital from which it may make such loans.  
3 The Authority shall have the power to use any appropriations  
4 from the State made especially for the Authority's Direct Loan  
5 Program for additional capital to make such loans or for the  
6 purposes of reserve funds or pledged funds which secure the  
7 Authority's obligations of repayment of any bond, note or other  
8 form of indebtedness established for the purpose of providing  
9 capital for which it intends to make such loans under the  
10 Direct Loan Program. For the purpose of obtaining such capital,  
11 the Authority may also enter into agreements with financial  
12 institutions and other persons for the purpose of selling loans  
13 and developing a secondary market for such loans. Loans made  
14 under the Direct Loan Program may be in an amount not to exceed  
15 \$300,000 and shall be made for a portion of an industrial  
16 project which does not exceed 50% of the total project. No loan  
17 may be made by the Authority unless approved by the affirmative  
18 vote of at least 8 members of the board. The Authority shall  
19 establish procedures and publish rules which shall provide for  
20 the submission, review, and analysis of each direct loan  
21 application and which shall preserve the ability of each board  
22 member to reach an individual business judgment regarding the  
23 propriety of making each direct loan. The collective discretion  
24 of the board to approve or disapprove each loan shall be  
25 unencumbered. The Authority may establish and collect such fees  
26 and charges, determine and enforce such terms and conditions,

1 and charge such interest rates as it determines to be necessary  
2 and appropriate to the successful administration of the Direct  
3 Loan Program. The Authority may require such interests in  
4 collateral and such guarantees as it determines are necessary  
5 to project the Authority's interest in the repayment of the  
6 principal and interest of each loan made under the Direct Loan  
7 Program.

8 (s) The Authority may guarantee private loans to third  
9 parties up to a specified dollar amount in order to promote  
10 economic development in this State.

11 (t) The Authority may adopt rules and regulations as may be  
12 necessary or advisable to implement the powers conferred by  
13 this Act.

14 (u) The Authority shall have the power to issue bonds,  
15 notes or other evidences of indebtedness, which may be used to  
16 make loans to units of local government which are authorized to  
17 enter into loan agreements and other documents and to issue  
18 bonds, notes and other evidences of indebtedness for the  
19 purpose of financing the protection of storm sewer outfalls,  
20 the construction of adequate storm sewer outfalls, and the  
21 provision for flood protection of sanitary sewage treatment  
22 plans, in counties that have established a stormwater  
23 management planning committee in accordance with Section  
24 5-1062 of the Counties Code. Any such loan shall be made by the  
25 Authority pursuant to the provisions of Section 820-5 to 820-60  
26 of this Act. The unit of local government shall pay back to the

1 Authority the principal amount of the loan, plus annual  
2 interest as determined by the Authority. The Authority shall  
3 have the power, subject to appropriations by the General  
4 Assembly, to subsidize or buy down a portion of the interest on  
5 such loans, up to 4% per annum.

6 (v) The Authority may accept security interests as provided  
7 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

8 (w) Moral Obligation. In the event that the Authority  
9 determines that monies of the Authority will not be sufficient  
10 for the payment of the principal of and interest on its bonds  
11 during the next State fiscal year, the Chairperson, as soon as  
12 practicable, shall certify to the Governor the amount required  
13 by the Authority to enable it to pay such principal of and  
14 interest on the bonds. The Governor shall submit the amount so  
15 certified to the General Assembly as soon as practicable, but  
16 no later than the end of the current State fiscal year. This  
17 subsection shall apply only to any bonds or notes as to which  
18 the Authority shall have determined, in the resolution  
19 authorizing the issuance of the bonds or notes, that this  
20 subsection shall apply. Whenever the Authority makes such a  
21 determination, that fact shall be plainly stated on the face of  
22 the bonds or notes and that fact shall also be reported to the  
23 Governor. In the event of a withdrawal of moneys from a reserve  
24 fund established with respect to any issue or issues of bonds  
25 of the Authority to pay principal or interest on those bonds,  
26 the Chairperson of the Authority, as soon as practicable, shall

1 certify to the Governor the amount required to restore the  
2 reserve fund to the level required in the resolution or  
3 indenture securing those bonds. The Governor shall submit the  
4 amount so certified to the General Assembly as soon as  
5 practicable, but no later than the end of the current State  
6 fiscal year. The Authority shall obtain written approval from  
7 the Governor for any bonds and notes to be issued under this  
8 Section. In addition to any other bonds authorized to be issued  
9 under Sections 825-60, 825-65(e), 830-25 and 845-5, the  
10 principal amount of Authority bonds outstanding issued under  
11 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS  
12 360/2-6(c), which have been assumed by the Authority, shall not  
13 exceed \$150,000,000. This subsection (w) shall in no way be  
14 applied to any bonds issued by the Authority on behalf of the  
15 Illinois Power Agency under Section 825-90 of this Act.

16 (x) The Authority may enter into agreements or contracts  
17 with any person necessary or appropriate to place the payment  
18 obligations of the Authority under any of its bonds in whole or  
19 in part on any interest rate basis, cash flow basis, or other  
20 basis desired by the Authority, including without limitation  
21 agreements or contracts commonly known as "interest rate swap  
22 agreements", "forward payment conversion agreements", and  
23 "futures", or agreements or contracts to exchange cash flows or  
24 a series of payments, or agreements or contracts, including  
25 without limitation agreements or contracts commonly known as  
26 "options", "puts", or "calls", to hedge payment, rate spread,



1 or similar exposure; provided that any such agreement or  
2 contract shall not constitute an obligation for borrowed money  
3 and shall not be taken into account under Section 845-5 of this  
4 Act or any other debt limit of the Authority or the State of  
5 Illinois.

6 (Source: P.A. 94-91, eff. 7-1-05; 95-470, eff. 8-27-07; 95-481,  
7 eff. 8-28-07; revised 10-30-07.)

8 (20 ILCS 3501/825-90)

9 Sec. 825-90. Illinois Power Agency Bonds.

10 (a) In this Section:

11 "Agency" means the Illinois Power Agency.

12 "Agency loan agreement" means any agreement pursuant to  
13 which the Illinois Finance Authority agrees to loan the  
14 proceeds of its revenue bonds issued with respect to a specific  
15 Illinois Power Agency project to the Illinois Power Agency upon  
16 terms providing for loan repayment installments at least  
17 sufficient to pay when due all principal of, interest and  
18 premium, if any, on any revenue bonds of the Authority, if any,  
19 issued with respect to the Illinois Power Agency project, and  
20 providing for maintenance, insurance, and other matters as may  
21 be deemed desirable by the Authority.

22 "Authority" means the Illinois Finance Authority.

23 "Director" means the Director of the Illinois Power Agency.

24 "Facility" means an electric generating unit or a  
25 co-generating unit that produces electricity along with

1 related equipment necessary to connect the facility to an  
2 electric transmission or distribution system.

3 "Governmental aggregator" means one or more units of local  
4 government that individually or collectively procures  
5 electricity to serve residential retail electrical loads  
6 located within its or their jurisdiction.

7 "Local government" means a unit of local government as  
8 defined in Section 1 of Article VII of the Illinois  
9 Constitution of 1970.

10 "Project" means any project as defined in the Illinois  
11 Power Agency Act.

12 "Real property" means any interest in land, together with  
13 all structures, fixtures, and improvements thereon, including  
14 lands under water and riparian rights, any easements,  
15 covenants, licenses, leases, rights-of-way, uses, and other  
16 interests, together with any liens, judgments, mortgages, or  
17 other claims or security interests related to real property.

18 "Revenue bond" means any bond, note, or other evidence of  
19 indebtedness issued by the Illinois Finance Authority on behalf  
20 of the Illinois Power Agency, the principal and interest of  
21 which is payable solely from revenues or income derived from  
22 any project or activity of the Agency.

23 (b) Powers and duties; Illinois Power Agency Program. The  
24 Authority has the power:

25 (1) To accept from time to time pursuant to an Agency  
26 loan agreement any pledge or a pledge agreement by the

1 Agency subject to the requirements and limitations of the  
2 Illinois Power Agency Act.

3 (2) To issue revenue bonds in one or more series  
4 pursuant to one or more resolutions of the Authority to  
5 loan funds to the Agency pursuant to one or more Agency  
6 loan agreements meeting the requirements of the Illinois  
7 Power Agency Act and providing for the payment of any  
8 interest deemed necessary on those revenue bonds, paying  
9 for the cost of issuance of those revenue bonds, providing  
10 for the payment of the cost of any guarantees, letters of  
11 credit, insurance contracts or other similar credit  
12 support or liquidity instruments, or providing for the  
13 funding of any reserves deemed necessary in connection with  
14 those revenue bonds and refunding or advance refunding of  
15 any such revenue bonds and the interest and any premium  
16 thereon, pursuant to this Act. Authority for the agreements  
17 shall conform to the requirements of the Illinois Power  
18 Agency Act. The Authority may issue up to \$4,000,000,000  
19 aggregate principal amount of revenue bonds, the net  
20 proceeds of which shall be loaned to the Agency pursuant to  
21 one or more Agency loan agreements. No revenue bonds issued  
22 to refund or advance refund revenue bonds issued under this  
23 Section may mature later than the longest maturity date of  
24 the series of bonds being refunded. After the aggregate  
25 original principal amount of revenue bonds authorized in  
26 this Section has been issued, the payment of any principal

1 amount of those revenue bonds does not authorize the  
2 issuance of additional revenue bonds (except refunding  
3 revenue bonds). Such revenue bond authorization is in  
4 addition to any other bonds authorized in this Act. All  
5 bonds issued on behalf of the Agency must be issued by the  
6 Authority and must be revenue bonds. These revenue bonds  
7 may be taxable or tax-exempt.

8 (3) To provide for the funding of any reserves or other  
9 funds or accounts deemed necessary by the Authority on  
10 behalf of the Agency in connection with its issuance of  
11 Agency revenue bonds.

12 (4) To accept the pledge of any Agency revenue,  
13 including any payments thereon, and any other property or  
14 funds of the Agency or funds made available to the  
15 Authority through the applicable Agency loan agreement  
16 with the Agency that may be applied to such purpose, as  
17 security for any revenue bonds or any guarantees, letters  
18 of credit, insurance contracts, or similar credit support  
19 or liquidity instruments securing the revenue bonds.

20 (5) To enter into agreements or contracts with third  
21 parties, whether public or private, including without  
22 limitation the United States of America, the State, or any  
23 department or agency thereof, to obtain any grants, loans,  
24 or guarantees that are deemed necessary or desirable by the  
25 Authority. Any such guarantee, agreement, or contract may  
26 contain terms and provisions necessary or desirable in

1 connection with the program, subject to the requirements  
2 established by this Article.

3 (6) To charge reasonable fees to defray the cost of  
4 obtaining letters of credit, insurance contracts, or other  
5 similar documents, and to charge such other reasonable fees  
6 to defray the cost of trustees, depositories, paying  
7 agents, legal counsel, bond registrars, escrow agents, and  
8 other administrative expenses. Any such fees shall be  
9 payable by the Agency, in such amounts and at such times as  
10 the Authority shall determine.

11 (7) To obtain and maintain guarantees, letters of  
12 credit, insurance contracts, or similar credit support or  
13 liquidity instruments that are deemed necessary or  
14 desirable in connection with any revenue bonds or other  
15 obligations of the Authority for any Agency revenue bonds.

16 (8) To provide technical assistance, at the request of  
17 the Agency, with respect to the financing or refinancing  
18 for any public purpose.

19 (9) To sell, transfer, or otherwise defease revenue  
20 bonds issued on behalf of the Agency at the request and  
21 authorization of the Agency.

22 (10) To enter into agreements or contracts with any  
23 person necessary or appropriate to place the payment  
24 obligations of the Agency relating to revenue bonds in  
25 whole or in part on any interest rate basis, cash flow  
26 basis, or other basis desired by the Authority, including

1 without limitation agreements or contracts commonly known  
2 as "interest rate swap agreements", "forward payment  
3 conversion agreements", and "futures", or agreements or  
4 contracts to exchange cash flows or a series of payments,  
5 or agreements or contracts, including without limitation  
6 agreements or contracts commonly known as "options",  
7 "puts" or "calls", to hedge payment, rate spread, or  
8 similar exposure; provided, that any such agreement or  
9 contract shall not constitute an obligation for borrowed  
10 money, and shall not be taken into account under Section  
11 845-5 of this Act or any other debt limit of the Authority  
12 or the State of Illinois.

13 (11) To make and enter into all other agreements and  
14 contracts and execute all instruments necessary or  
15 incidental to performance of its duties and the execution  
16 of its powers under this Article.

17 (12) To contract for and finance the costs of audits  
18 and to contract for and finance the cost of project  
19 monitoring. Any such contract shall be executed only after  
20 it has been jointly negotiated by the Authority and the  
21 Agency.

22 (13) To exercise such other powers as are necessary or  
23 incidental to the foregoing.

24 (c) Illinois Power Agency participation. The Agency is  
25 authorized to voluntarily participate in this program as  
26 described in the Illinois Power Agency Act. The Authority may

1 issue revenue bonds on behalf of the Agency pursuant to an  
2 Agency loan agreement entered into by the parties as set forth  
3 in the Illinois Power Agency Act. Any proceeds from the sale of  
4 those revenue bonds shall be deposited into the Illinois Power  
5 Agency Facilities Fund to be used by the Agency for the  
6 purposes set forth in the Illinois Power Agency Act.

7 (d) Pledge of revenues by the Agency. Any pledge of  
8 revenues or other moneys made by the Agency shall be binding  
9 from the time the pledge is made. Revenues and other moneys so  
10 pledged shall be held in the Illinois Power Agency Facilities  
11 Fund, Illinois Power Agency Debt Service Fund, or other funds  
12 as directed by the Agency loan agreement. Revenues or other  
13 moneys so pledged and thereafter received by the State  
14 Treasurer shall immediately be subject to the lien of the  
15 pledge without any physical delivery thereof or further act,  
16 and the lien of any pledge shall be binding against all parties  
17 having claims of any kind of tort, contract, or otherwise  
18 against the Authority, irrespective of whether the parties have  
19 notice thereof. Neither the resolution nor any other instrument  
20 by which a pledge is created need be filed or recorded except  
21 in the records of the Authority. The State pledges to and  
22 agrees with the holders of revenue bonds, and the beneficial  
23 owners of the revenue bonds issued on behalf of the Agency,  
24 that the State shall not limit or restrict the rights hereby  
25 vested in the Authority to purchase, acquire, hold, sell, or  
26 defease revenue bonds or other investments or to establish and

1 collect such fees or other charges as may be convenient or  
2 necessary to produce sufficient revenues to meet the expenses  
3 of operation of the Authority, and to fulfill the terms of any  
4 agreement made with the holders of the revenue bonds issued by  
5 the Authority on behalf of the Agency or in any way impair the  
6 rights or remedies of the holders of those revenue bonds or the  
7 beneficial owners of the revenue bonds until those revenue  
8 bonds are fully paid and discharged or provision for their  
9 payment has been made. The revenue bonds shall not be a debt of  
10 the State, the Authority, any political subdivision thereof  
11 (other than the Agency to the extent provided therein), any  
12 governmental aggregator as defined in the Illinois Power Agency  
13 Act, or any local government, and neither the State, the  
14 Authority, any political subdivision thereof (other than the  
15 Agency to the extent provided therein), any governmental  
16 aggregator, nor any local government shall be liable thereon.  
17 The Authority shall not have the power to pledge the credit,  
18 the revenues, or the taxing power of the State, any political  
19 subdivision thereof (other than the Agency to the extent  
20 provided in the Agency loan agreement relating to the revenue  
21 bonds in question), any governmental aggregator, or of any  
22 local government, and neither the credit, the revenues, nor the  
23 taxing power of the State, any political subdivision thereof  
24 (other than the Agency to the extent provided in the Agency  
25 loan agreement relating to the revenue bonds in question), any  
26 governmental aggregator, or of any local government shall be,



1 or shall be deemed to be, pledged to the payment of any revenue  
2 bonds, or obligations of the Agency.

3 (e) Exemption from taxation. The creation of the Illinois  
4 Power Agency is in all respects for the benefit of the people  
5 of Illinois and for the improvement of their health, safety,  
6 welfare, comfort, and security, and its purposes are public  
7 purposes. In consideration thereof, the revenue bonds issued on  
8 behalf of the Agency pursuant to this Act and the income from  
9 these revenue bonds may be free from all taxation by the State  
10 or its political subdivisions, except for estate, transfer, and  
11 inheritance taxes. The exemption from taxation provided by the  
12 preceding sentence shall apply to the income on any revenue  
13 bonds issued on behalf of the Agency only if the Authority with  
14 concurrence of the Agency in its sole judgment determines that  
15 the exemption enhances the marketability of the revenue bonds  
16 or reduces the interest rates that would otherwise be borne by  
17 the revenue bonds and that the project for which the revenue  
18 bonds will be issued will be owned by the Agency or another  
19 governmental entity and that the project is used for public  
20 consumption. For purposes of Section 250 of the Illinois Income  
21 Tax Act, the exemption of the Agency shall terminate after all  
22 of the revenue bonds have been paid. The amount of the income  
23 that shall be added and then subtracted on the Illinois income  
24 tax return of a taxpayer, subject to Section 203 of the  
25 Illinois Income Tax Act, from federal adjusted gross income or  
26 federal taxable income in computing Illinois base income shall

1 be the interest net of any bond premium amortization.

2 (Source: P.A. 95-481, eff. 8-28-07.)

3 (20 ILCS 3501/825-95)

4 Sec. 825-95 ~~825-90~~. Emerald ash borer revolving loan  
5 program.

6 (a) The Illinois Finance Authority shall administer an  
7 emerald ash borer revolving loan program. The program shall  
8 provide low-interest or zero-interest loans to units of local  
9 government for the replanting of trees on public lands that are  
10 within emerald ash borer quarantine areas as established by the  
11 Illinois Department of Agriculture. The Authority shall make  
12 loans based on the recommendation of the Department of  
13 Agriculture.

14 (b) The loan funds, subject to appropriation, must be paid  
15 out of the Emerald Ash Borer Revolving Loan Fund, a special  
16 fund created in the State treasury. The moneys in the Fund  
17 consist of any moneys transferred or appropriated into the Fund  
18 as well as all repayments of loans made under this program.  
19 Moneys in the Fund may be used only for loans to units of local  
20 government for the replanting of trees within emerald ash borer  
21 quarantine areas established by the Department of Agriculture  
22 and for no other purpose. All interest earned on moneys in the  
23 Fund must be deposited into the Fund.

24 (c) A loan for the replanting of trees on public lands  
25 within emerald ash borer quarantine areas established by the

1 Department of Agriculture may not exceed \$5,000,000 to any one  
2 unit of local government. The repayment period for the loan may  
3 not exceed 20 years. The unit of local government shall repay,  
4 each year, at least 5% of the principal amount borrowed or the  
5 remaining balance of the loan, whichever is less. All  
6 repayments of loans must be deposited into the Emerald Ash  
7 Borer Revolving Loan Fund.

8 (d) Any loan under this Section to a unit of local  
9 government may not exceed the moneys that the unit of local  
10 government expends or dedicates for the reforestation project  
11 for which the loan is made.

12 (e) The Department of Agriculture may enter into agreements  
13 with a unit of local government under which the unit of local  
14 government is authorized to assist the Department in carrying  
15 out its duties in a quarantined area, including inspection and  
16 eradication of any dangerous insect or dangerous plant disease,  
17 and including the transportation, processing, and disposal of  
18 diseased material. The Department is authorized to provide  
19 compensation or financial assistance to the unit of local  
20 government for its costs.

21 (f) The Authority, with the assistance of the Department of  
22 Agriculture and the Department of Natural Resources, shall  
23 adopt rules to administer the program under this Section.

24 (Source: P.A. 95-588, eff. 9-4-07; revised 12-6-07.)

1           Sec. 845-5. Bond limitations.

2           (a) The Authority may not have outstanding at any one time  
3 bonds for any of its corporate purposes in an aggregate  
4 principal amount exceeding \$26,650,000,000, excluding bonds  
5 issued to refund the bonds of the Authority or bonds of the  
6 Predecessor Authorities.

7           (b) The Authority may not have outstanding at any one time  
8 revenue bonds in an aggregate principal amount exceeding  
9 \$4,000,000,000 on behalf of the Illinois Power Agency as set  
10 forth in Section 825-90. Any such revenue bonds issued on  
11 behalf of the Illinois Power Agency pursuant to this Act shall  
12 not be counted against the bond authorization limit set forth  
13 in subsection (a).

14           (Source: P.A. 94-1068, eff. 8-1-06; 95-481, eff. 8-28-07;  
15 95-697, eff. 11-6-07; revised 12-6-07.)

16           Section 85. The Illinois Power Agency Act is amended by  
17 changing Section 1-65 as follows:

18           (20 ILCS 3855/1-65)

19           Sec. 1-65. Appropriations for operations. ~~(a)~~ The General  
20 Assembly may appropriate moneys from the General Revenue Fund  
21 for the operation of the Illinois Power Agency in Fiscal Year  
22 2008 not to exceed \$1,250,000 and in Fiscal Year 2009 not to  
23 exceed \$1,500,000. These appropriated funds shall constitute  
24 an advance that the Agency shall repay without interest to the

1 State in Fiscal Year 2010 and in Fiscal Year 2011. Beginning  
2 with Fiscal Year 2010, the operation of the Agency shall be  
3 funded solely from moneys in the Illinois Power Agency  
4 Operations Fund with no liability or obligation imposed on the  
5 State by those operations.

6 (Source: P.A. 95-481, eff. 8-28-07; revised 11-9-07.)

7 Section 90. 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 August 31, 2008)

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 4. Hospitals, nursing homes, ambulatory surgical  
22 treatment centers, or kidney disease treatment centers  
23 maintained by the State or any department or agency  
24 thereof;

1           5. Kidney disease treatment centers, including a  
2           free-standing hemodialysis unit required to be licensed  
3           under the End Stage Renal Disease Facility Act; and

4           6. An institution, place, building, or room used for  
5           the performance of outpatient surgical procedures that is  
6           leased, owned, or operated by or on behalf of an  
7           out-of-state facility.

8           No federally owned facility shall be subject to the  
9           provisions of this Act, nor facilities used solely for healing  
10          by prayer or spiritual means.

11          No facility licensed under the Supportive Residences  
12          Licensing Act or the Assisted Living and Shared Housing Act  
13          shall be subject to the provisions of this Act.

14          A facility designated as a supportive living facility that  
15          is in good standing with the program established under Section  
16          5-5.01a of the Illinois Public Aid Code shall not be subject to  
17          the provisions of this Act.

18          This Act does not apply to facilities granted waivers under  
19          Section 3-102.2 of the Nursing Home Care Act. However, if a  
20          demonstration project under that Act applies for a certificate  
21          of need to convert to a nursing facility, it shall meet the  
22          licensure and certificate of need requirements in effect as of  
23          the date of application.

24          This Act does not apply to a dialysis facility that  
25          provides only dialysis training, support, and related services  
26          to individuals with end stage renal disease who have elected to

1 receive home dialysis. This Act does not apply to a dialysis  
2 unit located in a licensed nursing home that offers or provides  
3 dialysis-related services to residents with end stage renal  
4 disease who have elected to receive home dialysis within the  
5 nursing home. The Board, however, may require these dialysis  
6 facilities and licensed nursing homes to report statistical  
7 information on a quarterly basis to the Board to be used by the  
8 Board to conduct analyses on the need for proposed kidney  
9 disease treatment centers.

10 This Act shall not apply to the closure of an entity or a  
11 portion of an entity licensed under the Nursing Home Care Act,  
12 with the exceptions of facilities operated by a county or  
13 Illinois Veterans Homes, that elects to convert, in whole or in  
14 part, to an assisted living or shared housing establishment  
15 licensed under the Assisted Living and Shared Housing Act.

16 This Act does not apply to any change of ownership of a  
17 healthcare facility that is licensed under the Nursing Home  
18 Care Act, with the exceptions of facilities operated by a  
19 county or Illinois Veterans Homes. Changes of ownership of  
20 facilities licensed under the Nursing Home Care Act must meet  
21 the requirements set forth in Sections 3-101 through 3-119 of  
22 the Nursing Home Care Act.

23 With the exception of those health care facilities  
24 specifically included in this Section, nothing in this Act  
25 shall be intended to include facilities operated as a part of  
26 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



1 financing of any type of health care facility, or (d) who is or  
2 ever has been a member of the immediate family of the person  
3 defined by (a), (b), or (c).

4 "State Board" means the Health Facilities Planning Board.

5 "Construction or modification" means the establishment,  
6 erection, building, alteration, reconstruction, modernization,  
7 improvement, extension, discontinuation, change of ownership,  
8 of or by a health care facility, or the purchase or acquisition  
9 by or through a health care facility of equipment or service  
10 for diagnostic or therapeutic purposes or for facility  
11 administration or operation, or any capital expenditure made by  
12 or on behalf of a health care facility which exceeds the  
13 capital expenditure minimum; however, any capital expenditure  
14 made by or on behalf of a health care facility for (i) the  
15 construction or modification of a facility licensed under the  
16 Assisted Living and Shared Housing Act or (ii) a conversion  
17 project undertaken in accordance with Section 30 of the Older  
18 Adult Services Act shall be excluded from any obligations under  
19 this Act.

20 "Establish" means the construction of a health care  
21 facility or the replacement of an existing facility on another  
22 site.

23 "Major medical equipment" means medical equipment which is  
24 used for the provision of medical and other health services and  
25 which costs in excess of the capital expenditure minimum,  
26 except that such term does not include medical equipment

1 acquired by or on behalf of a clinical laboratory to provide  
2 clinical laboratory services if the clinical laboratory is  
3 independent of a physician's office and a hospital and it has  
4 been determined under Title XVIII of the Social Security Act to  
5 meet the requirements of paragraphs (10) and (11) of Section  
6 1861(s) of such Act. In determining whether medical equipment  
7 has a value in excess of the capital expenditure minimum, the  
8 value of studies, surveys, designs, plans, working drawings,  
9 specifications, and other activities essential to the  
10 acquisition of such equipment shall be included.

11 "Capital Expenditure" means an expenditure: (A) made by or  
12 on behalf of a health care facility (as such a facility is  
13 defined in this Act); and (B) which under generally accepted  
14 accounting principles is not properly chargeable as an expense  
15 of operation and maintenance, or is made to obtain by lease or  
16 comparable arrangement any facility or part thereof or any  
17 equipment for a facility or part; and which exceeds the capital  
18 expenditure minimum.

19 For the purpose of this paragraph, the cost of any studies,  
20 surveys, designs, plans, working drawings, specifications, and  
21 other activities essential to the acquisition, improvement,  
22 expansion, or replacement of any plant or equipment with  
23 respect to which an expenditure is made shall be included in  
24 determining if such expenditure exceeds the capital  
25 expenditures minimum. Donations of equipment or facilities to a  
26 health care facility which if acquired directly by such

1 facility would be subject to review under this Act shall be  
2 considered capital expenditures, and a transfer of equipment or  
3 facilities for less than fair market value shall be considered  
4 a capital expenditure for purposes of this Act if a transfer of  
5 the equipment or facilities at fair market value would be  
6 subject to review.

7 "Capital expenditure minimum" means \$6,000,000, which  
8 shall be annually adjusted to reflect the increase in  
9 construction costs due to inflation, for major medical  
10 equipment and for all other capital expenditures; provided,  
11 however, that when a capital expenditure is for the  
12 construction or modification of a health and fitness center,  
13 "capital expenditure minimum" means the capital expenditure  
14 minimum for all other capital expenditures in effect on March  
15 1, 2000, which shall be annually adjusted to reflect the  
16 increase in construction costs due to inflation.

17 "Non-clinical service area" means an area (i) for the  
18 benefit of the patients, visitors, staff, or employees of a  
19 health care facility and (ii) not directly related to the  
20 diagnosis, treatment, or rehabilitation of persons receiving  
21 services from the health care facility. "Non-clinical service  
22 areas" include, but are not limited to, chapels; gift shops;  
23 news stands; computer systems; tunnels, walkways, and  
24 elevators; telephone systems; projects to comply with life  
25 safety codes; educational facilities; student housing;  
26 patient, employee, staff, and visitor dining areas;

1 administration and volunteer offices; modernization of  
2 structural components (such as roof replacement and masonry  
3 work); boiler repair or replacement; vehicle maintenance and  
4 storage facilities; parking facilities; mechanical systems for  
5 heating, ventilation, and air conditioning; loading docks; and  
6 repair or replacement of carpeting, tile, wall coverings,  
7 window coverings or treatments, or furniture. Solely for the  
8 purpose of this definition, "non-clinical service area" does  
9 not include health and fitness centers.

10 "Areawide" means a major area of the State delineated on a  
11 geographic, demographic, and functional basis for health  
12 planning and for health service and having within it one or  
13 more local areas for health planning and health service. The  
14 term "region", as contrasted with the term "subregion", and the  
15 word "area" may be used synonymously with the term "areawide".

16 "Local" means a subarea of a delineated major area that on  
17 a geographic, demographic, and functional basis may be  
18 considered to be part of such major area. The term "subregion"  
19 may be used synonymously with the term "local".

20 "Areawide health planning organization" or "Comprehensive  
21 health planning organization" means the health systems agency  
22 designated by the Secretary, Department of Health and Human  
23 Services or any successor agency.

24 "Local health planning organization" means those local  
25 health planning organizations that are designated as such by  
26 the areawide health planning organization of the appropriate

1 area.

2 "Physician" means a person licensed to practice in  
3 accordance with the Medical Practice Act of 1987, as amended.

4 "Licensed health care professional" means a person  
5 licensed to practice a health profession under pertinent  
6 licensing statutes of the State of Illinois.

7 "Director" means the Director of the Illinois Department of  
8 Public Health.

9 "Agency" means the Illinois Department of Public Health.

10 "Comprehensive health planning" means health planning  
11 concerned with the total population and all health and  
12 associated problems that affect the well-being of people and  
13 that encompasses health services, health manpower, and health  
14 facilities; and the coordination among these and with those  
15 social, economic, and environmental factors that affect  
16 health.

17 "Alternative health care model" means a facility or program  
18 authorized under the Alternative Health Care Delivery Act.

19 "Out-of-state facility" means a person that is both (i)  
20 licensed as a hospital or as an ambulatory surgery center under  
21 the laws of another state or that qualifies as a hospital or an  
22 ambulatory surgery center under regulations adopted pursuant  
23 to the Social Security Act and (ii) not licensed under the  
24 Ambulatory Surgical Treatment Center Act, the Hospital  
25 Licensing Act, or the Nursing Home Care Act. Affiliates of  
26 out-of-state facilities shall be considered out-of-state

1 facilities. Affiliates of Illinois licensed health care  
2 facilities 100% owned by an Illinois licensed health care  
3 facility, its parent, or Illinois physicians licensed to  
4 practice medicine in all its branches shall not be considered  
5 out-of-state facilities. Nothing in this definition shall be  
6 construed to include an office or any part of an office of a  
7 physician licensed to practice medicine in all its branches in  
8 Illinois that is not required to be licensed under the  
9 Ambulatory Surgical Treatment Center Act.

10 "Change of ownership of a health care facility" means a  
11 change in the person who has ownership or control of a health  
12 care facility's physical plant and capital assets. A change in  
13 ownership is indicated by the following transactions: sale,  
14 transfer, acquisition, lease, change of sponsorship, or other  
15 means of transferring control.

16 "Related person" means any person that: (i) is at least 50%  
17 owned, directly or indirectly, by either the health care  
18 facility or a person owning, directly or indirectly, at least  
19 50% of the health care facility; or (ii) owns, directly or  
20 indirectly, at least 50% of the health care facility.

21 "Charity care" means care provided by a health care  
22 facility for which the provider does not expect to receive  
23 payment from the patient or a third-party payer.

24 "Freestanding emergency center" means a facility subject  
25 to licensure under Section 32.5 of the Emergency Medical  
26 Services (EMS) Systems Act.

1 (Source: P.A. 94-342, eff. 7-26-05; 95-331, eff. 8-21-07;  
2 95-543, eff. 8-28-07; 95-584, eff. 8-31-07; revised 10-30-07.)

3 Section 95. The Illinois Latino Family Commission Act is  
4 amended by changing Section 15 as follows:

5 (20 ILCS 3983/15)

6 Sec. 15. Purpose and objectives. ~~(a)~~ The purpose of the  
7 Illinois Latino Family Commission is to advise the Governor and  
8 General Assembly, as well as work directly with State agencies  
9 to improve and expand existing policies, services, programs,  
10 and opportunities for Latino families. Subject to  
11 appropriation, the Illinois Latino Family Commission shall  
12 guide the efforts of and collaborate with State agencies,  
13 including: the Department on Aging, the Department of Children  
14 and Family Services, the Department of Commerce and Economic  
15 Opportunity, the Department of Corrections, the Department of  
16 Human Services, the Department of Public Aid, the Department of  
17 Public Health, the Department of Transportation, the  
18 Department of Employment Security, and others. This shall be  
19 achieved primarily by:

20 (1) monitoring and commenting on existing and proposed  
21 legislation and programs designed to address the needs of  
22 Latinos in Illinois;

23 (2) assisting State agencies in developing programs,  
24 services, public policies, and research strategies that

1 will expand and enhance the social and economic well-being  
2 of Latino children and families;

3 (3) facilitating the participation and representation  
4 of Latinos in the development, implementation, and  
5 planning of policies, programs, and services; and

6 (4) promoting research efforts to document the impact  
7 of policies and programs on Latino families.

8 The work of the Illinois Latino Family Commission shall  
9 include the use of existing reports, research, and planning  
10 efforts, procedures, and programs.

11 (Source: P.A. 95-619, eff. 9-14-07; revised 10-30-07.)

12 Section 100. The State Finance Act is amended by setting  
13 forth and renumbering multiple versions of Sections 5.663 and  
14 5.675 and by changing Section 8h as follows:

15 (30 ILCS 105/5.663)

16 Sec. 5.663. The Pension Stabilization Fund.

17 (Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

18 (30 ILCS 105/5.675)

19 Sec. 5.675. The Employee Classification Fund.

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

21 (30 ILCS 105/5.677)

22 Sec. 5.677 ~~5.663~~. The Sheet Metal Workers International



1 Association of Illinois Fund.

2 (Source: P.A. 95-531, eff. 1-1-08; revised 12-6-07.)

3 (30 ILCS 105/5.678)

4 Sec. 5.678 ~~5.675~~. The Agriculture in the Classroom Fund.

5 (Source: P.A. 95-94, eff. 8-13-07; revised 12-18-07.)

6 (30 ILCS 105/5.679)

7 Sec. 5.679 ~~5.675~~. The Autism Awareness Fund.

8 (Source: P.A. 95-226, eff. 1-1-08; revised 12-18-07.)

9 (30 ILCS 105/5.684)

10 Sec. 5.684 ~~5.675~~. The Boy Scout and Girl Scout Fund.

11 (Source: P.A. 95-320, eff. 1-1-08; revised 12-18-07.)

12 (30 ILCS 105/5.685)

13 (This Section may contain text from a Public Act with a  
14 delayed effective date)

15 Sec. 5.685 ~~5.675~~. The Indigent BAIID Fund.

16 (Source: P.A. 95-400, eff. 1-1-09; revised 12-18-07.)

17 (30 ILCS 105/5.686)

18 Sec. 5.686 ~~5.675~~. The Supreme Court Historic Preservation  
19 Fund.

20 (Source: P.A. 95-410, eff. 8-24-07; revised 12-18-07.)

1 (30 ILCS 105/5.687)

2 Sec. 5.687 ~~5.675~~. The Lung Cancer Research Fund.

3 (Source: P.A. 95-434, eff. 8-27-07; revised 12-18-07.)

4 (30 ILCS 105/5.688)

5 Sec. 5.688 ~~5.675~~. The Autoimmune Disease Research Fund.

6 (Source: P.A. 95-435, eff. 8-27-07; revised 12-18-07.)

7 (30 ILCS 105/5.689)

8 Sec. 5.689 ~~5.675~~. The Illinois Professional Golfers  
9 Association Foundation Junior Golf Fund.

10 (Source: P.A. 95-444, eff. 8-27-07; revised 12-18-07.)

11 (30 ILCS 105/5.690)

12 (This Section may contain text from a Public Act with a  
13 delayed effective date)

14 Sec. 5.690 ~~5.675~~. The Rotary Club Fund.

15 (Source: P.A. 95-523, eff. 6-1-08; revised 12-18-07.)

16 (30 ILCS 105/5.691)

17 Sec. 5.691 ~~5.675~~. The Support Our Troops Fund.

18 (Source: P.A. 95-534, eff. 8-28-07; revised 12-18-07.)

19 (30 ILCS 105/5.692)

20 Sec. 5.692 ~~5.675~~. The Ovarian Cancer Awareness Fund.

21 (Source: P.A. 95-552, eff. 8-30-07; revised 12-18-07.)

1 (30 ILCS 105/5.693)

2 Sec. 5.693 ~~5.675~~. The Emerald Ash Borer Revolving Loan  
3 Fund.

4 (Source: P.A. 95-588, eff. 9-4-07; revised 12-18-07.)

5 (30 ILCS 105/5.694)

6 (This Section may contain text from a Public Act with a  
7 delayed effective date)

8 Sec. 5.694 ~~5.675~~. The Sex Offender Investigation Fund.

9 (Source: P.A. 95-600, eff. 6-1-08; revised 12-18-07.)

10 (30 ILCS 105/5.695)

11 Sec. 5.695 ~~5.675~~. The Interpreters for the Deaf Fund.

12 (Source: P.A. 95-617, eff. 9-12-07; revised 12-18-07.)

13 (30 ILCS 105/5.696)

14 Sec. 5.696 ~~5.675~~. The Veterans Service Organization  
15 Reimbursement Fund.

16 (Source: P.A. 95-629, eff. 9-25-07; revised 12-18-07.)

17 (30 ILCS 105/5.697)

18 (This Section may contain text from a Public Act with a  
19 delayed effective date)

20 Sec. 5.697 ~~5.675~~. The Charitable Trust Stabilization Fund.

21 (Source: P.A. 95-655, eff. 6-1-08; revised 12-18-07.)

1 (30 ILCS 105/5.698)

2 Sec. 5.698 ~~5.675~~. The Multiple Sclerosis Research Fund.

3 (Source: P.A. 95-673, eff. 10-11-07; revised 12-18-07.)

4 (30 ILCS 105/5.699)

5 Sec. 5.699 ~~5.675~~. The Quality of Life Endowment Fund.

6 (Source: P.A. 95-674, eff. 10-11-07; revised 12-18-07.)

7 (30 ILCS 105/5.701)

8 Sec. 5.701 ~~5.675~~. Comprehensive Regional Planning Fund.

9 (Source: P.A. 95-677, eff. 10-11-07; revised 12-18-07.)

10 (30 ILCS 105/5.702)

11 Sec. 5.702 ~~5.675~~. The High Speed Internet Services and

12 Information Technology Fund.

13 (Source: P.A. 95-684, eff. 10-19-07; revised 12-18-07.)

14 (30 ILCS 105/8h)

15 Sec. 8h. Transfers to General Revenue Fund.

16 (a) Except as otherwise provided in this Section and  
17 Section 8n of this Act, and notwithstanding any other State law  
18 to the contrary, the Governor may, through June 30, 2007, from  
19 time to time direct the State Treasurer and Comptroller to  
20 transfer a specified sum from any fund held by the State  
21 Treasurer to the General Revenue Fund in order to help defray

1 the State's operating costs for the fiscal year. The total  
2 transfer under this Section from any fund in any fiscal year  
3 shall not exceed the lesser of (i) 8% of the revenues to be  
4 deposited into the fund during that fiscal year or (ii) an  
5 amount that leaves a remaining fund balance of 25% of the July  
6 1 fund balance of that fiscal year. In fiscal year 2005 only,  
7 prior to calculating the July 1, 2004 final balances, the  
8 Governor may calculate and direct the State Treasurer with the  
9 Comptroller to transfer additional amounts determined by  
10 applying the formula authorized in Public Act 93-839 to the  
11 funds balances on July 1, 2003. No transfer may be made from a  
12 fund under this Section that would have the effect of reducing  
13 the available balance in the fund to an amount less than the  
14 amount remaining unexpended and unreserved from the total  
15 appropriation from that fund estimated to be expended for that  
16 fiscal year. This Section does not apply to any funds that are  
17 restricted by federal law to a specific use, to any funds in  
18 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
19 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
20 Teacher Health Insurance Security Fund, the Reviewing Court  
21 Alternative Dispute Resolution Fund, the Voters' Guide Fund,  
22 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
23 Program Fund, the Supreme Court Federal Projects Fund, the  
24 Supreme Court Special State Projects Fund, the Supplemental  
25 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
26 Trust Fund, the Low-Level Radioactive Waste Facility

1 Development and Operation Fund, the Horse Racing Equity Trust  
2 Fund, the Metabolic Screening and Treatment Fund, or the  
3 Hospital Basic Services Preservation Fund, or to any funds to  
4 which Section 70-50 of the Nurse Practice Act applies. No  
5 transfers may be made under this Section from the Pet  
6 Population Control Fund. Notwithstanding any other provision  
7 of this Section, for fiscal year 2004, the total transfer under  
8 this Section from the Road Fund or the State Construction  
9 Account Fund shall not exceed the lesser of (i) 5% of the  
10 revenues to be deposited into the fund during that fiscal year  
11 or (ii) 25% of the beginning balance in the fund. For fiscal  
12 year 2005 through fiscal year 2007, no amounts may be  
13 transferred under this Section from the Road Fund, the State  
14 Construction Account Fund, the Criminal Justice Information  
15 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
16 Mandatory Arbitration Fund.

17 In determining the available balance in a fund, the  
18 Governor may include receipts, transfers into the fund, and  
19 other resources anticipated to be available in the fund in that  
20 fiscal year.

21 The State Treasurer and Comptroller shall transfer the  
22 amounts designated under this Section as soon as may be  
23 practicable after receiving the direction to transfer from the  
24 Governor.

25 (a-5) Transfers directed to be made under this Section on  
26 or before February 28, 2006 that are still pending on May 19,

1 2006 (the effective date of Public Act 94-774) shall be  
2 redirected as provided in Section 8n of this Act.

3 (b) This Section does not apply to: (i) the Ticket For The  
4 Cure Fund; (ii) any fund established under the Community Senior  
5 Services and Resources Act; or (iii) on or after January 1,  
6 2006 (the effective date of Public Act 94-511), the Child Labor  
7 and Day and Temporary Labor Enforcement Fund.

8 (c) This Section does not apply to the Demutualization  
9 Trust Fund established under the Uniform Disposition of  
10 Unclaimed Property Act.

11 (d) This Section does not apply to moneys set aside in the  
12 Illinois State Podiatric Disciplinary Fund for podiatric  
13 scholarships and residency programs under the Podiatric  
14 Scholarship and Residency Act.

15 (e) Subsection (a) does not apply to, and no transfer may  
16 be made under this Section from, the Pension Stabilization  
17 Fund.

18 (f) Subsection (a) does not apply to, and no transfer may  
19 be made under this Section from, the Illinois Power Agency  
20 Operations Fund, the Illinois Power Agency Facilities Fund, the  
21 Illinois Power Agency Debt Service Fund, and the Illinois Power  
22 Agency Trust Fund.

23 (g) ~~(f)~~ This Section does not apply to the Veterans Service  
24 Organization Reimbursement Fund.

25 (h) ~~(f)~~ This Section does not apply to the Supreme Court  
26 Historic Preservation Fund.

1 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
2 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;  
3 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
4 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
5 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;  
6 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
7 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
8 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

9 Section 105. The Illinois Procurement Code is amended by  
10 changing Sections 1-10 and 50-70 and by setting forth and  
11 renumbering multiple versions of Section 45-75 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

14 (a) This Code applies only to procurements for which  
15 contractors were first solicited on or after July 1, 1998. This  
16 Code shall not be construed to affect or impair any contract,  
17 or any provision of a contract, entered into based on a  
18 solicitation prior to the implementation date of this Code as  
19 described in Article 99, including but not limited to any  
20 covenant entered into with respect to any revenue bonds or  
21 similar instruments. All procurements for which contracts are  
22 solicited between the effective date of Articles 50 and 99 and  
23 July 1, 1998 shall be substantially in accordance with this  
24 Code and its intent.



1 (b) This Code shall apply regardless of the source of the  
2 funds with which the contracts are paid, including federal  
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political  
5 subdivisions or other governments, or between State  
6 governmental bodies except as specifically provided in  
7 this Code.

8 (2) Grants, except for the filing requirements of  
9 Section 20-80.

10 (3) Purchase of care.

11 (4) Hiring of an individual as employee and not as an  
12 independent contractor, whether pursuant to an employment  
13 code or policy or by contract directly with that  
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of this  
17 type of contract with a value of more than \$25,000 must be  
18 published in the Procurement Bulletin within 7 days after  
19 the deed is recorded in the county of jurisdiction. The  
20 notice shall identify the real estate purchased, the names  
21 of all parties to the contract, the value of the contract,  
22 and the effective date of the contract.

23 (7) Contracts necessary to prepare for anticipated  
24 litigation, enforcement actions, or investigations,  
25 provided that the chief legal counsel to the Governor shall  
26 give his or her prior approval when the procuring agency is

1 one subject to the jurisdiction of the Governor, and  
2 provided that the chief legal counsel of any other  
3 procuring entity subject to this Code shall give his or her  
4 prior approval when the procuring entity is not one subject  
5 to the jurisdiction of the Governor.

6 (8) Contracts for services to Northern Illinois  
7 University by a person, acting as an independent  
8 contractor, who is qualified by education, experience, and  
9 technical ability and is selected by negotiation for the  
10 purpose of providing non-credit educational service  
11 activities or products by means of specialized programs  
12 offered by the university.

13 (9) Procurement expenditures by the Illinois  
14 Conservation Foundation when only private funds are used.

15 (c) This Code does not apply to the electric power  
16 procurement process provided for under Section 1-75 of the  
17 Illinois Power Agency Act and Section 16-111.5 of the Public  
18 Utilities Act.

19 (Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07;  
20 revised 11-2-07.)

21 (30 ILCS 500/45-75)

22 Sec. 45-75. Biobased products. When a State contract is to  
23 be awarded to the lowest responsible bidder, an otherwise  
24 qualified bidder who will fulfill the contract through the use  
25 of biobased products may be given preference over other bidders

1 unable to do so, provided that the cost included in the bid of  
2 biobased products is not more than 5% greater than the cost of  
3 products that are not biobased.

4 For the purpose of this Section, a biobased product is  
5 defined as in the federal Biobased Products Preferred  
6 Procurement Program.

7 This Section does not apply to contracts for construction  
8 projects awarded by the Capital Development Board or the  
9 Department of Transportation.

10 (Source: P.A. 95-71, eff. 1-1-08.)

11 (30 ILCS 500/45-80)

12 Sec. 45-80 ~~45-75~~. Historic area preference. State agencies  
13 with responsibilities for leasing, acquiring, or maintaining  
14 State facilities shall take all reasonable steps to minimize  
15 any regulations, policies, and procedures that impede the goals  
16 of Section 17 of the Capital Development Board Act.

17 (Source: P.A. 95-101, eff. 8-13-07; revised 12-6-07.)

18 (30 ILCS 500/50-70)

19 Sec. 50-70. Additional provisions. This Code is subject to  
20 applicable provisions of the following Acts:

21 (1) Article 33E of the Criminal Code of 1961;

22 (2) the Illinois Human Rights Act;

23 (3) the Discriminatory Club Act;

24 (4) the Illinois Governmental Ethics Act;

- 1 (5) the State Prompt Payment Act;
- 2 (6) the Public Officer Prohibited Activities Act;
- 3 (7) the Drug Free Workplace Act; ~~and~~
- 4 (8) the Illinois Power Agency Act; and
- 5 (9) ~~(8)~~ the Employee Classification Act.

6 (Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; revised  
7 11-2-07.)

8 Section 110. The State Mandates Act is amended by changing  
9 Sections 8.30 and 8.31 as follows:

10 (30 ILCS 805/8.30)

11 Sec. 8.30. Exempt mandate.

12 (a) Notwithstanding Sections 6 and 8 of this Act, no  
13 reimbursement by the State is required for the implementation  
14 of any mandate created by Public Act 94-750, 94-792, 94-794,  
15 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, ~~or~~ 94-1055,  
16 94-1074, or 94-1111.

17 (b) 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 Volunteer Emergency Worker Higher  
20 Education Protection Act.

21 (Source: P.A. 94-750, eff. 5-9-06; 94-792, eff. 5-19-06;  
22 94-794, eff. 5-22-06; 94-806, eff. 1-1-07; 94-823, eff. 1-1-07;  
23 94-834, eff. 6-6-06; 94-856, eff. 6-15-06; 94-875, eff. 7-1-06;  
24 94-933, eff. 6-26-06; 94-957, eff. 7-1-06; 94-1055, eff.

1 1-1-07; 94-1074, eff. 12-26-06; 94-1111, eff. 2-27-07; 95-331,  
2 eff. 8-21-07; revised 12-6-07.)

3 (30 ILCS 805/8.31)

4 Sec. 8.31. Exempt mandate.

5 (a) Notwithstanding Sections 6 and 8 of this Act, no  
6 reimbursement by the State is required for the implementation  
7 of any mandate created by Public Act 95-9, 95-17, 95-148,  
8 95-151, 95-194, 95-232, 95-241, 95-279, 95-349, 95-369,  
9 95-483, 95-486, 95-504, 95-521, 95-530, 95-586, 95-644,  
10 95-654, 95-671, 95-677, or 95-681 ~~this amendatory Act of the~~  
11 ~~95th General Assembly.~~

12 (b) Notwithstanding Sections 6 and 8 of this Act, no  
13 reimbursement by the State is required for the implementation  
14 of any mandate created by the Green Cleaning Schools Act.

15 (Source: P.A. 95-9, eff. 6-30-07; 95-17, eff. 1-1-08; 95-84,  
16 eff. 8-13-07; 95-148, eff. 8-14-07; 95-151, eff. 8-14-07;  
17 95-194, eff. 1-1-08; 95-232, eff. 8-16-07; 95-241, eff.  
18 8-17-07; 95-279, eff. 1-1-08; 95-349, eff. 8-23-07; 95-369,  
19 eff. 8-23-07; 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;  
20 95-504, eff. 8-28-07; 95-521, eff. 8-28-07; 95-530, eff.  
21 8-28-07; 95-586, eff. 8-31-07; 95-644, eff. 10-12-07; 95-654,  
22 eff. 1-1-08; 95-671, eff. 1-1-08; 95-677, eff. 10-11-07;  
23 95-681, eff. 10-11-07; revised 12-18-07.)

24 Section 115. The Illinois Income Tax Act is amended by

1 changing Section 203 and by renumbering multiple versions of  
2 Section 50700 as follows:

3 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

4 Sec. 203. Base income defined.

5 (a) Individuals.

6 (1) In general. In the case of an individual, base  
7 income means an amount equal to the taxpayer's adjusted  
8 gross income for the taxable year as modified by paragraph  
9 (2).

10 (2) Modifications. The adjusted gross income referred  
11 to in paragraph (1) shall be modified by adding thereto the  
12 sum of the following amounts:

13 (A) An amount equal to all amounts paid or accrued  
14 to the taxpayer as interest or dividends during the  
15 taxable year to the extent excluded from gross income  
16 in the computation of adjusted gross income, except  
17 stock dividends of qualified public utilities  
18 described in Section 305(e) of the Internal Revenue  
19 Code;

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 adjusted gross income for the  
23 taxable year;

24 (C) An amount equal to the amount received during  
25 the taxable year as a recovery or refund of real

1 property taxes paid with respect to the taxpayer's  
2 principal residence under the Revenue Act of 1939 and  
3 for which a deduction was previously taken under  
4 subparagraph (L) of this paragraph (2) prior to July 1,  
5 1991, the retrospective application date of Article 4  
6 of Public Act 87-17. In the case of multi-unit or  
7 multi-use structures and farm dwellings, the taxes on  
8 the taxpayer's principal residence shall be that  
9 portion of the total taxes for the entire property  
10 which is attributable to such principal residence;

11 (D) An amount equal to the amount of the capital  
12 gain deduction allowable under the Internal Revenue  
13 Code, to the extent deducted from gross income in the  
14 computation of adjusted gross income;

15 (D-5) An amount, to the extent not included in  
16 adjusted gross income, equal to the amount of money  
17 withdrawn by the taxpayer in the taxable year from a  
18 medical care savings account and the interest earned on  
19 the account in the taxable year of a withdrawal  
20 pursuant to subsection (b) of Section 20 of the Medical  
21 Care Savings Account Act or subsection (b) of Section  
22 20 of the Medical Care Savings Account Act of 2000;

23 (D-10) For taxable years ending after December 31,  
24 1997, an amount equal to any eligible remediation costs  
25 that the individual deducted in computing adjusted  
26 gross income and for which the individual claims a

1 credit under subsection (l) of Section 201;

2 (D-15) For taxable years 2001 and thereafter, an  
3 amount equal to the bonus depreciation deduction 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;

7 (D-16) If the taxpayer sells, transfers, abandons,  
8 or otherwise disposes of property for which the  
9 taxpayer was required in any taxable year to make an  
10 addition modification under subparagraph (D-15), then  
11 an amount equal to the aggregate amount of the  
12 deductions taken in all taxable years under  
13 subparagraph (Z) with respect to that property.

14 If the taxpayer continues to own property through  
15 the last day of the last tax year for which the  
16 taxpayer may claim a depreciation deduction for  
17 federal income tax purposes and for which the taxpayer  
18 was allowed in any taxable year to make a subtraction  
19 modification under subparagraph (Z), then an amount  
20 equal to that subtraction modification.

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 (D-17) An amount equal to the amount otherwise  
25 allowed as a deduction in computing base income for  
26 interest paid, accrued, or incurred, directly or



1 indirectly, (i) for taxable years ending on or after  
2 December 31, 2004, to a foreign person who would be a  
3 member of the same unitary business group but for the  
4 fact that foreign person's business activity outside  
5 the United States is 80% or more of the foreign  
6 person's total business activity and (ii) for taxable  
7 years ending on or after December 31, 2008, to a person  
8 who would be a member of the same unitary business  
9 group but for the fact that the person is prohibited  
10 under Section 1501(a)(27) from being included in the  
11 unitary business group because he or she is ordinarily  
12 required to apportion business income under different  
13 subsections of Section 304. The addition modification  
14 required by this subparagraph shall be reduced to the  
15 extent that dividends were included in base income of  
16 the unitary group for the same taxable year and  
17 received by the taxpayer or by a member of the  
18 taxpayer's unitary business group (including amounts  
19 included in gross income under Sections 951 through 964  
20 of the Internal Revenue Code and amounts included in  
21 gross income under Section 78 of the Internal Revenue  
22 Code) with respect to the stock of the same person to  
23 whom the interest was paid, accrued, or incurred.

24 This paragraph shall not apply to the following:

25 (i) an item of interest paid, accrued, or  
26 incurred, directly or indirectly, to a foreign

1 person who is subject in a foreign country or  
2 state, other than a state which requires mandatory  
3 unitary reporting, to a tax on or measured by net  
4 income with respect to such interest; or

5 (ii) an item of interest paid, accrued, or  
6 incurred, directly or indirectly, to a foreign  
7 person if the taxpayer can establish, based on a  
8 preponderance of the evidence, both of the  
9 following:

10 (a) the foreign person, during the same  
11 taxable year, paid, accrued, or incurred, the  
12 interest to a person that is not a related  
13 member, and

14 (b) the transaction giving rise to the  
15 interest expense between the taxpayer and the  
16 foreign person did not have as a principal  
17 purpose the avoidance of Illinois income tax,  
18 and is paid pursuant to a contract or agreement  
19 that reflects an arm's-length interest rate  
20 and terms; or

21 (iii) the taxpayer can establish, based on  
22 clear and convincing evidence, that the interest  
23 paid, accrued, or incurred relates to a contract or  
24 agreement entered into at arm's-length rates and  
25 terms and the principal purpose for the payment is  
26 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 (D-18) An amount equal to the amount of intangible  
19 expenses and costs otherwise allowed as a deduction in  
20 computing base income, and that were paid, accrued, or  
21 incurred, directly or indirectly, (i) for taxable  
22 years ending on or after December 31, 2004, 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

1 activity and (ii) for taxable years ending on or after  
2 December 31, 2008, to a person who would be a member of  
3 the same unitary business group but for the fact that  
4 the person is prohibited under Section 1501(a)(27)  
5 from being included in the unitary business group  
6 because he or she is ordinarily required to apportion  
7 business income under different subsections of Section  
8 304. The addition modification required by this  
9 subparagraph shall be reduced to the extent that  
10 dividends were included in base income of the unitary  
11 group for the same taxable year and received by the  
12 taxpayer or by a member of the taxpayer's unitary  
13 business group (including amounts included in gross  
14 income under Sections 951 through 964 of the Internal  
15 Revenue Code and amounts included in gross income under  
16 Section 78 of the Internal Revenue Code) with respect  
17 to the stock of the same person to whom the intangible  
18 expenses and costs were directly or indirectly paid,  
19 incurred, or accrued. The preceding sentence does not  
20 apply to the extent that the same dividends caused a  
21 reduction to the addition modification required under  
22 Section 203(a)(2)(D-17) of this Act. As used in this  
23 subparagraph, the term "intangible expenses and costs"  
24 includes (1) expenses, losses, and costs for, or  
25 related to, the direct or indirect acquisition, use,  
26 maintenance or management, ownership, sale, exchange,

1 or any other disposition of intangible property; (2)  
2 losses incurred, directly or indirectly, from  
3 factoring transactions or discounting transactions;  
4 (3) royalty, patent, technical, and copyright fees;  
5 (4) licensing fees; and (5) other similar expenses and  
6 costs. For purposes of this subparagraph, "intangible  
7 property" includes patents, patent applications, trade  
8 names, trademarks, service marks, copyrights, mask  
9 works, trade secrets, and similar types of intangible  
10 assets.

11 This paragraph shall not apply to the following:

12 (i) any item of intangible expenses or costs  
13 paid, accrued, or incurred, directly or  
14 indirectly, from a transaction with 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 item; or

19 (ii) any item of intangible expense or cost  
20 paid, accrued, or incurred, directly or  
21 indirectly, if the taxpayer can establish, based  
22 on a 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 intangible expense or cost to a person that is

1 not a related member, and

2 (b) the transaction giving rise to the  
3 intangible expense or cost between the  
4 taxpayer and the foreign person did not have as  
5 a principal purpose the avoidance of Illinois  
6 income tax, and is paid pursuant to a contract  
7 or agreement that reflects arm's-length terms;  
8 or

9 (iii) any item of intangible expense or cost  
10 paid, accrued, or incurred, directly or  
11 indirectly, from a transaction with 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;

1 (D-19) For taxable years ending on or after  
2 December 31, 2008, an amount equal to the amount of  
3 insurance premium expenses and costs otherwise allowed  
4 as a deduction in computing base income, and that were  
5 paid, accrued, or incurred, directly or indirectly, to  
6 a person who would be a member of the same unitary  
7 business group but for the fact that the person is  
8 prohibited under Section 1501(a)(27) from being  
9 included in the unitary business group because he or  
10 she is ordinarily required to apportion business  
11 income under different subsections of Section 304. The  
12 addition modification required by this subparagraph  
13 shall be reduced to the extent that dividends were  
14 included in base income of the unitary group for the  
15 same taxable year and received by the taxpayer or by a  
16 member of the taxpayer's unitary business group  
17 (including amounts included in gross income under  
18 Sections 951 through 964 of the Internal Revenue Code  
19 and amounts included in gross income under Section 78  
20 of the Internal Revenue Code) with respect to the stock  
21 of the same person to whom the intangible expenses and  
22 costs were directly or indirectly paid, incurred, or  
23 accrued. The preceding sentence does not apply to the  
24 extent that the same dividends caused a reduction to  
25 the addition modification required under Section  
26 203(a)(2)(D-17) of this Act.

1 (D-20) For taxable years beginning on or after  
2 January 1, 2002 and ending on or before December 31,  
3 2006, in the case of a distribution from a qualified  
4 tuition program under Section 529 of the Internal  
5 Revenue Code, other than (i) a distribution from a  
6 College Savings Pool created under Section 16.5 of the  
7 State Treasurer Act or (ii) a distribution from the  
8 Illinois Prepaid Tuition Trust Fund, an amount equal to  
9 the amount excluded from gross income under Section  
10 529(c)(3)(B). For taxable years beginning on or after  
11 January 1, 2007, in the case of a distribution from a  
12 qualified tuition program under Section 529 of the  
13 Internal Revenue Code, other than (i) a distribution  
14 from a College Savings Pool created under Section 16.5  
15 of the State Treasurer Act, (ii) a distribution from  
16 the Illinois Prepaid Tuition Trust Fund, or (iii) a  
17 distribution from a qualified tuition program under  
18 Section 529 of the Internal Revenue Code that (I)  
19 adopts and determines that its offering materials  
20 comply with the College Savings Plans Network's  
21 disclosure principles and (II) has made reasonable  
22 efforts to inform in-state residents of the existence  
23 of in-state qualified tuition programs by informing  
24 Illinois residents directly and, where applicable, to  
25 inform financial intermediaries distributing the  
26 program to inform in-state residents of the existence



1 of in-state qualified tuition programs at least  
2 annually, an amount equal to the amount excluded from  
3 gross income under Section 529(c) (3) (B) .

4 For the purposes of this subparagraph (D-20), a  
5 qualified tuition program has made reasonable efforts  
6 if it makes disclosures (which may use the term  
7 "in-state program" or "in-state plan" and need not  
8 specifically refer to Illinois or its qualified  
9 programs by name) (i) directly to prospective  
10 participants in its offering materials or makes a  
11 public disclosure, such as a website posting; and (ii)  
12 where applicable, to intermediaries selling the  
13 out-of-state program in the same manner that the  
14 out-of-state program distributes its offering  
15 materials;

16 (D-21) For taxable years beginning on or after  
17 January 1, 2007, in the case of transfer of moneys from  
18 a qualified tuition program under Section 529 of the  
19 Internal Revenue Code that is administered by the State  
20 to an out-of-state program, an amount equal to the  
21 amount of moneys previously deducted from base income  
22 under subsection (a) (2) (Y) of this Section.

23 and by deducting from the total so obtained the sum of the  
24 following amounts:

25 (E) For taxable years ending before December 31,  
26 2001, any amount included in such total in respect of

1           any compensation (including but not limited to any  
2           compensation paid or accrued to a serviceman while a  
3           prisoner of war or missing in action) paid to a  
4           resident by reason of being on active duty in the Armed  
5           Forces of the United States and in respect of any  
6           compensation paid or accrued to a resident who as a  
7           governmental employee was a prisoner of war or missing  
8           in action, and in respect of any compensation paid to a  
9           resident in 1971 or thereafter for annual training  
10          performed pursuant to Sections 502 and 503, Title 32,  
11          United States Code as a member of the Illinois National  
12          Guard or, beginning with taxable years ending on or  
13          after December 31, 2007, the National Guard of any  
14          other state. For taxable years ending on or after  
15          December 31, 2001, any amount included in such total in  
16          respect of any compensation (including but not limited  
17          to any compensation paid or accrued to a serviceman  
18          while a prisoner of war or missing in action) paid to a  
19          resident by reason of being a member of any component  
20          of the Armed Forces of the United States and in respect  
21          of any compensation paid or accrued to a resident who  
22          as a governmental employee was a prisoner of war or  
23          missing in action, and in respect of any compensation  
24          paid to a resident in 2001 or thereafter by reason of  
25          being a member of the Illinois National Guard or,  
26          beginning with taxable years ending on or after

1 December 31, 2007, the National Guard of any other  
2 state. The provisions of this amendatory Act of the  
3 92nd General Assembly are exempt from the provisions of  
4 Section 250;

5 (F) An amount equal to all amounts included in such  
6 total pursuant to the provisions of Sections 402(a),  
7 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the  
8 Internal Revenue Code, or included in such total as  
9 distributions under the provisions of any retirement  
10 or disability plan for employees of any governmental  
11 agency or unit, or retirement payments to retired  
12 partners, which payments are excluded in computing net  
13 earnings from self employment by Section 1402 of the  
14 Internal Revenue Code and regulations adopted pursuant  
15 thereto;

16 (G) The valuation limitation amount;

17 (H) An amount equal to the amount of any tax  
18 imposed by this Act which was refunded to the taxpayer  
19 and included in such total for the taxable year;

20 (I) An amount equal to all amounts included in such  
21 total pursuant to the provisions of Section 111 of the  
22 Internal Revenue Code as a recovery of items previously  
23 deducted from adjusted gross income in the computation  
24 of taxable income;

25 (J) An amount equal to those dividends included in  
26 such total which were paid by a corporation which

1           conducts business operations in an Enterprise Zone or  
2           zones created under the Illinois Enterprise Zone Act or  
3           a River Edge Redevelopment Zone or zones created under  
4           the River Edge Redevelopment Zone Act, and conducts  
5           substantially all of its operations in an Enterprise  
6           Zone or zones or a River Edge Redevelopment Zone or  
7           zones. This subparagraph (J) is exempt from the  
8           provisions of Section 250;

9           (K) An amount equal to those dividends included in  
10          such total that were paid by a corporation that  
11          conducts business operations in a federally designated  
12          Foreign Trade Zone or Sub-Zone and that is designated a  
13          High Impact Business located in Illinois; provided  
14          that dividends eligible for the deduction provided in  
15          subparagraph (J) of paragraph (2) of this subsection  
16          shall not be eligible for the deduction provided under  
17          this subparagraph (K);

18          (L) For taxable years ending after December 31,  
19          1983, an amount equal to all social security benefits  
20          and railroad retirement benefits included in such  
21          total pursuant to Sections 72(r) and 86 of the Internal  
22          Revenue Code;

23          (M) With the exception of any amounts subtracted  
24          under subparagraph (N), 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

1 1954, as now or hereafter amended, and all amounts of  
2 expenses allocable to interest and disallowed as  
3 deductions by Section 265(1) of the Internal Revenue  
4 Code of 1954, as now or hereafter amended; and (ii) for  
5 taxable years ending on or after August 13, 1999,  
6 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of  
7 the Internal Revenue Code; the provisions of this  
8 subparagraph are exempt from the provisions of Section  
9 250;

10 (N) An amount equal to all amounts included in such  
11 total which are exempt from taxation by this State  
12 either by reason of its statutes or Constitution or by  
13 reason of the Constitution, treaties or statutes of the  
14 United States; provided that, in the case of any  
15 statute of this State or, for taxable years ending on  
16 or after December 31, 2008, of the United States, any  
17 treaty of the United States, the Illinois  
18 Constitution, or the United States Constitution that  
19 exempts income derived from bonds or other obligations  
20 from the tax imposed under this Act, the amount  
21 exempted shall be the income net of bond premium  
22 amortization, and, for taxable years ending on or after  
23 December 31, 2008, interest expense incurred on  
24 indebtedness to carry the bond or other obligation,  
25 expenses incurred in producing the income to be  
26 deducted, and all other related expenses. The amount of

1 expenses to be taken into account under this provision  
2 may not exceed the amount of income that is exempted;

3 (O) An amount equal to any contribution made to a  
4 job training project established pursuant to the Tax  
5 Increment Allocation Redevelopment Act;

6 (P) An amount equal to the amount of the deduction  
7 used to compute the federal income tax credit for  
8 restoration of substantial amounts held under claim of  
9 right for the taxable year pursuant to Section 1341 of  
10 the Internal Revenue Code of 1986;

11 (Q) An amount equal to any amounts included in such  
12 total, received by the taxpayer as an acceleration in  
13 the payment of life, endowment or annuity benefits in  
14 advance of the time they would otherwise be payable as  
15 an indemnity for a terminal illness;

16 (R) An amount equal to the amount of any federal or  
17 State bonus paid to veterans of the Persian Gulf War;

18 (S) An amount, to the extent included in adjusted  
19 gross income, equal to the amount of a contribution  
20 made in the taxable year on behalf of the taxpayer to a  
21 medical care savings account established under the  
22 Medical Care Savings Account Act or the Medical Care  
23 Savings Account Act of 2000 to the extent the  
24 contribution is accepted by the account administrator  
25 as provided in that Act;

26 (T) An amount, to the extent included in adjusted

1 gross income, equal to the amount of interest earned in  
2 the taxable year on a medical care savings account  
3 established under the Medical Care Savings Account Act  
4 or the Medical Care Savings Account Act of 2000 on  
5 behalf of the taxpayer, other than interest added  
6 pursuant to item (D-5) of this paragraph (2);

7 (U) For one taxable year beginning on or after  
8 January 1, 1994, an amount equal to the total amount of  
9 tax imposed and paid under subsections (a) and (b) of  
10 Section 201 of this Act on grant amounts received by  
11 the taxpayer under the Nursing Home Grant Assistance  
12 Act during the taxpayer's taxable years 1992 and 1993;

13 (V) Beginning with tax years ending on or after  
14 December 31, 1995 and ending with tax years ending on  
15 or before December 31, 2004, an amount equal to the  
16 amount paid by a taxpayer who is a self-employed  
17 taxpayer, a partner of a partnership, or a shareholder  
18 in a Subchapter S corporation for health insurance or  
19 long-term care insurance for that taxpayer or that  
20 taxpayer's spouse or dependents, to the extent that the  
21 amount paid for that health insurance or long-term care  
22 insurance may be deducted under Section 213 of the  
23 Internal Revenue Code of 1986, has not been deducted on  
24 the federal income tax return of the taxpayer, and does  
25 not exceed the taxable income attributable to that  
26 taxpayer's income, self-employment income, or

1 Subchapter S corporation income; except that no  
2 deduction shall be allowed under this item (V) if the  
3 taxpayer is eligible to participate in any health  
4 insurance or long-term care insurance plan of an  
5 employer of the taxpayer or the taxpayer's spouse. The  
6 amount of the health insurance and long-term care  
7 insurance subtracted under this item (V) shall be  
8 determined by multiplying total health insurance and  
9 long-term care insurance premiums paid by the taxpayer  
10 times a number that represents the fractional  
11 percentage of eligible medical expenses under Section  
12 213 of the Internal Revenue Code of 1986 not actually  
13 deducted on the taxpayer's federal income tax return;

14 (W) For taxable years beginning on or after January  
15 1, 1998, all amounts included in the taxpayer's federal  
16 gross income in the taxable year from amounts converted  
17 from a regular IRA to a Roth IRA. This paragraph is  
18 exempt from the provisions of Section 250;

19 (X) For taxable year 1999 and thereafter, an amount  
20 equal to the amount of any (i) distributions, to the  
21 extent includible in gross income for federal income  
22 tax purposes, made to the taxpayer because of his or  
23 her status as a victim of persecution for racial or  
24 religious reasons by Nazi Germany or any other Axis  
25 regime or as an heir of the victim and (ii) items of  
26 income, to the extent includible in gross income for



1 federal income tax purposes, attributable to, derived  
2 from or in any way related to assets stolen from,  
3 hidden from, or otherwise lost to a victim of  
4 persecution for racial or religious reasons by Nazi  
5 Germany or any other Axis regime immediately prior to,  
6 during, and immediately after World War II, including,  
7 but not limited to, interest on the proceeds receivable  
8 as insurance under policies issued to a victim of  
9 persecution for racial or religious reasons by Nazi  
10 Germany or any other Axis regime by European insurance  
11 companies immediately prior to and during World War II;  
12 provided, however, this subtraction from federal  
13 adjusted gross income does not apply to assets acquired  
14 with such assets or with the proceeds from the sale of  
15 such assets; provided, further, this paragraph shall  
16 only apply to a taxpayer who was the first recipient of  
17 such assets after their recovery and who is a victim of  
18 persecution for racial or religious reasons by Nazi  
19 Germany or any other Axis regime or as an heir of the  
20 victim. The amount of and the eligibility for any  
21 public assistance, benefit, or similar entitlement is  
22 not affected by the inclusion of items (i) and (ii) of  
23 this paragraph in gross income for federal income tax  
24 purposes. This paragraph is exempt from the provisions  
25 of Section 250;

26 (Y) For taxable years beginning on or after January

1           1, 2002 and ending on or before December 31, 2004,  
2           moneys contributed in the taxable year to a College  
3           Savings Pool account under Section 16.5 of the State  
4           Treasurer Act, except that amounts excluded from gross  
5           income under Section 529(c)(3)(C)(i) of the Internal  
6           Revenue Code shall not be considered moneys  
7           contributed under this subparagraph (Y). For taxable  
8           years beginning on or after January 1, 2005, a maximum  
9           of \$10,000 contributed in the taxable year to (i) a  
10          College Savings Pool account under Section 16.5 of the  
11          State Treasurer Act or (ii) the Illinois Prepaid  
12          Tuition Trust Fund, except that amounts excluded from  
13          gross income under Section 529(c)(3)(C)(i) of the  
14          Internal Revenue Code shall not be considered moneys  
15          contributed under this subparagraph (Y). This  
16          subparagraph (Y) is exempt from the provisions of  
17          Section 250;

18                 (Z) For taxable years 2001 and thereafter, for the  
19                 taxable year in which the bonus depreciation deduction  
20                 is taken on the taxpayer's federal income tax return  
21                 under subsection (k) of Section 168 of the Internal  
22                 Revenue Code and for each applicable taxable year  
23                 thereafter, an amount equal to "x", where:

24                         (1) "y" equals the amount of the depreciation  
25                         deduction taken for the taxable year on the  
26                         taxpayer's federal income tax return on property

1           for which the bonus depreciation deduction was  
2           taken in any year under subsection (k) of Section  
3           168 of the Internal Revenue Code, but not including  
4           the bonus depreciation deduction;

5           (2) for taxable years ending on or before  
6           December 31, 2005, "x" equals "y" multiplied by 30  
7           and then divided by 70 (or "y" multiplied by  
8           0.429); and

9           (3) for taxable years ending after December  
10          31, 2005:

11           (i) for property on which a bonus  
12           depreciation deduction of 30% of the adjusted  
13           basis was taken, "x" equals "y" multiplied by  
14           30 and then divided by 70 (or "y" multiplied by  
15           0.429); and

16           (ii) for property on which a bonus  
17           depreciation deduction of 50% of the adjusted  
18           basis was taken, "x" equals "y" multiplied by  
19           1.0.

20          The aggregate amount deducted under this  
21          subparagraph in all taxable years for any one piece of  
22          property may not exceed the amount of the bonus  
23          depreciation deduction 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. This  
26          subparagraph (Z) is exempt from the provisions of

1 Section 250;

2 (AA) If the taxpayer sells, transfers, abandons,  
3 or otherwise disposes of property for which the  
4 taxpayer was required in any taxable year to make an  
5 addition modification under subparagraph (D-15), then  
6 an amount equal to that addition modification.

7 If the taxpayer continues to own property through  
8 the last day of the last tax year for which the  
9 taxpayer may claim a depreciation deduction for  
10 federal income tax purposes and for which the taxpayer  
11 was required in any taxable year to make an addition  
12 modification under subparagraph (D-15), then an amount  
13 equal to that addition modification.

14 The taxpayer is allowed to take the deduction under  
15 this subparagraph only once with respect to any one  
16 piece of property.

17 This subparagraph (AA) is exempt from the  
18 provisions of Section 250;

19 (BB) Any amount included in adjusted gross income,  
20 other than salary, received by a driver in a  
21 ridesharing arrangement using a motor vehicle;

22 (CC) 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

1           Section           203(a)(2)(D-17),           203(b)(2)(E-12),  
2           203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
3           the amount of that addition modification, and (ii) any  
4           income from intangible property (net of the deductions  
5           allocable thereto) taken into account for the taxable  
6           year with respect to a transaction with a taxpayer that  
7           is required to make an addition modification with  
8           respect to such transaction under Section  
9           203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
10          203(d)(2)(D-8), but not to exceed the amount of that  
11          addition modification;

12           (DD) An amount equal to the interest income taken  
13          into account for the taxable year (net of the  
14          deductions allocable thereto) with respect to  
15          transactions with (i) a foreign person who would be a  
16          member of the taxpayer's unitary business group but for  
17          the fact that the foreign person's business activity  
18          outside the United States is 80% or more of that  
19          person's total business activity and (ii) for taxable  
20          years ending on or after December 31, 2008, to a person  
21          who would be a member of the same unitary business  
22          group but for the fact that the person is prohibited  
23          under Section 1501(a)(27) from being included in the  
24          unitary business group because he or she is ordinarily  
25          required to apportion business income under different  
26          subsections of Section 304, but not to exceed the

1 addition modification required to be made for the same  
2 taxable year under Section 203(a)(2)(D-17) for  
3 interest paid, accrued, or incurred, directly or  
4 indirectly, to the same person;

5 (EE) 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 (i) 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 and (ii) for taxable  
13 years ending on or after December 31, 2008, to a person  
14 who would be a member of the same unitary business  
15 group but for the fact that the person is prohibited  
16 under Section 1501(a)(27) from being included in the  
17 unitary business group because he or she is ordinarily  
18 required to apportion business income under different  
19 subsections of Section 304, but not to exceed the  
20 addition modification required to be made for the same  
21 taxable year under Section 203(a)(2)(D-18) for  
22 intangible expenses and costs paid, accrued, or  
23 incurred, directly or indirectly, to the same foreign  
24 person; and

25 (FF) An amount equal to the income from insurance  
26 premiums taken into account for the taxable year (net

1 of the deductions allocable thereto) with respect to  
2 transactions with a person who would be a member of the  
3 same unitary business group but for the fact that the  
4 person is prohibited under Section 1501(a)(27) from  
5 being included in the unitary business group because he  
6 or she is ordinarily required to apportion business  
7 income under different subsections of Section 304, but  
8 not to exceed the addition modification required to be  
9 made for the same taxable year under Section  
10 203(a)(2)(D-18) for intangible expenses and costs  
11 paid, accrued, or incurred, directly or indirectly, to  
12 the same person.

13 (b) Corporations.

14 (1) In general. In the case of a corporation, base  
15 income means an amount equal to the taxpayer's taxable  
16 income for the taxable year as modified by paragraph (2).

17 (2) Modifications. The taxable income referred to in  
18 paragraph (1) shall be modified by adding thereto the sum  
19 of the following amounts:

20 (A) An amount equal to all amounts paid or accrued  
21 to the taxpayer as interest and all distributions  
22 received from regulated investment companies during  
23 the taxable year to the extent excluded from gross  
24 income in the computation of taxable income;

25 (B) An amount equal to the amount of tax imposed by

1           this Act to the extent deducted from gross income in  
2           the computation of taxable income for the taxable year;

3           (C) In the case of a regulated investment company,  
4           an amount equal to the excess of (i) the net long-term  
5           capital gain for the taxable year, over (ii) the amount  
6           of the capital gain dividends designated as such in  
7           accordance with Section 852(b)(3)(C) of the Internal  
8           Revenue Code and any amount designated under Section  
9           852(b)(3)(D) of the Internal Revenue Code,  
10          attributable to the taxable year (this amendatory Act  
11          of 1995 (Public Act 89-89) is declarative of existing  
12          law and is not a new enactment);

13          (D) The amount of any net operating loss deduction  
14          taken in arriving at taxable income, other than a net  
15          operating loss carried forward from a taxable year  
16          ending prior to December 31, 1986;

17          (E) For taxable years in which a net operating loss  
18          carryback or carryforward from a taxable year ending  
19          prior to December 31, 1986 is an element of taxable  
20          income under paragraph (1) of subsection (e) or  
21          subparagraph (E) of paragraph (2) of subsection (e),  
22          the amount by which addition modifications other than  
23          those provided by this subparagraph (E) exceeded  
24          subtraction modifications in such earlier taxable  
25          year, with the following limitations applied in the  
26          order that they are listed:



1           (i) the addition modification relating to the  
2 net operating loss carried back or forward to the  
3 taxable year from any taxable year ending prior to  
4 December 31, 1986 shall be reduced by the amount of  
5 addition modification under this subparagraph (E)  
6 which related to that net operating loss and which  
7 was taken into account in calculating the base  
8 income of an earlier taxable year, and

9           (ii) the addition modification relating to the  
10 net operating loss carried back or forward to the  
11 taxable year from any taxable year ending prior to  
12 December 31, 1986 shall not exceed the amount of  
13 such carryback or carryforward;

14           For taxable years in which there is a net operating  
15 loss carryback or carryforward from more than one other  
16 taxable year ending prior to December 31, 1986, the  
17 addition modification provided in this subparagraph  
18 (E) shall be the sum of the amounts computed  
19 independently under the preceding provisions of this  
20 subparagraph (E) for each such taxable year;

21           (E-5) For taxable years ending after December 31,  
22 1997, an amount equal to any eligible remediation costs  
23 that the corporation deducted in computing adjusted  
24 gross income and for which the corporation claims a  
25 credit under subsection (l) of Section 201;

26           (E-10) For taxable years 2001 and thereafter, an

1 amount equal to the bonus depreciation deduction taken  
2 on the taxpayer's federal income tax return for the  
3 taxable year under subsection (k) of Section 168 of the  
4 Internal Revenue Code; and

5 (E-11) If the taxpayer sells, transfers, abandons,  
6 or otherwise disposes of property for which the  
7 taxpayer was required in any taxable year to make an  
8 addition modification under subparagraph (E-10), then  
9 an amount equal to the aggregate amount of the  
10 deductions taken in all taxable years under  
11 subparagraph (T) with respect to that property.

12 If the taxpayer continues to own property through  
13 the last day of the last tax year for which the  
14 taxpayer may claim a depreciation deduction for  
15 federal income tax purposes and for which the taxpayer  
16 was allowed in any taxable year to make a subtraction  
17 modification under subparagraph (T), then an amount  
18 equal to that subtraction modification.

19 The taxpayer is required to make the addition  
20 modification under this subparagraph only once with  
21 respect to any one piece of property;

22 (E-12) An amount equal to the amount otherwise  
23 allowed as a deduction in computing base income for  
24 interest paid, accrued, or incurred, directly or  
25 indirectly, (i) for taxable years ending on or after  
26 December 31, 2004, to a foreign person who would be a

1 member of the same unitary business group but for the  
2 fact the foreign person's business activity outside  
3 the United States is 80% or more of the foreign  
4 person's total business activity and (ii) for taxable  
5 years ending on or after December 31, 2008, to a person  
6 who would be a member of the same unitary business  
7 group but for the fact that the person is prohibited  
8 under Section 1501(a)(27) from being included in the  
9 unitary business group because he or she is ordinarily  
10 required to apportion business income under different  
11 subsections of Section 304. The addition modification  
12 required by this subparagraph shall be reduced to the  
13 extent that dividends were included in base income of  
14 the unitary group for the same taxable year and  
15 received by the taxpayer or by a member of the  
16 taxpayer's unitary business group (including amounts  
17 included in gross income pursuant to Sections 951  
18 through 964 of the Internal Revenue Code and amounts  
19 included in gross income under Section 78 of the  
20 Internal Revenue Code) with respect to the stock of the  
21 same person to whom the interest was paid, accrued, or  
22 incurred.

23 This paragraph shall not apply to the following:

24 (i) an item of interest paid, accrued, or  
25 incurred, directly or indirectly, to a foreign  
26 person who is subject in a foreign country or

1 state, other than a state which requires mandatory  
2 unitary reporting, to a tax on or measured by net  
3 income with respect to such interest; or

4 (ii) an item of interest paid, accrued, or  
5 incurred, directly or indirectly, to a foreign  
6 person if the taxpayer can establish, based on a  
7 preponderance of the evidence, both of the  
8 following:

9 (a) the foreign person, during the same  
10 taxable year, paid, accrued, or incurred, the  
11 interest to a person that is not a related  
12 member, and

13 (b) the transaction giving rise to the  
14 interest expense between the taxpayer and the  
15 foreign person did not have as a principal  
16 purpose the avoidance of Illinois income tax,  
17 and is paid pursuant to a contract or agreement  
18 that reflects an arm's-length interest rate  
19 and terms; or

20 (iii) the taxpayer can establish, based on  
21 clear and convincing evidence, that the interest  
22 paid, accrued, or incurred relates to a contract or  
23 agreement entered into at arm's-length rates and  
24 terms and the principal purpose for the payment is  
25 not federal or Illinois tax avoidance; or

26 (iv) an item of interest paid, accrued, or

1           incurred, directly or indirectly, to a foreign  
2           person if the taxpayer establishes by clear and  
3           convincing evidence that the adjustments are  
4           unreasonable; or if the taxpayer and the Director  
5           agree in writing to the application or use of an  
6           alternative method of apportionment under Section  
7           304(f).

8           Nothing in this subsection shall preclude the  
9           Director from making any other adjustment  
10          otherwise allowed under Section 404 of this Act for  
11          any tax year beginning after the effective date of  
12          this amendment provided such adjustment is made  
13          pursuant to regulation adopted by the Department  
14          and such regulations provide methods and standards  
15          by which the Department will utilize its authority  
16          under Section 404 of this Act;

17          (E-13) An amount equal to the amount of intangible  
18          expenses and costs otherwise allowed as a deduction in  
19          computing base income, and that were paid, accrued, or  
20          incurred, directly or indirectly, (i) for taxable  
21          years ending on or after December 31, 2004, to a  
22          foreign person who would be a member of the same  
23          unitary business group but for the fact that the  
24          foreign person's business activity outside the United  
25          States is 80% or more of that person's total business  
26          activity and (ii) for taxable years ending on or after

1 December 31, 2008, to a person who would be a member of  
2 the same unitary business group but for the fact that  
3 the person is prohibited under Section 1501(a)(27)  
4 from being included in the unitary business group  
5 because he or she is ordinarily required to apportion  
6 business income under different subsections of Section  
7 304. The addition modification required by this  
8 subparagraph shall be reduced to the extent that  
9 dividends were included in base income of the unitary  
10 group for the same taxable year and received by the  
11 taxpayer or by a member of the taxpayer's unitary  
12 business group (including amounts included in gross  
13 income pursuant to Sections 951 through 964 of the  
14 Internal Revenue Code and amounts included in gross  
15 income under Section 78 of the Internal Revenue Code)  
16 with respect to the stock of the same person to whom  
17 the intangible expenses and costs were directly or  
18 indirectly paid, incurred, or accrued. The preceding  
19 sentence shall not apply to the extent that the same  
20 dividends caused a reduction to the addition  
21 modification required under Section 203(b)(2)(E-12) of  
22 this Act. As used in this subparagraph, the term  
23 "intangible expenses and costs" includes (1) expenses,  
24 losses, and costs for, or related to, the direct or  
25 indirect acquisition, use, maintenance or management,  
26 ownership, sale, exchange, or any other disposition of

1 intangible property; (2) losses incurred, directly or  
2 indirectly, from factoring transactions or discounting  
3 transactions; (3) royalty, patent, technical, and  
4 copyright fees; (4) licensing fees; and (5) other  
5 similar expenses and costs. For purposes of this  
6 subparagraph, "intangible property" includes patents,  
7 patent applications, trade names, trademarks, service  
8 marks, copyrights, mask works, trade secrets, and  
9 similar types of intangible assets.

10 This paragraph shall not apply to the following:

11 (i) any item of intangible expenses or costs  
12 paid, accrued, or incurred, directly or  
13 indirectly, from a transaction with a foreign  
14 person who is subject in a foreign country or  
15 state, other than a state which requires mandatory  
16 unitary reporting, to a tax on or measured by net  
17 income with respect to such item; or

18 (ii) any item of intangible expense or cost  
19 paid, accrued, or incurred, directly or  
20 indirectly, if the taxpayer can establish, based  
21 on a preponderance of the evidence, both of the  
22 following:

23 (a) the foreign person during the same  
24 taxable year paid, accrued, or incurred, the  
25 intangible expense or cost to a person that is  
26 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 (E-14) For taxable years ending on or after



1 December 31, 2008, an amount equal to the amount of  
2 insurance premium expenses and costs otherwise allowed  
3 as a deduction in computing base income, and that were  
4 paid, accrued, or incurred, directly or indirectly, to  
5 a person who would be a member of the same unitary  
6 business group but for the fact that the person is  
7 prohibited under Section 1501(a)(27) from being  
8 included in the unitary business group because he or  
9 she is ordinarily required to apportion business  
10 income under different subsections of Section 304. The  
11 addition modification required by this subparagraph  
12 shall be reduced to the extent that dividends were  
13 included in base income of the unitary group for the  
14 same taxable year and received by the taxpayer or by a  
15 member of the taxpayer's unitary business group  
16 (including amounts included in gross income under  
17 Sections 951 through 964 of the Internal Revenue Code  
18 and amounts included in gross income under Section 78  
19 of the Internal Revenue Code) with respect to the stock  
20 of the same person to whom the intangible expenses and  
21 costs were directly or indirectly paid, incurred, or  
22 accrued. The preceding sentence does not apply to the  
23 extent that the same dividends caused a reduction to  
24 the addition modification required under Section  
25 203(a)(2)(D-17) of this Act;

26 (E-15) For taxable years beginning after December

1           31, 2008, any deduction for dividends paid to a  
2           corporation by a captive real estate trust that is  
3           allowed to a real estate investment trust under Section  
4           857(b)(2)(B) of the Internal Revenue Code for  
5           dividends paid;

6           and by deducting from the total so obtained the sum of the  
7           following amounts:

8                   (F) An amount equal to the amount of any tax  
9                   imposed by this Act which was refunded to the taxpayer  
10                  and included in such total for the taxable year;

11                  (G) An amount equal to any amount included in such  
12                  total under Section 78 of the Internal Revenue Code;

13                  (H) In the case of a regulated investment company,  
14                  an amount equal to the amount of exempt interest  
15                  dividends as defined in subsection (b) (5) of Section  
16                  852 of the Internal Revenue Code, paid to shareholders  
17                  for the taxable year;

18                  (I) With the exception of any amounts subtracted  
19                  under subparagraph (J), an amount equal to the sum of  
20                  all amounts disallowed as deductions by (i) Sections  
21                  171(a) (2), and 265(a)(2) and amounts disallowed as  
22                  interest expense by Section 291(a)(3) of the Internal  
23                  Revenue Code, as now or hereafter amended, and all  
24                  amounts of expenses allocable to interest and  
25                  disallowed as deductions by Section 265(a)(1) of the  
26                  Internal Revenue Code, as now or hereafter amended; and

1 (ii) for taxable years ending on or after August 13,  
2 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and  
3 832(b)(5)(B)(i) of the Internal Revenue Code; the  
4 provisions of this subparagraph are exempt from the  
5 provisions of Section 250;

6 (J) An amount equal to all amounts included in such  
7 total which are exempt from taxation by this State  
8 either by reason of its statutes or Constitution or by  
9 reason of the Constitution, treaties or statutes of the  
10 United States; provided that, in the case of any  
11 statute of this State or, for taxable years ending on  
12 or after December 31, 2008, of the United States, any  
13 treaty of the United States, the Illinois  
14 Constitution, or the United States Constitution that  
15 exempts income derived from bonds or other obligations  
16 from the tax imposed under this Act, the amount  
17 exempted shall be the income net of bond premium  
18 amortization, and, for taxable years ending on or after  
19 December 31, 2008, interest expense incurred on  
20 indebtedness to carry the bond or other obligation,  
21 expenses incurred in producing the income to be  
22 deducted, and all other related expenses. The amount of  
23 expenses to be taken into account under this provision  
24 may not exceed the amount of income that is exempted;

25 (K) An amount equal to those dividends included in  
26 such total which were paid by a corporation which

1           conducts business operations in an Enterprise Zone or  
2           zones created under the Illinois Enterprise Zone Act or  
3           a River Edge Redevelopment Zone or zones created under  
4           the River Edge Redevelopment Zone Act and conducts  
5           substantially all of its operations in an Enterprise  
6           Zone or zones or a River Edge Redevelopment Zone or  
7           zones. This subparagraph (K) is exempt from the  
8           provisions of Section 250;

9           (L) An amount equal to those dividends included in  
10          such total that were paid by a corporation that  
11          conducts business operations in a federally designated  
12          Foreign Trade Zone or Sub-Zone and that is designated a  
13          High Impact Business located in Illinois; provided  
14          that dividends eligible for the deduction provided in  
15          subparagraph (K) of paragraph 2 of this subsection  
16          shall not be eligible for the deduction provided under  
17          this subparagraph (L);

18          (M) For any taxpayer that is a financial  
19          organization within the meaning of Section 304(c) of  
20          this Act, an amount included in such total as interest  
21          income from a loan or loans made by such taxpayer to a  
22          borrower, to the extent that such a loan is secured by  
23          property which is eligible for the Enterprise Zone  
24          Investment Credit or the River Edge Redevelopment Zone  
25          Investment Credit. To determine the portion of a loan  
26          or loans that is secured by property eligible for a

1           Section 201(f) investment credit to the borrower, the  
2           entire principal amount of the loan or loans between  
3           the taxpayer and the borrower should be divided into  
4           the basis of the Section 201(f) investment credit  
5           property which secures the loan or loans, using for  
6           this purpose the original basis of such property on the  
7           date that it was placed in service in the Enterprise  
8           Zone or the River Edge Redevelopment Zone. The  
9           subtraction modification available to taxpayer in any  
10          year under this subsection shall be that portion of the  
11          total interest paid by the borrower with respect to  
12          such loan attributable to the eligible property as  
13          calculated under the previous sentence. This  
14          subparagraph (M) is exempt from the provisions of  
15          Section 250;

16                 (M-1) For any taxpayer that is a financial  
17          organization within the meaning of Section 304(c) of  
18          this Act, an amount included in such total as interest  
19          income from a loan or loans made by such taxpayer to a  
20          borrower, to the extent that such a loan is secured by  
21          property which is eligible for the High Impact Business  
22          Investment Credit. To determine the portion of a loan  
23          or loans that is secured by property eligible for a  
24          Section 201(h) investment credit to the borrower, the  
25          entire principal amount of the loan or loans between  
26          the taxpayer and the borrower should be divided into

1           the basis of the Section 201(h) investment credit  
2           property which secures the loan or loans, using for  
3           this purpose the original basis of such property on the  
4           date that it was placed in service in a federally  
5           designated Foreign Trade Zone or Sub-Zone located in  
6           Illinois. No taxpayer that is eligible for the  
7           deduction provided in subparagraph (M) of paragraph  
8           (2) of this subsection shall be eligible for the  
9           deduction provided under this subparagraph (M-1). The  
10          subtraction modification available to taxpayers in any  
11          year under this subsection shall be that portion of the  
12          total interest paid by the borrower with respect to  
13          such loan attributable to the eligible property as  
14          calculated under the previous sentence;

15                 (N) Two times any contribution made during the  
16                 taxable year to a designated zone organization to the  
17                 extent that the contribution (i) qualifies as a  
18                 charitable contribution under subsection (c) of  
19                 Section 170 of the Internal Revenue Code and (ii) must,  
20                 by its terms, be used for a project approved by the  
21                 Department of Commerce and Economic Opportunity under  
22                 Section 11 of the Illinois Enterprise Zone Act or under  
23                 Section 10-10 of the River Edge Redevelopment Zone Act.  
24                 This subparagraph (N) is exempt from the provisions of  
25                 Section 250;

26                 (O) An amount equal to: (i) 85% for taxable years

1 ending on or before December 31, 1992, or, a percentage  
2 equal to the percentage allowable under Section  
3 243(a)(1) of the Internal Revenue Code of 1986 for  
4 taxable years ending after December 31, 1992, of the  
5 amount by which dividends included in taxable income  
6 and received from a corporation that is not created or  
7 organized under the laws of the United States or any  
8 state or political subdivision thereof, including, for  
9 taxable years ending on or after December 31, 1988,  
10 dividends received or deemed received or paid or deemed  
11 paid under Sections 951 through 964 of the Internal  
12 Revenue Code, exceed the amount of the modification  
13 provided under subparagraph (G) of paragraph (2) of  
14 this subsection (b) which is related to such dividends,  
15 and including, for taxable years ending on or after  
16 December 31, 2008, dividends received from a real  
17 estate investment trust; plus (ii) 100% of the amount  
18 by which dividends, included in taxable income and  
19 received, including, for taxable years ending on or  
20 after December 31, 1988, dividends received or deemed  
21 received or paid or deemed paid under Sections 951  
22 through 964 of the Internal Revenue Code and including,  
23 for taxable years ending on or after December 31, 2008,  
24 dividends received from a real estate investment  
25 trust, from any such corporation specified in clause  
26 (i) that would but for the provisions of Section 1504

1 (b) (3) of the Internal Revenue Code be treated as a  
2 member of the affiliated group which includes the  
3 dividend recipient, exceed the amount of the  
4 modification provided under subparagraph (G) of  
5 paragraph (2) of this subsection (b) which is related  
6 to such dividends;

7 (P) An amount equal to any contribution made to a  
8 job training project established pursuant to the Tax  
9 Increment Allocation Redevelopment Act;

10 (Q) An amount equal to the amount of the deduction  
11 used to compute the federal income tax credit for  
12 restoration of substantial amounts held under claim of  
13 right for the taxable year pursuant to Section 1341 of  
14 the Internal Revenue Code of 1986;

15 (R) On and after July 20, 1999, in the case of an  
16 attorney-in-fact with respect to whom an interinsurer  
17 or a reciprocal insurer has made the election under  
18 Section 835 of the Internal Revenue Code, 26 U.S.C.  
19 835, an amount equal to the excess, if any, of the  
20 amounts paid or incurred by that interinsurer or  
21 reciprocal insurer in the taxable year to the  
22 attorney-in-fact over the deduction allowed to that  
23 interinsurer or reciprocal insurer with respect to the  
24 attorney-in-fact under Section 835(b) of the Internal  
25 Revenue Code for the taxable year; the provisions of  
26 this subparagraph are exempt from the provisions of



1 Section 250;

2 (S) For taxable years ending on or after December  
3 31, 1997, in the case of a Subchapter S corporation, an  
4 amount equal to all amounts of income allocable to a  
5 shareholder subject to the Personal Property Tax  
6 Replacement Income Tax imposed by subsections (c) and  
7 (d) of Section 201 of this Act, including amounts  
8 allocable to organizations exempt from federal income  
9 tax by reason of Section 501(a) of the Internal Revenue  
10 Code. This subparagraph (S) is exempt from the  
11 provisions of Section 250;

12 (T) For taxable years 2001 and thereafter, for the  
13 taxable year in which the bonus depreciation deduction  
14 is taken on the taxpayer's federal income tax return  
15 under subsection (k) of Section 168 of the Internal  
16 Revenue Code and for each applicable taxable year  
17 thereafter, an amount equal to "x", where:

18 (1) "y" equals the amount of the depreciation  
19 deduction taken for the taxable year on the  
20 taxpayer's federal income tax return on property  
21 for which the bonus depreciation deduction was  
22 taken in any year under subsection (k) of Section  
23 168 of the Internal Revenue Code, but not including  
24 the bonus depreciation deduction;

25 (2) for taxable years ending on or before  
26 December 31, 2005, "x" equals "y" multiplied by 30

1                   and then divided by 70 (or "y" multiplied by  
2                   0.429); and

3                   (3) for taxable years ending after December  
4                   31, 2005:

5                   (i) for property on which a bonus  
6                   depreciation deduction of 30% of the adjusted  
7                   basis was taken, "x" equals "y" multiplied by  
8                   30 and then divided by 70 (or "y" multiplied by  
9                   0.429); and

10                  (ii) for property on which a bonus  
11                  depreciation deduction of 50% of the adjusted  
12                  basis was taken, "x" equals "y" multiplied by  
13                  1.0.

14                  The aggregate amount deducted under this  
15                  subparagraph in all taxable years for any one piece of  
16                  property may not exceed the amount of the bonus  
17                  depreciation deduction taken on that property on the  
18                  taxpayer's federal income tax return under subsection  
19                  (k) of Section 168 of the Internal Revenue Code. This  
20                  subparagraph (T) is exempt from the provisions of  
21                  Section 250;

22                  (U) If the taxpayer sells, transfers, abandons, or  
23                  otherwise disposes of property for which the taxpayer  
24                  was required in any taxable year to make an addition  
25                  modification under subparagraph (E-10), then an amount  
26                  equal to that addition modification.

1           If the taxpayer continues to own property through  
2           the last day of the last tax year for which the  
3           taxpayer may claim a depreciation deduction for  
4           federal income tax purposes and for which the taxpayer  
5           was required in any taxable year to make an addition  
6           modification under subparagraph (E-10), then an amount  
7           equal to that addition modification.

8           The taxpayer is allowed to take the deduction under  
9           this subparagraph only once with respect to any one  
10          piece of property.

11          This subparagraph (U) is exempt from the  
12          provisions of Section 250;

13          (V) 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

1           203(d)(2)(D-8), but not to exceed the amount of such  
2           addition modification;

3           (W) An amount equal to the interest income taken  
4           into account for the taxable year (net of the  
5           deductions allocable thereto) with respect to  
6           transactions with (i) a foreign person who would be a  
7           member of the taxpayer's unitary business group but for  
8           the fact that the foreign person's business activity  
9           outside the United States is 80% or more of that  
10          person's total business activity and (ii) for taxable  
11          years ending on or after December 31, 2008, to a person  
12          who would be a member of the same unitary business  
13          group but for the fact that the person is prohibited  
14          under Section 1501(a)(27) from being included in the  
15          unitary business group because he or she is ordinarily  
16          required to apportion business income under different  
17          subsections of Section 304, but not to exceed the  
18          addition modification required to be made for the same  
19          taxable year under Section 203(b)(2)(E-12) for  
20          interest paid, accrued, or incurred, directly or  
21          indirectly, to the same person;

22          (X) An amount equal to the income from intangible  
23          property taken into account for the taxable year (net  
24          of the deductions allocable thereto) with respect to  
25          transactions with (i) a foreign person who would be a  
26          member of the taxpayer's unitary business group but for

1 the fact that the foreign person's business activity  
2 outside the United States is 80% or more of that  
3 person's total business activity and (ii) for taxable  
4 years ending on or after December 31, 2008, to a person  
5 who would be a member of the same unitary business  
6 group but for the fact that the person is prohibited  
7 under Section 1501(a)(27) from being included in the  
8 unitary business group because he or she is ordinarily  
9 required to apportion business income under different  
10 subsections of Section 304, but not to exceed the  
11 addition modification required to be made for the same  
12 taxable year under Section 203(b)(2)(E-13) for  
13 intangible expenses and costs paid, accrued, or  
14 incurred, directly or indirectly, to the same foreign  
15 person; and

16 (Y) ~~(FF)~~ An amount equal to the income from  
17 insurance premiums taken into account for the taxable  
18 year (net of the deductions allocable thereto) with  
19 respect to transactions with a person who would be a  
20 member of the same unitary business group but for the  
21 fact that the person is prohibited under Section  
22 1501(a)(27) from being included in the unitary  
23 business group because he or she is ordinarily required  
24 to apportion business income under different  
25 subsections of Section 304, but not to exceed the  
26 addition modification required to be made for the same

1 taxable year under Section 203(a)(2)(D-18) for  
2 intangible expenses and costs paid, accrued, or  
3 incurred, directly or indirectly, to the same person.

4 (3) Special rule. For purposes of paragraph (2) (A),  
5 "gross income" in the case of a life insurance company, for  
6 tax years ending on and after December 31, 1994, shall mean  
7 the gross investment income for the taxable year.

8 (c) Trusts and estates.

9 (1) In general. In the case of a trust or estate, 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. Subject to the provisions of  
13 paragraph (3), the taxable income referred to in paragraph  
14 (1) shall be modified by adding thereto the sum of the  
15 following amounts:

16 (A) An amount equal to all amounts paid or accrued  
17 to the taxpayer as interest or dividends during the  
18 taxable year to the extent excluded from gross income  
19 in the computation of taxable income;

20 (B) In the case of (i) an estate, \$600; (ii) a  
21 trust which, under its governing instrument, is  
22 required to distribute all of its income currently,  
23 \$300; and (iii) any other trust, \$100, but in each such  
24 case, only to the extent such amount was deducted in  
25 the computation of taxable income;

1           (C) An amount equal to the amount of tax imposed by  
2 this Act to the extent deducted from gross income in  
3 the computation of taxable income for the taxable year;

4           (D) The amount of any net operating loss deduction  
5 taken in arriving at taxable income, other than a net  
6 operating loss carried forward from a taxable year  
7 ending prior to December 31, 1986;

8           (E) For taxable years in which a net operating loss  
9 carryback or carryforward from a taxable year ending  
10 prior to December 31, 1986 is an element of taxable  
11 income under paragraph (1) of subsection (e) or  
12 subparagraph (E) of paragraph (2) of subsection (e),  
13 the amount by which addition modifications other than  
14 those provided by this subparagraph (E) exceeded  
15 subtraction modifications in such taxable year, with  
16 the following limitations applied in the order that  
17 they are listed:

18           (i) the addition modification relating to the  
19 net operating loss carried back or forward to the  
20 taxable year from any taxable year ending prior to  
21 December 31, 1986 shall be reduced by the amount of  
22 addition modification under this subparagraph (E)  
23 which related to that net operating loss and which  
24 was taken into account in calculating the base  
25 income of an earlier taxable year, and

26           (ii) the addition modification relating to the

1 net operating loss carried back or forward to the  
2 taxable year from any taxable year ending prior to  
3 December 31, 1986 shall not exceed the amount of  
4 such carryback or carryforward;

5 For taxable years in which there is a net operating  
6 loss carryback or carryforward from more than one other  
7 taxable year ending prior to December 31, 1986, the  
8 addition modification provided in this subparagraph  
9 (E) shall be the sum of the amounts computed  
10 independently under the preceding provisions of this  
11 subparagraph (E) for each such taxable year;

12 (F) For taxable years ending on or after January 1,  
13 1989, an amount equal to the tax deducted pursuant to  
14 Section 164 of the Internal Revenue Code if the trust  
15 or estate is claiming the same tax for purposes of the  
16 Illinois foreign tax credit under Section 601 of this  
17 Act;

18 (G) An amount equal to the amount of the capital  
19 gain deduction allowable under the Internal Revenue  
20 Code, to the extent deducted from gross income in the  
21 computation of taxable income;

22 (G-5) For taxable years ending after December 31,  
23 1997, an amount equal to any eligible remediation costs  
24 that the trust or estate deducted in computing adjusted  
25 gross income and for which the trust or estate claims a  
26 credit under subsection (1) of Section 201;



1           (G-10) For taxable years 2001 and thereafter, an  
2 amount equal to the bonus depreciation deduction taken  
3 on the taxpayer's federal income tax return for the  
4 taxable year under subsection (k) of Section 168 of the  
5 Internal Revenue Code; and

6           (G-11) If the taxpayer sells, transfers, abandons,  
7 or otherwise disposes of property for which the  
8 taxpayer was required in any taxable year to make an  
9 addition modification under subparagraph (G-10), then  
10 an amount equal to the aggregate amount of the  
11 deductions taken in all taxable years under  
12 subparagraph (R) with respect to that property.

13           If the taxpayer continues to own property through  
14 the last day of the last tax year for which the  
15 taxpayer may claim a depreciation deduction for  
16 federal income tax purposes and for which the taxpayer  
17 was allowed in any taxable year to make a subtraction  
18 modification under subparagraph (R), then an amount  
19 equal to that subtraction modification.

20           The taxpayer is required to make the addition  
21 modification under this subparagraph only once with  
22 respect to any one piece of property;

23           (G-12) An amount equal to the amount otherwise  
24 allowed as a deduction in computing base income for  
25 interest paid, accrued, or incurred, directly or  
26 indirectly, (i) for taxable years ending on or after

1 December 31, 2004, to a foreign person who would be a  
2 member of the same unitary business group but for the  
3 fact that the foreign person's business activity  
4 outside the United States is 80% or more of the foreign  
5 person's total business activity and (ii) for taxable  
6 years ending on or after December 31, 2008, to a person  
7 who would be a member of the same unitary business  
8 group but for the fact that the person is prohibited  
9 under Section 1501(a)(27) from being included in the  
10 unitary business group because he or she is ordinarily  
11 required to apportion business income under different  
12 subsections of Section 304. The addition modification  
13 required by this subparagraph shall be reduced to the  
14 extent that dividends were included in base income of  
15 the unitary group for the same taxable year and  
16 received by the taxpayer or by a member of the  
17 taxpayer's unitary business group (including amounts  
18 included in gross income pursuant to Sections 951  
19 through 964 of the Internal Revenue Code and amounts  
20 included in gross income under Section 78 of the  
21 Internal Revenue Code) with respect to the stock of the  
22 same person to whom the interest was paid, accrued, or  
23 incurred.

24 This paragraph shall not apply to the following:

25 (i) an item of interest paid, accrued, or  
26 incurred, directly or indirectly, to a foreign

1 person who is subject in a foreign country or  
2 state, other than a state which requires mandatory  
3 unitary reporting, to a tax on or measured by net  
4 income with respect to such interest; or

5 (ii) an item of interest paid, accrued, or  
6 incurred, directly or indirectly, to a foreign  
7 person if the taxpayer can establish, based on a  
8 preponderance of the evidence, both of the  
9 following:

10 (a) the foreign person, during the same  
11 taxable year, paid, accrued, or incurred, the  
12 interest to a person that is not a related  
13 member, and

14 (b) the transaction giving rise to the  
15 interest expense between the taxpayer and the  
16 foreign person did not have as a principal  
17 purpose the avoidance of Illinois income tax,  
18 and is paid pursuant to a contract or agreement  
19 that reflects an arm's-length interest rate  
20 and terms; or

21 (iii) the taxpayer can establish, based on  
22 clear and convincing evidence, that the interest  
23 paid, accrued, or incurred relates to a contract or  
24 agreement entered into at arm's-length rates and  
25 terms and the principal purpose for the payment is  
26 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) An amount equal to the amount of intangible  
19 expenses and costs otherwise allowed as a deduction in  
20 computing base income, and that were paid, accrued, or  
21 incurred, directly or indirectly, (i) for taxable  
22 years ending on or after December 31, 2004, 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

1 activity and (ii) for taxable years ending on or after  
2 December 31, 2008, to a person who would be a member of  
3 the same unitary business group but for the fact that  
4 the person is prohibited under Section 1501(a)(27)  
5 from being included in the unitary business group  
6 because he or she is ordinarily required to apportion  
7 business income under different subsections of Section  
8 304. The addition modification required by this  
9 subparagraph shall be reduced to the extent that  
10 dividends were included in base income of the unitary  
11 group for the same taxable year and received by the  
12 taxpayer or by a member of the taxpayer's unitary  
13 business group (including amounts included in gross  
14 income pursuant to Sections 951 through 964 of the  
15 Internal Revenue Code and amounts included in gross  
16 income under Section 78 of the Internal Revenue Code)  
17 with respect to the stock of the same person to whom  
18 the intangible expenses and costs were directly or  
19 indirectly paid, incurred, or accrued. The preceding  
20 sentence shall not apply to the extent that the same  
21 dividends caused a reduction to the addition  
22 modification required under Section 203(c)(2)(G-12) of  
23 this Act. As used in this subparagraph, the term  
24 "intangible expenses and costs" includes: (1)  
25 expenses, losses, and costs for or related to the  
26 direct or indirect acquisition, use, maintenance or

1 management, ownership, sale, exchange, or any other  
2 disposition of intangible property; (2) losses  
3 incurred, directly or indirectly, from factoring  
4 transactions or discounting transactions; (3) royalty,  
5 patent, technical, and copyright fees; (4) licensing  
6 fees; and (5) other similar expenses and costs. For  
7 purposes of this subparagraph, "intangible property"  
8 includes patents, patent applications, trade names,  
9 trademarks, service marks, copyrights, mask works,  
10 trade secrets, and similar types of intangible assets.

11 This paragraph shall not apply to the following:

12 (i) any item of intangible expenses or costs  
13 paid, accrued, or incurred, directly or  
14 indirectly, from a transaction with 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 item; or

19 (ii) any item of intangible expense or cost  
20 paid, accrued, or incurred, directly or  
21 indirectly, if the taxpayer can establish, based  
22 on a 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 intangible expense or cost to a person that is

1 not a related member, and

2 (b) the transaction giving rise to the  
3 intangible expense or cost between the  
4 taxpayer and the foreign person did not have as  
5 a principal purpose the avoidance of Illinois  
6 income tax, and is paid pursuant to a contract  
7 or agreement that reflects arm's-length terms;  
8 or

9 (iii) any item of intangible expense or cost  
10 paid, accrued, or incurred, directly or  
11 indirectly, from a transaction with 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;

1 (G-14) For taxable years ending on or after  
2 December 31, 2008, an amount equal to the amount of  
3 insurance premium expenses and costs otherwise allowed  
4 as a deduction in computing base income, and that were  
5 paid, accrued, or incurred, directly or indirectly, to  
6 a person who would be a member of the same unitary  
7 business group but for the fact that the person is  
8 prohibited under Section 1501(a)(27) from being  
9 included in the unitary business group because he or  
10 she is ordinarily required to apportion business  
11 income under different subsections of Section 304. The  
12 addition modification required by this subparagraph  
13 shall be reduced to the extent that dividends were  
14 included in base income of the unitary group for the  
15 same taxable year and received by the taxpayer or by a  
16 member of the taxpayer's unitary business group  
17 (including amounts included in gross income under  
18 Sections 951 through 964 of the Internal Revenue Code  
19 and amounts included in gross income under Section 78  
20 of the Internal Revenue Code) with respect to the stock  
21 of the same person to whom the intangible expenses and  
22 costs were directly or indirectly paid, incurred, or  
23 accrued. The preceding sentence does not apply to the  
24 extent that the same dividends caused a reduction to  
25 the addition modification required under Section  
26 203(a)(2)(D-17) of this Act.



1 and by deducting from the total so obtained the sum of the  
2 following amounts:

3 (H) An amount equal to all amounts included in such  
4 total pursuant to the provisions of Sections 402(a),  
5 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the  
6 Internal Revenue Code or included in such total as  
7 distributions under the provisions of any retirement  
8 or disability plan for employees of any governmental  
9 agency or unit, or retirement payments to retired  
10 partners, which payments are excluded in computing net  
11 earnings from self employment by Section 1402 of the  
12 Internal Revenue Code and regulations adopted pursuant  
13 thereto;

14 (I) The valuation limitation amount;

15 (J) An amount equal to the amount of any tax  
16 imposed by this Act which was refunded to the taxpayer  
17 and included in such total for the taxable year;

18 (K) An amount equal to all amounts included in  
19 taxable income as modified by subparagraphs (A), (B),  
20 (C), (D), (E), (F) and (G) which are exempt from  
21 taxation by this State either by reason of its statutes  
22 or Constitution or by reason of the Constitution,  
23 treaties or statutes of the United States; provided  
24 that, in the case of any statute of this State or, for  
25 taxable years ending on or after December 31, 2008, of  
26 the United States, any treaty of the United States, the

1 Illinois Constitution, or the United States  
2 Constitution that exempts income derived from bonds or  
3 other obligations from the tax imposed under this Act,  
4 the amount exempted shall be the income net of bond  
5 premium amortization, and, for taxable years ending on  
6 or after December 31, 2008, interest expense incurred  
7 on indebtedness to carry the bond or other obligation,  
8 expenses incurred in producing the income to be  
9 deducted, and all other related expenses. The amount of  
10 expenses to be taken into account under this provision  
11 may not exceed the amount of income that is exempted;

12 (L) With the exception of any amounts subtracted  
13 under subparagraph (K), an amount equal to the sum of  
14 all amounts disallowed as deductions by (i) Sections  
15 171(a) (2) and 265(a) (2) of the Internal Revenue Code,  
16 as now or hereafter amended, and all amounts of  
17 expenses allocable to interest and disallowed as  
18 deductions by Section 265(1) of the Internal Revenue  
19 Code of 1954, as now or hereafter amended; and (ii) for  
20 taxable years ending on or after August 13, 1999,  
21 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of  
22 the Internal Revenue Code; the provisions of this  
23 subparagraph are exempt from the provisions of Section  
24 250;

25 (M) An amount equal to those dividends included in  
26 such total which were paid by a corporation which

1           conducts business operations in an Enterprise Zone or  
2           zones created under the Illinois Enterprise Zone Act or  
3           a River Edge Redevelopment Zone or zones created under  
4           the River Edge Redevelopment Zone Act and conducts  
5           substantially all of its operations in an Enterprise  
6           Zone or Zones or a River Edge Redevelopment Zone or  
7           zones. This subparagraph (M) is exempt from the  
8           provisions of Section 250;

9           (N) An amount equal to any contribution made to a  
10          job training project established pursuant to the Tax  
11          Increment Allocation Redevelopment Act;

12          (O) An amount equal to those dividends included in  
13          such total that were paid by a corporation that  
14          conducts business operations in a federally designated  
15          Foreign Trade Zone or Sub-Zone and that is designated a  
16          High Impact Business located in Illinois; provided  
17          that dividends eligible for the deduction provided in  
18          subparagraph (M) of paragraph (2) of this subsection  
19          shall not be eligible for the deduction provided under  
20          this subparagraph (O);

21          (P) An amount equal to the amount of the deduction  
22          used to compute the federal income tax credit for  
23          restoration of substantial amounts held under claim of  
24          right for the taxable year pursuant to Section 1341 of  
25          the Internal Revenue Code of 1986;

26          (Q) For taxable year 1999 and thereafter, an amount

1 equal to the amount of any (i) distributions, to the  
2 extent includible in gross income for federal income  
3 tax purposes, made to the taxpayer because of his or  
4 her status as a victim of persecution for racial or  
5 religious reasons by Nazi Germany or any other Axis  
6 regime or as an heir of the victim and (ii) items of  
7 income, to the extent includible in gross income for  
8 federal income tax purposes, attributable to, derived  
9 from or in any way related to assets stolen from,  
10 hidden from, or otherwise lost to a victim of  
11 persecution for racial or religious reasons by Nazi  
12 Germany or any other Axis regime immediately prior to,  
13 during, and immediately after World War II, including,  
14 but not limited to, interest on the proceeds receivable  
15 as insurance under policies issued to a victim of  
16 persecution for racial or religious reasons by Nazi  
17 Germany or any other Axis regime by European insurance  
18 companies immediately prior to and during World War II;  
19 provided, however, this subtraction from federal  
20 adjusted gross income does not apply to assets acquired  
21 with such assets or with the proceeds from the sale of  
22 such assets; provided, further, this paragraph shall  
23 only apply to a taxpayer who was the first recipient of  
24 such assets after their recovery and who is a victim of  
25 persecution for racial or religious reasons by Nazi  
26 Germany or any other Axis regime or as an heir of the



1 depreciation deduction of 30% of the adjusted  
2 basis was taken, "x" equals "y" multiplied by  
3 30 and then divided by 70 (or "y" multiplied by  
4 0.429); and

5 (ii) for property on which a bonus  
6 depreciation deduction of 50% of the adjusted  
7 basis was taken, "x" equals "y" multiplied by  
8 1.0.

9 The aggregate amount deducted under this  
10 subparagraph in all taxable years for any one piece of  
11 property may not exceed the amount of the bonus  
12 depreciation deduction taken on that property on the  
13 taxpayer's federal income tax return under subsection  
14 (k) of Section 168 of the Internal Revenue Code. This  
15 subparagraph (R) is exempt from the provisions of  
16 Section 250;

17 (S) If the taxpayer sells, transfers, abandons, or  
18 otherwise disposes of property for which the taxpayer  
19 was required in any taxable year to make an addition  
20 modification under subparagraph (G-10), then an amount  
21 equal to that addition modification.

22 If the taxpayer continues to own property through  
23 the last day of the last tax year for which the  
24 taxpayer may claim a depreciation deduction for  
25 federal income tax purposes and for which the taxpayer  
26 was required in any taxable year to make an addition

1           modification under subparagraph (G-10), then an amount  
2           equal to that addition modification.

3           The taxpayer is allowed to take the deduction under  
4           this subparagraph only once with respect to any one  
5           piece of property.

6           This subparagraph (S) is exempt from the  
7           provisions of Section 250;

8           (T) The amount of (i) any interest income (net of  
9           the deductions allocable thereto) taken into account  
10          for the taxable year with respect to a transaction with  
11          a taxpayer that is required to make an addition  
12          modification with respect to such transaction under  
13          Section           203(a) (2) (D-17),           203(b) (2) (E-12),  
14          203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed  
15          the amount of such addition modification and (ii) any  
16          income from intangible property (net of the deductions  
17          allocable thereto) taken into account for the taxable  
18          year with respect to a transaction with a taxpayer that  
19          is required to make an addition modification with  
20          respect to such transaction under Section  
21          203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or  
22          203(d) (2) (D-8), but not to exceed the amount of such  
23          addition modification;

24          (U) An amount equal to the interest income taken  
25          into account for the taxable year (net of the  
26          deductions allocable thereto) with respect to

1 transactions with (i) a foreign person who would be a  
2 member of the taxpayer's unitary business group but for  
3 the fact the foreign person's business activity  
4 outside the United States is 80% or more of that  
5 person's total business activity and (ii) for taxable  
6 years ending on or after December 31, 2008, to a person  
7 who would be a member of the same unitary business  
8 group but for the fact that the person is prohibited  
9 under Section 1501(a)(27) from being included in the  
10 unitary business group because he or she is ordinarily  
11 required to apportion business income under different  
12 subsections of Section 304, but not to exceed the  
13 addition modification required to be made for the same  
14 taxable year under Section 203(c)(2)(G-12) for  
15 interest paid, accrued, or incurred, directly or  
16 indirectly, to the same person;

17 (V) An amount equal to the income from intangible  
18 property taken into account for the taxable year (net  
19 of the deductions allocable thereto) with respect to  
20 transactions with a foreign person who would be a  
21 member of the taxpayer's unitary business group but for  
22 the fact that the foreign person's business activity  
23 outside the United States is 80% or more of that  
24 person's total business activity, but not to exceed the  
25 addition modification required to be made for the same  
26 taxable year under Section 203(c)(2)(G-13) for



1 intangible expenses and costs paid, accrued, or  
2 incurred, directly or indirectly, to the same foreign  
3 person; and

4 (W) ~~(FF)~~ An amount equal to the income from  
5 insurance premiums taken into account for the taxable  
6 year (net of the deductions allocable thereto) with  
7 respect to transactions with a person who would be a  
8 member of the same unitary business group but for the  
9 fact that the person is prohibited under Section  
10 1501(a)(27) from being included in the unitary  
11 business group because he or she is ordinarily required  
12 to apportion business income under different  
13 subsections of Section 304, but not to exceed the  
14 addition modification required to be made for the same  
15 taxable year under Section 203(a)(2)(D-18) for  
16 intangible expenses and costs paid, accrued, or  
17 incurred, directly or indirectly, to the same 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.

1           (1) In general. In the case of a partnership, base  
2 income means an amount equal to the taxpayer's taxable  
3 income for the taxable year as modified by paragraph (2).

4           (2) Modifications. The taxable income referred to in  
5 paragraph (1) shall be modified by adding thereto the sum  
6 of the following amounts:

7           (A) An amount equal to all amounts paid or accrued  
8 to the taxpayer as interest or dividends during the  
9 taxable year to the extent excluded from gross income  
10 in the computation of taxable income;

11           (B) An amount equal to the amount of tax imposed by  
12 this Act to the extent deducted from gross income for  
13 the taxable year;

14           (C) The amount of deductions allowed to the  
15 partnership pursuant to Section 707 (c) of the Internal  
16 Revenue Code in calculating its taxable income;

17           (D) An amount equal to the amount of the capital  
18 gain deduction allowable under the Internal Revenue  
19 Code, to the extent deducted from gross income in the  
20 computation of taxable income;

21           (D-5) For taxable years 2001 and thereafter, an  
22 amount equal to the bonus depreciation deduction taken  
23 on the taxpayer's federal income tax return for the  
24 taxable year under subsection (k) of Section 168 of the  
25 Internal Revenue Code;

26           (D-6) If the taxpayer sells, transfers, abandons,

1 or otherwise disposes of property for which the  
2 taxpayer was required in any taxable year to make an  
3 addition modification under subparagraph (D-5), then  
4 an amount equal to the aggregate amount of the  
5 deductions taken in all taxable years under  
6 subparagraph (O) with respect to that property.

7 If the taxpayer continues to own property through  
8 the last day of the last tax year for which the  
9 taxpayer may claim a depreciation deduction for  
10 federal income tax purposes and for which the taxpayer  
11 was allowed in any taxable year to make a subtraction  
12 modification under subparagraph (O), then an amount  
13 equal to that subtraction modification.

14 The taxpayer is required to make the addition  
15 modification under this subparagraph only once with  
16 respect to any one piece of property;

17 (D-7) An amount equal to the amount otherwise  
18 allowed as a deduction in computing base income for  
19 interest paid, accrued, or incurred, directly or  
20 indirectly, (i) for taxable years ending on or after  
21 December 31, 2004, to a foreign person who would be a  
22 member of the same unitary business group but for the  
23 fact the foreign person's business activity outside  
24 the United States is 80% or more of the foreign  
25 person's total business activity and (ii) for taxable  
26 years ending on or after December 31, 2008, to a person

1           who would be a member of the same unitary business  
2           group but for the fact that the person is prohibited  
3           under Section 1501(a)(27) from being included in the  
4           unitary business group because he or she is ordinarily  
5           required to apportion business income under different  
6           subsections of Section 304. The addition modification  
7           required by this subparagraph shall be reduced to the  
8           extent that dividends were included in base income of  
9           the unitary group for the same taxable year and  
10          received by the taxpayer or by a member of the  
11          taxpayer's unitary business group (including amounts  
12          included in gross income pursuant to Sections 951  
13          through 964 of the Internal Revenue Code and amounts  
14          included in gross income under Section 78 of the  
15          Internal Revenue Code) with respect to the stock of the  
16          same person to whom the interest was paid, accrued, or  
17          incurred.

18                 This paragraph shall not apply to the following:

19                         (i) an item of interest paid, accrued, or  
20                         incurred, directly or indirectly, to a foreign  
21                         person who is subject in a foreign country or  
22                         state, other than a state which requires mandatory  
23                         unitary reporting, to a tax on or measured by net  
24                         income with respect to such interest; or

25                         (ii) an item of interest paid, accrued, or  
26                         incurred, directly or indirectly, to a foreign

1 person if the taxpayer can establish, based on a  
2 preponderance of the evidence, both of the  
3 following:

4 (a) the foreign person, during the same  
5 taxable year, paid, accrued, or incurred, the  
6 interest to a person that is not a related  
7 member, and

8 (b) the transaction giving rise to the  
9 interest expense between the taxpayer and the  
10 foreign person did not have as a principal  
11 purpose the avoidance of Illinois income tax,  
12 and is paid pursuant to a contract or agreement  
13 that reflects an arm's-length interest rate  
14 and terms; or

15 (iii) the taxpayer can establish, based on  
16 clear and convincing evidence, that the interest  
17 paid, accrued, or incurred relates to a contract or  
18 agreement entered into at arm's-length rates and  
19 terms and the principal purpose for the payment is  
20 not federal or Illinois tax avoidance; or

21 (iv) an item of interest paid, accrued, or  
22 incurred, directly or indirectly, to a foreign  
23 person if the taxpayer establishes by clear and  
24 convincing evidence that the adjustments are  
25 unreasonable; or if the taxpayer and the Director  
26 agree in writing to the application or use of an

1 alternative method of apportionment under Section  
2 304(f).

3 Nothing in this subsection shall preclude the  
4 Director from making any other adjustment  
5 otherwise allowed under Section 404 of this Act for  
6 any tax year beginning after the effective date of  
7 this amendment provided such adjustment is made  
8 pursuant to regulation adopted by the Department  
9 and such regulations provide methods and standards  
10 by which the Department will utilize its authority  
11 under Section 404 of this Act; and

12 (D-8) An amount equal to the amount of intangible  
13 expenses and costs otherwise allowed as a deduction in  
14 computing base income, and that were paid, accrued, or  
15 incurred, directly or indirectly, (i) for taxable  
16 years ending on or after December 31, 2004, to a  
17 foreign person who would be a member of the same  
18 unitary business group but for the fact that the  
19 foreign person's business activity outside the United  
20 States is 80% or more of that person's total business  
21 activity and (ii) for taxable years ending on or after  
22 December 31, 2008, to a person who would be a member of  
23 the same unitary business group but for the fact that  
24 the person is prohibited under Section 1501(a)(27)  
25 from being included in the unitary business group  
26 because he or she is ordinarily required to apportion

1 business income under different subsections of Section  
2 304. The addition modification required by this  
3 subparagraph shall be reduced to the extent that  
4 dividends were included in base income of the unitary  
5 group for the same taxable year and received by the  
6 taxpayer or by a member of the taxpayer's unitary  
7 business group (including amounts included in gross  
8 income pursuant to Sections 951 through 964 of the  
9 Internal Revenue Code and amounts included in gross  
10 income under Section 78 of the Internal Revenue Code)  
11 with respect to the stock of the same person to whom  
12 the intangible expenses and costs were directly or  
13 indirectly paid, incurred or accrued. The preceding  
14 sentence shall not apply to the extent that the same  
15 dividends caused a reduction to the addition  
16 modification required under Section 203(d)(2)(D-7) of  
17 this Act. As used in this subparagraph, the term  
18 "intangible expenses and costs" includes (1) expenses,  
19 losses, and costs for, or related to, the direct or  
20 indirect acquisition, use, maintenance or management,  
21 ownership, sale, exchange, or any other disposition of  
22 intangible property; (2) losses incurred, directly or  
23 indirectly, from factoring transactions or discounting  
24 transactions; (3) royalty, patent, technical, and  
25 copyright fees; (4) licensing fees; and (5) other  
26 similar expenses and costs. For purposes of this

1           subparagraph, "intangible property" includes patents,  
2           patent applications, trade names, trademarks, service  
3           marks, copyrights, mask works, trade secrets, and  
4           similar types of intangible assets;

5           This paragraph shall not apply to the following:

6           (i) any item of intangible expenses or costs  
7           paid, accrued, or incurred, directly or  
8           indirectly, from a transaction with a foreign  
9           person who is subject in a foreign country or  
10          state, other than a state which requires mandatory  
11          unitary reporting, to a tax on or measured by net  
12          income with respect to such item; or

13          (ii) any item of intangible expense or cost  
14          paid, accrued, or incurred, directly or  
15          indirectly, if the taxpayer can establish, based  
16          on a preponderance of the evidence, both of the  
17          following:

18               (a) the foreign person during the same  
19               taxable year paid, accrued, or incurred, the  
20               intangible expense or cost to a person that is  
21               not a related member, and

22               (b) the transaction giving rise to the  
23               intangible expense or cost between the  
24               taxpayer and the foreign person did not have as  
25               a principal purpose the avoidance of Illinois  
26               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           (D-9) For taxable years ending on or after December  
22          31, 2008, an amount equal to the amount of insurance  
23          premium expenses and costs otherwise allowed as a  
24          deduction in computing base income, and that were paid,  
25          accrued, or incurred, directly or indirectly, to a  
26          person who would be a member of the same unitary

1 business group but for the fact that the person is  
2 prohibited under Section 1501(a)(27) from being  
3 included in the unitary business group because he or  
4 she is ordinarily required to apportion business  
5 income under different subsections of Section 304. The  
6 addition modification required by this subparagraph  
7 shall be reduced to the extent that dividends were  
8 included in base income of the unitary group for the  
9 same taxable year and received by the taxpayer or by a  
10 member of the taxpayer's unitary business group  
11 (including amounts included in gross income under  
12 Sections 951 through 964 of the Internal Revenue Code  
13 and amounts included in gross income under Section 78  
14 of the Internal Revenue Code) with respect to the stock  
15 of the same person to whom the intangible expenses and  
16 costs were directly or indirectly paid, incurred, or  
17 accrued. The preceding sentence does not apply to the  
18 extent that the same dividends caused a reduction to  
19 the addition modification required under Section  
20 203(a)(2)(D-17) of this Act.

21 and by deducting from the total so obtained the following  
22 amounts:

23 (E) The valuation limitation amount;

24 (F) An amount equal to the amount of any tax  
25 imposed by this Act which was refunded to the taxpayer  
26 and included in such total for the taxable year;

1           (G) An amount equal to all amounts included in  
2 taxable income as modified by subparagraphs (A), (B),  
3 (C) and (D) which are exempt from taxation by this  
4 State either by reason of its statutes or Constitution  
5 or by reason of the Constitution, treaties or statutes  
6 of the United States; provided that, in the case of any  
7 statute of this State or, for taxable years ending on  
8 or after December 31, 2008, of the United States, any  
9 treaty of the United States, the Illinois  
10 Constitution, or the United States Constitution that  
11 exempts income derived from bonds or other obligations  
12 from the tax imposed under this Act, the amount  
13 exempted shall be the income net of bond premium  
14 amortization, and, for taxable years ending on or after  
15 December 31, 2008, interest expense incurred on  
16 indebtedness to carry the bond or other obligation,  
17 expenses incurred in producing the income to be  
18 deducted, and all other related expenses. The amount of  
19 expenses to be taken into account under this provision  
20 may not exceed the amount of income that is exempted;

21           (H) Any income of the partnership which  
22 constitutes personal service income as defined in  
23 Section 1348 (b) (1) of the Internal Revenue Code (as  
24 in effect December 31, 1981) or a reasonable allowance  
25 for compensation paid or accrued for services rendered  
26 by partners to the partnership, whichever is greater;

1           (I) An amount equal to all amounts of income  
2           distributable to an entity subject to the Personal  
3           Property Tax Replacement Income Tax imposed by  
4           subsections (c) and (d) of Section 201 of this Act  
5           including amounts distributable to organizations  
6           exempt from federal income tax by reason of Section  
7           501(a) of the Internal Revenue Code;

8           (J) With the exception of any amounts subtracted  
9           under subparagraph (G), an amount equal to the sum of  
10          all amounts disallowed as deductions by (i) Sections  
11          171(a) (2), and 265(2) of the Internal Revenue Code of  
12          1954, as now or hereafter amended, and all amounts of  
13          expenses allocable to interest and disallowed as  
14          deductions by Section 265(1) of the Internal Revenue  
15          Code, as now or hereafter amended; and (ii) for taxable  
16          years ending on or after August 13, 1999, Sections  
17          171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of the  
18          Internal Revenue Code; the provisions of this  
19          subparagraph are exempt from the provisions of Section  
20          250;

21          (K) An amount equal to those dividends included in  
22          such total which were paid by a corporation which  
23          conducts business operations in an Enterprise Zone or  
24          zones created under the Illinois Enterprise Zone Act,  
25          enacted by the 82nd General Assembly, or a River Edge  
26          Redevelopment Zone or zones created under the River

1           Edge Redevelopment Zone Act and conducts substantially  
2           all of its operations in an Enterprise Zone or Zones or  
3           from a River Edge Redevelopment Zone or zones. This  
4           subparagraph (K) is exempt from the provisions of  
5           Section 250;

6           (L) An amount equal to any contribution made to a  
7           job training project established pursuant to the Real  
8           Property Tax Increment Allocation Redevelopment Act;

9           (M) An amount equal to those dividends included in  
10          such total that were paid by a corporation that  
11          conducts business operations in a federally designated  
12          Foreign Trade Zone or Sub-Zone and that is designated a  
13          High Impact Business located in Illinois; provided  
14          that dividends eligible for the deduction provided in  
15          subparagraph (K) of paragraph (2) of this subsection  
16          shall not be eligible for the deduction provided under  
17          this subparagraph (M);

18          (N) An amount equal to the amount of the deduction  
19          used to compute the federal income tax credit for  
20          restoration of substantial amounts held under claim of  
21          right for the taxable year pursuant to Section 1341 of  
22          the Internal Revenue Code of 1986;

23          (O) For taxable years 2001 and thereafter, for the  
24          taxable year in which the bonus depreciation deduction  
25          is taken on the taxpayer's federal income tax return  
26          under subsection (k) of Section 168 of the Internal

1 Revenue Code and for each applicable taxable year  
2 thereafter, an amount equal to "x", where:

3 (1) "y" equals the amount of the depreciation  
4 deduction taken for the taxable year on the  
5 taxpayer's federal income tax return on property  
6 for which the bonus depreciation deduction was  
7 taken in any year under subsection (k) of Section  
8 168 of the Internal Revenue Code, but not including  
9 the bonus depreciation deduction;

10 (2) for taxable years ending on or before  
11 December 31, 2005, "x" equals "y" multiplied by 30  
12 and then divided by 70 (or "y" multiplied by  
13 0.429); and

14 (3) for taxable years ending after December  
15 31, 2005:

16 (i) for property on which a bonus  
17 depreciation deduction of 30% of the adjusted  
18 basis was taken, "x" equals "y" multiplied by  
19 30 and then divided by 70 (or "y" multiplied by  
20 0.429); and

21 (ii) for property on which a bonus  
22 depreciation deduction of 50% of the adjusted  
23 basis was taken, "x" equals "y" multiplied by  
24 1.0.

25 The aggregate amount deducted under this  
26 subparagraph in all taxable years for any one piece of

1 property may not exceed the amount of the bonus  
2 depreciation deduction taken on that property on the  
3 taxpayer's federal income tax return under subsection  
4 (k) of Section 168 of the Internal Revenue Code. This  
5 subparagraph (O) is exempt from the provisions of  
6 Section 250;

7 (P) If the taxpayer sells, transfers, abandons, or  
8 otherwise disposes of property for which the taxpayer  
9 was required in any taxable year to make an addition  
10 modification under subparagraph (D-5), then an amount  
11 equal to that addition modification.

12 If the taxpayer continues to own property through  
13 the last day of the last tax year for which the  
14 taxpayer may claim a depreciation deduction for  
15 federal income tax purposes and for which the taxpayer  
16 was required in any taxable year to make an addition  
17 modification under subparagraph (D-5), then an amount  
18 equal to that addition 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 This subparagraph (P) is exempt from the  
23 provisions of Section 250;

24 (Q) The amount of (i) any interest income (net of  
25 the deductions allocable thereto) taken into account  
26 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 (R) 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 (i) 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 and (ii) for taxable  
22 years ending on or after December 31, 2008, to a person  
23 who would be a member of the same unitary business  
24 group but for the fact that the person is prohibited  
25 under Section 1501(a)(27) from being included in the  
26 unitary business group because he or she is ordinarily



1 required to apportion business income under different  
2 subsections of Section 304, but not to exceed the  
3 addition modification required to be made for the same  
4 taxable year under Section 203(d)(2)(D-7) for interest  
5 paid, accrued, or incurred, directly or indirectly, to  
6 the same person;

7 (S) An amount equal to the income from intangible  
8 property taken into account for the taxable year (net  
9 of the deductions allocable thereto) with respect to  
10 transactions with (i) a foreign person who would be a  
11 member of the taxpayer's unitary business group but for  
12 the fact that the foreign person's business activity  
13 outside the United States is 80% or more of that  
14 person's total business activity and (ii) for taxable  
15 years ending on or after December 31, 2008, to a person  
16 who would be a member of the same unitary business  
17 group but for the fact that the person is prohibited  
18 under Section 1501(a)(27) from being included in the  
19 unitary business group because he or she is ordinarily  
20 required to apportion business income under different  
21 subsections of Section 304, 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; and

1           (T) ~~(FF)~~ An amount equal to the income from  
2 insurance premiums taken into account for the taxable  
3 year (net of the deductions allocable thereto) with  
4 respect to transactions with a person who would be a  
5 member of the same unitary business group but for the  
6 fact that the person is prohibited under Section  
7 1501(a)(27) from being included in the unitary  
8 business group because he or she is ordinarily required  
9 to apportion business income under different  
10 subsections of Section 304, but not to exceed the  
11 addition modification required to be made for the same  
12 taxable year under Section 203(a)(2)(D-18) for  
13 intangible expenses and costs paid, accrued, or  
14 incurred, directly or indirectly, to the same person.

15           (e) Gross income; adjusted gross income; taxable income.

16           (1) In general. Subject to the provisions of paragraph  
17 (2) and subsection (b) (3), for purposes of this Section  
18 and Section 803(e), a taxpayer's gross income, adjusted  
19 gross income, or taxable income for the taxable year shall  
20 mean the amount of gross income, adjusted gross income or  
21 taxable income properly reportable for federal income tax  
22 purposes for the taxable year under the provisions of the  
23 Internal Revenue Code. Taxable income may be less than  
24 zero. However, for taxable years ending on or after  
25 December 31, 1986, net operating loss carryforwards from

1 taxable years ending prior to December 31, 1986, may not  
2 exceed the sum of federal taxable income for the taxable  
3 year before net operating loss deduction, plus the excess  
4 of addition modifications over subtraction modifications  
5 for the taxable year. For taxable years ending prior to  
6 December 31, 1986, taxable income may never be an amount in  
7 excess of the net operating loss for the taxable year as  
8 defined in subsections (c) and (d) of Section 172 of the  
9 Internal Revenue Code, provided that when taxable income of  
10 a corporation (other than a Subchapter S corporation),  
11 trust, or estate is less than zero and addition  
12 modifications, other than those provided by subparagraph  
13 (E) of paragraph (2) of subsection (b) for corporations or  
14 subparagraph (E) of paragraph (2) of subsection (c) for  
15 trusts and estates, exceed subtraction modifications, an  
16 addition modification must be made under those  
17 subparagraphs for any other taxable year to which the  
18 taxable income less than zero (net operating loss) is  
19 applied under Section 172 of the Internal Revenue Code or  
20 under subparagraph (E) of paragraph (2) of this subsection  
21 (e) applied in conjunction with Section 172 of the Internal  
22 Revenue Code.

23 (2) Special rule. For purposes of paragraph (1) of this  
24 subsection, the taxable income properly reportable for  
25 federal income tax purposes shall mean:

26 (A) Certain life insurance companies. In the case

1 of a life insurance company subject to the tax imposed  
2 by Section 801 of the Internal Revenue Code, life  
3 insurance company taxable income, plus the amount of  
4 distribution from pre-1984 policyholder surplus  
5 accounts as calculated under Section 815a of the  
6 Internal Revenue Code;

7 (B) Certain other insurance companies. In the case  
8 of mutual insurance companies subject to the tax  
9 imposed by Section 831 of the Internal Revenue Code,  
10 insurance company taxable income;

11 (C) Regulated investment companies. In the case of  
12 a regulated investment company subject to the tax  
13 imposed by Section 852 of the Internal Revenue Code,  
14 investment company taxable income;

15 (D) Real estate investment trusts. In the case of a  
16 real estate investment trust subject to the tax imposed  
17 by Section 857 of the Internal Revenue Code, real  
18 estate investment trust taxable income;

19 (E) Consolidated corporations. In the case of a  
20 corporation which is a member of an affiliated group of  
21 corporations filing a consolidated income tax return  
22 for the taxable year for federal income tax purposes,  
23 taxable income determined as if such corporation had  
24 filed a separate return for federal income tax purposes  
25 for the taxable year and each preceding taxable year  
26 for which it was a member of an affiliated group. For

1 purposes of this subparagraph, the taxpayer's separate  
2 taxable income shall be determined as if the election  
3 provided by Section 243(b) (2) of the Internal Revenue  
4 Code had been in effect for all such years;

5 (F) Cooperatives. In the case of a cooperative  
6 corporation or association, the taxable income of such  
7 organization determined in accordance with the  
8 provisions of Section 1381 through 1388 of the Internal  
9 Revenue Code;

10 (G) Subchapter S corporations. In the case of: (i)  
11 a Subchapter S corporation for which there is in effect  
12 an election for the taxable year under Section 1362 of  
13 the Internal Revenue Code, the taxable income of such  
14 corporation determined in accordance with Section  
15 1363(b) of the Internal Revenue Code, except that  
16 taxable income shall take into account those items  
17 which are required by Section 1363(b)(1) of the  
18 Internal Revenue Code to be separately stated; and (ii)  
19 a Subchapter S corporation for which there is in effect  
20 a federal election to opt out of the provisions of the  
21 Subchapter S Revision Act of 1982 and have applied  
22 instead the prior federal Subchapter S rules as in  
23 effect on July 1, 1982, the taxable income of such  
24 corporation determined in accordance with the federal  
25 Subchapter S rules as in effect on July 1, 1982; and

26 (H) Partnerships. In the case of a partnership,

1 taxable income determined in accordance with Section  
2 703 of the Internal Revenue Code, except that taxable  
3 income shall take into account those items which are  
4 required by Section 703(a)(1) to be separately stated  
5 but which would be taken into account by an individual  
6 in calculating his taxable income.

7 (3) Recapture of business expenses on disposition of  
8 asset or business. Notwithstanding any other law to the  
9 contrary, if in prior years income from an asset or  
10 business has been classified as business income and in a  
11 later year is demonstrated to be non-business income, then  
12 all expenses, without limitation, deducted in such later  
13 year and in the 2 immediately preceding taxable years  
14 related to that asset or business that generated the  
15 non-business income shall be added back and recaptured as  
16 business income in the year of the disposition of the asset  
17 or business. Such amount shall be apportioned to Illinois  
18 using the greater of the apportionment fraction computed  
19 for the business under Section 304 of this Act for the  
20 taxable year or the average of the apportionment fractions  
21 computed for the business under Section 304 of this Act for  
22 the taxable year and for the 2 immediately preceding  
23 taxable years.

24 (f) Valuation limitation amount.

25 (1) In general. The valuation limitation amount  
26 referred to in subsections (a) (2) (G), (c) (2) (I) and

1 (d) (2) (E) is an amount equal to:

2 (A) The sum of the pre-August 1, 1969 appreciation  
3 amounts (to the extent consisting of gain reportable  
4 under the provisions of Section 1245 or 1250 of the  
5 Internal Revenue Code) for all property in respect of  
6 which such gain was reported for the taxable year; plus

7 (B) The lesser of (i) the sum of the pre-August 1,  
8 1969 appreciation amounts (to the extent consisting of  
9 capital gain) for all property in respect of which such  
10 gain was reported for federal income tax purposes for  
11 the taxable year, or (ii) the net capital gain for the  
12 taxable year, reduced in either case by any amount of  
13 such gain included in the amount determined under  
14 subsection (a) (2) (F) or (c) (2) (H).

15 (2) Pre-August 1, 1969 appreciation amount.

16 (A) If the fair market value of property referred  
17 to in paragraph (1) was readily ascertainable on August  
18 1, 1969, the pre-August 1, 1969 appreciation amount for  
19 such property is the lesser of (i) the excess of such  
20 fair market value over the taxpayer's basis (for  
21 determining gain) for such property on that date  
22 (determined under the Internal Revenue Code as in  
23 effect on that date), or (ii) the total gain realized  
24 and reportable for federal income tax purposes in  
25 respect of the sale, exchange or other disposition of  
26 such property.

1           (B) If the fair market value of property referred  
2           to in paragraph (1) was not readily ascertainable on  
3           August 1, 1969, the pre-August 1, 1969 appreciation  
4           amount for such property is that amount which bears the  
5           same ratio to the total gain reported in respect of the  
6           property for federal income tax purposes for the  
7           taxable year, as the number of full calendar months in  
8           that part of the taxpayer's holding period for the  
9           property ending July 31, 1969 bears to the number of  
10          full calendar months in the taxpayer's entire holding  
11          period for the property.

12          (C) The Department shall prescribe such  
13          regulations as may be necessary to carry out the  
14          purposes of this paragraph.

15          (g) Double deductions. Unless specifically provided  
16          otherwise, nothing in this Section shall permit the same item  
17          to be deducted more than once.

18          (h) Legislative intention. Except as expressly provided by  
19          this Section there shall be no modifications or limitations on  
20          the amounts of income, gain, loss or deduction taken into  
21          account in determining gross income, adjusted gross income or  
22          taxable income for federal income tax purposes for the taxable  
23          year, or in the amount of such items entering into the  
24          computation of base income and net income under this Act for



1 such taxable year, whether in respect of property values as of  
2 August 1, 1969 or otherwise.

3 (Source: P.A. 94-776, eff. 5-19-06; 94-789, eff. 5-19-06;  
4 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; 95-23, eff.  
5 8-3-07; 95-233, eff. 8-16-07; 95-286, eff. 8-20-07; 95-331,  
6 eff. 8-21-07; revised 10-31-07.)

7 (35 ILCS 5/507PP)

8 Sec. 507PP ~~50700~~. The lung cancer research checkoff. For  
9 taxable years ending on or after December 31, 2007, 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 Lung Cancer Research Fund, as authorized by  
13 this amendatory Act of the 95th General Assembly, then he or  
14 she may do so by stating the amount of the contribution (not  
15 less than \$1) on the return and indicating that the  
16 contribution will reduce the taxpayer's refund or increase the  
17 amount of payment to accompany the return. The taxpayer's  
18 failure to remit any amount of the increased payment reduces  
19 the contribution accordingly. This Section does not apply to  
20 any amended return.

21 (Source: P.A. 95-434, eff. 8-27-07; revised 12-6-07.)

22 (35 ILCS 5/507QQ)

23 Sec. 507QQ ~~50700~~. The autoimmune disease research  
24 checkoff. For taxable years ending on or after December 31,

1 2007, the Department shall print, on its standard individual  
2 income tax form, a provision indicating that, if the taxpayer  
3 wishes to contribute to the Autoimmune Disease Research Fund,  
4 as authorized by this amendatory Act of the 95th General  
5 Assembly, then he or she may do so by stating the amount of the  
6 contribution (not less than \$1) on the return and indicating  
7 that the contribution will reduce the taxpayer's refund or  
8 increase the amount of payment to accompany the return. The  
9 taxpayer's failure to remit any amount of the increased payment  
10 reduces the contribution accordingly. This Section does not  
11 apply to any amended return.

12 (Source: P.A. 95-435, eff. 8-27-07; revised 12-6-07.)

13 Section 120. The Use Tax Act is amended by changing Section  
14 3-5 as follows:

15 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

16 Sec. 3-5. Exemptions. Use of the following tangible  
17 personal property is exempt from the tax imposed by this Act:

18 (1) Personal property purchased from a corporation,  
19 society, association, foundation, institution, or  
20 organization, other than a limited liability company, that is  
21 organized and operated as a not-for-profit service enterprise  
22 for the benefit of persons 65 years of age or older if the  
23 personal property was not purchased by the enterprise for the  
24 purpose of resale by the enterprise.

1           (2) Personal property purchased by a not-for-profit  
2 Illinois county fair association for use in conducting,  
3 operating, or promoting the county fair.

4           (3) Personal property purchased by a not-for-profit arts or  
5 cultural organization that establishes, by proof required by  
6 the Department by rule, that it has received an exemption under  
7 Section 501(c)(3) of the Internal Revenue Code and that is  
8 organized and operated primarily for the presentation or  
9 support of arts or cultural programming, activities, or  
10 services. These organizations include, but are not limited to,  
11 music and dramatic arts organizations such as symphony  
12 orchestras and theatrical groups, arts and cultural service  
13 organizations, local arts councils, visual arts organizations,  
14 and media arts organizations. On and after the effective date  
15 of this amendatory Act of the 92nd General Assembly, however,  
16 an entity otherwise eligible for this exemption shall not make  
17 tax-free purchases unless it has an active identification  
18 number issued by the Department.

19           (4) Personal property purchased by a governmental body, by  
20 a corporation, society, association, foundation, or  
21 institution organized and operated exclusively for charitable,  
22 religious, or educational purposes, or by a not-for-profit  
23 corporation, society, association, foundation, institution, or  
24 organization that has no compensated officers or employees and  
25 that is organized and operated primarily for the recreation of  
26 persons 55 years of age or older. A limited liability company

1 may qualify for the exemption under this paragraph only if the  
2 limited liability company is organized and operated  
3 exclusively for educational purposes. On and after July 1,  
4 1987, however, no entity otherwise eligible for this exemption  
5 shall make tax-free purchases unless it has an active exemption  
6 identification number issued by the Department.

7 (5) Until July 1, 2003, a passenger car that is a  
8 replacement vehicle to the extent that the purchase price of  
9 the car is subject to the Replacement Vehicle Tax.

10 (6) Until July 1, 2003 and beginning again on September 1,  
11 2004, graphic arts machinery and equipment, including repair  
12 and replacement parts, both new and used, and including that  
13 manufactured on special order, certified by the purchaser to be  
14 used primarily for graphic arts production, and including  
15 machinery and equipment purchased for lease. Equipment  
16 includes chemicals or chemicals acting as catalysts but only if  
17 the chemicals or chemicals acting as catalysts effect a direct  
18 and immediate change upon a graphic arts product.

19 (7) Farm chemicals.

20 (8) Legal tender, currency, medallions, or gold or silver  
21 coinage issued by the State of Illinois, the government of the  
22 United States of America, or the government of any foreign  
23 country, and bullion.

24 (9) Personal property purchased from a teacher-sponsored  
25 student organization affiliated with an elementary or  
26 secondary school located in Illinois.

1           (10) A motor vehicle of the first division, a motor vehicle  
2 of the second division that is a self-contained motor vehicle  
3 designed or permanently converted to provide living quarters  
4 for recreational, camping, or travel use, with direct walk  
5 through to the living quarters from the driver's seat, or a  
6 motor vehicle of the second division that is of the van  
7 configuration designed for the transportation of not less than  
8 7 nor more than 16 passengers, as defined in Section 1-146 of  
9 the Illinois Vehicle Code, that is used for automobile renting,  
10 as defined in the Automobile Renting Occupation and Use Tax  
11 Act.

12           (11) Farm machinery and equipment, both new and used,  
13 including that manufactured on special order, certified by the  
14 purchaser to be used primarily for production agriculture or  
15 State or federal agricultural programs, including individual  
16 replacement parts for the machinery and equipment, including  
17 machinery and equipment purchased for lease, and including  
18 implements of husbandry defined in Section 1-130 of the  
19 Illinois Vehicle Code, farm machinery and agricultural  
20 chemical and fertilizer spreaders, and nurse wagons required to  
21 be registered under Section 3-809 of the Illinois Vehicle Code,  
22 but excluding other motor vehicles required to be registered  
23 under the Illinois Vehicle Code. Horticultural polyhouses or  
24 hoop houses used for propagating, growing, or overwintering  
25 plants shall be considered farm machinery and equipment under  
26 this item (11). Agricultural chemical tender tanks and dry

1 boxes shall include units sold separately from a motor vehicle  
2 required to be licensed and units sold mounted on a motor  
3 vehicle required to be licensed if the selling price of the  
4 tender is separately stated.

5 Farm machinery and equipment shall include precision  
6 farming equipment that is installed or purchased to be  
7 installed on farm machinery and equipment including, but not  
8 limited to, tractors, harvesters, sprayers, planters, seeders,  
9 or spreaders. Precision farming equipment includes, but is not  
10 limited to, soil testing sensors, computers, monitors,  
11 software, global positioning and mapping systems, and other  
12 such equipment.

13 Farm machinery and equipment also includes computers,  
14 sensors, software, and related equipment used primarily in the  
15 computer-assisted operation of production agriculture  
16 facilities, equipment, and activities such as, but not limited  
17 to, the collection, monitoring, and correlation of animal and  
18 crop data for the purpose of formulating animal diets and  
19 agricultural chemicals. This item (11) is exempt from the  
20 provisions of Section 3-90.

21 (12) Fuel and petroleum products sold to or used by an air  
22 common carrier, certified by the carrier to be used for  
23 consumption, shipment, or storage in the conduct of its  
24 business as an air common carrier, for a flight destined for or  
25 returning from a location or locations outside the United  
26 States without regard to previous or subsequent domestic

1 stopovers.

2 (13) Proceeds of mandatory service charges separately  
3 stated on customers' bills for the purchase and consumption of  
4 food and beverages purchased at retail from a retailer, to the  
5 extent that the proceeds of the service charge are in fact  
6 turned over as tips or as a substitute for tips to the  
7 employees who participate directly in preparing, serving,  
8 hosting or cleaning up the food or beverage function with  
9 respect to which the service charge is imposed.

10 (14) Until July 1, 2003, oil field exploration, drilling,  
11 and production equipment, including (i) rigs and parts of rigs,  
12 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
13 tubular goods, including casing and drill strings, (iii) pumps  
14 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
15 individual replacement part for oil field exploration,  
16 drilling, and production equipment, and (vi) machinery and  
17 equipment purchased for lease; but excluding motor vehicles  
18 required to be registered under the Illinois Vehicle Code.

19 (15) Photoprocessing machinery and equipment, including  
20 repair and replacement parts, both new and used, including that  
21 manufactured on special order, certified by the purchaser to be  
22 used primarily for photoprocessing, and including  
23 photoprocessing machinery and equipment purchased for lease.

24 (16) Until July 1, 2003, coal exploration, mining,  
25 offhighway hauling, processing, maintenance, and reclamation  
26 equipment, including replacement parts and equipment, and

1 including equipment purchased for lease, but excluding motor  
2 vehicles required to be registered under the Illinois Vehicle  
3 Code.

4 (17) Until July 1, 2003, distillation machinery and  
5 equipment, sold as a unit or kit, assembled or installed by the  
6 retailer, certified by the user to be used only for the  
7 production of ethyl alcohol that will be used for consumption  
8 as motor fuel or as a component of motor fuel for the personal  
9 use of the user, and not subject to sale or resale.

10 (18) Manufacturing and assembling machinery and equipment  
11 used primarily in the process of manufacturing or assembling  
12 tangible personal property for wholesale or retail sale or  
13 lease, whether that sale or lease is made directly by the  
14 manufacturer or by some other person, whether the materials  
15 used in the process are owned by the manufacturer or some other  
16 person, or whether that sale or lease is made apart from or as  
17 an incident to the seller's engaging in the service occupation  
18 of producing machines, tools, dies, jigs, patterns, gauges, or  
19 other similar items of no commercial value on special order for  
20 a particular purchaser.

21 (19) Personal property delivered to a purchaser or  
22 purchaser's donee inside Illinois when the purchase order for  
23 that personal property was received by a florist located  
24 outside Illinois who has a florist located inside Illinois  
25 deliver the personal property.

26 (20) Semen used for artificial insemination of livestock



1 for direct agricultural production.

2 (21) Horses, or interests in horses, registered with and  
3 meeting the requirements of any of the Arabian Horse Club  
4 Registry of America, Appaloosa Horse Club, American Quarter  
5 Horse Association, United States Trotting Association, or  
6 Jockey Club, as appropriate, used for purposes of breeding or  
7 racing for prizes. This item (21) is exempt from the provisions  
8 of Section 3-90, and the exemption provided for under this item  
9 (21) applies for all periods beginning May 30, 1995, but no  
10 claim for credit or refund is allowed on or after January 1,  
11 2008 ~~the effective date of this amendatory Act of the 95th~~  
12 ~~General Assembly~~ for such taxes paid during the period  
13 beginning May 30, 2000 and ending on January 1, 2008 ~~the~~  
14 ~~effective date of this amendatory Act of the 95th General~~  
15 ~~Assembly.~~

16 (22) Computers and communications equipment utilized for  
17 any hospital purpose and equipment used in the diagnosis,  
18 analysis, or treatment of hospital patients purchased by a  
19 lessor who leases the equipment, under a lease of one year or  
20 longer executed or in effect at the time the lessor would  
21 otherwise be subject to the tax imposed by this Act, to a  
22 hospital that has been issued an active tax exemption  
23 identification number by the Department under Section 1g of the  
24 Retailers' Occupation Tax Act. If the equipment is leased in a  
25 manner that does not qualify for this exemption or is used in  
26 any other non-exempt manner, the lessor shall be liable for the

1 tax imposed under this Act or the Service Use Tax Act, as the  
2 case may be, based on the fair market value of the property at  
3 the time the non-qualifying use occurs. No lessor shall collect  
4 or attempt to collect an amount (however designated) that  
5 purports to reimburse that lessor for the tax imposed by this  
6 Act or the Service Use Tax Act, as the case may be, if the tax  
7 has not been paid by the lessor. If a lessor improperly  
8 collects any such amount from the lessee, the lessee shall have  
9 a legal right to claim a refund of that amount from the lessor.  
10 If, however, that amount is not refunded to the lessee for any  
11 reason, the lessor is liable to pay that amount to the  
12 Department.

13 (23) Personal property purchased by a lessor who leases the  
14 property, under a lease of one year or longer executed or in  
15 effect at the time the lessor would otherwise be subject to the  
16 tax imposed by this Act, to a governmental body that has been  
17 issued an active sales tax exemption identification number by  
18 the Department under Section 1g of the Retailers' Occupation  
19 Tax Act. If the property is leased in a manner that does not  
20 qualify for this exemption or used in any other non-exempt  
21 manner, the lessor shall be liable for the tax imposed under  
22 this Act or the Service Use Tax Act, as the case may be, based  
23 on the fair market value of the property at the time the  
24 non-qualifying use occurs. No lessor shall collect or attempt  
25 to collect an amount (however designated) that purports to  
26 reimburse that lessor for the tax imposed by this Act or the

1 Service Use Tax Act, as the case may be, if the tax has not been  
2 paid by the lessor. If a lessor improperly collects any such  
3 amount from the lessee, the lessee shall have a legal right to  
4 claim a refund of that amount from the lessor. If, however,  
5 that amount is not refunded to the lessee for any reason, the  
6 lessor is liable to pay that amount to the Department.

7 (24) Beginning with taxable years ending on or after  
8 December 31, 1995 and ending with taxable years ending on or  
9 before December 31, 2004, personal property that is donated for  
10 disaster relief to be used in a State or federally declared  
11 disaster area in Illinois or bordering Illinois by a  
12 manufacturer or retailer that is registered in this State to a  
13 corporation, society, association, foundation, or institution  
14 that has been issued a sales tax exemption identification  
15 number by the Department that assists victims of the disaster  
16 who reside within the declared disaster area.

17 (25) Beginning with taxable years ending on or after  
18 December 31, 1995 and ending with taxable years ending on or  
19 before December 31, 2004, personal property that is used in the  
20 performance of infrastructure repairs in this State, including  
21 but not limited to municipal roads and streets, access roads,  
22 bridges, sidewalks, waste disposal systems, water and sewer  
23 line extensions, water distribution and purification  
24 facilities, storm water drainage and retention facilities, and  
25 sewage treatment facilities, resulting from a State or  
26 federally declared disaster in Illinois or bordering Illinois

1 when such repairs are initiated on facilities located in the  
2 declared disaster area within 6 months after the disaster.

3 (26) Beginning July 1, 1999, game or game birds purchased  
4 at a "game breeding and hunting preserve area" or an "exotic  
5 game hunting area" as those terms are used in the Wildlife Code  
6 or at a hunting enclosure approved through rules adopted by the  
7 Department of Natural Resources. This paragraph is exempt from  
8 the provisions of Section 3-90.

9 (27) A motor vehicle, as that term is defined in Section  
10 1-146 of the Illinois Vehicle Code, that is donated to a  
11 corporation, limited liability company, society, association,  
12 foundation, or institution that is determined by the Department  
13 to be organized and operated exclusively for educational  
14 purposes. For purposes of this exemption, "a corporation,  
15 limited liability company, society, association, foundation,  
16 or institution organized and operated exclusively for  
17 educational purposes" means all tax-supported public schools,  
18 private schools that offer systematic instruction in useful  
19 branches of learning by methods common to public schools and  
20 that compare favorably in their scope and intensity with the  
21 course of study presented in tax-supported schools, and  
22 vocational or technical schools or institutes organized and  
23 operated exclusively to provide a course of study of not less  
24 than 6 weeks duration and designed to prepare individuals to  
25 follow a trade or to pursue a manual, technical, mechanical,  
26 industrial, business, or commercial occupation.

1           (28) Beginning January 1, 2000, personal property,  
2 including food, purchased through fundraising events for the  
3 benefit of a public or private elementary or secondary school,  
4 a group of those schools, or one or more school districts if  
5 the events are sponsored by an entity recognized by the school  
6 district that consists primarily of volunteers and includes  
7 parents and teachers of the school children. This paragraph  
8 does not apply to fundraising events (i) for the benefit of  
9 private home instruction or (ii) for which the fundraising  
10 entity purchases the personal property sold at the events from  
11 another individual or entity that sold the property for the  
12 purpose of resale by the fundraising entity and that profits  
13 from the sale to the fundraising entity. This paragraph is  
14 exempt from the provisions of Section 3-90.

15           (29) Beginning January 1, 2000 and through December 31,  
16 2001, new or used automatic vending machines that prepare and  
17 serve hot food and beverages, including coffee, soup, and other  
18 items, and replacement parts for these machines. Beginning  
19 January 1, 2002 and through June 30, 2003, machines and parts  
20 for machines used in commercial, coin-operated amusement and  
21 vending business if a use or occupation tax is paid on the  
22 gross receipts derived from the use of the commercial,  
23 coin-operated amusement and vending machines. This paragraph  
24 is exempt from the provisions of Section 3-90.

25           (30) Beginning January 1, 2001 and through June 30, 2011,  
26 food for human consumption that is to be consumed off the

1 premises where it is sold (other than alcoholic beverages, soft  
2 drinks, and food that has been prepared for immediate  
3 consumption) and prescription and nonprescription medicines,  
4 drugs, medical appliances, and insulin, urine testing  
5 materials, syringes, and needles used by diabetics, for human  
6 use, when purchased for use by a person receiving medical  
7 assistance under Article 5 of the Illinois Public Aid Code who  
8 resides in a licensed long-term care facility, as defined in  
9 the Nursing Home Care Act.

10 (31) Beginning on the effective date of this amendatory Act  
11 of the 92nd General Assembly, computers and communications  
12 equipment utilized for any hospital purpose and equipment used  
13 in the diagnosis, analysis, or treatment of hospital patients  
14 purchased by a lessor who leases the equipment, under a lease  
15 of one year or longer executed or in effect at the time the  
16 lessor would otherwise be subject to the tax imposed by this  
17 Act, to a hospital that has been issued an active tax exemption  
18 identification number by the Department under Section 1g of the  
19 Retailers' Occupation Tax Act. If the equipment is leased in a  
20 manner that does not qualify for this exemption or is used in  
21 any other nonexempt manner, the lessor shall be liable for the  
22 tax imposed under this Act or the Service Use Tax Act, as the  
23 case may be, based on the fair market value of the property at  
24 the time the nonqualifying use occurs. No lessor shall collect  
25 or attempt to collect an amount (however designated) that  
26 purports to reimburse that lessor for the tax imposed by this

1 Act or the Service Use Tax Act, as the case may be, if the tax  
2 has not been paid by the lessor. If a lessor improperly  
3 collects any such amount from the lessee, the lessee shall have  
4 a legal right to claim a refund of that amount from the lessor.  
5 If, however, that amount is not refunded to the lessee for any  
6 reason, the lessor is liable to pay that amount to the  
7 Department. This paragraph is exempt from the provisions of  
8 Section 3-90.

9 (32) Beginning on the effective date of this amendatory Act  
10 of the 92nd General Assembly, personal property purchased by a  
11 lessor who leases the property, under a lease of one year or  
12 longer executed or in effect at the time the lessor would  
13 otherwise be subject to the tax imposed by this Act, to a  
14 governmental body that has been issued an active sales tax  
15 exemption identification number by the Department under  
16 Section 1g of the Retailers' Occupation Tax Act. If the  
17 property is leased in a manner that does not qualify for this  
18 exemption or used in any other nonexempt manner, the lessor  
19 shall be liable for the tax imposed under this Act or the  
20 Service Use Tax Act, as the case may be, based on the fair  
21 market value of the property at the time the nonqualifying use  
22 occurs. No lessor shall collect or attempt to collect an amount  
23 (however designated) that purports to reimburse that lessor for  
24 the tax imposed by this Act or the Service Use Tax Act, as the  
25 case may be, if the tax has not been paid by the lessor. If a  
26 lessor improperly collects any such amount from the lessee, the

1 lessee shall have a legal right to claim a refund of that  
2 amount from the lessor. If, however, that amount is not  
3 refunded to the lessee for any reason, the lessor is liable to  
4 pay that amount to the Department. This paragraph is exempt  
5 from the provisions of Section 3-90.

6 (33) On and after July 1, 2003 and through June 30, 2004,  
7 the use in this State of motor vehicles of the second division  
8 with a gross vehicle weight in excess of 8,000 pounds and that  
9 are subject to the commercial distribution fee imposed under  
10 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
11 1, 2004 and through June 30, 2005, the use in this State of  
12 motor vehicles of the second division: (i) with a gross vehicle  
13 weight rating in excess of 8,000 pounds; (ii) that are subject  
14 to the commercial distribution fee imposed under Section  
15 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
16 primarily used for commercial purposes. Through June 30, 2005,  
17 this exemption applies to repair and replacement parts added  
18 after the initial purchase of such a motor vehicle if that  
19 motor vehicle is used in a manner that would qualify for the  
20 rolling stock exemption otherwise provided for in this Act. For  
21 purposes of this paragraph, the term "used for commercial  
22 purposes" means the transportation of persons or property in  
23 furtherance of any commercial or industrial enterprise,  
24 whether for-hire or not.

25 (34) Beginning January 1, 2008, tangible personal property  
26 used in the construction or maintenance of a community water



1 supply, as defined under Section 3.145 of the Environmental  
2 Protection Act, that is operated by a not-for-profit  
3 corporation that holds a valid water supply permit issued under  
4 Title IV of the Environmental Protection Act. This paragraph is  
5 exempt from the provisions of Section 3-90.

6 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,  
7 eff. 1-1-08; revised 10-31-07.)

8 Section 125. The Service Use Tax Act is amended by changing  
9 Section 3-5 as follows:

10 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

11 Sec. 3-5. Exemptions. Use of the following tangible  
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,  
14 society, association, foundation, institution, or  
15 organization, other than a limited liability company, that is  
16 organized and operated as a not-for-profit service enterprise  
17 for the benefit of persons 65 years of age or older if the  
18 personal property was not purchased by the enterprise for the  
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a non-profit Illinois  
21 county fair association for use in conducting, operating, or  
22 promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts or  
24 cultural organization that establishes, by proof required by

1 the Department by rule, that it has received an exemption under  
2 Section 501(c)(3) of the Internal Revenue Code and that is  
3 organized and operated primarily for the presentation or  
4 support of arts or cultural programming, activities, or  
5 services. These organizations include, but are not limited to,  
6 music and dramatic arts organizations such as symphony  
7 orchestras and theatrical groups, arts and cultural service  
8 organizations, local arts councils, visual arts organizations,  
9 and media arts organizations. On and after the effective date  
10 of this amendatory Act of the 92nd General Assembly, however,  
11 an entity otherwise eligible for this exemption shall not make  
12 tax-free purchases unless it has an active identification  
13 number issued by the Department.

14 (4) Legal tender, currency, medallions, or gold or silver  
15 coinage issued by the State of Illinois, the government of the  
16 United States of America, or the government of any foreign  
17 country, and bullion.

18 (5) Until July 1, 2003 and beginning again on September 1,  
19 2004, graphic arts machinery and equipment, including repair  
20 and replacement parts, both new and used, and including that  
21 manufactured on special order or purchased for lease, certified  
22 by the purchaser to be used primarily for graphic arts  
23 production. Equipment includes chemicals or chemicals acting  
24 as catalysts but only if the chemicals or chemicals acting as  
25 catalysts effect a direct and immediate change upon a graphic  
26 arts product.

1           (6) Personal property purchased from a teacher-sponsored  
2 student organization affiliated with an elementary or  
3 secondary school located in Illinois.

4           (7) Farm machinery and equipment, both new and used,  
5 including that manufactured on special order, certified by the  
6 purchaser to be used primarily for production agriculture or  
7 State or federal agricultural programs, including individual  
8 replacement parts for the machinery and equipment, including  
9 machinery and equipment purchased for lease, and including  
10 implements of husbandry defined in Section 1-130 of the  
11 Illinois Vehicle Code, farm machinery and agricultural  
12 chemical and fertilizer spreaders, and nurse wagons required to  
13 be registered under Section 3-809 of the Illinois Vehicle Code,  
14 but excluding other motor vehicles required to be registered  
15 under the Illinois Vehicle Code. Horticultural polyhouses or  
16 hoop houses used for propagating, growing, or overwintering  
17 plants shall be considered farm machinery and equipment under  
18 this item (7). Agricultural chemical tender tanks and dry boxes  
19 shall include units sold separately from a motor vehicle  
20 required to be licensed and units sold mounted on a motor  
21 vehicle required to be licensed if the selling price of the  
22 tender is separately stated.

23           Farm machinery and equipment shall include precision  
24 farming equipment that is installed or purchased to be  
25 installed on farm machinery and equipment including, but not  
26 limited to, tractors, harvesters, sprayers, planters, seeders,

1 or spreaders. Precision farming equipment includes, but is not  
2 limited to, soil testing sensors, computers, monitors,  
3 software, global positioning and mapping systems, and other  
4 such equipment.

5 Farm machinery and equipment also includes computers,  
6 sensors, software, and related equipment used primarily in the  
7 computer-assisted operation of production agriculture  
8 facilities, equipment, and activities such as, but not limited  
9 to, the collection, monitoring, and correlation of animal and  
10 crop data for the purpose of formulating animal diets and  
11 agricultural chemicals. This item (7) is exempt from the  
12 provisions of Section 3-75.

13 (8) Fuel and petroleum products sold to or used by an air  
14 common carrier, certified by the carrier to be used for  
15 consumption, shipment, or storage in the conduct of its  
16 business as an air common carrier, for a flight destined for or  
17 returning from a location or locations outside the United  
18 States without regard to previous or subsequent domestic  
19 stopovers.

20 (9) Proceeds of mandatory service charges separately  
21 stated on customers' bills for the purchase and consumption of  
22 food and beverages acquired as an incident to the purchase of a  
23 service from a serviceman, to the extent that the proceeds of  
24 the service charge are in fact turned over as tips or as a  
25 substitute for tips to the employees who participate directly  
26 in preparing, serving, hosting or cleaning up the food or

1 beverage function with respect to which the service charge is  
2 imposed.

3 (10) Until July 1, 2003, oil field exploration, drilling,  
4 and production equipment, including (i) rigs and parts of rigs,  
5 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
6 tubular goods, including casing and drill strings, (iii) pumps  
7 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
8 individual replacement part for oil field exploration,  
9 drilling, and production equipment, and (vi) machinery and  
10 equipment purchased for lease; but excluding motor vehicles  
11 required to be registered under the Illinois Vehicle Code.

12 (11) Proceeds from the sale of photoprocessing machinery  
13 and equipment, including repair and replacement parts, both new  
14 and used, including that manufactured on special order,  
15 certified by the purchaser to be used primarily for  
16 photoprocessing, and including photoprocessing machinery and  
17 equipment purchased for lease.

18 (12) Until July 1, 2003, coal exploration, mining,  
19 offhighway hauling, processing, maintenance, and reclamation  
20 equipment, including replacement parts and equipment, and  
21 including equipment purchased for lease, but excluding motor  
22 vehicles required to be registered under the Illinois Vehicle  
23 Code.

24 (13) Semen used for artificial insemination of livestock  
25 for direct agricultural production.

26 (14) Horses, or interests in horses, registered with and

1 meeting the requirements of any of the Arabian Horse Club  
2 Registry of America, Appaloosa Horse Club, American Quarter  
3 Horse Association, United States Trotting Association, or  
4 Jockey Club, as appropriate, used for purposes of breeding or  
5 racing for prizes. This item (14) is exempt from the provisions  
6 of Section 3-75, and the exemption provided for under this item  
7 (14) applies for all periods beginning May 30, 1995, but no  
8 claim for credit or refund is allowed on or after the effective  
9 date of this amendatory Act of the 95th General Assembly for  
10 such taxes paid during the period beginning May 30, 2000 and  
11 ending on the effective date of this amendatory Act of the 95th  
12 General Assembly.

13 (15) Computers and communications equipment utilized for  
14 any hospital purpose and equipment used in the diagnosis,  
15 analysis, or treatment of hospital patients purchased by a  
16 lessor who leases the equipment, under a lease of one year or  
17 longer executed or in effect at the time the lessor would  
18 otherwise be subject to the tax imposed by this Act, to a  
19 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 non-exempt manner, the lessor shall be liable for the  
24 tax imposed under this Act or the Use Tax Act, as the case may  
25 be, based on the fair market value of the property at the time  
26 the non-qualifying use occurs. No lessor shall collect or

1 attempt to collect an amount (however designated) that purports  
2 to reimburse that lessor for the tax imposed by this Act or the  
3 Use Tax Act, as the case may be, if the tax has not been paid by  
4 the lessor. If a lessor improperly collects any such amount  
5 from the lessee, the lessee shall have a legal right to claim a  
6 refund of that amount from the lessor. If, however, that amount  
7 is not refunded to the lessee for any reason, the lessor is  
8 liable to pay that amount to the Department.

9 (16) Personal property purchased by a lessor who leases the  
10 property, under a lease of one year or longer executed or in  
11 effect at the time the lessor would otherwise be subject to the  
12 tax imposed by this Act, to a governmental body that has been  
13 issued an active tax exemption identification number by the  
14 Department under Section 1g of the Retailers' Occupation Tax  
15 Act. If the property is leased in a manner that does not  
16 qualify for this exemption or is used in any other non-exempt  
17 manner, the lessor shall be liable for the tax imposed under  
18 this Act or the Use Tax Act, as the case may be, based on the  
19 fair market value of the property at the time the  
20 non-qualifying use occurs. No lessor shall collect or attempt  
21 to collect an amount (however designated) that purports to  
22 reimburse that lessor for the tax imposed by this Act or the  
23 Use Tax Act, as the case may be, if the tax has not been paid by  
24 the lessor. If a lessor improperly collects any such amount  
25 from the lessee, the lessee shall have a legal right to claim a  
26 refund of that amount from the lessor. If, however, that amount

1 is not refunded to the lessee for any reason, the lessor is  
2 liable to pay that amount to the Department.

3 (17) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on or  
5 before December 31, 2004, personal property that is donated for  
6 disaster relief to be used in a State or federally declared  
7 disaster area in Illinois or bordering Illinois by a  
8 manufacturer or retailer that is registered in this State to a  
9 corporation, society, association, foundation, or institution  
10 that has been issued a sales tax exemption identification  
11 number by the Department that assists victims of the disaster  
12 who reside within the declared disaster area.

13 (18) Beginning with taxable years ending on or after  
14 December 31, 1995 and ending with taxable years ending on or  
15 before December 31, 2004, personal property that is used in the  
16 performance of infrastructure repairs in this State, including  
17 but not limited to municipal roads and streets, access roads,  
18 bridges, sidewalks, waste disposal systems, water and sewer  
19 line extensions, water distribution and purification  
20 facilities, storm water drainage and retention facilities, and  
21 sewage treatment facilities, resulting from a State or  
22 federally declared disaster in Illinois or bordering Illinois  
23 when such repairs are initiated on facilities located in the  
24 declared disaster area within 6 months after the disaster.

25 (19) Beginning July 1, 1999, game or game birds purchased  
26 at a "game breeding and hunting preserve area" or an "exotic



1 game hunting area" as those terms are used in the Wildlife Code  
2 or at a hunting enclosure approved through rules adopted by the  
3 Department of Natural Resources. This paragraph is exempt from  
4 the provisions of Section 3-75.

5 (20) A motor vehicle, as that term is defined in Section  
6 1-146 of the Illinois Vehicle Code, that is donated to a  
7 corporation, limited liability company, society, association,  
8 foundation, or institution that is determined by the Department  
9 to be organized and operated exclusively for educational  
10 purposes. For purposes of this exemption, "a corporation,  
11 limited liability company, society, association, foundation,  
12 or institution organized and operated exclusively for  
13 educational purposes" means all tax-supported public schools,  
14 private schools that offer systematic instruction in useful  
15 branches of learning by methods common to public schools and  
16 that compare favorably in their scope and intensity with the  
17 course of study presented in tax-supported schools, and  
18 vocational or technical schools or institutes organized and  
19 operated exclusively to provide a course of study of not less  
20 than 6 weeks duration and designed to prepare individuals to  
21 follow a trade or to pursue a manual, technical, mechanical,  
22 industrial, business, or commercial occupation.

23 (21) Beginning January 1, 2000, personal property,  
24 including food, purchased through fundraising events for the  
25 benefit of a public or private elementary or secondary school,  
26 a group of those schools, or one or more school districts if

1 the events are sponsored by an entity recognized by the school  
2 district that consists primarily of volunteers and includes  
3 parents and teachers of the school children. This paragraph  
4 does not apply to fundraising events (i) for the benefit of  
5 private home instruction or (ii) for which the fundraising  
6 entity purchases the personal property sold at the events from  
7 another individual or entity that sold the property for the  
8 purpose of resale by the fundraising entity and that profits  
9 from the sale to the fundraising entity. This paragraph is  
10 exempt from the provisions of Section 3-75.

11 (22) Beginning January 1, 2000 and through December 31,  
12 2001, new or used automatic vending machines that prepare and  
13 serve hot food and beverages, including coffee, soup, and other  
14 items, and replacement parts for these machines. Beginning  
15 January 1, 2002 and through June 30, 2003, machines and parts  
16 for machines used in commercial, coin-operated amusement and  
17 vending business if a use or occupation tax is paid on the  
18 gross receipts derived from the use of the commercial,  
19 coin-operated amusement and vending machines. This paragraph  
20 is exempt from the provisions of Section 3-75.

21 (23) Beginning August 23, 2001 and through June 30, 2011,  
22 food for human consumption that is to be consumed off the  
23 premises where it is sold (other than alcoholic beverages, soft  
24 drinks, and food that has been prepared for immediate  
25 consumption) and prescription and nonprescription medicines,  
26 drugs, medical appliances, and insulin, urine testing

1 materials, syringes, and needles used by diabetics, for human  
2 use, when purchased for use by a person receiving medical  
3 assistance under Article 5 of the Illinois Public Aid Code who  
4 resides in a licensed long-term care facility, as defined in  
5 the Nursing Home Care Act.

6 (24) Beginning on the effective date of this amendatory Act  
7 of the 92nd General Assembly, computers and communications  
8 equipment utilized for any hospital purpose and equipment used  
9 in the diagnosis, analysis, or treatment of hospital patients  
10 purchased by a lessor who leases the equipment, under a lease  
11 of one year or longer executed or in effect at the time the  
12 lessor would otherwise be subject to the tax imposed by this  
13 Act, to a hospital that has been issued an active tax exemption  
14 identification number by the Department under Section 1g of the  
15 Retailers' Occupation Tax Act. If the equipment is leased in a  
16 manner that does not qualify for this exemption or is used in  
17 any other nonexempt manner, the lessor shall be liable for the  
18 tax imposed under this Act or the Use Tax Act, as the case may  
19 be, based on the fair market value of the property at the time  
20 the nonqualifying use occurs. No lessor shall collect or  
21 attempt to collect an amount (however designated) that purports  
22 to reimburse that lessor for the tax imposed by this Act or the  
23 Use Tax Act, as the case may be, if the tax has not been paid by  
24 the lessor. If a lessor improperly collects any such amount  
25 from the lessee, the lessee shall have a legal right to claim a  
26 refund of that amount from the lessor. If, however, that amount

1 is not refunded to the lessee for any reason, the lessor is  
2 liable to pay that amount to the Department. This paragraph is  
3 exempt from the provisions of Section 3-75.

4 (25) Beginning on the effective date of this amendatory Act  
5 of the 92nd General Assembly, personal property purchased by a  
6 lessor who leases the property, under a lease of one year or  
7 longer executed or in effect at the time the lessor would  
8 otherwise be subject to the tax imposed by this Act, to a  
9 governmental body that has been issued an active tax exemption  
10 identification number by the Department under Section 1g of the  
11 Retailers' Occupation Tax Act. If the property is leased in a  
12 manner that does not qualify for this exemption or is used in  
13 any other nonexempt manner, the lessor shall be liable for the  
14 tax imposed under this Act or the Use Tax Act, as the case may  
15 be, based on the fair market value of the property at the time  
16 the nonqualifying use occurs. No lessor shall collect or  
17 attempt to collect an amount (however designated) that purports  
18 to reimburse that lessor for the tax imposed by this Act or the  
19 Use Tax Act, as the case may be, if the tax has not been paid by  
20 the lessor. If a lessor improperly collects any such amount  
21 from the lessee, the lessee shall have a legal right to claim a  
22 refund of that amount from the lessor. If, however, that amount  
23 is not refunded to the lessee for any reason, the lessor is  
24 liable to pay that amount to the Department. This paragraph is  
25 exempt from the provisions of Section 3-75.

26 (26) Beginning January 1, 2008, tangible personal property

1 used in the construction or maintenance of a community water  
2 supply, as defined under Section 3.145 of the Environmental  
3 Protection Act, that is operated by a not-for-profit  
4 corporation that holds a valid water supply permit issued under  
5 Title IV of the Environmental Protection Act. This paragraph is  
6 exempt from the provisions of Section 3-75.

7 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,  
8 eff. 1-1-08; revised 11-2-07.)

9 Section 130. The Service Occupation Tax Act is amended by  
10 changing Section 3-5 as follows:

11 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

12 Sec. 3-5. Exemptions. The following tangible personal  
13 property is exempt from the tax imposed by this Act:

14 (1) Personal property sold by a corporation, society,  
15 association, foundation, institution, or organization, other  
16 than a limited liability company, that is organized and  
17 operated as a not-for-profit service enterprise for the benefit  
18 of persons 65 years of age or older if the personal property  
19 was not purchased by the enterprise for the purpose of resale  
20 by the enterprise.

21 (2) Personal property purchased by a not-for-profit  
22 Illinois county fair association for use in conducting,  
23 operating, or promoting the county fair.

24 (3) Personal property purchased by any not-for-profit arts

1 or cultural organization that establishes, by proof required by  
2 the Department by rule, that it has received an exemption under  
3 Section 501(c)(3) of the Internal Revenue Code and that is  
4 organized and operated primarily for the presentation or  
5 support of arts or cultural programming, activities, or  
6 services. These organizations include, but are not limited to,  
7 music and dramatic arts organizations such as symphony  
8 orchestras and theatrical groups, arts and cultural service  
9 organizations, local arts councils, visual arts organizations,  
10 and media arts organizations. On and after the effective date  
11 of this amendatory Act of the 92nd General Assembly, however,  
12 an entity otherwise eligible for this exemption shall not make  
13 tax-free purchases unless it has an active identification  
14 number issued by the Department.

15 (4) Legal tender, currency, medallions, or gold or silver  
16 coinage issued by the State of Illinois, the government of the  
17 United States of America, or the government of any foreign  
18 country, and bullion.

19 (5) Until July 1, 2003 and beginning again on September 1,  
20 2004, graphic arts machinery and equipment, including repair  
21 and replacement parts, both new and used, and including that  
22 manufactured on special order or purchased for lease, certified  
23 by the purchaser to be used primarily for graphic arts  
24 production. Equipment includes chemicals or chemicals acting  
25 as catalysts but only if the chemicals or chemicals acting as  
26 catalysts effect a direct and immediate change upon a graphic

1 arts product.

2 (6) Personal property sold by a teacher-sponsored student  
3 organization affiliated with an elementary or secondary school  
4 located in Illinois.

5 (7) 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 (7). Agricultural chemical tender tanks and dry boxes  
20 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

1 limited to, tractors, harvesters, sprayers, planters, seeders,  
2 or spreaders. Precision farming equipment includes, but is not  
3 limited to, soil testing sensors, computers, monitors,  
4 software, global positioning and mapping systems, and other  
5 such equipment.

6 Farm machinery and equipment also includes computers,  
7 sensors, software, and related equipment used primarily in the  
8 computer-assisted operation of production agriculture  
9 facilities, equipment, and activities such as, but not limited  
10 to, the collection, monitoring, and correlation of animal and  
11 crop data for the purpose of formulating animal diets and  
12 agricultural chemicals. This item (7) is exempt from the  
13 provisions of Section 3-55.

14 (8) Fuel and petroleum products sold to or used by an air  
15 common carrier, certified by the carrier to be used for  
16 consumption, shipment, or storage in the conduct of its  
17 business as an air common carrier, for a flight destined for or  
18 returning from a location or locations outside the United  
19 States without regard to previous or subsequent domestic  
20 stopovers.

21 (9) Proceeds of mandatory service charges separately  
22 stated on customers' bills for the purchase and consumption of  
23 food and beverages, to the extent that the proceeds of the  
24 service charge are in fact turned over as tips or as a  
25 substitute for tips to the employees who participate directly  
26 in preparing, serving, hosting or cleaning up the food or



1 beverage function with respect to which the service charge is  
2 imposed.

3 (10) Until July 1, 2003, oil field exploration, drilling,  
4 and production equipment, including (i) rigs and parts of rigs,  
5 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
6 tubular goods, including casing and drill strings, (iii) pumps  
7 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
8 individual replacement part for oil field exploration,  
9 drilling, and production equipment, and (vi) machinery and  
10 equipment purchased for lease; but excluding motor vehicles  
11 required to be registered under the Illinois Vehicle Code.

12 (11) Photoprocessing machinery and equipment, including  
13 repair and replacement parts, both new and used, including that  
14 manufactured on special order, certified by the purchaser to be  
15 used primarily for photoprocessing, and including  
16 photoprocessing machinery and equipment purchased for lease.

17 (12) Until July 1, 2003, coal exploration, mining,  
18 offhighway hauling, processing, maintenance, and reclamation  
19 equipment, including replacement parts and equipment, and  
20 including equipment purchased for lease, but excluding motor  
21 vehicles required to be registered under the Illinois Vehicle  
22 Code.

23 (13) Beginning January 1, 1992 and through June 30, 2011,  
24 food for human consumption that is to be consumed off the  
25 premises where it is sold (other than alcoholic beverages, soft  
26 drinks and food that has been prepared for immediate

1 consumption) and prescription and non-prescription medicines,  
2 drugs, medical appliances, and insulin, urine testing  
3 materials, syringes, and needles used by diabetics, for human  
4 use, when purchased for use by a person receiving medical  
5 assistance under Article 5 of the Illinois Public Aid Code who  
6 resides in a licensed long-term care facility, as defined in  
7 the Nursing Home Care Act.

8 (14) Semen used for artificial insemination of livestock  
9 for direct agricultural production.

10 (15) Horses, or interests in horses, registered with and  
11 meeting the requirements of any of the Arabian Horse Club  
12 Registry of America, Appaloosa Horse Club, American Quarter  
13 Horse Association, United States Trotting Association, or  
14 Jockey Club, as appropriate, used for purposes of breeding or  
15 racing for prizes. This item (15) is exempt from the provisions  
16 of Section 3-55, and the exemption provided for under this item  
17 (15) applies for all periods beginning May 30, 1995, but no  
18 claim for credit or refund is allowed on or after January 1,  
19 2008 (the effective date of Public Act 95-88) ~~this amendatory~~  
20 ~~Act of the 95th General Assembly~~ for such taxes paid during the  
21 period beginning May 30, 2000 and ending on January 1, 2008  
22 (the effective date of Public Act 95-88) ~~this amendatory Act of~~  
23 ~~the 95th General Assembly~~.

24 (16) Computers and communications equipment utilized for  
25 any hospital purpose and equipment used in the diagnosis,  
26 analysis, or treatment of hospital patients sold to a lessor

1 who leases the equipment, under a lease of one year or longer  
2 executed or in effect at the time of the purchase, 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.

6 (17) Personal property sold to a lessor who leases the  
7 property, under a lease of one year or longer executed or in  
8 effect at the time of the purchase, to a governmental body that  
9 has been issued an active tax exemption identification number  
10 by the Department under Section 1g of the Retailers' Occupation  
11 Tax Act.

12 (18) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is donated for  
15 disaster relief to be used in a State or federally declared  
16 disaster area in Illinois or bordering Illinois by a  
17 manufacturer or retailer that is registered in this State to a  
18 corporation, society, association, foundation, or institution  
19 that has been issued a sales tax exemption identification  
20 number by the Department that assists victims of the disaster  
21 who reside within the declared disaster area.

22 (19) Beginning with taxable years ending on or after  
23 December 31, 1995 and ending with taxable years ending on or  
24 before December 31, 2004, personal property that is used in the  
25 performance of infrastructure repairs in this State, including  
26 but not limited to municipal roads and streets, access roads,

1 bridges, sidewalks, waste disposal systems, water and sewer  
2 line extensions, water distribution and purification  
3 facilities, storm water drainage and retention facilities, and  
4 sewage treatment facilities, resulting from a State or  
5 federally declared disaster in Illinois or bordering Illinois  
6 when such repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

8 (20) Beginning July 1, 1999, game or game birds sold at a  
9 "game breeding and hunting preserve area" or an "exotic game  
10 hunting area" as those terms are used in the Wildlife Code or  
11 at a hunting enclosure approved through rules adopted by the  
12 Department of Natural Resources. This paragraph is exempt from  
13 the provisions of Section 3-55.

14 (21) A motor vehicle, as that term is defined in Section  
15 1-146 of the Illinois Vehicle Code, that is donated to a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution that is determined by the Department  
18 to be organized and operated exclusively for educational  
19 purposes. For purposes of this exemption, "a corporation,  
20 limited liability company, society, association, foundation,  
21 or institution organized and operated exclusively for  
22 educational purposes" means all tax-supported public schools,  
23 private schools that offer systematic instruction in useful  
24 branches of learning by methods common to public schools and  
25 that compare favorably in their scope and intensity with the  
26 course of study presented in tax-supported schools, and

1 vocational or technical schools or institutes organized and  
2 operated exclusively to provide a course of study of not less  
3 than 6 weeks duration and designed to prepare individuals to  
4 follow a trade or to pursue a manual, technical, mechanical,  
5 industrial, business, or commercial occupation.

6 (22) Beginning January 1, 2000, personal property,  
7 including food, purchased through fundraising events for the  
8 benefit of a public or private elementary or secondary school,  
9 a group of those schools, or one or more school districts if  
10 the events are sponsored by an entity recognized by the school  
11 district that consists primarily of volunteers and includes  
12 parents and teachers of the school children. This paragraph  
13 does not apply to fundraising events (i) for the benefit of  
14 private home instruction or (ii) for which the fundraising  
15 entity purchases the personal property sold at the events from  
16 another individual or entity that sold the property for the  
17 purpose of resale by the fundraising entity and that profits  
18 from the sale to the fundraising entity. This paragraph is  
19 exempt from the provisions of Section 3-55.

20 (23) Beginning January 1, 2000 and through December 31,  
21 2001, new or used automatic vending machines that prepare and  
22 serve hot food and beverages, including coffee, soup, and other  
23 items, and replacement parts for these machines. Beginning  
24 January 1, 2002 and through June 30, 2003, machines and parts  
25 for machines used in commercial, coin-operated amusement and  
26 vending business if a use or occupation tax is paid on the

1 gross receipts derived from the use of the commercial,  
2 coin-operated amusement and vending machines. This paragraph  
3 is exempt from the provisions of Section 3-55.

4 (24) Beginning on the effective date of this amendatory Act  
5 of the 92nd General Assembly, computers and communications  
6 equipment utilized for any hospital purpose and equipment used  
7 in the diagnosis, analysis, or treatment of hospital patients  
8 sold to a lessor who leases the equipment, under a lease of one  
9 year or longer executed or in effect at the time of the  
10 purchase, to a hospital that has been issued an active tax  
11 exemption identification number by the Department under  
12 Section 1g of the Retailers' Occupation Tax Act. This paragraph  
13 is exempt from the provisions of Section 3-55.

14 (25) Beginning on the effective date of this amendatory Act  
15 of the 92nd General Assembly, personal property sold to a  
16 lessor who leases the property, under a lease of one year or  
17 longer executed or in effect at the time of the purchase, to a  
18 governmental body that has been issued an active tax exemption  
19 identification number by the Department under Section 1g of the  
20 Retailers' Occupation Tax Act. This paragraph is exempt from  
21 the provisions of Section 3-55.

22 (26) Beginning on January 1, 2002 and through June 30,  
23 2011, tangible personal property purchased from an Illinois  
24 retailer by a taxpayer engaged in centralized purchasing  
25 activities in Illinois who will, upon receipt of the property  
26 in Illinois, temporarily store the property in Illinois (i) for

1 the purpose of subsequently transporting it outside this State  
2 for use or consumption thereafter solely outside this State or  
3 (ii) for the purpose of being processed, fabricated, or  
4 manufactured into, attached to, or incorporated into other  
5 tangible personal property to be transported outside this State  
6 and thereafter used or consumed solely outside this State. The  
7 Director of Revenue shall, pursuant to rules adopted in  
8 accordance with the Illinois Administrative Procedure Act,  
9 issue a permit to any taxpayer in good standing with the  
10 Department who is eligible for the exemption under this  
11 paragraph (26). The permit issued under this paragraph (26)  
12 shall authorize the holder, to the extent and in the manner  
13 specified in the rules adopted under this Act, to purchase  
14 tangible personal property from a retailer exempt from the  
15 taxes imposed by this Act. Taxpayers shall maintain all  
16 necessary books and records to substantiate the use and  
17 consumption of all such tangible personal property outside of  
18 the State of Illinois.

19 (27) Beginning January 1, 2008, tangible personal property  
20 used in the construction or maintenance of a community water  
21 supply, as defined under Section 3.145 of the Environmental  
22 Protection Act, that is operated by a not-for-profit  
23 corporation that holds a valid water supply permit issued under  
24 Title IV of the Environmental Protection Act. This paragraph is  
25 exempt from the provisions of Section 3-55.

26 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,

1 eff. 1-1-08; revised 11-2-07.)

2 Section 135. The Retailers' Occupation Tax Act is amended  
3 by changing Section 2-5 as follows:

4 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

5 Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
6 sale of the following tangible personal property are exempt  
7 from the tax imposed by this Act:

8 (1) Farm chemicals.

9 (2) Farm machinery and equipment, both new and used,  
10 including that manufactured on special order, certified by the  
11 purchaser to be used primarily for production agriculture or  
12 State or federal agricultural programs, including individual  
13 replacement parts for the machinery and equipment, including  
14 machinery and equipment purchased for lease, and including  
15 implements of husbandry defined in Section 1-130 of the  
16 Illinois Vehicle Code, farm machinery and agricultural  
17 chemical and fertilizer spreaders, and nurse wagons required to  
18 be registered under Section 3-809 of the Illinois Vehicle Code,  
19 but excluding other motor vehicles required to be registered  
20 under the Illinois Vehicle Code. Horticultural polyhouses or  
21 hoop houses used for propagating, growing, or overwintering  
22 plants shall be considered farm machinery and equipment under  
23 this item (2). Agricultural chemical tender tanks and dry boxes  
24 shall include units sold separately from a motor vehicle



1 required to be licensed and units sold mounted on a motor  
2 vehicle required to be licensed, if the selling price of the  
3 tender is separately stated.

4 Farm machinery and equipment shall include precision  
5 farming equipment that is installed or purchased to be  
6 installed on farm machinery and equipment including, but not  
7 limited to, tractors, harvesters, sprayers, planters, seeders,  
8 or spreaders. Precision farming equipment includes, but is not  
9 limited to, soil testing sensors, computers, monitors,  
10 software, global positioning and mapping systems, and other  
11 such equipment.

12 Farm machinery and equipment also includes computers,  
13 sensors, software, and related equipment used primarily in the  
14 computer-assisted operation of production agriculture  
15 facilities, equipment, and activities such as, but not limited  
16 to, the collection, monitoring, and correlation of animal and  
17 crop data for the purpose of formulating animal diets and  
18 agricultural chemicals. This item (7) is exempt from the  
19 provisions of Section 2-70.

20 (3) Until July 1, 2003, distillation machinery and  
21 equipment, sold as a unit or kit, assembled or installed by the  
22 retailer, certified by the user to be used only for the  
23 production of ethyl alcohol that will be used for consumption  
24 as motor fuel or as a component of motor fuel for the personal  
25 use of the user, and not subject to sale or resale.

26 (4) Until July 1, 2003 and beginning again September 1,

1 2004, graphic arts machinery and equipment, including repair  
2 and replacement parts, both new and used, and including that  
3 manufactured on special order or purchased for lease, certified  
4 by the purchaser to be used primarily for graphic arts  
5 production. Equipment includes chemicals or chemicals acting  
6 as catalysts but only if the chemicals or chemicals acting as  
7 catalysts effect a direct and immediate change upon a graphic  
8 arts product.

9 (5) (Blank).

10 (6) Personal property sold by a teacher-sponsored student  
11 organization affiliated with an elementary or secondary school  
12 located in Illinois.

13 (7) Until July 1, 2003, proceeds of that portion of the  
14 selling price of a passenger car the sale of which is subject  
15 to the Replacement Vehicle Tax.

16 (8) Personal property sold to an Illinois county fair  
17 association for use in conducting, operating, or promoting the  
18 county fair.

19 (9) Personal property sold to a not-for-profit arts or  
20 cultural organization that establishes, by proof required by  
21 the Department by rule, that it has received an exemption under  
22 Section 501(c)(3) of the Internal Revenue Code and that is  
23 organized and operated primarily for the presentation or  
24 support of arts or cultural programming, activities, or  
25 services. These organizations include, but are not limited to,  
26 music and dramatic arts organizations such as symphony

1 orchestras and theatrical groups, arts and cultural service  
2 organizations, local arts councils, visual arts organizations,  
3 and media arts organizations. On and after the effective date  
4 of this amendatory Act of the 92nd General Assembly, however,  
5 an entity otherwise eligible for this exemption shall not make  
6 tax-free purchases unless it has an active identification  
7 number issued by the Department.

8 (10) Personal property sold by a corporation, society,  
9 association, foundation, institution, or organization, other  
10 than a limited liability company, that is organized and  
11 operated as a not-for-profit service enterprise for the benefit  
12 of persons 65 years of age or older if the personal property  
13 was not purchased by the enterprise for the purpose of resale  
14 by the enterprise.

15 (11) Personal property sold to a governmental body, to a  
16 corporation, society, association, foundation, or institution  
17 organized and operated exclusively for charitable, religious,  
18 or educational purposes, or to a not-for-profit corporation,  
19 society, association, foundation, institution, or organization  
20 that has no compensated officers or employees and that is  
21 organized and operated primarily for the recreation of persons  
22 55 years of age or older. A limited liability company may  
23 qualify for the exemption under this paragraph only if the  
24 limited liability company is organized and operated  
25 exclusively for educational purposes. On and after July 1,  
26 1987, however, no entity otherwise eligible for this exemption

1 shall make tax-free purchases unless it has an active  
2 identification number issued by the Department.

3 (12) Tangible personal property sold to interstate  
4 carriers for hire for use as rolling stock moving in interstate  
5 commerce or to lessors under leases of one year or longer  
6 executed or in effect at the time of purchase by interstate  
7 carriers for hire for use as rolling stock moving in interstate  
8 commerce and equipment operated by a telecommunications  
9 provider, licensed as a common carrier by the Federal  
10 Communications Commission, which is permanently installed in  
11 or affixed to aircraft moving in interstate commerce.

12 (12-5) On and after July 1, 2003 and through June 30, 2004,  
13 motor vehicles of the second division with a gross vehicle  
14 weight in excess of 8,000 pounds that are subject to the  
15 commercial distribution fee imposed under Section 3-815.1 of  
16 the Illinois Vehicle Code. Beginning on July 1, 2004 and  
17 through June 30, 2005, the use in this State of motor vehicles  
18 of the second division: (i) with a gross vehicle weight rating  
19 in excess of 8,000 pounds; (ii) that are subject to the  
20 commercial distribution fee imposed under Section 3-815.1 of  
21 the Illinois Vehicle Code; and (iii) that are primarily used  
22 for commercial purposes. Through June 30, 2005, this exemption  
23 applies to repair and replacement parts added after the initial  
24 purchase of such a motor vehicle if that motor vehicle is used  
25 in a manner that would qualify for the rolling stock exemption  
26 otherwise provided for in this Act. For purposes of this

1 paragraph, "used for commercial purposes" means the  
2 transportation of persons or property in furtherance of any  
3 commercial or industrial enterprise whether for-hire or not.

4 (13) Proceeds from sales to owners, lessors, or shippers of  
5 tangible personal property that is utilized by interstate  
6 carriers for hire for use as rolling stock moving in interstate  
7 commerce and equipment operated by a telecommunications  
8 provider, licensed as a common carrier by the Federal  
9 Communications Commission, which is permanently installed in  
10 or affixed to aircraft moving in interstate commerce.

11 (14) Machinery and equipment that will be used by the  
12 purchaser, or a lessee of the purchaser, primarily in the  
13 process of manufacturing or assembling tangible personal  
14 property for wholesale or retail sale or lease, whether the  
15 sale or lease is made directly by the manufacturer or by some  
16 other person, whether the materials used in the process are  
17 owned by the manufacturer or some other person, or whether the  
18 sale or lease is made apart from or as an incident to the  
19 seller's engaging in the service occupation of producing  
20 machines, tools, dies, jigs, patterns, gauges, or other similar  
21 items of no commercial value on special order for a particular  
22 purchaser.

23 (15) Proceeds of mandatory service charges separately  
24 stated on customers' bills for purchase and consumption of food  
25 and beverages, to the extent that the proceeds of the service  
26 charge are in fact turned over as tips or as a substitute for

1 tips to the employees who participate directly in preparing,  
2 serving, hosting or cleaning up the food or beverage function  
3 with respect to which the service charge is imposed.

4 (16) Petroleum products sold to a purchaser if the seller  
5 is prohibited by federal law from charging tax to the  
6 purchaser.

7 (17) Tangible personal property sold to a common carrier by  
8 rail or motor that receives the physical possession of the  
9 property in Illinois and that transports the property, or  
10 shares with another common carrier in the transportation of the  
11 property, out of Illinois on a standard uniform bill of lading  
12 showing the seller of the property as the shipper or consignor  
13 of the property to a destination outside Illinois, for use  
14 outside Illinois.

15 (18) Legal tender, currency, medallions, or gold or silver  
16 coinage issued by the State of Illinois, the government of the  
17 United States of America, or the government of any foreign  
18 country, and bullion.

19 (19) 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

1 required to be registered under the Illinois Vehicle Code.

2 (20) Photoprocessing machinery and equipment, including  
3 repair and replacement parts, both new and used, including that  
4 manufactured on special order, certified by the purchaser to be  
5 used primarily for photoprocessing, and including  
6 photoprocessing machinery and equipment purchased for lease.

7 (21) Until July 1, 2003, coal exploration, mining,  
8 offhighway hauling, processing, maintenance, and reclamation  
9 equipment, including replacement parts and equipment, and  
10 including equipment purchased for lease, but excluding motor  
11 vehicles required to be registered under the Illinois Vehicle  
12 Code.

13 (22) Fuel and petroleum products sold to or used by an air  
14 carrier, certified by the carrier to be used for consumption,  
15 shipment, or storage in the conduct of its business as an air  
16 common carrier, for a flight destined for or returning from a  
17 location or locations outside the United States without regard  
18 to previous or subsequent domestic stopovers.

19 (23) A transaction in which the purchase order is received  
20 by a florist who is located outside Illinois, but who has a  
21 florist located in Illinois deliver the property to the  
22 purchaser or the purchaser's donee in Illinois.

23 (24) Fuel consumed or used in the operation of ships,  
24 barges, or vessels that are used primarily in or for the  
25 transportation of property or the conveyance of persons for  
26 hire on rivers bordering on this State if the fuel is delivered

1 by the seller to the purchaser's barge, ship, or vessel while  
2 it is afloat upon that bordering river.

3 (25) Except as provided in item (25-5) of this Section, a  
4 motor vehicle sold in this State to a nonresident even though  
5 the motor vehicle is delivered to the nonresident in this  
6 State, if the motor vehicle is not to be titled in this State,  
7 and if a drive-away permit is issued to the motor vehicle as  
8 provided in Section 3-603 of the Illinois Vehicle Code or if  
9 the nonresident purchaser has vehicle registration plates to  
10 transfer to the motor vehicle upon returning to his or her home  
11 state. The issuance of the drive-away permit or having the  
12 out-of-state registration plates to be transferred is prima  
13 facie evidence that the motor vehicle will not be titled in  
14 this State.

15 (25-5) The exemption under item (25) does not apply if the  
16 state in which the motor vehicle will be titled does not allow  
17 a reciprocal exemption for a motor vehicle sold and delivered  
18 in that state to an Illinois resident but titled in Illinois.  
19 The tax collected under this Act on the sale of a motor vehicle  
20 in this State to a resident of another state that does not  
21 allow a reciprocal exemption shall be imposed at a rate equal  
22 to the state's rate of tax on taxable property in the state in  
23 which the purchaser is a resident, except that the tax shall  
24 not exceed the tax that would otherwise be imposed under this  
25 Act. At the time of the sale, the purchaser shall execute a  
26 statement, signed under penalty of perjury, of his or her



1 intent to title the vehicle in the state in which the purchaser  
2 is a resident within 30 days after the sale and of the fact of  
3 the payment to the State of Illinois of tax in an amount  
4 equivalent to the state's rate of tax on taxable property in  
5 his or her state of residence and shall submit the statement to  
6 the appropriate tax collection agency in his or her state of  
7 residence. In addition, the retailer must retain a signed copy  
8 of the statement in his or her records. Nothing in this item  
9 shall be construed to require the removal of the vehicle from  
10 this state following the filing of an intent to title the  
11 vehicle in the purchaser's state of residence if the purchaser  
12 titles the vehicle in his or her state of residence within 30  
13 days after the date of sale. The tax collected under this Act  
14 in accordance with this item (25-5) shall be proportionately  
15 distributed as if the tax were collected at the 6.25% general  
16 rate imposed under this Act.

17 (25-7) Beginning on July 1, 2007, no tax is imposed under  
18 this Act on the sale of an aircraft, as defined in Section 3 of  
19 the Illinois Aeronautics Act, if all of the following  
20 conditions are met:

21 (1) the aircraft leaves this State within 15 days after  
22 the later of either the issuance of the final billing for  
23 the sale of the aircraft, or the authorized approval for  
24 return to service, completion of the maintenance record  
25 entry, and completion of the test flight and ground test  
26 for inspection, as required by 14 C.F.R. 91.407;

1           (2) the aircraft is not based or registered in this  
2 State after the sale of the aircraft; and

3           (3) the seller retains in his or her books and records  
4 and provides to the Department a signed and dated  
5 certification from the purchaser, on a form prescribed by  
6 the Department, certifying that the requirements of this  
7 item (25-7) are met. The certificate must also include the  
8 name and address of the purchaser, the address of the  
9 location where the aircraft is to be titled or registered,  
10 the address of the primary physical location of the  
11 aircraft, and other information that the Department may  
12 reasonably require.

13           For purposes of this item (25-7):

14           "Based in this State" means hangared, stored, or otherwise  
15 used, excluding post-sale customizations as defined in this  
16 Section, for 10 or more days in each 12-month period  
17 immediately following the date of the sale of the aircraft.

18           "Registered in this State" means an aircraft registered  
19 with the Department of Transportation, Aeronautics Division,  
20 or titled or registered with the Federal Aviation  
21 Administration to an address located in this State.

22           This paragraph (25-7) is exempt from the provisions of  
23 Section 2-70.

24           (26) Semen used for artificial insemination of livestock  
25 for direct agricultural production.

26           (27) Horses, or interests in horses, registered with and

1 meeting the requirements of any of the Arabian Horse Club  
2 Registry of America, Appaloosa Horse Club, American Quarter  
3 Horse Association, United States Trotting Association, or  
4 Jockey Club, as appropriate, used for purposes of breeding or  
5 racing for prizes. This item (27) is exempt from the provisions  
6 of Section 2-70, and the exemption provided for under this item  
7 (27) applies for all periods beginning May 30, 1995, but no  
8 claim for credit or refund is allowed on or after January 1,  
9 2008 (the effective date of Public Act 95-88) ~~this amendatory~~  
10 ~~Act of the 95th General Assembly~~ for such taxes paid during the  
11 period beginning May 30, 2000 and ending on January 1, 2008  
12 (the effective date of Public Act 95-88) ~~this amendatory Act of~~  
13 ~~the 95th General Assembly.~~

14 (28) Computers and communications equipment utilized for  
15 any hospital purpose and equipment used in the diagnosis,  
16 analysis, or treatment of hospital patients sold to a lessor  
17 who leases the equipment, under a lease of one year or longer  
18 executed or in effect at the time of the purchase, to a  
19 hospital that has been issued an active tax exemption  
20 identification number by the Department under Section 1g of  
21 this Act.

22 (29) Personal property sold to a lessor who leases the  
23 property, under a lease of one year or longer executed or in  
24 effect at the time of the purchase, to a governmental body that  
25 has been issued an active tax exemption identification number  
26 by the Department under Section 1g of this Act.

1           (30) Beginning with taxable years ending on or after  
2 December 31, 1995 and ending with taxable years ending on or  
3 before December 31, 2004, personal property that is donated for  
4 disaster relief to be used in a State or federally declared  
5 disaster area in Illinois or bordering Illinois by a  
6 manufacturer or retailer that is registered in this State to a  
7 corporation, society, association, foundation, or institution  
8 that has been issued a sales tax exemption identification  
9 number by the Department that assists victims of the disaster  
10 who reside within the declared disaster area.

11           (31) Beginning with taxable years ending on or after  
12 December 31, 1995 and ending with taxable years ending on or  
13 before December 31, 2004, personal property that is used in the  
14 performance of infrastructure repairs in this State, including  
15 but not limited to municipal roads and streets, access roads,  
16 bridges, sidewalks, waste disposal systems, water and sewer  
17 line extensions, water distribution and purification  
18 facilities, storm water drainage and retention facilities, and  
19 sewage treatment facilities, resulting from a State or  
20 federally declared disaster in Illinois or bordering Illinois  
21 when such repairs are initiated on facilities located in the  
22 declared disaster area within 6 months after the disaster.

23           (32) Beginning July 1, 1999, game or game birds sold at a  
24 "game breeding and hunting preserve area" or an "exotic game  
25 hunting area" as those terms are used in the Wildlife Code or  
26 at a hunting enclosure approved through rules adopted by the

1 Department of Natural Resources. This paragraph is exempt from  
2 the provisions of Section 2-70.

3 (33) A motor vehicle, as that term is defined in Section  
4 1-146 of the Illinois Vehicle Code, that is donated to a  
5 corporation, limited liability company, society, association,  
6 foundation, or institution that is determined by the Department  
7 to be organized and operated exclusively for educational  
8 purposes. For purposes of this exemption, "a corporation,  
9 limited liability company, society, association, foundation,  
10 or institution organized and operated exclusively for  
11 educational purposes" means all tax-supported public schools,  
12 private schools that offer systematic instruction in useful  
13 branches of learning by methods common to public schools and  
14 that compare favorably in their scope and intensity with the  
15 course of study presented in tax-supported schools, and  
16 vocational or technical schools or institutes organized and  
17 operated exclusively to provide a course of study of not less  
18 than 6 weeks duration and designed to prepare individuals to  
19 follow a trade or to pursue a manual, technical, mechanical,  
20 industrial, business, or commercial occupation.

21 (34) Beginning January 1, 2000, personal property,  
22 including food, purchased through fundraising events for the  
23 benefit of a public or private elementary or secondary school,  
24 a group of those schools, or one or more school districts if  
25 the events are sponsored by an entity recognized by the school  
26 district that consists primarily of volunteers and includes

1 parents and teachers of the school children. This paragraph  
2 does not apply to fundraising events (i) for the benefit of  
3 private home instruction or (ii) for which the fundraising  
4 entity purchases the personal property sold at the events from  
5 another individual or entity that sold the property for the  
6 purpose of resale by the fundraising entity and that profits  
7 from the sale to the fundraising entity. This paragraph is  
8 exempt from the provisions of Section 2-70.

9 (35) Beginning January 1, 2000 and through December 31,  
10 2001, new or used automatic vending machines that prepare and  
11 serve hot food and beverages, including coffee, soup, and other  
12 items, and replacement parts for these machines. Beginning  
13 January 1, 2002 and through June 30, 2003, machines and parts  
14 for machines used in commercial, coin-operated amusement and  
15 vending business if a use or occupation tax is paid on the  
16 gross receipts derived from the use of the commercial,  
17 coin-operated amusement and vending machines. This paragraph  
18 is exempt from the provisions of Section 2-70.

19 (35-5) Beginning August 23, 2001 and through June 30, 2011,  
20 food for human consumption that is to be consumed off the  
21 premises where it is sold (other than alcoholic beverages, soft  
22 drinks, and food that has been prepared for immediate  
23 consumption) and prescription and nonprescription medicines,  
24 drugs, medical appliances, and insulin, urine testing  
25 materials, syringes, and needles used by diabetics, for human  
26 use, when purchased for use by a person receiving medical

1 assistance under Article 5 of the Illinois Public Aid Code who  
2 resides in a licensed long-term care facility, as defined in  
3 the Nursing Home Care Act.

4 (36) Beginning August 2, 2001, computers and  
5 communications equipment utilized for any hospital purpose and  
6 equipment used in the diagnosis, analysis, or treatment of  
7 hospital patients sold to a lessor who leases the equipment,  
8 under a lease of one year or longer executed or in effect at  
9 the time of the purchase, to a hospital that has been issued an  
10 active tax exemption identification number by the Department  
11 under Section 1g of this Act. This paragraph is exempt from the  
12 provisions of Section 2-70.

13 (37) Beginning August 2, 2001, personal property sold to a  
14 lessor who leases the property, under a lease of one year or  
15 longer executed or in effect at the time of the purchase, to a  
16 governmental body that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of  
18 this Act. This paragraph is exempt from the provisions of  
19 Section 2-70.

20 (38) Beginning on January 1, 2002 and through June 30,  
21 2011, tangible personal property purchased from an Illinois  
22 retailer by a taxpayer engaged in centralized purchasing  
23 activities in Illinois who will, upon receipt of the property  
24 in Illinois, temporarily store the property in Illinois (i) for  
25 the purpose of subsequently transporting it outside this State  
26 for use or consumption thereafter solely outside this State or

1 (ii) for the purpose of being processed, fabricated, or  
2 manufactured into, attached to, or incorporated into other  
3 tangible personal property to be transported outside this State  
4 and thereafter used or consumed solely outside this State. The  
5 Director of Revenue shall, pursuant to rules adopted in  
6 accordance with the Illinois Administrative Procedure Act,  
7 issue a permit to any taxpayer in good standing with the  
8 Department who is eligible for the exemption under this  
9 paragraph (38). The permit issued under this paragraph (38)  
10 shall authorize the holder, to the extent and in the manner  
11 specified in the rules adopted under this Act, to purchase  
12 tangible personal property from a retailer exempt from the  
13 taxes imposed by this Act. Taxpayers shall maintain all  
14 necessary books and records to substantiate the use and  
15 consumption of all such tangible personal property outside of  
16 the State of Illinois.

17 (39) Beginning January 1, 2008, tangible personal property  
18 used in the construction or maintenance of a community water  
19 supply, as defined under Section 3.145 of the Environmental  
20 Protection Act, that is operated by a not-for-profit  
21 corporation that holds a valid water supply permit issued under  
22 Title IV of the Environmental Protection Act. This paragraph is  
23 exempt from the provisions of Section 2-70.

24 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-233,  
25 eff. 8-16-07; 95-304, eff. 8-20-07; 95-538, eff. 1-1-08;  
26 revised 9-11-07.)



1 Section 140. The Property Tax Code is amended by changing  
2 the heading of Division 18 of Article 10 and Sections 15-170,  
3 18-185, 22-15, and 22-20 as follows:

4 (35 ILCS 200/Art. 10 Div. 18 heading)

5 DIVISION 18. ~~ARTICLE 10 Div. 18.~~ WIND ENERGY PROPERTY  
6 ASSESSMENT

7 (Source: P.A. 95-644, eff. 10-12-07; revised 12-10-07.)

8 (35 ILCS 200/15-170)

9 Sec. 15-170. Senior Citizens Homestead Exemption. An  
10 annual homestead exemption limited, except as described here  
11 with relation to cooperatives or life care facilities, to a  
12 maximum reduction set forth below from the property's value, as  
13 equalized or assessed by the Department, is granted for  
14 property that is occupied as a residence by a person 65 years  
15 of age or older who is liable for paying real estate taxes on  
16 the property and is an owner of record of the property or has a  
17 legal or equitable interest therein as evidenced by a written  
18 instrument, except for a leasehold interest, other than a  
19 leasehold interest of land on which a single family residence  
20 is located, which is occupied as a residence by a person 65  
21 years or older who has an ownership interest therein, legal,  
22 equitable or as a lessee, and on which he or she is liable for  
23 the payment of property taxes. Before taxable year 2004, the

1 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
2 more inhabitants and \$2,000 in all other counties. For taxable  
3 years 2004 through 2005, the maximum reduction shall be \$3,000  
4 in all counties. For taxable years 2006 and 2007, the maximum  
5 reduction shall be \$3,500 and, for taxable years 2008 and  
6 thereafter, the maximum reduction is \$4,000 in all counties.

7 For land improved with an apartment building owned and  
8 operated as a cooperative, the maximum reduction from the value  
9 of the property, as equalized by the Department, shall be  
10 multiplied by the number of apartments or units occupied by a  
11 person 65 years of age or older who is liable, by contract with  
12 the owner or owners of record, for paying property taxes on the  
13 property and is an owner of record of a legal or equitable  
14 interest in the cooperative apartment building, other than a  
15 leasehold interest. For land improved with a life care  
16 facility, the maximum reduction from the value of the property,  
17 as equalized by the Department, shall be multiplied by the  
18 number of apartments or units occupied by persons 65 years of  
19 age or older, irrespective of any legal, equitable, or  
20 leasehold interest in the facility, who are liable, under a  
21 contract with the owner or owners of record of the facility,  
22 for paying property taxes on the property. In a cooperative or  
23 a life care facility where a homestead exemption has been  
24 granted, the cooperative association or the management firm of  
25 the cooperative or facility shall credit the savings resulting  
26 from that exemption only to the apportioned tax liability of

1 the owner or resident who qualified for the exemption. Any  
2 person who willfully refuses to so credit the savings shall be  
3 guilty of a Class B misdemeanor. Under this Section and  
4 Sections 15-175, 15-176, and 15-177, "life care facility" means  
5 a facility, as defined in Section 2 of the Life Care Facilities  
6 Act, with which the applicant for the homestead exemption has a  
7 life care contract as defined in that Act.

8 When a homestead exemption has been granted under this  
9 Section and the person qualifying subsequently becomes a  
10 resident of a facility licensed under the Nursing Home Care  
11 Act, the exemption shall continue so long as the residence  
12 continues to be occupied by the qualifying person's spouse if  
13 the spouse is 65 years of age or older, or if the residence  
14 remains unoccupied but is still owned by the person qualified  
15 for the homestead exemption.

16 A person who will be 65 years of age during the current  
17 assessment year shall be eligible to apply for the homestead  
18 exemption during that assessment year. Application shall be  
19 made during the application period in effect for the county of  
20 his residence.

21 Beginning with assessment year 2003, for taxes payable in  
22 2004, property that is first occupied as a residence after  
23 January 1 of any assessment year by a person who is eligible  
24 for the senior citizens homestead exemption under this Section  
25 must be granted a pro-rata exemption for the assessment year.  
26 The amount of the pro-rata exemption is the exemption allowed

1 in the county under this Section divided by 365 and multiplied  
2 by the number of days during the assessment year the property  
3 is occupied as a residence by a person eligible for the  
4 exemption under this Section. The chief county assessment  
5 officer must adopt reasonable procedures to establish  
6 eligibility for this pro-rata exemption.

7 The assessor or chief county assessment officer may  
8 determine the eligibility of a life care facility to receive  
9 the benefits provided by this Section, by affidavit,  
10 application, visual inspection, questionnaire or other  
11 reasonable methods in order to insure that the tax savings  
12 resulting from the exemption are credited by the management  
13 firm to the apportioned tax liability of each qualifying  
14 resident. The assessor may request reasonable proof that the  
15 management firm has so credited the exemption.

16 The chief county assessment officer of each county with  
17 less than 3,000,000 inhabitants shall provide to each person  
18 allowed a homestead exemption under this Section a form to  
19 designate any other person to receive a duplicate of any notice  
20 of delinquency in the payment of taxes assessed and levied  
21 under this Code on the property of the person receiving the  
22 exemption. The duplicate notice shall be in addition to the  
23 notice required to be provided to the person receiving the  
24 exemption, and shall be given in the manner required by this  
25 Code. The person filing the request for the duplicate notice  
26 shall pay a fee of \$5 to cover administrative costs to the

1 supervisor of assessments, who shall then file the executed  
2 designation with the county collector. Notwithstanding any  
3 other provision of this Code to the contrary, the filing of  
4 such an executed designation requires the county collector to  
5 provide duplicate notices as indicated by the designation. A  
6 designation may be rescinded by the person who executed such  
7 designation at any time, in the manner and form required by the  
8 chief county assessment officer.

9 The assessor or chief county assessment officer may  
10 determine the eligibility of residential property to receive  
11 the homestead exemption provided by this Section by  
12 application, visual inspection, questionnaire or other  
13 reasonable methods. The determination shall be made in  
14 accordance with guidelines established by the Department.

15 In counties with less than 3,000,000 inhabitants, the  
16 county board may by resolution provide that if a person has  
17 been granted a homestead exemption under this Section, the  
18 person qualifying need not reapply for the exemption.

19 In counties with less than 3,000,000 inhabitants, if the  
20 assessor or chief county assessment officer requires annual  
21 application for verification of eligibility for an exemption  
22 once granted under this Section, the application shall be  
23 mailed to the taxpayer.

24 The assessor or chief county assessment officer shall  
25 notify each person who qualifies for an exemption under this  
26 Section that the person may also qualify for deferral of real

1 estate taxes under the Senior Citizens Real Estate Tax Deferral  
2 Act. The notice shall set forth the qualifications needed for  
3 deferral of real estate taxes, the address and telephone number  
4 of county collector, and a statement that applications for  
5 deferral of real estate taxes may be obtained from the county  
6 collector.

7 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
8 no reimbursement by the State is required for the  
9 implementation of any mandate created by this Section.

10 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07;  
11 revised 11-2-07.)

12 (35 ILCS 200/18-185)

13 Sec. 18-185. Short title; definitions. This Division 5 may  
14 be cited as the Property Tax Extension Limitation Law. As used  
15 in this Division 5:

16 "Consumer Price Index" means the Consumer Price Index for  
17 All Urban Consumers for all items published by the United  
18 States Department of Labor.

19 "Extension limitation" means (a) the lesser of 5% or the  
20 percentage increase in the Consumer Price Index during the  
21 12-month calendar year preceding the levy year or (b) the rate  
22 of increase approved by voters under Section 18-205.

23 "Affected county" means a county of 3,000,000 or more  
24 inhabitants or a county contiguous to a county of 3,000,000 or  
25 more inhabitants.

1 "Taxing district" has the same meaning provided in Section  
2 1-150, except as otherwise provided in this Section. For the  
3 1991 through 1994 levy years only, "taxing district" includes  
4 only each non-home rule taxing district having the majority of  
5 its 1990 equalized assessed value within any county or counties  
6 contiguous to a county with 3,000,000 or more inhabitants.  
7 Beginning with the 1995 levy year, "taxing district" includes  
8 only each non-home rule taxing district subject to this Law  
9 before the 1995 levy year and each non-home rule taxing  
10 district not subject to this Law before the 1995 levy year  
11 having the majority of its 1994 equalized assessed value in an  
12 affected county or counties. Beginning with the levy year in  
13 which this Law becomes applicable to a taxing district as  
14 provided in Section 18-213, "taxing district" also includes  
15 those taxing districts made subject to this Law as provided in  
16 Section 18-213.

17 "Aggregate extension" for taxing districts to which this  
18 Law applied before the 1995 levy year means the annual  
19 corporate extension for the taxing district and those special  
20 purpose extensions that are made annually for the taxing  
21 district, excluding special purpose extensions: (a) made for  
22 the taxing district to pay interest or principal on general  
23 obligation bonds that were approved by referendum; (b) made for  
24 any taxing district to pay interest or principal on general  
25 obligation bonds issued before October 1, 1991; (c) made for  
26 any taxing district to pay interest or principal on bonds

1 issued to refund or continue to refund those bonds issued  
2 before October 1, 1991; (d) made for any taxing district to pay  
3 interest or principal on bonds issued to refund or continue to  
4 refund bonds issued after October 1, 1991 that were approved by  
5 referendum; (e) made for any taxing district to pay interest or  
6 principal on revenue bonds issued before October 1, 1991 for  
7 payment of which a property tax levy or the full faith and  
8 credit of the unit of local government is pledged; however, a  
9 tax for the payment of interest or principal on those bonds  
10 shall be made only after the governing body of the unit of  
11 local government finds that all other sources for payment are  
12 insufficient to make those payments; (f) made for payments  
13 under a building commission lease when the lease payments are  
14 for the retirement of bonds issued by the commission before  
15 October 1, 1991, to pay for the building project; (g) made for  
16 payments due under installment contracts entered into before  
17 October 1, 1991; (h) made for payments of principal and  
18 interest on bonds issued under the Metropolitan Water  
19 Reclamation District Act to finance construction projects  
20 initiated before October 1, 1991; (i) made for payments of  
21 principal and interest on limited bonds, as defined in Section  
22 3 of the Local Government Debt Reform Act, in an amount not to  
23 exceed the debt service extension base less the amount in items  
24 (b), (c), (e), and (h) of this definition for non-referendum  
25 obligations, except obligations initially issued pursuant to  
26 referendum; (j) made for payments of principal and interest on



1 bonds issued under Section 15 of the Local Government Debt  
2 Reform Act; (k) made by a school district that participates in  
3 the Special Education District of Lake County, created by  
4 special education joint agreement under Section 10-22.31 of the  
5 School Code, for payment of the school district's share of the  
6 amounts required to be contributed by the Special Education  
7 District of Lake County to the Illinois Municipal Retirement  
8 Fund under Article 7 of the Illinois Pension Code; the amount  
9 of any extension under this item (k) shall be certified by the  
10 school district to the county clerk; (l) made to fund expenses  
11 of providing joint recreational programs for the handicapped  
12 under Section 5-8 of the Park District Code or Section 11-95-14  
13 of the Illinois Municipal Code; (m) made for temporary  
14 relocation loan repayment purposes pursuant to Sections 2-3.77  
15 and 17-2.2d of the School Code; (n) made for payment of  
16 principal and interest on any bonds issued under the authority  
17 of Section 17-2.2d of the School Code; and (o) made for  
18 contributions to a firefighter's pension fund created under  
19 Article 4 of the Illinois Pension Code, to the extent of the  
20 amount certified under item (5) of Section 4-134 of the  
21 Illinois Pension Code.

22 "Aggregate extension" for the taxing districts to which  
23 this Law did not apply before the 1995 levy year (except taxing  
24 districts subject to this Law in accordance with Section  
25 18-213) means the annual corporate extension for the taxing  
26 district and those special purpose extensions that are made

1 annually for the taxing district, excluding special purpose  
2 extensions: (a) made for the taxing district to pay interest or  
3 principal on general obligation bonds that were approved by  
4 referendum; (b) made for any taxing district to pay interest or  
5 principal on general obligation bonds issued before March 1,  
6 1995; (c) made for any taxing district to pay interest or  
7 principal on bonds issued to refund or continue to refund those  
8 bonds issued before March 1, 1995; (d) made for any taxing  
9 district to pay interest or principal on bonds issued to refund  
10 or continue to refund bonds issued after March 1, 1995 that  
11 were approved by referendum; (e) made for any taxing district  
12 to pay interest or principal on revenue bonds issued before  
13 March 1, 1995 for payment of which a property tax levy or the  
14 full faith and credit of the unit of local government is  
15 pledged; however, a tax for the payment of interest or  
16 principal on those bonds shall be made only after the governing  
17 body of the unit of local government finds that all other  
18 sources for payment are insufficient to make those payments;  
19 (f) made for payments under a building commission lease when  
20 the lease payments are for the retirement of bonds issued by  
21 the commission before March 1, 1995 to pay for the building  
22 project; (g) made for payments due under installment contracts  
23 entered into before March 1, 1995; (h) made for payments of  
24 principal and interest on bonds issued under the Metropolitan  
25 Water Reclamation District Act to finance construction  
26 projects initiated before October 1, 1991; (h-4) made for

1 stormwater management purposes by the Metropolitan Water  
2 Reclamation District of Greater Chicago under Section 12 of the  
3 Metropolitan Water Reclamation District Act; (i) made for  
4 payments of principal and interest on limited bonds, as defined  
5 in Section 3 of the Local Government Debt Reform Act, in an  
6 amount not to exceed the debt service extension base less the  
7 amount in items (b), (c), and (e) of this definition for  
8 non-referendum obligations, except obligations initially  
9 issued pursuant to referendum and bonds described in subsection  
10 (h) of this definition; (j) made for payments of principal and  
11 interest on bonds issued under Section 15 of the Local  
12 Government Debt Reform Act; (k) made for payments of principal  
13 and interest on bonds authorized by Public Act 88-503 and  
14 issued under Section 20a of the Chicago Park District Act for  
15 aquarium or museum projects; (l) made for payments of principal  
16 and interest on bonds authorized by Public Act 87-1191 or  
17 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
18 County Forest Preserve District Act, (ii) issued under Section  
19 42 of the Cook County Forest Preserve District Act for  
20 zoological park projects, or (iii) issued under Section 44.1 of  
21 the Cook County Forest Preserve District Act for botanical  
22 gardens projects; (m) made pursuant to Section 34-53.5 of the  
23 School Code, whether levied annually or not; (n) made to fund  
24 expenses of providing joint recreational programs for the  
25 handicapped under Section 5-8 of the Park District Code or  
26 Section 11-95-14 of the Illinois Municipal Code; (o) made by

1 the Chicago Park District for recreational programs for the  
2 handicapped under subsection (c) of Section 7.06 of the Chicago  
3 Park District Act; (p) made for contributions to a  
4 firefighter's pension fund created under Article 4 of the  
5 Illinois Pension Code, to the extent of the amount certified  
6 under item (5) of Section 4-134 of the Illinois Pension Code;  
7 and (q) made by Ford Heights School District 169 under Section  
8 17-9.02 of the School Code.

9 "Aggregate extension" for all taxing districts to which  
10 this Law applies in accordance with Section 18-213, except for  
11 those taxing districts subject to paragraph (2) of subsection  
12 (e) of Section 18-213, means the annual corporate extension for  
13 the taxing district and those special purpose extensions that  
14 are made annually for the taxing district, excluding special  
15 purpose extensions: (a) made for the taxing district to pay  
16 interest or principal on general obligation bonds that were  
17 approved by referendum; (b) made for any taxing district to pay  
18 interest or principal on general obligation bonds issued before  
19 the date on which the referendum making this Law applicable to  
20 the taxing district is held; (c) made for any taxing district  
21 to pay interest or principal on bonds issued to refund or  
22 continue to refund those bonds issued before the date on which  
23 the referendum making this Law applicable to the taxing  
24 district is held; (d) made for any taxing district to pay  
25 interest or principal on bonds issued to refund or continue to  
26 refund bonds issued after the date on which the referendum

1 making this Law applicable to the taxing district is held if  
2 the bonds were approved by referendum after the date on which  
3 the referendum making this Law applicable to the taxing  
4 district is held; (e) made for any taxing district to pay  
5 interest or principal on revenue bonds issued before the date  
6 on which the referendum making this Law applicable to the  
7 taxing district is held for payment of which a property tax  
8 levy or the full faith and credit of the unit of local  
9 government is pledged; however, a tax for the payment of  
10 interest or principal on those bonds shall be made only after  
11 the governing body of the unit of local government finds that  
12 all other sources for payment are insufficient to make those  
13 payments; (f) made for payments under a building commission  
14 lease when the lease payments are for the retirement of bonds  
15 issued by the commission before the date on which the  
16 referendum making this Law applicable to the taxing district is  
17 held to pay for the building project; (g) made for payments due  
18 under installment contracts entered into before the date on  
19 which the referendum making this Law applicable to the taxing  
20 district is held; (h) made for payments of principal and  
21 interest on limited bonds, as defined in Section 3 of the Local  
22 Government Debt Reform Act, in an amount not to exceed the debt  
23 service extension base less the amount in items (b), (c), and  
24 (e) of this definition for non-referendum obligations, except  
25 obligations initially issued pursuant to referendum; (i) made  
26 for payments of principal and interest on bonds issued under

1 Section 15 of the Local Government Debt Reform Act; (j) made  
2 for a qualified airport authority to pay interest or principal  
3 on general obligation bonds issued for the purpose of paying  
4 obligations due under, or financing airport facilities  
5 required to be acquired, constructed, installed or equipped  
6 pursuant to, contracts entered into before March 1, 1996 (but  
7 not including any amendments to such a contract taking effect  
8 on or after that date); (k) made to fund expenses of providing  
9 joint recreational programs for the handicapped under Section  
10 5-8 of the Park District Code or Section 11-95-14 of the  
11 Illinois Municipal Code; and (l) made for contributions to a  
12 firefighter's pension fund created under Article 4 of the  
13 Illinois Pension Code, to the extent of the amount certified  
14 under item (5) of Section 4-134 of the Illinois Pension Code.

15 "Aggregate extension" for all taxing districts to which  
16 this Law applies in accordance with paragraph (2) of subsection  
17 (e) of Section 18-213 means the annual corporate extension for  
18 the taxing district and those special purpose extensions that  
19 are made annually for the taxing district, excluding special  
20 purpose extensions: (a) made for the taxing district to pay  
21 interest or principal on general obligation bonds that were  
22 approved by referendum; (b) made for any taxing district to pay  
23 interest or principal on general obligation bonds issued before  
24 the effective date of this amendatory Act of 1997; (c) made for  
25 any taxing district to pay interest or principal on bonds  
26 issued to refund or continue to refund those bonds issued

1 before the effective date of this amendatory Act of 1997; (d)  
2 made for any taxing district to pay interest or principal on  
3 bonds issued to refund or continue to refund bonds issued after  
4 the effective date of this amendatory Act of 1997 if the bonds  
5 were approved by referendum after the effective date of this  
6 amendatory Act of 1997; (e) made for any taxing district to pay  
7 interest or principal on revenue bonds issued before the  
8 effective date of this amendatory Act of 1997 for payment of  
9 which a property tax levy or the full faith and credit of the  
10 unit of local government is pledged; however, a tax for the  
11 payment of interest or principal on those bonds shall be made  
12 only after the governing body of the unit of local government  
13 finds that all other sources for payment are insufficient to  
14 make those payments; (f) made for payments under a building  
15 commission lease when the lease payments are for the retirement  
16 of bonds issued by the commission before the effective date of  
17 this amendatory Act of 1997 to pay for the building project;  
18 (g) made for payments due under installment contracts entered  
19 into before the effective date of this amendatory Act of 1997;  
20 (h) made for payments of principal and interest on limited  
21 bonds, as defined in Section 3 of the Local Government Debt  
22 Reform Act, in an amount not to exceed the debt service  
23 extension base less the amount in items (b), (c), and (e) of  
24 this definition for non-referendum obligations, except  
25 obligations initially issued pursuant to referendum; (i) made  
26 for payments of principal and interest on bonds issued under

1 Section 15 of the Local Government Debt Reform Act; (j) made  
2 for a qualified airport authority to pay interest or principal  
3 on general obligation bonds issued for the purpose of paying  
4 obligations due under, or financing airport facilities  
5 required to be acquired, constructed, installed or equipped  
6 pursuant to, contracts entered into before March 1, 1996 (but  
7 not including any amendments to such a contract taking effect  
8 on or after that date); (k) made to fund expenses of providing  
9 joint recreational programs for the handicapped under Section  
10 5-8 of the Park District Code or Section 11-95-14 of the  
11 Illinois Municipal Code; and (l) made for contributions to a  
12 firefighter's pension fund created under Article 4 of the  
13 Illinois Pension Code, to the extent of the amount certified  
14 under item (5) of Section 4-134 of the Illinois Pension Code.

15 "Debt service extension base" means an amount equal to that  
16 portion of the extension for a taxing district for the 1994  
17 levy year, or for those taxing districts subject to this Law in  
18 accordance with Section 18-213, except for those subject to  
19 paragraph (2) of subsection (e) of Section 18-213, for the levy  
20 year in which the referendum making this Law applicable to the  
21 taxing district is held, or for those taxing districts subject  
22 to this Law in accordance with paragraph (2) of subsection (e)  
23 of Section 18-213 for the 1996 levy year, constituting an  
24 extension for payment of principal and interest on bonds issued  
25 by the taxing district without referendum, but not including  
26 excluded non-referendum bonds. For park districts (i) that were



1 first subject to this Law in 1991 or 1995 and (ii) whose  
2 extension for the 1994 levy year for the payment of principal  
3 and interest on bonds issued by the park district without  
4 referendum (but not including excluded non-referendum bonds)  
5 was less than 51% of the amount for the 1991 levy year  
6 constituting an extension for payment of principal and interest  
7 on bonds issued by the park district without referendum (but  
8 not including excluded non-referendum bonds), "debt service  
9 extension base" means an amount equal to that portion of the  
10 extension for the 1991 levy year constituting an extension for  
11 payment of principal and interest on bonds issued by the park  
12 district without referendum (but not including excluded  
13 non-referendum bonds). The debt service extension base may be  
14 established or increased as provided under Section 18-212.  
15 "Excluded non-referendum bonds" means (i) bonds authorized by  
16 Public Act 88-503 and issued under Section 20a of the Chicago  
17 Park District Act for aquarium and museum projects; (ii) bonds  
18 issued under Section 15 of the Local Government Debt Reform  
19 Act; or (iii) refunding obligations issued to refund or to  
20 continue to refund obligations initially issued pursuant to  
21 referendum.

22 "Special purpose extensions" include, but are not limited  
23 to, extensions for levies made on an annual basis for  
24 unemployment and workers' compensation, self-insurance,  
25 contributions to pension plans, and extensions made pursuant to  
26 Section 6-601 of the Illinois Highway Code for a road

1 district's permanent road fund whether levied annually or not.  
2 The extension for a special service area is not included in the  
3 aggregate extension.

4 "Aggregate extension base" means the taxing district's  
5 last preceding aggregate extension as adjusted under Sections  
6 18-135, 18-215, and 18-230. An adjustment under Section 18-135  
7 shall be made for the 2007 levy year and all subsequent levy  
8 years whenever one or more counties within which a taxing  
9 district is located (i) used estimated valuations or rates when  
10 extending taxes in the taxing district for the last preceding  
11 levy year that resulted in the over or under extension of  
12 taxes, or (ii) increased or decreased the tax extension for the  
13 last preceding levy year as required by Section 18-135(c).  
14 Whenever an adjustment is required under Section 18-135, the  
15 aggregate extension base of the taxing district shall be equal  
16 to the amount that the aggregate extension of the taxing  
17 district would have been for the last preceding levy year if  
18 either or both (i) actual, rather than estimated, valuations or  
19 rates had been used to calculate the extension of taxes for the  
20 last levy year, or (ii) the tax extension for the last  
21 preceding levy year had not been adjusted as required by  
22 subsection (c) of Section 18-135.

23 "Levy year" has the same meaning as "year" under Section  
24 1-155.

25 "New property" means (i) the assessed value, after final  
26 board of review or board of appeals action, of new improvements

1 or additions to existing improvements on any parcel of real  
2 property that increase the assessed value of that real property  
3 during the levy year multiplied by the equalization factor  
4 issued by the Department under Section 17-30, (ii) the assessed  
5 value, after final board of review or board of appeals action,  
6 of real property not exempt from real estate taxation, which  
7 real property was exempt from real estate taxation for any  
8 portion of the immediately preceding levy year, multiplied by  
9 the equalization factor issued by the Department under Section  
10 17-30, including the assessed value, upon final stabilization  
11 of occupancy after new construction is complete, of any real  
12 property located within the boundaries of an otherwise or  
13 previously exempt military reservation that is intended for  
14 residential use and owned by or leased to a private corporation  
15 or other entity, and (iii) in counties that classify in  
16 accordance with Section 4 of Article IX of the Illinois  
17 Constitution, an incentive property's additional assessed  
18 value resulting from a scheduled increase in the level of  
19 assessment as applied to the first year final board of review  
20 market value. In addition, the county clerk in a county  
21 containing a population of 3,000,000 or more shall include in  
22 the 1997 recovered tax increment value for any school district,  
23 any recovered tax increment value that was applicable to the  
24 1995 tax year calculations.

25 "Qualified airport authority" means an airport authority  
26 organized under the Airport Authorities Act and located in a

1 county bordering on the State of Wisconsin and having a  
2 population in excess of 200,000 and not greater than 500,000.

3 "Recovered tax increment value" means, except as otherwise  
4 provided in this paragraph, the amount of the current year's  
5 equalized assessed value, in the first year after a  
6 municipality terminates the designation of an area as a  
7 redevelopment project area previously established under the  
8 Tax Increment Allocation Development Act in the Illinois  
9 Municipal Code, previously established under the Industrial  
10 Jobs Recovery Law in the Illinois Municipal Code, previously  
11 established under the Economic Development Project Area Tax  
12 Increment Act of 1995, or previously established under the  
13 Economic Development Area Tax Increment Allocation Act, of each  
14 taxable lot, block, tract, or parcel of real property in the  
15 redevelopment project area over and above the initial equalized  
16 assessed value of each property in the redevelopment project  
17 area. For the taxes which are extended for the 1997 levy year,  
18 the recovered tax increment value for a non-home rule taxing  
19 district that first became subject to this Law for the 1995  
20 levy year because a majority of its 1994 equalized assessed  
21 value was in an affected county or counties shall be increased  
22 if a municipality terminated the designation of an area in 1993  
23 as a redevelopment project area previously established under  
24 the Tax Increment Allocation Development Act in the Illinois  
25 Municipal Code, previously established under the Industrial  
26 Jobs Recovery Law in the Illinois Municipal Code, or previously

1 established under the Economic Development Area Tax Increment  
2 Allocation Act, by an amount equal to the 1994 equalized  
3 assessed value of each taxable lot, block, tract, or parcel of  
4 real property in the redevelopment project area over and above  
5 the initial equalized assessed value of each property in the  
6 redevelopment project area. In the first year after a  
7 municipality removes a taxable lot, block, tract, or parcel of  
8 real property from a redevelopment project area established  
9 under the Tax Increment Allocation Development Act in the  
10 Illinois Municipal Code, the Industrial Jobs Recovery Law in  
11 the Illinois Municipal Code, or the Economic Development Area  
12 Tax Increment Allocation Act, "recovered tax increment value"  
13 means the amount of the current year's equalized assessed value  
14 of each taxable lot, block, tract, or parcel of real property  
15 removed from the redevelopment project area over and above the  
16 initial equalized assessed value of that real property before  
17 removal from the redevelopment project area.

18 Except as otherwise provided in this Section, "limiting  
19 rate" means a fraction the numerator of which is the last  
20 preceding aggregate extension base times an amount equal to one  
21 plus the extension limitation defined in this Section and the  
22 denominator of which is the current year's equalized assessed  
23 value of all real property in the territory under the  
24 jurisdiction of the taxing district during the prior levy year.  
25 For those taxing districts that reduced their aggregate  
26 extension for the last preceding levy year, the highest

1 aggregate extension in any of the last 3 preceding levy years  
2 shall be used for the purpose of computing the limiting rate.  
3 The denominator shall not include new property or the recovered  
4 tax increment value. If a new rate, a rate decrease, or a  
5 limiting rate increase has been approved at an election held  
6 after March 21, 2006, then (i) the otherwise applicable  
7 limiting rate shall be increased by the amount of the new rate  
8 or shall be reduced by the amount of the rate decrease, as the  
9 case may be, or (ii) in the case of a limiting rate increase,  
10 the limiting rate shall be equal to the rate set forth in the  
11 proposition approved by the voters for each of the years  
12 specified in the proposition, after which the limiting rate of  
13 the taxing district shall be calculated as otherwise provided.

14 (Source: P.A. 94-974, eff. 6-30-06; 94-976, eff. 6-30-06;  
15 94-1078, eff. 1-9-07; 95-90, eff. 1-1-08; 95-331, eff. 8-21-07;  
16 95-404, eff. 1-1-08; revised 11-2-07.)

17 (35 ILCS 200/22-15)

18 (Text of Section before amendment by P.A. 95-477)

19 Sec. 22-15. Service of notice. The purchaser or his or her  
20 assignee shall give the notice required by Section 22-10 by  
21 causing it to be published in a newspaper as set forth in  
22 Section 22-20. In addition, the notice shall be served by a  
23 sheriff (or if he or she is disqualified, by a coroner) of the  
24 county in which the property, or any part thereof, is located  
25 or, except in Cook County, by a person who is licensed or

1 registered as a private detective under the Private Detective,  
2 Private Alarm, Private Security, Fingerprint Vendor, and  
3 Locksmith Act of 2004 upon owners who reside on any part of the  
4 property sold by leaving a copy of the notice with those owners  
5 personally.

6 In counties of 3,000,000 or more inhabitants where a taxing  
7 district is a petitioner for tax deed pursuant to Section  
8 21-90, in lieu of service by the sheriff or coroner the notice  
9 may be served by a special process server appointed by the  
10 circuit court as provided in this Section. The taxing district  
11 may move prior to filing one or more petitions for tax deed for  
12 appointment of such a special process server. The court, upon  
13 being satisfied that the person named in the motion is at least  
14 18 years of age and is capable of serving notice as required  
15 under this Code, shall enter an order appointing such person as  
16 a special process server for a period of one year. The  
17 appointment may be renewed for successive periods of one year  
18 each by motion and order, and a copy of the original and any  
19 subsequent order shall be filed in each tax deed case in which  
20 a notice is served by the appointed person. Delivery of the  
21 notice to and service of the notice by the special process  
22 server shall have the same force and effect as its delivery to  
23 and service by the sheriff or coroner.

24 The same form of notice shall also be served upon all other  
25 owners and parties interested in the property, if upon diligent  
26 inquiry they can be found in the county, and upon the occupants

1 of the property in the following manner:

2 (a) as to individuals, by (1) leaving a copy of the  
3 notice with the person personally or (2) by leaving a copy  
4 at his or her usual place of residence with a person of the  
5 family, of the age of 13 years or more, and informing that  
6 person of its contents. The person making the service shall  
7 cause a copy of the notice to be sent by registered or  
8 certified mail, return receipt requested, to that party at  
9 his or her usual place of residence;

10 (b) as to public and private corporations, municipal,  
11 governmental and quasi-municipal corporations,  
12 partnerships, receivers and trustees of corporations, by  
13 leaving a copy of the notice with the person designated by  
14 the Civil Practice Law.

15 If the property sold has more than 4 dwellings or other  
16 rental units, and has a managing agent or party who collects  
17 rents, that person shall be deemed the occupant and shall be  
18 served with notice instead of the occupants of the individual  
19 units. If the property has no dwellings or rental units, but  
20 economic or recreational activities are carried on therein, the  
21 person directing such activities shall be deemed the occupant.  
22 Holders of rights of entry and possibilities of reverter shall  
23 not be deemed parties interested in the property.

24 When a party interested in the property is a trustee,  
25 notice served upon the trustee shall be deemed to have been  
26 served upon any beneficiary or note holder thereunder unless



1 the holder of the note is disclosed of record.

2 When a judgment is a lien upon the property sold, the  
3 holder of the lien shall be served with notice if the name of  
4 the judgment debtor as shown in the transcript, certified copy  
5 or memorandum of judgment filed of record is identical, as to  
6 given name and surname, with the name of the party interested  
7 as it appears of record.

8 If any owner or party interested, upon diligent inquiry and  
9 effort, cannot be found or served with notice in the county as  
10 provided in this Section, and the person in actual occupancy  
11 and possession is tenant to, or in possession under the owners  
12 or the parties interested in the property, then service of  
13 notice upon the tenant, occupant or person in possession shall  
14 be deemed service upon the owners or parties interested.

15 If any owner or party interested, upon diligent inquiry and  
16 effort cannot be found or served with notice in the county,  
17 then the person making the service shall cause a copy of the  
18 notice to be sent by registered or certified mail, return  
19 receipt requested, to that party at his or her residence, if  
20 ascertainable.

21 (Source: P.A. 95-195, eff. 1-1-08.)

22 (Text of Section after amendment by P.A. 95-477)

23 Sec. 22-15. Service of notice. The purchaser or his or her  
24 assignee shall give the notice required by Section 22-10 by  
25 causing it to be published in a newspaper as set forth in

1 Section 22-20. In addition, the notice shall be served by a  
2 sheriff (or if he or she is disqualified, by a coroner) of the  
3 county in which the property, or any part thereof, is located  
4 or, except in Cook County, by a person who is licensed or  
5 registered as a private detective under the Private Detective,  
6 Private Alarm, Private Security, Fingerprint Vendor, and  
7 Locksmith Act of 2004 upon owners who reside on any part of the  
8 property sold by leaving a copy of the notice with those owners  
9 personally.

10 In counties of 3,000,000 or more inhabitants where a taxing  
11 district is a petitioner for tax deed pursuant to Section  
12 21-90, in lieu of service by the sheriff or coroner the notice  
13 may be served by a special process server appointed by the  
14 circuit court as provided in this Section. The taxing district  
15 may move prior to filing one or more petitions for tax deed for  
16 appointment of such a special process server. The court, upon  
17 being satisfied that the person named in the motion is at least  
18 18 years of age and is capable of serving notice as required  
19 under this Code, shall enter an order appointing such person as  
20 a special process server for a period of one year. The  
21 appointment may be renewed for successive periods of one year  
22 each by motion and order, and a copy of the original and any  
23 subsequent order shall be filed in each tax deed case in which  
24 a notice is served by the appointed person. Delivery of the  
25 notice to and service of the notice by the special process  
26 server shall have the same force and effect as its delivery to

1 and service by the sheriff or coroner.

2 The same form of notice shall also be served, in the manner  
3 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and  
4 2-211 of the Code of Civil Procedure, upon all other owners and  
5 parties interested in the property, if upon diligent inquiry  
6 they can be found in the county, and upon the occupants of the  
7 property.

8 If the property sold has more than 4 dwellings or other  
9 rental units, and has a managing agent or party who collects  
10 rents, that person shall be deemed the occupant and shall be  
11 served with notice instead of the occupants of the individual  
12 units. If the property has no dwellings or rental units, but  
13 economic or recreational activities are carried on therein, the  
14 person directing such activities shall be deemed the occupant.  
15 Holders of rights of entry and possibilities of reverter shall  
16 not be deemed parties interested in the property.

17 When a party interested in the property is a trustee,  
18 notice served upon the trustee shall be deemed to have been  
19 served upon any beneficiary or note holder thereunder unless  
20 the holder of the note is disclosed of record.

21 When a judgment is a lien upon the property sold, the  
22 holder of the lien shall be served with notice if the name of  
23 the judgment debtor as shown in the transcript, certified copy  
24 or memorandum of judgment filed of record is identical, as to  
25 given name and surname, with the name of the party interested  
26 as it appears of record.

1           If any owner or party interested, upon diligent inquiry and  
2 effort, cannot be found or served with notice in the county as  
3 provided in this Section, and the person in actual occupancy  
4 and possession is tenant to, or in possession under the owners  
5 or the parties interested in the property, then service of  
6 notice upon the tenant, occupant or person in possession shall  
7 be deemed service upon the owners or parties interested.

8           If any owner or party interested, upon diligent inquiry and  
9 effort cannot be found or served with notice in the county,  
10 then the person making the service shall cause a copy of the  
11 notice to be sent by registered or certified mail, return  
12 receipt requested, to that party at his or her residence, if  
13 ascertainable.

14           The changes to this Section made by Public Act 95-477 ~~this~~  
15 ~~amendatory Act of the 95th General Assembly~~ apply only to  
16 matters in which a petition for tax deed is filed on or after  
17 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~  
18 ~~amendatory Act of the 95th General Assembly~~.

19           (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; revised  
20 11-2-07.)

21           (35 ILCS 200/22-20)

22           (Text of Section before amendment by P.A. 95-477)

23           Sec. 22-20. Proof of service of notice; publication of  
24 notice. The sheriff or coroner serving notice under Section  
25 22-15 shall endorse his or her return thereon and file it with

1 the Clerk of the Circuit Court and it shall be a part of the  
2 court record. A private detective or a special process server  
3 appointed under Section 22-15 shall make his or her return by  
4 affidavit and shall file it with the Clerk of the Circuit  
5 Court, where it shall be a part of the court record. If a  
6 sheriff, private detective, special process server, or coroner  
7 to whom any notice is delivered for service, neglects or  
8 refuses to make the return, the purchaser or his or her  
9 assignee may petition the court to enter a rule requiring the  
10 sheriff, private detective, special process server, or coroner  
11 to make return of the notice on a day to be fixed by the court,  
12 or to show cause on that day why he or she should not be  
13 attached for contempt of the court. The purchaser or assignee  
14 shall cause a written notice of the rule to be served upon the  
15 sheriff, private detective, special process server, or  
16 coroner. If good and sufficient cause to excuse the sheriff,  
17 private detective, special process server, or coroner is not  
18 shown, the court shall adjudge him or her guilty of a contempt,  
19 and shall proceed to punish him as in other cases of contempt.

20 If the property is located in a municipality in a county  
21 with less than 3,000,000 inhabitants, the purchaser or his or  
22 her assignee shall also publish a notice as to the owner or  
23 party interested, in some newspaper published in the  
24 municipality. If the property is not in a municipality in a  
25 county with less than 3,000,000 inhabitants, or if no newspaper  
26 is published therein, or if the property is in a county with

1 3,000,000 or more inhabitants, the notice shall be published in  
2 some newspaper in the county. If no newspaper is published in  
3 the county, then the notice shall be published in the newspaper  
4 that is published nearest the county seat of the county in  
5 which the property is located. If the owners and parties  
6 interested in the property upon diligent inquiry are unknown to  
7 the purchaser or his or her assignee, the publication as to  
8 such owner or party interested, may be made to unknown owners  
9 or parties interested. Any notice by publication given under  
10 this Section shall be given 3 times at any time after filing a  
11 petition for tax deed, but not less than 3 months nor more than  
12 5 months prior to the expiration of the period of redemption.  
13 The publication shall contain (a) notice of the filing of the  
14 petition for tax deed, (b) the date on which the petitioner  
15 intends to make application for an order on the petition that a  
16 tax deed issue, (c) a description of the property, (d) the date  
17 upon which the property was sold, (e) the taxes or special  
18 assessments for which it was sold and (f) the date on which the  
19 period of redemption will expire. The publication shall not  
20 include more than one property listed and sold in one  
21 description, except as provided in Section 21-90, and except  
22 that when more than one property is owned by one person, all of  
23 the parcels owned by that person may be included in one notice.  
24 (Source: P.A. 95-195, eff. 1-1-08.)

25 (Text of Section after amendment by P.A. 95-477)

1           Sec. 22-20. Proof of service of notice; publication of  
2 notice. The sheriff or coroner serving notice under Section  
3 22-15 shall endorse his or her return thereon and file it with  
4 the Clerk of the Circuit Court and it shall be a part of the  
5 court record. A private detective or a special process server  
6 appointed under Section 22-15 shall make his or her return by  
7 affidavit and shall file it with the Clerk of the Circuit  
8 Court, where it shall be a part of the court record. If a  
9 sheriff, private detective, special process server, or coroner  
10 to whom any notice is delivered for service, neglects or  
11 refuses to make the return, the purchaser or his or her  
12 assignee may petition the court to enter a rule requiring the  
13 sheriff, private detective, special process server, or coroner  
14 to make return of the notice on a day to be fixed by the court,  
15 or to show cause on that day why he or she should not be  
16 attached for contempt of the court. The purchaser or assignee  
17 shall cause a written notice of the rule to be served upon the  
18 sheriff, private detective, special process server, or  
19 coroner. If good and sufficient cause to excuse the sheriff,  
20 private detective, special process server, or coroner is not  
21 shown, the court shall adjudge him or her guilty of a contempt,  
22 and shall proceed to punish him as in other cases of contempt.

23           If the property is located in a municipality in a county  
24 with less than 3,000,000 inhabitants, the purchaser or his or  
25 her assignee shall also publish a notice as to the owner or  
26 party interested, in some newspaper published in the

1 municipality. If the property is not in a municipality in a  
2 county with less than 3,000,000 inhabitants, or if no newspaper  
3 is published therein, or if the property is in a county with  
4 3,000,000 or more inhabitants, the notice shall be published in  
5 some newspaper in the county. If no newspaper is published in  
6 the county, then the notice shall be published in the newspaper  
7 that is published nearest the county seat of the county in  
8 which the property is located. If the owners and parties  
9 interested in the property upon diligent inquiry are unknown to  
10 the purchaser or his or her assignee, the publication as to  
11 such owner or party interested, may be made to unknown owners  
12 or parties interested. Any notice by publication given under  
13 this Section shall be given 3 times at any time after filing a  
14 petition for tax deed, but not less than 3 months nor more than  
15 6 months prior to the expiration of the period of redemption.  
16 The publication shall contain (a) notice of the filing of the  
17 petition for tax deed, (b) the date on which the petitioner  
18 intends to make application for an order on the petition that a  
19 tax deed issue, (c) a description of the property, (d) the date  
20 upon which the property was sold, (e) the taxes or special  
21 assessments for which it was sold and (f) the date on which the  
22 period of redemption will expire. The publication shall not  
23 include more than one property listed and sold in one  
24 description, except as provided in Section 21-90, and except  
25 that when more than one property is owned by one person, all of  
26 the parcels owned by that person may be included in one notice.



1           The changes to this Section made by Public Act 95-477 ~~this~~  
2 ~~amendatory Act of the 95th General Assembly~~ apply only to  
3 matters in which a petition for tax deed is filed on or after  
4 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~  
5 ~~amendatory Act of the 95th General Assembly~~.

6           (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; revised  
7 11-2-07.)

8           Section 145. The Illinois Pension Code is amended by  
9 changing Sections 5-152, 7-139, 9-121.6, 9-134.5, 10-104.5,  
10 and 14-104 and by setting forth and renumbering multiple  
11 versions of Sections 1-110.10, 3-110.9, and 7-139.12 as  
12 follows:

13           (40 ILCS 5/1-110.10)

14           Sec. 1-110.10. Servicer certification.

15           (a) For the purposes of this Section:

16           "Illinois finance entity" means any entity chartered under  
17 the Illinois Banking Act, the Savings Bank Act, the Illinois  
18 Credit Union Act, or the Illinois Savings and Loan Act of 1985  
19 and any person or entity licensed under the Residential  
20 Mortgage License Act of 1987, the Consumer Installment Loan  
21 Act, or the Sales Finance Agency Act.

22           "Retirement system or pension fund" means a retirement  
23 system or pension fund established under this Code.

24           (b) In order for an Illinois finance entity to be eligible

1 for investment or deposit of retirement system or pension fund  
2 assets, the Illinois finance entity must annually certify that  
3 it complies with the requirements of the High Risk Home Loan  
4 Act and the rules adopted pursuant to that Act that are  
5 applicable to that Illinois finance entity. For Illinois  
6 finance entities with whom the retirement system or pension  
7 fund is investing or depositing assets on the effective date of  
8 this Section, the initial certification required under this  
9 Section shall be completed within 6 months after the effective  
10 date of this Section. For Illinois finance entities with whom  
11 the retirement system or pension fund is not investing or  
12 depositing assets on the effective date of this Section, the  
13 initial certification required under this Section must be  
14 completed before the retirement system or pension fund may  
15 invest or deposit assets with the Illinois finance entity.

16 (c) A retirement system or pension fund shall submit the  
17 certifications to the Public Pension Division of the Department  
18 of Financial and Professional Regulation, and the Division  
19 shall notify the Secretary of Financial and Professional  
20 Regulation if a retirement system or pension fund fails to do  
21 so.

22 (d) If an Illinois finance entity fails to provide an  
23 initial certification within 6 months after the effective date  
24 of this Section or fails to submit an annual certification,  
25 then the retirement system or pension fund shall notify the  
26 Illinois finance entity. The Illinois finance entity shall,

1 within 30 days after the date of notification, either (i)  
2 notify the retirement system or pension fund of its intention  
3 to certify and complete certification or (ii) notify the  
4 retirement system or pension fund of its intention to not  
5 complete certification. If an Illinois finance entity fails to  
6 provide certification, then the retirement system or pension  
7 fund shall, within 90 days, divest, or attempt in good faith to  
8 divest, the retirement system's or pension fund's assets with  
9 that Illinois finance entity. The retirement system or pension  
10 fund shall immediately notify the Department of the Illinois  
11 finance entity's failure to provide certification.

12 (e) If any provision of this Section or its application to  
13 any person or circumstance is held invalid, the invalidity of  
14 that provision or application does not affect other provisions  
15 or applications of this Section that can be given effect  
16 without the invalid provision or application.

17 (Source: P.A. 95-521, eff. 8-28-07.)

18 (40 ILCS 5/1-110.15)

19 Sec. 1-110.15 ~~1-110.10~~. Transactions prohibited by  
20 retirement systems; Iran.

21 (a) As used in this Section:

22 "Active business operations" means all business operations  
23 that are not inactive business operations.

24 "Business operations" means engaging in commerce in any  
25 form in Iran, including, but not limited to, acquiring,

1 developing, maintaining, owning, selling, possessing, leasing,  
2 or operating equipment, facilities, personnel, products,  
3 services, personal property, real property, or any other  
4 apparatus of business or commerce.

5 "Company" means any sole proprietorship, organization,  
6 association, corporation, partnership, joint venture, limited  
7 partnership, limited liability partnership, limited liability  
8 company, or other entity or business association, including all  
9 wholly owned subsidiaries, majority-owned subsidiaries, parent  
10 companies, or affiliates of those entities or business  
11 associations, that exists for the purpose of making profit.

12 "Direct holdings" in a company means all securities of that  
13 company that are held directly by the retirement system or in  
14 an account or fund in which the retirement system owns all  
15 shares or interests.

16 "Inactive business operations" means the mere continued  
17 holding or renewal of rights to property previously operated  
18 for the purpose of generating revenues but not presently  
19 deployed for that purpose.

20 "Indirect holdings" in a company means all securities of  
21 that company which are held in an account or fund, such as a  
22 mutual fund, managed by one or more persons not employed by the  
23 retirement system, in which the retirement system owns shares  
24 or interests together with other investors not subject to the  
25 provisions of this Section.

26 "Mineral-extraction activities" include exploring,

1 extracting, processing, transporting, or wholesale selling or  
2 trading of elemental minerals or associated metal alloys or  
3 oxides (ore), including gold, copper, chromium, chromite,  
4 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

5 "Oil-related activities" include, but are not limited to,  
6 owning rights to oil blocks; exporting, extracting, producing,  
7 refining, processing, exploring for, transporting, selling, or  
8 trading of oil; and constructing, maintaining, or operating a  
9 pipeline, refinery, or other oil-field infrastructure. The  
10 mere retail sale of gasoline and related consumer products is  
11 not considered an oil-related activity.

12 "Petroleum resources" means petroleum, petroleum  
13 byproducts, or natural gas.

14 "Private market fund" means any private equity fund,  
15 private equity fund of funds, venture capital fund, hedge fund,  
16 hedge fund of funds, real estate fund, or other investment  
17 vehicle that is not publicly traded.

18 "Retirement system" means the State Employees' Retirement  
19 System of Illinois, the Judges Retirement System of Illinois,  
20 the General Assembly Retirement System, the State Universities  
21 Retirement System, and the Teachers' Retirement System of the  
22 State of Illinois.

23 "Scrutinized business operations" means business  
24 operations that have caused a company to become a scrutinized  
25 company.

26 "Scrutinized company" means the company has business

1 operations that involve contracts with or provision of supplies  
2 or services to the Government of Iran, companies in which the  
3 Government of Iran has any direct or indirect equity share,  
4 consortiums or projects commissioned by the Government of Iran,  
5 or companies involved in consortiums or projects commissioned  
6 by the Government of Iran and:

7 (1) more than 10% of the company's revenues produced in  
8 or assets located in Iran involve oil-related activities or  
9 mineral-extraction activities; less than 75% of the  
10 company's revenues produced in or assets located in Iran  
11 involve contracts with or provision of oil-related or  
12 mineral-extraction products or services to the Government  
13 of Iran or a project or consortium created exclusively by  
14 that government; and the company has failed to take  
15 substantial action; or

16 (2) the company has, on or after August 5, 1996, made  
17 an investment of \$20 million or more, or any combination of  
18 investments of at least \$10 million each that in the  
19 aggregate equals or exceeds \$20 million in any 12-month  
20 period, that directly or significantly contributes to the  
21 enhancement of Iran's ability to develop petroleum  
22 resources of Iran.

23 "Substantial action" means adopting, publicizing, and  
24 implementing a formal plan to cease scrutinized business  
25 operations within one year and to refrain from any such new  
26 business operations.

1           (b) Within 90 days after the effective date of this  
2 Section, a retirement system shall make its best efforts to  
3 identify all scrutinized companies in which the retirement  
4 system has direct or indirect holdings.

5           These efforts shall include the following, as appropriate  
6 in the retirement system's judgment:

7           (1) reviewing and relying on publicly available  
8 information regarding companies having business operations  
9 in Iran, including information provided by nonprofit  
10 organizations, research firms, international  
11 organizations, and government entities;

12           (2) contacting asset managers contracted by the  
13 retirement system that invest in companies having business  
14 operations in Iran; and

15           (3) Contacting other institutional investors that have  
16 divested from or engaged with companies that have business  
17 operations in Iran.

18           The retirement system may retain an independent research  
19 firm to identify scrutinized companies in which the retirement  
20 system has direct or indirect holdings. By the first meeting of  
21 the retirement system following the 90-day period described in  
22 this subsection (b), the retirement system shall assemble all  
23 scrutinized companies identified into a scrutinized companies  
24 list.

25           The retirement system shall update the scrutinized  
26 companies list annually based on evolving information from,

1 among other sources, those listed in this subsection (b).

2 (c) The retirement system shall adhere to the following  
3 procedures for companies on the scrutinized companies list:

4 (1) The retirement system shall determine the  
5 companies on the scrutinized companies list in which the  
6 retirement system owns direct or indirect holdings.

7 (2) For each company identified in item (1) of this  
8 subsection (c) that has only inactive business operations,  
9 the retirement system shall send a written notice informing  
10 the company of this Section and encouraging it to continue  
11 to refrain from initiating active business operations in  
12 Iran until it is able to avoid scrutinized business  
13 operations. The retirement system shall continue such  
14 correspondence semiannually.

15 (3) For each company newly identified in item (1) of  
16 this subsection (c) that has active business operations,  
17 the retirement system shall send a written notice informing  
18 the company of its scrutinized company status and that it  
19 may become subject to divestment by the retirement system.  
20 The notice must inform the company of the opportunity to  
21 clarify its Iran-related activities and encourage the  
22 company, within 90 days, to cease its scrutinized business  
23 operations or convert such operations to inactive business  
24 operations in order to avoid qualifying for divestment by  
25 the retirement system.

26 (4) If, within 90 days after the retirement system's



1 first engagement with a company pursuant to this subsection  
2 (c), that company ceases scrutinized business operations,  
3 the company shall be removed from the scrutinized companies  
4 list and the provisions of this Section shall cease to  
5 apply to it unless it resumes scrutinized business  
6 operations. If, within 90 days after the retirement  
7 system's first engagement, the company converts its  
8 scrutinized active business operations to inactive  
9 business operations, the company is subject to all  
10 provisions relating thereto.

11 (d) If, after 90 days following the retirement system's  
12 first engagement with a company pursuant to subsection (c), the  
13 company continues to have scrutinized active business  
14 operations, and only while such company continues to have  
15 scrutinized active business operations, the retirement system  
16 shall sell, redeem, divest, or withdraw all publicly traded  
17 securities of the company, except as provided in paragraph (f),  
18 from the retirement system's assets under management within 12  
19 months after the company's most recent appearance on the  
20 scrutinized companies list.

21 If a company that ceased scrutinized active business  
22 operations following engagement pursuant to subsection (c)  
23 resumes such operations, this subsection (d) immediately  
24 applies, and the retirement system shall send a written notice  
25 to the company. The company shall also be immediately  
26 reintroduced onto the scrutinized companies list.

1           (e) The retirement system may not acquire securities of  
2 companies on the scrutinized companies list that have active  
3 business operations, except as provided in subsection (f).

4           (f) A company that the United States Government  
5 affirmatively declares to be excluded from its present or any  
6 future federal sanctions regime relating to Iran is not subject  
7 to divestment or the investment prohibition pursuant to  
8 subsections (d) and (e).

9           (g) Notwithstanding the provisions of this Section,  
10 paragraphs (d) and (e) do not apply to indirect holdings in a  
11 private market fund. However, the retirement system shall  
12 submit letters to the managers of those investment funds  
13 containing companies that have scrutinized active business  
14 operations requesting that they consider removing the  
15 companies from the fund or create a similar actively managed  
16 fund having indirect holdings devoid of the companies. If the  
17 manager creates a similar fund, the retirement system shall  
18 replace all applicable investments with investments in the  
19 similar fund in an expedited timeframe consistent with prudent  
20 investing standards.

21           (h) The retirement system shall file a report with the  
22 Public Pension Division of the Department of Financial and  
23 Professional Regulation that includes the scrutinized  
24 companies list within 30 days after the list is created. This  
25 report shall be made available to the public.

26           The retirement system shall file an annual report with the

1 Public Pension Division, which shall be made available to the  
2 public, that includes all of the following:

3 (1) A summary of correspondence with companies engaged  
4 by the retirement system under items (2) and (3) of  
5 subsection (c).

6 (2) All investments sold, redeemed, divested, or  
7 withdrawn in compliance with subsection (d).

8 (3) All prohibited investments under subsection (e).

9 (4) A summary of correspondence with private market  
10 funds notified under subsection (g).

11 (i) This Section expires upon the occurrence of any of the  
12 following:

13 (1) The United States revokes all sanctions imposed  
14 against the Government of Iran.

15 (2) The Congress or President of the United States  
16 declares that the Government of Iran has ceased to acquire  
17 weapons of mass destruction and to support international  
18 terrorism.

19 (3) The Congress or President of the United States,  
20 through legislation or executive order, declares that  
21 mandatory divestment of the type provided for in this  
22 Section interferes with the conduct of United States  
23 foreign policy.

24 (j) With respect to actions taken in compliance with this  
25 Act, including all good-faith determinations regarding  
26 companies as required by this Act, the retirement system is

1 exempt from any conflicting statutory or common law  
2 obligations, including any fiduciary duties under this Article  
3 and any obligations with respect to choice of asset managers,  
4 investment funds, or investments for the retirement system's  
5 securities portfolios.

6 (k) Notwithstanding any other provision of this Section to  
7 the contrary, the retirement system may cease divesting from  
8 scrutinized companies pursuant to subsection (d) or reinvest in  
9 scrutinized companies from which it divested pursuant to  
10 subsection (d) if clear and convincing evidence shows that the  
11 value of investments in scrutinized companies with active  
12 scrutinized business operations becomes equal to or less than  
13 0.5% of the market value of all assets under management by the  
14 retirement system. Cessation of divestment, reinvestment, or  
15 any subsequent ongoing investment authorized by this Section is  
16 limited to the minimum steps necessary to avoid the contingency  
17 set forth in this subsection (k). For any cessation of  
18 divestment, reinvestment, or subsequent ongoing investment  
19 authorized by this Section, the retirement system shall provide  
20 a written report to the Public Pension Division in advance of  
21 initial reinvestment, updated semiannually thereafter as  
22 applicable, setting forth the reasons and justification,  
23 supported by clear and convincing evidence, for its decisions  
24 to cease divestment, reinvest, or remain invested in companies  
25 having scrutinized active business operations. This Section  
26 does not apply to reinvestment in companies on the grounds that

1 they have ceased to have scrutinized active business  
2 operations.

3 (1) If any provision of this Section or its application to  
4 any person or circumstance is held invalid, the invalidity does  
5 not affect other provisions or applications of the Act which  
6 can be given effect without the invalid provision or  
7 application, and to this end the provisions of this Section are  
8 severable.

9 (Source: P.A. 95-616, eff. 1-1-08; revised 12-6-07.)

10 (40 ILCS 5/3-110.9)

11 Sec. 3-110.9. Transfer to Article 9.

12 (a) Until 6 months after the effective date of this  
13 amendatory Act of the 95th General Assembly, any active member  
14 of a pension fund established under Article 9 of this Code may  
15 apply for transfer of up to 6 years of his or her creditable  
16 service accumulated in any police pension fund under this  
17 Article to the Article 9 fund. Such creditable service shall be  
18 transferred only upon payment by such police pension fund to  
19 the Article 9 fund of an amount equal to:

20 (1) the amounts accumulated to the credit of the  
21 applicant on the books of the fund on the date of transfer;  
22 and

23 (2) employer contributions in an amount equal to the  
24 amount determined under subparagraph (1); and

25 (3) any interest paid by the applicant in order to

1           reinstate service.

2           Participation in the police pension fund shall terminate on  
3 the date of transfer.

4           (b) Until 6 months after the effective date of this  
5 amendatory Act of the 95th General Assembly, any active member  
6 of an Article 9 fund may reinstate service that was terminated  
7 by receipt of a refund, by payment to the police pension fund  
8 of the amount of the refund with interest thereon at the rate  
9 of 6% per year, compounded annually, from the date of refund to  
10 the date of payment.

11         (Source: P.A. 95-504, eff. 8-28-07.)

12           (40 ILCS 5/3-110.10)

13           Sec. 3-110.10 ~~3-110.9~~. Transfer from Article 7. Until  
14 January 1, 2008, a person may transfer to a fund established  
15 under this Article up to 8 years of creditable service  
16 accumulated under Article 7 of this Code upon payment to the  
17 fund of an amount to be determined by the board, equal to (i)  
18 the difference between the amount of employee and employer  
19 contributions transferred to the fund under Section 7-139.11  
20 and the amounts that would have been contributed had such  
21 contributions been made at the rates applicable to an employee  
22 under this Article, plus (ii) interest thereon at the effective  
23 rate for each year, compounded annually, from the date of  
24 service to the date of payment.

25         (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

1 (40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

2 Sec. 5-152. Child's annuity - Conditions - Amount. A  
3 child's annuity shall be payable in the following cases of  
4 policemen who die on or after the effective date: (a) A  
5 policeman whose death results from injury incurred in the  
6 performance of an act or acts of duty; (b) a policeman who dies  
7 in service from any cause; (c) a policeman who withdraws upon  
8 or after attainment of age 50 and who enters upon or is  
9 eligible for annuity; (d) a present employee with at least 20  
10 years of service who dies after withdrawal, whether or not he  
11 has entered upon annuity.

12 Only one annuity shall be granted and paid for the benefit  
13 of any child if both parents have been policemen.

14 The annuity shall be paid, without regard to the fact that  
15 the death of the deceased policeman parent may have occurred  
16 prior to the effective date of this amendatory Act of 1975, in  
17 an amount equal to 10% of the annual maximum salary attached to  
18 the classified civil service position of a first class  
19 patrolman on July 1, 1975, or the date of the policeman's  
20 death, whichever is later, for each child while a widow or  
21 widower of the deceased policeman survives and in an amount  
22 equal to 15% of the annual maximum salary attached to the  
23 classified civil service position of a first class patrolman on  
24 July 1, 1975, or the date of the policeman's death, whichever  
25 is later, while no widow or widower shall survive, provided

1 that if the combined annuities for the widow and children of a  
2 policeman who dies on or after September 26, 1969, as the  
3 result of an act of duty, or for the children of such policeman  
4 in any case wherein a widow or widower does not exist, exceed  
5 the salary that would ordinarily have been paid to him if he  
6 had been in the active discharge of his duties, all such  
7 annuities shall be reduced pro rata so that the combined  
8 annuities for the family shall not exceed such limitation. The  
9 compensation portion of the annuity of the widow shall not be  
10 considered in making such reduction. No age limitation in this  
11 Section or Section 5-151 shall apply to a child who is so  
12 physically or mentally handicapped as to be unable to support  
13 himself or herself. Benefits payable under this Section shall  
14 not be reduced or terminated by reason of any child's  
15 attainment of age 18 if he is then dependent by reason of a  
16 physical or mental disability but shall continue to be paid as  
17 long as such dependency continues. For the purposes of this  
18 subsection, "disability" means inability to engage in any  
19 substantial gainful activity by reason of any medically  
20 determinable physical or mental impairment which can be  
21 expected to result in death or which has lasted or can be  
22 expected to last for a continuous period of not less than 12  
23 months.

24 In the case of a family of a policeman who dies on or after  
25 September 26, 1969, as the result of any cause other than the  
26 performance of an act of duty, in which annuities for such



1 family exceed an amount equal to 60% of the salary that would  
2 ordinarily have been paid to him if he had been in the active  
3 discharge of his duties, all such annuities shall be reduced  
4 pro rata so that the combined annuities shall not exceed such  
5 limitation.

6 Child's annuity shall be paid to the parent providing for  
7 the child, unless another person is appointed by a court of law  
8 as the child's guardian.

9 (Source: P.A. 95-279, eff. 1-1-08; 95-504, eff. 8-28-07;  
10 revised 11-9-07.)

11 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

12 Sec. 7-139. Credits and creditable service to employees.

13 (a) Each participating employee shall be granted credits  
14 and creditable service, for purposes of determining the amount  
15 of any annuity or benefit to which he or a beneficiary is  
16 entitled, as follows:

17 1. For prior service: Each participating employee who  
18 is an employee of a participating municipality or  
19 participating instrumentality on the effective date shall  
20 be granted creditable service, but no credits under  
21 paragraph 2 of this subsection (a), for periods of prior  
22 service for which credit has not been received under any  
23 other pension fund or retirement system established under  
24 this Code, as follows:

25 If the effective date of participation for the

1 participating municipality or participating  
2 instrumentality is on or before January 1, 1998, creditable  
3 service shall be granted for the entire period of prior  
4 service with that employer without any employee  
5 contribution.

6 If the effective date of participation for the  
7 participating municipality or participating  
8 instrumentality is after January 1, 1998, creditable  
9 service shall be granted for the last 20% of the period of  
10 prior service with that employer, but no more than 5 years,  
11 without any employee contribution. A participating  
12 employee may establish creditable service for the  
13 remainder of the period of prior service with that employer  
14 by making an application in writing, accompanied by payment  
15 of an employee contribution in an amount determined by the  
16 Fund, based on the employee contribution rates in effect at  
17 the time of application for the creditable service and the  
18 employee's salary rate on the effective date of  
19 participation for that employer, plus interest at the  
20 effective rate from the date of the prior service to the  
21 date of payment. Application for this creditable service  
22 may be made at any time while the employee is still in  
23 service.

24 A municipality that (i) has at least 35 employees; (ii)  
25 is located in a county with at least 2,000,000 inhabitants;  
26 and (iii) maintains an independent defined benefit pension

1 plan for the benefit of its eligible employees may restrict  
2 creditable service in whole or in part for periods of prior  
3 service with the employer if the governing body of the  
4 municipality adopts an irrevocable resolution to restrict  
5 that creditable service and files the resolution with the  
6 board before the municipality's effective date of  
7 participation.

8 Any person who has withdrawn from the service of a  
9 participating municipality or participating  
10 instrumentality prior to the effective date, who reenters  
11 the service of the same municipality or participating  
12 instrumentality after the effective date and becomes a  
13 participating employee is entitled to creditable service  
14 for prior service as otherwise provided in this subdivision  
15 (a) (1) only if he or she renders 2 years of service as a  
16 participating employee after the effective date.  
17 Application for such service must be made while in a  
18 participating status. The salary rate to be used in the  
19 calculation of the required employee contribution, if any,  
20 shall be the employee's salary rate at the time of first  
21 reentering service with the employer after the employer's  
22 effective date of participation.

23 2. For current service, each participating employee  
24 shall be credited with:

25 a. Additional credits of amounts equal to each  
26 payment of additional contributions received from him

1 under Section 7-173, as of the date the corresponding  
2 payment of earnings is payable to him.

3 b. Normal credits of amounts equal to each payment  
4 of normal contributions received from him, as of the  
5 date the corresponding payment of earnings is payable  
6 to him, and normal contributions made for the purpose  
7 of establishing out-of-state service credits as  
8 permitted under the conditions set forth in paragraph 6  
9 of this subsection (a).

10 c. Municipality credits in an amount equal to 1.4  
11 times the normal credits, except those established by  
12 out-of-state service credits, as of the date of  
13 computation of any benefit if these credits would  
14 increase the benefit.

15 d. Survivor credits equal to each payment of  
16 survivor contributions received from the participating  
17 employee as of the date the corresponding payment of  
18 earnings is payable, and survivor contributions made  
19 for the purpose of establishing out-of-state service  
20 credits.

21 3. For periods of temporary and total and permanent  
22 disability benefits, each employee receiving disability  
23 benefits shall be granted creditable service for the period  
24 during which disability benefits are payable. Normal and  
25 survivor credits, based upon the rate of earnings applied  
26 for disability benefits, shall also be granted if such

1 credits would result in a higher benefit to any such  
2 employee or his beneficiary.

3 4. For authorized leave of absence without pay: A  
4 participating employee shall be granted credits and  
5 creditable service for periods of authorized leave of  
6 absence without pay under the following conditions:

7 a. An application for credits and creditable  
8 service is submitted to the board while the employee is  
9 in a status of active employment, and within 2 years  
10 after termination of the leave of absence period for  
11 which credits and creditable service are sought.

12 b. Not more than 12 complete months of creditable  
13 service for authorized leave of absence without pay  
14 shall be counted for purposes of determining any  
15 benefits payable under this Article.

16 c. Credits and creditable service shall be granted  
17 for leave of absence only if such leave is approved by  
18 the governing body of the municipality, including  
19 approval of the estimated cost thereof to the  
20 municipality as determined by the fund, and employee  
21 contributions, plus interest at the effective rate  
22 applicable for each year from the end of the period of  
23 leave to date of payment, have been paid to the fund in  
24 accordance with Section 7-173. The contributions shall  
25 be computed upon the assumption earnings continued  
26 during the period of leave at the rate in effect when

1 the leave began.

2 d. Benefits under the provisions of Sections  
3 7-141, 7-146, 7-150 and 7-163 shall become payable to  
4 employees on authorized leave of absence, or their  
5 designated beneficiary, only if such leave of absence  
6 is creditable hereunder, and if the employee has at  
7 least one year of creditable service other than the  
8 service granted for leave of absence. Any employee  
9 contributions due may be deducted from any benefits  
10 payable.

11 e. No credits or creditable service shall be  
12 allowed for leave of absence without pay during any  
13 period of prior service.

14 5. For military service: The governing body of a  
15 municipality or participating instrumentality may elect to  
16 allow creditable service to participating employees who  
17 leave their employment to serve in the armed forces of the  
18 United States for all periods of such service, provided  
19 that the person returns to active employment within 90 days  
20 after completion of full time active duty, but no  
21 creditable service shall be allowed such person for any  
22 period that can be used in the computation of a pension or  
23 any other pay or benefit, other than pay for active duty,  
24 for service in any branch of the armed forces of the United  
25 States. If necessary to the computation of any benefit, the  
26 board shall establish municipality credits for

1 participating employees under this paragraph on the  
2 assumption that the employee received earnings at the rate  
3 received at the time he left the employment to enter the  
4 armed forces. A participating employee in the armed forces  
5 shall not be considered an employee during such period of  
6 service and no additional death and no disability benefits  
7 are payable for death or disability during such period.

8 Any participating employee who left his employment  
9 with a municipality or participating instrumentality to  
10 serve in the armed forces of the United States and who  
11 again became a participating employee within 90 days after  
12 completion of full time active duty by entering the service  
13 of a different municipality or participating  
14 instrumentality, which has elected to allow creditable  
15 service for periods of military service under the preceding  
16 paragraph, shall also be allowed creditable service for his  
17 period of military service on the same terms that would  
18 apply if he had been employed, before entering military  
19 service, by the municipality or instrumentality which  
20 employed him after he left the military service and the  
21 employer costs arising in relation to such grant of  
22 creditable service shall be charged to and paid by that  
23 municipality or instrumentality.

24 Notwithstanding the foregoing, any participating  
25 employee shall be entitled to creditable service as  
26 required by any federal law relating to re-employment

1 rights of persons who served in the United States Armed  
2 Services. Such creditable service shall be granted upon  
3 payment by the member of an amount equal to the employee  
4 contributions which would have been required had the  
5 employee continued in service at the same rate of earnings  
6 during the military leave period, plus interest at the  
7 effective rate.

8 5.1. In addition to any creditable service established  
9 under paragraph 5 of this subsection (a), creditable  
10 service may be granted for up to 48 months of service in  
11 the armed forces of the United States.

12 In order to receive creditable service for military  
13 service under this paragraph 5.1, a participating employee  
14 must (1) apply to the Fund in writing and provide evidence  
15 of the military service that is satisfactory to the Board;  
16 (2) obtain the written approval of the current employer;  
17 and (3) make contributions to the Fund equal to (i) the  
18 employee contributions that would have been required had  
19 the service been rendered as a member, plus (ii) an amount  
20 determined by the board to be equal to the employer's  
21 normal cost of the benefits accrued for that military  
22 service, plus (iii) interest on items (i) and (ii) from the  
23 date of first membership in the Fund to the date of  
24 payment. The required interest shall be calculated at the  
25 regular interest rate.

26 The changes made to this paragraph 5.1 by Public Acts



1        95-483 and 95-486 ~~this amendatory Act of the 95th General~~  
2        ~~Assembly~~ apply only to participating employees in service  
3        on or after August 28, 2007 (the effective date of those  
4        Public Acts) ~~its effective date.~~

5            6. For out-of-state service: Creditable service shall  
6        be granted for service rendered to an out-of-state local  
7        governmental body under the following conditions: The  
8        employee had participated and has irrevocably forfeited  
9        all rights to benefits in the out-of-state public employees  
10       pension system; the governing body of his participating  
11       municipality or instrumentality authorizes the employee to  
12       establish such service; the employee has 2 years current  
13       service with this municipality or participating  
14       instrumentality; the employee makes a payment of  
15       contributions, which shall be computed at 8% (normal) plus  
16       2% (survivor) times length of service purchased times the  
17       average rate of earnings for the first 2 years of service  
18       with the municipality or participating instrumentality  
19       whose governing body authorizes the service established  
20       plus interest at the effective rate on the date such  
21       credits are established, payable from the date the employee  
22       completes the required 2 years of current service to date  
23       of payment. In no case shall more than 120 months of  
24       creditable service be granted under this provision.

25            7. For retroactive service: Any employee who could have  
26        but did not elect to become a participating employee, or

1           who should have been a participant in the Municipal Public  
2           Utilities Annuity and Benefit Fund before that fund was  
3           superseded, may receive creditable service for the period  
4           of service not to exceed 50 months; however, a current or  
5           former elected or appointed official of a participating  
6           municipality may establish credit under this paragraph 7  
7           for more than 50 months of service as an official of that  
8           municipality, if the excess over 50 months is approved by  
9           resolution of the governing body of the affected  
10          municipality filed with the Fund before January 1, 2002.

11          Any employee who is a participating employee on or  
12          after September 24, 1981 and who was excluded from  
13          participation by the age restrictions removed by Public Act  
14          82-596 may receive creditable service for the period, on or  
15          after January 1, 1979, excluded by the age restriction and,  
16          in addition, if the governing body of the participating  
17          municipality or participating instrumentality elects to  
18          allow creditable service for all employees excluded by the  
19          age restriction prior to January 1, 1979, for service  
20          during the period prior to that date excluded by the age  
21          restriction. Any employee who was excluded from  
22          participation by the age restriction removed by Public Act  
23          82-596 and who is not a participating employee on or after  
24          September 24, 1981 may receive creditable service for  
25          service after January 1, 1979. Creditable service under  
26          this paragraph shall be granted upon payment of the

1 employee contributions which would have been required had  
2 he participated, with interest at the effective rate for  
3 each year from the end of the period of service established  
4 to date of payment.

5 8. For accumulated unused sick leave: A participating  
6 employee who is applying for a retirement annuity shall be  
7 entitled to creditable service for that portion of the  
8 employee's accumulated unused sick leave for which payment  
9 is not received, as follows:

10 a. Sick leave days shall be limited to those  
11 accumulated under a sick leave plan established by a  
12 participating municipality or participating  
13 instrumentality which is available to all employees or  
14 a class of employees.

15 b. Only sick leave days accumulated with a  
16 participating municipality or participating  
17 instrumentality with which the employee was in service  
18 within 60 days of the effective date of his retirement  
19 annuity shall be credited; If the employee was in  
20 service with more than one employer during this period  
21 only the sick leave days with the employer with which  
22 the employee has the greatest number of unpaid sick  
23 leave days shall be considered.

24 c. The creditable service granted shall be  
25 considered solely for the purpose of computing the  
26 amount of the retirement annuity and shall not be used

1 to establish any minimum service period required by any  
2 provision of the Illinois Pension Code, the effective  
3 date of the retirement annuity, or the final rate of  
4 earnings.

5 d. The creditable service shall be at the rate of  
6 1/20 of a month for each full sick day, provided that  
7 no more than 12 months may be credited under this  
8 subdivision 8.

9 e. Employee contributions shall not be required  
10 for creditable service under this subdivision 8.

11 f. Each participating municipality and  
12 participating instrumentality with which an employee  
13 has service within 60 days of the effective date of his  
14 retirement annuity shall certify to the board the  
15 number of accumulated unpaid sick leave days credited  
16 to the employee at the time of termination of service.

17 9. For service transferred from another system:  
18 Credits and creditable service shall be granted for service  
19 under Article 3, 4, 5, 8, 14, or 16 of this Act, to any  
20 active member of this Fund, and to any inactive member who  
21 has been a county sheriff, upon transfer of such credits  
22 pursuant to Section 3-110.3, 4-108.3, 5-235, 8-226.7,  
23 14-105.6, or 16-131.4, and payment by the member of the  
24 amount by which (1) the employer and employee contributions  
25 that would have been required if he had participated in  
26 this Fund as a sheriff's law enforcement employee during

1 the period for which credit is being transferred, plus  
2 interest thereon at the effective rate for each year,  
3 compounded annually, from the date of termination of the  
4 service for which credit is being transferred to the date  
5 of payment, exceeds (2) the amount actually transferred to  
6 the Fund. Such transferred service shall be deemed to be  
7 service as a sheriff's law enforcement employee for the  
8 purposes of Section 7-142.1.

9 10. For service transferred from an Article 3 system  
10 under Section 3-110.8: Credits and creditable service  
11 shall be granted for service under Article 3 of this Act as  
12 provided in Section 3-110.8, to any active member of this  
13 Fund upon transfer of such credits pursuant to Section  
14 3-110.8. If the amount by which (1) the employer and  
15 employee contributions that would have been required if he  
16 had participated in this Fund during the period for which  
17 credit is being transferred, plus interest thereon at the  
18 effective rate for each year, compounded annually, from the  
19 date of termination of the service for which credit is  
20 being transferred to the date of payment, exceeds (2) the  
21 amount actually transferred to the Fund, then the amount of  
22 creditable service established under this paragraph 10  
23 shall be reduced by a corresponding amount in accordance  
24 with the rules and procedures established under this  
25 paragraph 10.

26 The board shall establish by rule the manner of making

1 the calculation required under this paragraph 10, taking  
2 into account the appropriate actuarial assumptions; the  
3 member's service, age, and salary history; the level of  
4 funding of the employer; and any other factors that the  
5 board determines to be relevant.

6 (b) Creditable service - amount:

7 1. One month of creditable service shall be allowed for  
8 each month for which a participating employee made  
9 contributions as required under Section 7-173, or for which  
10 creditable service is otherwise granted hereunder. Not  
11 more than 1 month of service shall be credited and counted  
12 for 1 calendar month, and not more than 1 year of service  
13 shall be credited and counted for any calendar year. A  
14 calendar month means a nominal month beginning on the first  
15 day thereof, and a calendar year means a year beginning  
16 January 1 and ending December 31.

17 2. A seasonal employee shall be given 12 months of  
18 creditable service if he renders the number of months of  
19 service normally required by the position in a 12-month  
20 period and he remains in service for the entire 12-month  
21 period. Otherwise a fractional year of service in the  
22 number of months of service rendered shall be credited.

23 3. An intermittent employee shall be given creditable  
24 service for only those months in which a contribution is  
25 made under Section 7-173.

26 (c) No application for correction of credits or creditable

1 service shall be considered unless the board receives an  
2 application for correction while (1) the applicant is a  
3 participating employee and in active employment with a  
4 participating municipality or instrumentality, or (2) while  
5 the applicant is actively participating in a pension fund or  
6 retirement system which is a participating system under the  
7 Retirement Systems Reciprocal Act. A participating employee or  
8 other applicant shall not be entitled to credits or creditable  
9 service unless the required employee contributions are made in  
10 a lump sum or in installments made in accordance with board  
11 rule.

12 (d) Upon the granting of a retirement, surviving spouse or  
13 child annuity, a death benefit or a separation benefit, on  
14 account of any employee, all individual accumulated credits  
15 shall thereupon terminate. Upon the withdrawal of additional  
16 contributions, the credits applicable thereto shall thereupon  
17 terminate. Terminated credits shall not be applied to increase  
18 the benefits any remaining employee would otherwise receive  
19 under this Article.

20 (Source: P.A. 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;  
21 95-504, eff. 8-28-07; revised 11-9-07.)

22 (40 ILCS 5/7-139.12)

23 Sec. 7-139.12. Transfer of creditable service to Article  
24 14. A person employed by the Chicago Metropolitan Agency for  
25 Planning (formerly the Regional Planning Board) on the

1 effective date of this Section who was a member of the State  
2 Employees' Retirement System of Illinois as an employee of the  
3 Chicago Area Transportation Study may apply for transfer of his  
4 or her creditable service as an employee of the Chicago  
5 Metropolitan Agency for Planning upon payment of (1) the  
6 amounts accumulated to the credit of the applicant for such  
7 service on the books of the Fund on the date of transfer and  
8 (2) the corresponding municipality credits, including  
9 interest, on the books of the Fund on the date of transfer.  
10 Participation in this Fund with respect to the transferred  
11 credits shall terminate on the date of transfer.

12 (Source: P.A. 95-677, eff. 10-11-07.)

13 (40 ILCS 5/7-139.13)

14 Sec. 7-139.13 ~~7-139.12~~. Transfer from Article 3. Until  
15 January 1, 2008, a person may transfer to the Illinois  
16 Municipal Retirement Systems up to 8 years of creditable  
17 service accumulated under Article 3 of this Code upon payment  
18 to the Fund of an amount to be determined by the board, equal  
19 to (i) the difference between the amount of employee and  
20 employer contributions transferred to the Fund under Section  
21 3-110.8 and the amounts that would have been contributed had  
22 such contributions been made at the rates applicable to an  
23 employee under this Article, plus (ii) interest thereon at the  
24 effective rate for each year, compounded annually, from the  
25 date of service to the date of payment.



1 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

2 (40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)

3 Sec. 9-121.6. Alternative annuity for county officers.

4 (a) Any county officer elected by vote of the people may  
5 elect to establish alternative credits for an alternative  
6 annuity by electing in writing to make additional optional  
7 contributions in accordance with this Section and procedures  
8 established by the board. Such elected county officer may  
9 discontinue making the additional optional contributions by  
10 notifying the Fund in writing in accordance with this Section  
11 and procedures established by the board.

12 Additional optional contributions for the alternative  
13 annuity shall be as follows:

14 (1) For service after the option is elected, an  
15 additional contribution of 3% of salary shall be  
16 contributed to the Fund on the same basis and under the  
17 same conditions as contributions required under Sections  
18 9-170 and 9-176.

19 (2) For service before the option is elected, an  
20 additional contribution of 3% of the salary for the  
21 applicable period of service, plus interest at the  
22 effective rate from the date of service to the date of  
23 payment. All payments for past service must be paid in full  
24 before credit is given. No additional optional  
25 contributions may be made for any period of service for

1           which credit has been previously forfeited by acceptance of  
2           a refund, unless the refund is repaid in full with interest  
3           at the effective rate from the date of refund to the date  
4           of repayment.

5           (b) In lieu of the retirement annuity otherwise payable  
6           under this Article, any county officer elected by vote of the  
7           people who (1) has elected to participate in the Fund and make  
8           additional optional contributions in accordance with this  
9           Section, and (2) has attained age 60 with at least 10 years of  
10          service credit, or has attained age 65 with at least 8 years of  
11          service credit, may elect to have his retirement annuity  
12          computed as follows: 3% of the participant's salary at the time  
13          of termination of service for each of the first 8 years of  
14          service credit, plus 4% of such salary for each of the next 4  
15          years of service credit, plus 5% of such salary for each year  
16          of service credit in excess of 12 years, subject to a maximum  
17          of 80% of such salary. To the extent such elected county  
18          officer has made additional optional contributions with  
19          respect to only a portion of his years of service credit, his  
20          retirement annuity will first be determined in accordance with  
21          this Section to the extent such additional optional  
22          contributions were made, and then in accordance with the  
23          remaining Sections of this Article to the extent of years of  
24          service credit with respect to which additional optional  
25          contributions were not made.

26          (c) In lieu of the disability benefits otherwise payable

1 under this Article, any county officer elected by vote of the  
2 people who (1) has elected to participate in the Fund, and (2)  
3 has become permanently disabled and as a consequence is unable  
4 to perform the duties of his office, and (3) was making  
5 optional contributions in accordance with this Section at the  
6 time the disability was incurred, may elect to receive a  
7 disability annuity calculated in accordance with the formula in  
8 subsection (b). For the purposes of this subsection, such  
9 elected county officer shall be considered permanently  
10 disabled only if: (i) disability occurs while in service as an  
11 elected county officer and is of such a nature as to prevent  
12 him from reasonably performing the duties of his office at the  
13 time; and (ii) the board has received a written certification  
14 by at least 2 licensed physicians appointed by it stating that  
15 such officer is disabled and that the disability is likely to  
16 be permanent.

17 (d) Refunds of additional optional contributions shall be  
18 made on the same basis and under the same conditions as  
19 provided under Section 9-164, 9-166 and 9-167. Interest shall  
20 be credited at the effective rate on the same basis and under  
21 the same conditions as for other contributions. Optional  
22 contributions under this Section shall be included in the  
23 amount of employee contributions used to compute the tax levy  
24 under Section 9-169.

25 (e) The effective date of this plan of optional alternative  
26 benefits and contributions shall be January 1, 1988, or the

1 date upon which approval is received from the U.S. Internal  
2 Revenue Service, whichever is later. The plan of optional  
3 alternative benefits and contributions shall not be available  
4 to any former county officer or employee receiving an annuity  
5 from the Fund on the effective date of the plan, unless he  
6 re-enters service as an elected county officer and renders at  
7 least 3 years of additional service after the date of re-entry.

8 (f) The plan of optional alternative benefits and  
9 contributions authorized under this Section applies only to  
10 county officers elected by vote of the people on or before  
11 January 1, 2008 (the effective date of Public Act 95-654) ~~this~~  
12 ~~amendatory Act of the 95th General Assembly.~~

13 (Source: P.A. 95-369, eff. 8-23-07; 95-654, eff. 1-1-08;  
14 revised 11-9-07.)

15 (40 ILCS 5/9-134.5)

16 Sec. 9-134.5. Alternative retirement cancellation payment.

17 (a) To be eligible for the alternative retirement  
18 cancellation payment provided in this Section, a person must:

19 (1) be a member of this Fund who, on December 31, 2006,  
20 was (i) in active payroll status as an employee and  
21 continuously employed in a position on and after the  
22 effective date of this Section and (ii) an active  
23 contributor to this Fund with respect to that employment;

24 (2) have not previously received any retirement  
25 annuity under this Article;

1 (3) file with the Board on or before 45 days after the  
2 effective date of this Section, a written application  
3 requesting the alternative retirement cancellation payment  
4 provided in this Section;

5 (4) terminate employment under this Article no later  
6 than 60 days after the effective date of this Section; and ~~and~~

7 (5) ~~(4)~~ if there is a QILDRO in effect against the  
8 person, file with the Board the written consent of all  
9 alternate payees under the QILDRO to the election of an  
10 alternative retirement cancellation payment under this  
11 Section. ~~and~~

12 (b) In lieu of any retirement annuity or other benefit  
13 provided under this Article, a person who qualifies for and  
14 elects to receive the alternative retirement cancellation  
15 payment under this Section shall be entitled to receive a  
16 one-time lump sum retirement cancellation payment equal to the  
17 amount of his or her contributions to the Fund (including any  
18 employee contributions for optional service credit and  
19 including any employee contributions paid by the employer or  
20 credited to the employee during disability) on the date of  
21 termination, with regular interest, multiplied by 1.5.

22 (c) Notwithstanding any other provision of this Article, a  
23 person who receives an alternative retirement cancellation  
24 payment under this Section thereby forfeits the right to any  
25 other retirement or disability benefit or refund under this  
26 Article, and no widow's, survivor's, or death benefit deriving

1 from that person shall be payable under this Article. Upon  
2 accepting an alternative retirement cancellation payment under  
3 this Section, the person's creditable service and all other  
4 rights in the Fund are terminated for all purposes.

5 (d) To the extent permitted by federal law, a person who  
6 receives an alternative retirement cancellation payment under  
7 this Section may direct the Fund to pay all or a portion of  
8 that payment as a rollover into another retirement plan or  
9 account qualified under the Internal Revenue Code of 1986, as  
10 amended.

11 (e) Notwithstanding any other provision of this Article, a  
12 person who has received an alternative retirement cancellation  
13 payment under this Section and who reenters service under this  
14 Article must first repay to the Fund the amount by which that  
15 alternative retirement cancellation payment exceeded the  
16 amount of his or her refundable employee contributions with  
17 interest at 6% per annum. For the purposes of re-establishing  
18 creditable service that was terminated upon election of the  
19 alternative retirement cancellation payment, the portion of  
20 the alternative retirement cancellation payment representing  
21 refundable employee contributions shall be deemed a refund  
22 repayable in accordance with Section 9-163.

23 (f) No individual who receives an alternative retirement  
24 cancellation payment under this Section may return to active  
25 payroll status within 365 days after separation from service to  
26 the employer.

1 (Source: P.A. 95-369, eff. 8-23-07; revised 11-9-07.)

2 (40 ILCS 5/10-104.5)

3 Sec. 10-104.5. Alternative retirement cancellation  
4 payment.

5 (a) To be eligible for the alternative retirement  
6 cancellation payment provided in this Section, a person must:

7 (1) be a member of this Fund who, on December 31, 2006,  
8 was (i) in active payroll status as an employee and  
9 continuously employed in a position on and after the  
10 effective date of this Section and (ii) an active  
11 contributor to this Fund with respect to that employment;

12 (2) have not previously received any retirement  
13 annuity under this Article;

14 (3) file with the Board on or before 45 days after the  
15 effective date of this Section, a written application  
16 requesting the alternative retirement cancellation payment  
17 provided in this Section;

18 (4) terminate employment under this Article no later  
19 than 60 days after the effective date of this Section; and

20 (5) ~~(4)~~ if there is a QILDRO in effect against the  
21 person, file with the Board the written consent of all  
22 alternate payees under the QILDRO to the election of an  
23 alternative retirement cancellation payment under this  
24 Section. ~~and~~

25 (b) In lieu of any retirement annuity or other benefit

1 provided under this Article, a person who qualifies for and  
2 elects to receive the alternative retirement cancellation  
3 payment under this Section shall be entitled to receive a  
4 one-time lump sum retirement cancellation payment equal to the  
5 amount of his or her contributions to the Fund (including any  
6 employee contributions for optional service credit and  
7 including any employee contributions paid by the employer or  
8 credited to the employee during disability) on the date of  
9 termination, with regular interest, multiplied by 1.5.

10 (c) Notwithstanding any other provision of this Article, a  
11 person who receives an alternative retirement cancellation  
12 payment under this Section thereby forfeits the right to any  
13 other retirement or disability benefit or refund under this  
14 Article, and no widow's, survivor's, or death benefit deriving  
15 from that person shall be payable under this Article. Upon  
16 accepting an alternative retirement cancellation payment under  
17 this Section, the person's creditable service and all other  
18 rights in the Fund are terminated for all purposes.

19 (d) To the extent permitted by federal law, a person who  
20 receives an alternative retirement cancellation payment under  
21 this Section may direct the Fund to pay all or a portion of  
22 that payment as a rollover into another retirement plan or  
23 account qualified under the Internal Revenue Code of 1986, as  
24 amended.

25 (e) Notwithstanding any other provision of this Article, a  
26 person who has received an alternative retirement cancellation



1 payment under this Section and who reenters service under this  
2 Article must first repay to the Fund the amount by which that  
3 alternative retirement cancellation payment exceeded the  
4 amount of his or her refundable employee contributions with  
5 interest of 6% per annum. For the purposes of re-establishing  
6 creditable service that was terminated upon election of the  
7 alternative retirement cancellation payment, the portion of  
8 the alternative retirement cancellation payment representing  
9 refundable employee contributions shall be deemed a refund  
10 repayable together with interest at the effective rate from the  
11 application date of such refund to the date of repayment.

12 (f) No individual who receives an alternative retirement  
13 cancellation payment under this Section may return to active  
14 payroll status within 365 days after separation from service to  
15 the employer.

16 (Source: P.A. 95-369, eff. 8-23-07; revised 11-9-07.)

17 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

18 Sec. 14-104. Service for which contributions permitted.  
19 Contributions provided for in this Section shall cover the  
20 period of service granted. Except as otherwise provided in this  
21 Section, the contributions shall be based upon the employee's  
22 compensation and contribution rate in effect on the date he  
23 last became a member of the System; provided that for all  
24 employment prior to January 1, 1969 the contribution rate shall  
25 be that in effect for a noncovered employee on the date he last

1 became a member of the System. Except as otherwise provided in  
2 this Section, contributions permitted under this Section shall  
3 include regular interest from the date an employee last became  
4 a member of the System to the date of payment.

5 These contributions must be paid in full before retirement  
6 either in a lump sum or in installment payments in accordance  
7 with such rules as may be adopted by the board.

8 (a) Any member may make contributions as required in this  
9 Section for any period of service, subsequent to the date of  
10 establishment, but prior to the date of membership.

11 (b) Any employee who had been previously excluded from  
12 membership because of age at entry and subsequently became  
13 eligible may elect to make contributions as required in this  
14 Section for the period of service during which he was  
15 ineligible.

16 (c) An employee of the Department of Insurance who, after  
17 January 1, 1944 but prior to becoming eligible for membership,  
18 received salary from funds of insurance companies in the  
19 process of rehabilitation, liquidation, conservation or  
20 dissolution, may elect to make contributions as required in  
21 this Section for such service.

22 (d) Any employee who rendered service in a State office to  
23 which he was elected, or rendered service in the elective  
24 office of Clerk of the Appellate Court prior to the date he  
25 became a member, may make contributions for such service as  
26 required in this Section. Any member who served by appointment

1 of the Governor under the Civil Administrative Code of Illinois  
2 and did not participate in this System may make contributions  
3 as required in this Section for such service.

4 (e) Any person employed by the United States government or  
5 any instrumentality or agency thereof from January 1, 1942  
6 through November 15, 1946 as the result of a transfer from  
7 State service by executive order of the President of the United  
8 States shall be entitled to prior service credit covering the  
9 period from January 1, 1942 through December 31, 1943 as  
10 provided for in this Article and to membership service credit  
11 for the period from January 1, 1944 through November 15, 1946  
12 by making the contributions required in this Section. A person  
13 so employed on January 1, 1944 but whose employment began after  
14 January 1, 1942 may qualify for prior service and membership  
15 service credit under the same conditions.

16 (f) An employee of the Department of Labor of the State of  
17 Illinois who performed services for and under the supervision  
18 of that Department prior to January 1, 1944 but who was  
19 compensated for those services directly by federal funds and  
20 not by a warrant of the Auditor of Public Accounts paid by the  
21 State Treasurer may establish credit for such employment by  
22 making the contributions required in this Section. An employee  
23 of the Department of Agriculture of the State of Illinois, who  
24 performed services for and under the supervision of that  
25 Department prior to June 1, 1963, but was compensated for those  
26 services directly by federal funds and not paid by a warrant of

1 the Auditor of Public Accounts paid by the State Treasurer, and  
2 who did not contribute to any other public employee retirement  
3 system for such service, may establish credit for such  
4 employment by making the contributions required in this  
5 Section.

6 (g) Any employee who executed a waiver of membership within  
7 60 days prior to January 1, 1944 may, at any time while in the  
8 service of a department, file with the board a rescission of  
9 such waiver. Upon making the contributions required by this  
10 Section, the member shall be granted the creditable service  
11 that would have been received if the waiver had not been  
12 executed.

13 (h) Until May 1, 1990, an employee who was employed on a  
14 full-time basis by a regional planning commission for at least  
15 5 continuous years may establish creditable service for such  
16 employment by making the contributions required under this  
17 Section, provided that any credits earned by the employee in  
18 the commission's retirement plan have been terminated.

19 (i) Any person who rendered full time contractual services  
20 to the General Assembly as a member of a legislative staff may  
21 establish service credit for up to 8 years of such services by  
22 making the contributions required under this Section, provided  
23 that application therefor is made not later than July 1, 1991.

24 (j) By paying the contributions otherwise required under  
25 this Section, plus an amount determined by the Board to be  
26 equal to the employer's normal cost of the benefit plus

1 interest, but with all of the interest calculated from the date  
2 the employee last became a member of the System or November 19,  
3 1991, whichever is later, to the date of payment, an employee  
4 may establish service credit for a period of up to 4 years  
5 spent in active military service for which he does not qualify  
6 for credit under Section 14-105, provided that (1) he was not  
7 dishonorably discharged from such military service, and (2) the  
8 amount of service credit established by a member under this  
9 subsection (j), when added to the amount of military service  
10 credit granted to the member under subsection (b) of Section  
11 14-105, shall not exceed 5 years. The change in the manner of  
12 calculating interest under this subsection (j) made by this  
13 amendatory Act of the 92nd General Assembly applies to credit  
14 purchased by an employee on or after its effective date and  
15 does not entitle any person to a refund of contributions or  
16 interest already paid. In compliance with Section 14-152.1 of  
17 this Act concerning new benefit increases, any new benefit  
18 increase as a result of the changes to this subsection (j) made  
19 by Public Act 95-483 ~~this amendatory Act of the 95th General~~  
20 ~~Assembly~~ is funded through the employee contributions provided  
21 for in this subsection (j). Any new benefit increase as a  
22 result of the changes made to this subsection (j) by Public Act  
23 95-483 ~~this amendatory Act of the 95th General Assembly~~ is  
24 exempt from the provisions of subsection (d) of Section  
25 14-152.1.

26 (k) An employee who was employed on a full-time basis by

1 the Illinois State's Attorneys Association Statewide Appellate  
2 Assistance Service LEAA-ILEC grant project prior to the time  
3 that project became the State's Attorneys Appellate Service  
4 Commission, now the Office of the State's Attorneys Appellate  
5 Prosecutor, an agency of State government, may establish  
6 creditable service for not more than 60 months service for such  
7 employment by making contributions required under this  
8 Section.

9 (1) By paying the contributions otherwise required under  
10 this Section, plus an amount determined by the Board to be  
11 equal to the employer's normal cost of the benefit plus  
12 interest, a member may establish service credit for periods of  
13 less than one year spent on authorized leave of absence from  
14 service, provided that (1) the period of leave began on or  
15 after January 1, 1982 and (2) any credit established by the  
16 member for the period of leave in any other public employee  
17 retirement system has been terminated. A member may establish  
18 service credit under this subsection for more than one period  
19 of authorized leave, and in that case the total period of  
20 service credit established by the member under this subsection  
21 may exceed one year. In determining the contributions required  
22 for establishing service credit under this subsection, the  
23 interest shall be calculated from the beginning of the leave of  
24 absence to the date of payment.

25 (1-5) By paying the contributions otherwise required under  
26 this Section, plus an amount determined by the Board to be

1 equal to the employer's normal cost of the benefit plus  
2 interest, a member may establish service credit for periods of  
3 up to 2 years spent on authorized leave of absence from  
4 service, provided that during that leave the member represented  
5 or was employed as an officer or employee of a statewide labor  
6 organization that represents members of this System. In  
7 determining the contributions required for establishing  
8 service credit under this subsection, the interest shall be  
9 calculated from the beginning of the leave of absence to the  
10 date of payment.

11 (m) Any person who rendered contractual services to a  
12 member of the General Assembly as a worker in the member's  
13 district office may establish creditable service for up to 3  
14 years of those contractual services by making the contributions  
15 required under this Section. The System shall determine a  
16 full-time salary equivalent for the purpose of calculating the  
17 required contribution. To establish credit under this  
18 subsection, the applicant must apply to the System by March 1,  
19 1998.

20 (n) Any person who rendered contractual services to a  
21 member of the General Assembly as a worker providing  
22 constituent services to persons in the member's district may  
23 establish creditable service for up to 8 years of those  
24 contractual services by making the contributions required  
25 under this Section. The System shall determine a full-time  
26 salary equivalent for the purpose of calculating the required

1 contribution. To establish credit under this subsection, the  
2 applicant must apply to the System by March 1, 1998.

3 (o) A member who participated in the Illinois Legislative  
4 Staff Internship Program may establish creditable service for  
5 up to one year of that participation by making the contribution  
6 required under this Section. The System shall determine a  
7 full-time salary equivalent for the purpose of calculating the  
8 required contribution. Credit may not be established under this  
9 subsection for any period for which service credit is  
10 established under any other provision of this Code.

11 (p) By paying the contributions otherwise required under  
12 this Section, plus an amount determined by the Board to be  
13 equal to the employer's normal cost of the benefit plus  
14 interest, a member may establish service credit for a period of  
15 up to 8 years during which he or she was employed by the  
16 Visually Handicapped Managers of Illinois in a vending program  
17 operated under a contractual agreement with the Department of  
18 Rehabilitation Services or its successor agency.

19 This subsection (p) applies without regard to whether the  
20 person was in service on or after the effective date of this  
21 amendatory Act of the 94th General Assembly. In the case of a  
22 person who is receiving a retirement annuity on that effective  
23 date, the increase, if any, shall begin to accrue on the first  
24 annuity payment date following receipt by the System of the  
25 contributions required under this subsection (p).

26 (q) By paying the required contributions under this



1 Section, plus an amount determined by the Board to be equal to  
2 the employer's normal cost of the benefit plus interest, an  
3 employee who was laid off but returned to State employment  
4 under circumstances in which the employee is considered to have  
5 been in continuous service for purposes of determining  
6 seniority may establish creditable service for the period of  
7 the layoff, provided that (1) the applicant applies for the  
8 creditable service under this subsection (q) within 6 months  
9 after the effective date of this amendatory Act of the 94th  
10 General Assembly, (2) the applicant does not receive credit for  
11 that period under any other provision of this Code, (3) at the  
12 time of the layoff, the applicant is not in an initial  
13 probationary status consistent with the rules of the Department  
14 of Central Management Services, and (4) the total amount of  
15 creditable service established by the applicant under this  
16 subsection (q) does not exceed 3 years. For service established  
17 under this subsection (q), the required employee contribution  
18 shall be based on the rate of compensation earned by the  
19 employee on the date of returning to employment after the  
20 layoff and the contribution rate then in effect, and the  
21 required interest shall be calculated from the date of  
22 returning to employment after the layoff to the date of  
23 payment.

24 (r) A member who participated in the University of Illinois  
25 Government Public Service Internship Program (GPSI) may  
26 establish creditable service for up to 2 years of that

1 participation by making the contribution required under this  
2 Section, plus an amount determined by the Board to be equal to  
3 the employer's normal cost of the benefit plus interest. The  
4 System shall determine a full-time salary equivalent for the  
5 purpose of calculating the required contribution. Credit may  
6 not be established under this subsection for any period for  
7 which service credit is established under any other provision  
8 of this Code.

9 (s) ~~(r)~~ A member who worked as a nurse under a contractual  
10 agreement for the Department of Public Aid, or its successor  
11 agency, the Department of Human Services, in the Client  
12 Assessment Unit and was subsequently determined to be a State  
13 employee by the United States Internal Revenue Service and the  
14 Illinois Labor Relations Board may establish creditable  
15 service for those contractual services by making the  
16 contributions required under this Section. To establish credit  
17 under this subsection, the applicant must apply to the System  
18 by July 1, 2008.

19 The Department of Human Services shall pay an employer  
20 contribution based upon an amount determined by the Board to be  
21 equal to the employer's normal cost of the benefit, plus  
22 interest.

23 In compliance with Section 14-152.1 added by Public Act  
24 94-4, the cost of the benefits provided by Public Act 95-583  
25 ~~this amendatory Act of the 95th General Assembly~~ are offset by  
26 the required employee and employer contributions.

1 (Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07;  
2 95-483, eff. 8-28-07; 95-583, eff. 8-31-07; 95-652, eff.  
3 10-11-07; revised 11-9-07.)

4 Section 150. The Public Building Commission Act is amended  
5 by changing Section 20 as follows:

6 (50 ILCS 20/20) (from Ch. 85, par. 1050)

7 (Text of Section before amendment by P.A. 95-595)

8 Sec. 20. All contracts to be let for the construction,  
9 alteration, improvement, repair, enlargement, demolition or  
10 removal of any buildings or other facilities, or for materials  
11 or supplies to be furnished, where the amount thereof is in  
12 excess of \$20,000, shall be let to the lowest responsible  
13 bidder, or bidders, on open competitive bidding after public  
14 advertisement published at least once in each week for three  
15 consecutive weeks prior to the opening of bids, in a daily  
16 newspaper of general circulation in the county where the  
17 commission is located, except in the case of an emergency  
18 situation, as determined by the chief executive officer. If a  
19 contract is awarded in an emergency situation, (i) the contract  
20 accepted must be based on the lowest responsible proposal after  
21 the commission has made a diligent effort to solicit multiple  
22 proposals by telephone, facsimile, or other efficient means and  
23 (ii) the chief executive officer must submit a report at the  
24 next regular meeting of the Board, to be ratified by the Board

1 and entered into the official record, that states the chief  
2 executive officer's reason for declaring an emergency  
3 situation, the names of all parties solicited for proposals,  
4 and their proposals and that includes a copy of the contract  
5 awarded. Nothing contained in this Section shall be construed  
6 to prohibit the Board of Commissioners from placing additional  
7 advertisements in recognized trade journals. Advertisements  
8 for bids shall describe the character of the proposed contract  
9 in sufficient detail to enable the bidders thereon to know what  
10 their obligation will be, either in the advertisement itself,  
11 or by reference to detailed plans and specifications on file in  
12 the office of the Public Building Commission at the time of the  
13 publication of the first announcement. Such advertisement  
14 shall also state the date, time, and place assigned for the  
15 opening of bids and no bids shall be received at any time  
16 subsequent to the time indicated in said advertisement. The  
17 Board of Commissioners may reject any and all bids received and  
18 readvertise for bids. All bids shall be open to public  
19 inspection in the office of the Public Building Commission  
20 after an award or final selection has been made. The successful  
21 bidder for such work shall enter into contracts furnished and  
22 prescribed by the Board of Commissioners and in addition to any  
23 other bonds required under this Act the successful bidder shall  
24 execute and give bond, payable to and to be approved by the  
25 Commission, with a corporate surety authorized to do business  
26 under the laws of the State of Illinois, in an amount to be

1 determined by the Board of Commissioners, conditioned upon the  
2 payment of all labor furnished and materials supplied in the  
3 prosecution of the contracted work. If the bidder whose bid has  
4 been accepted shall neglect or refuse to accept the contract  
5 within five (5) days after written notice that the same has  
6 been awarded to him, or if he accepts but does not execute the  
7 contract and give the proper security, the Commission may  
8 accept the next lowest bidder, or readvertise and relet in  
9 manner above provided. In case any work shall be abandoned by  
10 any contractor the Commission may, if the best interests of the  
11 Commission be thereby served, adopt on behalf of the Commission  
12 all subcontracts made by such contractor for such work and all  
13 such sub-contractors shall be bound by such adoption if made;  
14 and the Commission shall, in the manner provided herein,  
15 readvertise and relet the work specified in the original  
16 contract exclusive of so much thereof as shall be accepted.  
17 Every contract when made and entered into, as herein provided  
18 for, shall be executed, held by the Commission, and filed in  
19 its records, and one copy of which shall be given to the  
20 contractor.

21 (Source: P.A. 95-614, eff. 9-11-07.)

22 (Text of Section after amendment by P.A. 95-595)

23 Sec. 20. Contracts let to lowest responsible bidder;  
24 competitive bidding; advertisement for bids; design-build  
25 contracts.

1           (a) All contracts to be let for the construction,  
2 alteration, improvement, repair, enlargement, demolition or  
3 removal of any buildings or other facilities, or for materials  
4 or supplies to be furnished, where the amount thereof is in  
5 excess of \$20,000, shall be awarded as a design-build contract  
6 in accordance with Sections 20.3 through 20.20 or shall be let  
7 to the lowest responsible bidder, or bidders, on open  
8 competitive bidding.

9           (b) A contract awarded on the basis of competitive bidding  
10 shall be awarded after public advertisement published at least  
11 once in each week for three consecutive weeks prior to the  
12 opening of bids, in a daily newspaper of general circulation in  
13 the county where the commission is located, except in the case  
14 of an emergency situation, as determined by the chief executive  
15 officer. If a contract is awarded in an emergency situation,  
16 (i) the contract accepted must be based on the lowest  
17 responsible proposal after the commission has made a diligent  
18 effort to solicit multiple proposals by telephone, facsimile,  
19 or other efficient means and (ii) the chief executive officer  
20 must submit a report at the next regular meeting of the Board,  
21 to be ratified by the Board and entered into the official  
22 record, that states the chief executive officer's reason for  
23 declaring an emergency situation, the names of all parties  
24 solicited for proposals, and their proposals and that includes  
25 a copy of the contract awarded. Nothing contained in this  
26 Section shall be construed to prohibit the Board of

1 Commissioners from placing additional advertisements in  
2 recognized trade journals. Advertisements for bids shall  
3 describe the character of the proposed contract in sufficient  
4 detail to enable the bidders thereon to know what their  
5 obligation will be, either in the advertisement itself, or by  
6 reference to detailed plans and specifications on file in the  
7 office of the Public Building Commission at the time of the  
8 publication of the first announcement. Such advertisement  
9 shall also state the date, time, and place assigned for the  
10 opening of bids. No bids shall be received at any time  
11 subsequent to the time indicated in said advertisement.

12 (c) In addition to the requirements of Section 20.3, the  
13 Commission shall advertise a design-build solicitation at  
14 least once in a daily newspaper of general circulation in the  
15 county where the Commission is located. The date that Phase I  
16 submissions by design-build entities are due must be at least  
17 14 calendar days after the date the newspaper advertisement for  
18 design-build proposals is first published. The advertisement  
19 shall identify the design-build project, the due date, the  
20 place and time for Phase I submissions, and the place where  
21 proposers can obtain a complete copy of the request for  
22 design-build proposals, including the criteria for evaluation  
23 and the scope and performance criteria. The Commission is not  
24 precluded from using other media or from placing advertisements  
25 in addition to the one required under this subsection.

26 (d) The Board of Commissioners may reject any and all bids

1 and proposals received and may readvertise for bids or issue a  
2 new request for design-build proposals.

3 (e) All bids shall be open to public inspection in the  
4 office of the Public Building Commission after an award or  
5 final selection has been made. The successful bidder for such  
6 work shall enter into contracts furnished and prescribed by the  
7 Board of Commissioners and in addition to any other bonds  
8 required under this Act the successful bidder shall execute and  
9 give bond, payable to and to be approved by the Commission,  
10 with a corporate surety authorized to do business under the  
11 laws of the State of Illinois, in an amount to be determined by  
12 the Board of Commissioners, conditioned upon the payment of all  
13 labor furnished and materials supplied in the prosecution of  
14 the contracted work. If the bidder whose bid has been accepted  
15 shall neglect or refuse to accept the contract within five (5)  
16 days after written notice that the same has been awarded to  
17 him, or if he accepts but does not execute the contract and  
18 give the proper security, the Commission may accept the next  
19 lowest bidder, or readvertise and relet in manner above  
20 provided.

21 (f) In case any work shall be abandoned by any contractor  
22 or design-build entity, the Commission may, if the best  
23 interests of the Commission be thereby served, adopt on behalf  
24 of the Commission all subcontracts made by such contractor or  
25 design-build entity for such work and all such sub-contractors  
26 shall be bound by such adoption if made; and the Commission



1 shall, in the manner provided in this Act, readvertise and  
2 relet, or request proposals and award design-build contracts  
3 for, the work specified in the original contract exclusive of  
4 so much thereof as shall be accepted. Every contract when made  
5 and entered into, as provided in this Section or Section 20.20,  
6 shall be executed, held by the Commission, and filed in its  
7 records, and one copy of which shall be given to the contractor  
8 or design-build entity.

9 (g) The provisions of this Section with respect to  
10 design-build shall have no effect beginning 5 years after June  
11 1, 2008 (the effective date of Public Act 95-595) ~~this~~  
12 ~~amendatory Act of the 95th General Assembly.~~

13 (Source: P.A. 95-595, eff. 6-1-08; 95-614, eff. 9-11-07;  
14 revised 11-8-07.)

15 Section 155. The Wireless Emergency Telephone Safety Act is  
16 amended by changing Sections 17 and 35 as follows:

17 (50 ILCS 751/17)

18 (Section scheduled to be repealed on April 1, 2013)

19 Sec. 17. Wireless carrier surcharge.

20 (a) Except as provided in Section 45, each wireless carrier  
21 shall impose a monthly wireless carrier surcharge per CMRS  
22 connection that either has a telephone number within an area  
23 code assigned to Illinois by the North American Numbering Plan  
24 Administrator or has a billing address in this State. In the

1 case of prepaid wireless telephone service, this surcharge  
2 shall be remitted based upon the address associated with the  
3 point of purchase, the customer billing address, or the  
4 location associated with the MTN for each active prepaid  
5 wireless telephone that has a sufficient positive balance as of  
6 the last day of each month, if that information is available.  
7 No wireless carrier shall impose the surcharge authorized by  
8 this Section upon any subscriber who is subject to the  
9 surcharge imposed by a unit of local government pursuant to  
10 Section 45. Prior to January 1, 2008 (the effective date of  
11 Public Act 95-698) ~~this amendatory Act of the 95th General~~  
12 ~~Assembly~~, the surcharge amount shall be the amount set by the  
13 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008  
14 ~~(the effective date of Public Act 95-698) this amendatory Act~~  
15 ~~of the 95th General Assembly~~, the monthly surcharge imposed  
16 under this Section shall be \$0.73 per CMRS connection. The  
17 wireless carrier that provides wireless service to the  
18 subscriber shall collect the surcharge from the subscriber. For  
19 mobile telecommunications services provided on and after  
20 August 1, 2002, any surcharge imposed under this Act shall be  
21 imposed based upon the municipality or county that encompasses  
22 the customer's place of primary use as defined in the Mobile  
23 Telecommunications Sourcing Conformity Act. The surcharge  
24 shall be stated as a separate item on the subscriber's monthly  
25 bill. The wireless carrier shall begin collecting the surcharge  
26 on bills issued within 90 days after the Wireless Enhanced

1 9-1-1 Board sets the monthly wireless surcharge. State and  
2 local taxes shall not apply to the wireless carrier surcharge.

3 (b) Except as provided in Section 45, a wireless carrier  
4 shall, within 45 days of collection, remit, either by check or  
5 by electronic funds transfer, to the State Treasurer the amount  
6 of the wireless carrier surcharge collected from each  
7 subscriber. Of the amounts remitted under this subsection prior  
8 to January 1, 2008 (the effective date of Public Act 95-698)  
9 ~~this amendatory Act of the 95th General Assembly~~, and for  
10 surcharges imposed before January 1, 2008 (the effective date  
11 of Public Act 95-698) ~~this amendatory Act of the 95th General~~  
12 ~~Assembly~~ but remitted after January 1, 2008 ~~its effective date~~,  
13 the State Treasurer shall deposit one-third into the Wireless  
14 Carrier Reimbursement Fund and two-thirds into the Wireless  
15 Service Emergency Fund. For surcharges collected and remitted  
16 on or after January 1, 2008 (the effective date of Public Act  
17 95-698) ~~this amendatory Act of the 95th General Assembly~~,  
18 \$0.1475 per surcharge collected shall be deposited into the  
19 Wireless Carrier Reimbursement Fund, and \$0.5825 per surcharge  
20 collected shall be deposited into the Wireless Service  
21 Emergency Fund. Of the amounts deposited into the Wireless  
22 Carrier Reimbursement Fund under this subsection, \$0.01 per  
23 surcharge collected may be distributed to the carriers to cover  
24 their administrative costs. Of the amounts deposited into the  
25 Wireless Service Emergency Fund under this subsection, \$0.01  
26 per surcharge collected may be disbursed to the Illinois

1 Commerce Commission to cover its administrative costs.

2 (c) The first such remittance by wireless carriers shall  
3 include the number of customers by zip code, and the 9-digit  
4 zip code if currently being used or later implemented by the  
5 carrier, that shall be the means by which the Illinois Commerce  
6 Commission shall determine distributions from the Wireless  
7 Service Emergency Fund. This information shall be updated no  
8 less often than every year. Wireless carriers are not required  
9 to remit surcharge moneys that are billed to subscribers but  
10 not yet collected. Any carrier that fails to provide the zip  
11 code information required under this subsection (c) or any  
12 prepaid wireless carrier that fails to provide zip code  
13 information based upon the addresses associated with its  
14 customers' points of purchase, customers' billing addresses,  
15 or locations associated with MTNs, as described in subsection  
16 (a) of this Section, shall be subject to the penalty set forth  
17 in subsection (f) of this Section.

18 (d) Within 90 days after August 13, 2007 (the effective  
19 date of Public Act 95-63) ~~this amendatory Act of the 94th~~  
20 ~~General Assembly~~, each wireless carrier must implement a  
21 mechanism for the collection of the surcharge imposed under  
22 subsection (a) of this Section from its subscribers. If a  
23 wireless carrier does not implement a mechanism for the  
24 collection of the surcharge from its subscribers in accordance  
25 with this subsection (d), then the carrier is required to remit  
26 the surcharge for all subscribers until the carrier is deemed

1 to be in compliance with this subsection (d) by the Illinois  
2 Commerce Commission.

3 (e) If before midnight on the last day of the third  
4 calendar month after the closing date of the remit period a  
5 wireless carrier does not remit the surcharge or any portion  
6 thereof required under this Section, then the surcharge or  
7 portion thereof shall be deemed delinquent until paid in full,  
8 and the Illinois Commerce Commission may impose a penalty  
9 against the carrier in an amount equal to the greater of:

10 (1) \$25 for each month or portion of a month from the  
11 time an amount becomes delinquent until the amount is paid  
12 in full; or

13 (2) an amount equal to the product of 1% and the sum of  
14 all delinquent amounts for each month or portion of a month  
15 that the delinquent amounts remain unpaid.

16 A penalty imposed in accordance with this subsection (e)  
17 for a portion of a month during which the carrier provides the  
18 number of subscribers by zip code as required under subsection  
19 (c) of this Section shall be prorated for each day of that  
20 month during which the carrier had not provided the number of  
21 subscribers by zip code as required under subsection (c) of  
22 this Section. Any penalty imposed under this subsection (e) is  
23 in addition to the amount of the delinquency and is in addition  
24 to any other penalty imposed under this Section.

25 (f) If, before midnight on the last day of the third  
26 calendar month after the closing date of the remit period, a

1 wireless carrier does not provide the number of subscribers by  
2 zip code as required under subsection (c) of this Section, then  
3 the report is deemed delinquent and the Illinois Commerce  
4 Commission may impose a penalty against the carrier in an  
5 amount equal to the greater of:

6 (1) \$25 for each month or portion of a month that the  
7 report is delinquent; or

8 (2) an amount equal to the product of 1/2¢ and the  
9 number of subscribers served by the wireless carrier.

10 A penalty imposed in accordance with this subsection (f)  
11 for a portion of a month during which the carrier pays the  
12 delinquent amount in full shall be prorated for each day of  
13 that month that the delinquent amount was paid in full. Any  
14 penalty imposed under this subsection (f) is in addition to any  
15 other penalty imposed under this Section.

16 (g) The Illinois Commerce Commission may enforce the  
17 collection of any delinquent amount and any penalty due and  
18 unpaid under this Section by legal action or in any other  
19 manner by which the collection of debts due the State of  
20 Illinois may be enforced under the laws of this State. The  
21 Executive Director of the Illinois Commerce Commission, or his  
22 or her designee, may excuse the payment of any penalty imposed  
23 under this Section if the Executive Director, or his or her  
24 designee, determines that the enforcement of this penalty is  
25 unjust.

26 (h) ~~(d)~~ Notwithstanding any provision of law to the

1 contrary, nothing shall impair the right of wireless carriers  
2 to recover compliance costs for all emergency communications  
3 services that are not reimbursed out of the Wireless Carrier  
4 Reimbursement Fund directly from their customers via line-item  
5 charges on the customer's bill. Those compliance costs include  
6 all costs incurred by wireless carriers in complying with  
7 local, State, and federal regulatory or legislative mandates  
8 that require the transmission and receipt of emergency  
9 communications to and from the general public, including, but  
10 not limited to, E-911.

11 (i) ~~(e)~~ The Auditor General shall conduct, on an annual  
12 basis, an audit of the Wireless Service Emergency Fund and the  
13 Wireless Carrier Reimbursement Fund for compliance with the  
14 requirements of this Act. The audit shall include, but not be  
15 limited to, the following determinations:

16 (1) Whether the Commission is maintaining detailed  
17 records of all receipts and disbursements from the Wireless  
18 Carrier Emergency Fund and the Wireless Carrier  
19 Reimbursement Fund.

20 (2) Whether the Commission's administrative costs  
21 charged to the funds are adequately documented and are  
22 reasonable.

23 (3) Whether the Commission's procedures for making  
24 grants and providing reimbursements in accordance with the  
25 Act are adequate.

26 (4) The status of the implementation of wireless 9-1-1

1 and E9-1-1 services in Illinois.

2 The Commission, the Department of State Police, and any  
3 other entity or person that may have information relevant to  
4 the audit shall cooperate fully and promptly with the Office of  
5 the Auditor General in conducting the audit. The Auditor  
6 General shall commence the audit as soon as possible and  
7 distribute the report upon completion in accordance with  
8 Section 3-14 of the Illinois State Auditing Act.

9 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; revised  
10 11-8-07.)

11 (50 ILCS 751/35)

12 (Section scheduled to be repealed on April 1, 2013)

13 Sec. 35. Wireless Carrier Reimbursement Fund;  
14 reimbursement.

15 (a) To recover costs from the Wireless Carrier  
16 Reimbursement Fund, the wireless carrier shall submit sworn  
17 invoices to the Illinois Commerce Commission. In no event may  
18 any invoice for payment be approved for (i) costs that are not  
19 related to compliance with the requirements established by the  
20 wireless enhanced 9-1-1 mandates of the Federal Communications  
21 Commission, (ii) costs with respect to any wireless enhanced  
22 9-1-1 service that is not operable at the time the invoice is  
23 submitted, or (iii) costs in excess of the sum of (A) the  
24 carrier's balance, as determined under subsection (e) of this  
25 Section, plus (B) 100% of the surcharge remitted to the



1 Wireless Carrier Reimbursement Fund by the wireless carrier  
2 under Section 17(b) since the last annual review of the balance  
3 in the Wireless Carrier Reimbursement Fund under subsection (e)  
4 of this Section, less reimbursements paid to the carrier out of  
5 the Wireless Carrier Reimbursement Fund since the last annual  
6 review of the balance under subsection (e) of this Section,  
7 unless the wireless carrier received prior approval for the  
8 expenditures from the Illinois Commerce Commission.

9 (b) If in any month the total amount of invoices submitted  
10 to the Illinois Commerce Commission and approved for payment  
11 exceeds the amount available in the Wireless Carrier  
12 Reimbursement Fund, wireless carriers that have invoices  
13 approved for payment shall receive a pro-rata share of the  
14 amount available in the Wireless Carrier Reimbursement Fund  
15 based on the relative amount of their approved invoices  
16 available that month, and the balance of the payments shall be  
17 carried into the following months until all of the approved  
18 payments are made.

19 (c) A wireless carrier may not receive payment from the  
20 Wireless Carrier Reimbursement Fund for its costs of providing  
21 wireless enhanced 9-1-1 services in an area when a unit of  
22 local government or emergency telephone system board provides  
23 wireless 9-1-1 services in that area and was imposing and  
24 collecting a wireless carrier surcharge prior to July 1, 1998.

25 (d) The Illinois Commerce Commission shall maintain  
26 detailed records of all receipts and disbursements and shall

1 provide an annual accounting of all receipts and disbursements  
2 to the Auditor General.

3 (e) The Illinois Commerce Commission must annually review  
4 the balance in the Wireless Carrier Reimbursement Fund as of  
5 June 30 of each year and shall direct the Comptroller to  
6 transfer into the Wireless Services Emergency Fund for  
7 distribution in accordance with Section 25 of this Act any  
8 amount in excess of the amount of deposits into the Fund for  
9 the 24 months prior to June 30 less:

10 (1) the amount of paid and payables received by June 30  
11 for the 24 months prior to June 30 as determined eligible  
12 under subsection (a) of this Section;

13 (2) the administrative costs associated with the Fund  
14 for the 24 months prior to June 30; and

15 (3) the prorated portion of any other adjustments made  
16 to the Fund in the 24 months prior to June 30.

17 After making the calculation required under this  
18 subsection (e), each carrier's available balance for purposes  
19 of reimbursements must be adjusted using the same calculation.

20 (f) The Illinois Commerce Commission shall adopt rules to  
21 govern the reimbursement process.

22 (g) On January 1, 2008 (the effective date of Public Act  
23 95-698) Upon the effective date of this amendatory Act of the  
24 95th General Assembly, or as soon thereafter as practical, the  
25 State Comptroller shall order transferred and the State  
26 Treasurer shall transfer the sum of \$8,000,000 from the

1 Wireless Carrier Reimbursement Fund to the Wireless Service  
2 Emergency Fund. That amount shall be used by the Illinois  
3 Commerce Commission to make grants in the manner described in  
4 Section 25 of this Act.

5 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; revised  
6 11-8-07.)

7 Section 160. The Counties Code is amended by changing  
8 Sections 5-1069.3, 5-1095, and 5-1096.5 as follows:

9 (55 ILCS 5/5-1069.3)

10 Sec. 5-1069.3. Required health benefits. If a county,  
11 including a home rule county, is a self-insurer for purposes of  
12 providing health insurance coverage for its employees, the  
13 coverage shall include coverage for the post-mastectomy care  
14 benefits required to be covered by a policy of accident and  
15 health insurance under Section 356t and the coverage required  
16 under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and~~ 356z.9,  
17 and 356z.10 ~~356z.9~~ of the Illinois Insurance Code. The  
18 requirement that health benefits be covered as provided in this  
19 Section is an exclusive power and function of the State and is  
20 a denial and limitation under Article VII, Section 6,  
21 subsection (h) of the Illinois Constitution. A home rule county  
22 to which this Section applies must comply with every provision  
23 of this Section.

24 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;

1 95-520, eff. 8-28-07; revised 12-4-07.)

2 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

3 Sec. 5-1095. Community antenna television systems;  
4 satellite transmitted television programming.

5 (a) The County Board may license, tax or franchise the  
6 business of operating a community antenna television system or  
7 systems within the County and outside of a municipality, as  
8 defined in Section 1-1-2 of the Illinois Municipal Code.

9 When an area is annexed to a municipality, the annexing  
10 municipality shall thereby become the franchising authority  
11 with respect to that portion of any community antenna  
12 television system that, immediately before annexation, had  
13 provided cable television services within the annexed area  
14 under a franchise granted by the county, and the owner of that  
15 community antenna television system shall thereby be  
16 authorized to provide cable television services within the  
17 annexed area under the terms and provisions of the existing  
18 franchise. In that instance, the franchise shall remain in  
19 effect until, by its terms, it expires, except that any  
20 franchise fees payable under the franchise shall be payable  
21 only to the county for a period of 5 years or until, by its  
22 terms, the franchise expires, whichever occurs first. After the  
23 5 year period, any franchise fees payable under the franchise  
24 shall be paid to the annexing municipality. In any instance in  
25 which a duly franchised community antenna television system is

1 providing cable television services within the annexing  
2 municipality at the time of annexation, the annexing  
3 municipality may permit that franchisee to extend its community  
4 antenna television system to the annexed area under terms and  
5 conditions that are no more burdensome nor less favorable to  
6 that franchisee than those imposed under any community antenna  
7 television franchise applicable to the annexed area at the time  
8 of annexation. The authorization to extend cable television  
9 service to the annexed area and any community antenna  
10 television system authorized to provide cable television  
11 services within the annexed area at the time of annexation  
12 shall not be subject to the provisions of subsection (e) of  
13 this Section.

14 (b) "Community antenna television system" as used in this  
15 Section, means any facility which is constructed in whole or in  
16 part in, on, under or over any highway or other public place  
17 and which is operated to perform for hire the service of  
18 receiving and amplifying the signals broadcast by one or more  
19 television stations and redistributing such signals by wire,  
20 cable or other means to members of the public who subscribe to  
21 such service except that such term does not include (i) any  
22 system which serves fewer than 50 subscribers or (ii) any  
23 system which serves only the residents of one or more apartment  
24 dwellings under common ownership, control or management, and  
25 commercial establishments located on the premises of such  
26 dwellings.

1 (c) The authority hereby granted does not include the  
2 authority to license or franchise telephone companies subject  
3 to the jurisdiction of the Illinois Commerce Commission or the  
4 Federal Communications Commission in connection with  
5 furnishing circuits, wires, cables or other facilities to the  
6 operator of a community antenna television system.

7 (c-1) Each franchise entered into by a county and a  
8 community antenna television system shall include the customer  
9 service and privacy standards and protections contained in  
10 Article XXII of the Public Utilities Act ~~the Cable and Video~~  
11 ~~Customers Protection Law~~. A franchise may not contain different  
12 penalties ~~or,~~ consumer service and privacy standards and  
13 protections. Each franchise entered into by a county and a  
14 community antenna television system before June 30, 2007 (the  
15 effective date of Public Act 95-9) ~~this amendatory Act of the~~  
16 ~~95th General Assembly~~ shall be amended by this Section to  
17 incorporate the penalty provisions ~~and,~~ customer service and  
18 privacy standards and protections contained in Article XXII of  
19 the Public Utilities Act ~~the Cable and Video Customers~~  
20 ~~Protection Law~~.

21 The County Board may, in the course of franchising such  
22 community antenna television system, grant to such franchisee  
23 the authority and the right and permission to use all public  
24 streets, rights of way, alleys, ways for public service  
25 facilities, parks, playgrounds, school grounds, or other  
26 public grounds, in which such county may have an interest, for

1 the construction, installation, operation, maintenance,  
2 alteration, addition, extension or improvement of a community  
3 antenna television system.

4 Any charge imposed by a community antenna television system  
5 franchised pursuant to this Section for the raising or removal  
6 of cables or lines to permit passage on, to or from a street  
7 shall not exceed the reasonable costs of work reasonably  
8 necessary to safely permit such passage. Pursuant to  
9 subsections (h) and (i) of Section 6 of Article VII of the  
10 Constitution of the State of Illinois, the General Assembly  
11 declares the regulation of charges which may be imposed by  
12 community antenna television systems for the raising or removal  
13 of cables or lines to permit passage on, to or from streets is  
14 a power or function to be exercised exclusively by the State  
15 and not to be exercised or performed concurrently with the  
16 State by any unit of local government, including any home rule  
17 unit.

18 The County Board may, upon written request by the  
19 franchisee of a community antenna television system, exercise  
20 its right of eminent domain solely for the purpose of granting  
21 an easement right no greater than 8 feet in width, extending no  
22 greater than 8 feet from any lot line for the purpose of  
23 extending cable across any parcel of property in the manner  
24 provided for by the law of eminent domain, provided, however,  
25 such franchisee deposits with the county sufficient security to  
26 pay all costs incurred by the county in the exercise of its

1 right of eminent domain.

2 Except as specifically provided otherwise in this Section,  
3 this Section is not a limitation on any home rule county.

4 (d) The General Assembly finds and declares that  
5 satellite-transmitted television programming should be  
6 available to those who desire to subscribe to such programming  
7 and that decoding devices should be obtainable at reasonable  
8 prices by those who are unable to obtain satellite-transmitted  
9 television programming through duly franchised community  
10 antenna television systems.

11 In any instance in which a person is unable to obtain  
12 satellite-transmitted television programming through a duly  
13 franchised community antenna television system either because  
14 the municipality and county in which such person resides has  
15 not granted a franchise to operate and maintain a community  
16 antenna television system, or because the duly franchised  
17 community antenna television system operator does not make  
18 cable television services available to such person, any  
19 programming company that delivers satellite-transmitted  
20 television programming in scrambled or encrypted form shall  
21 ensure that devices for decryption of such programming are made  
22 available to such person, through the local community antenna  
23 television operator or directly, for purchase or lease at  
24 prices reasonably related to the cost of manufacture and  
25 distribution of such devices.

26 (e) The General Assembly finds and declares that, in order



1 to ensure that community antenna television services are  
2 provided in an orderly, competitive and economically sound  
3 manner, the best interests of the public will be served by the  
4 establishment of certain minimum standards and procedures for  
5 the granting of additional cable television franchises.

6 Subject to the provisions of this subsection, the authority  
7 granted under subsection (a) hereof shall include the authority  
8 to license, franchise and tax more than one cable operator to  
9 provide community antenna television services within the  
10 territorial limits of a single franchising authority. For  
11 purposes of this subsection (e), the term:

12 (i) "Existing cable television franchise" means a  
13 community antenna television franchise granted by a county  
14 which is in use at the time such county receives an  
15 application or request by another cable operator for a  
16 franchise to provide cable antenna television services  
17 within all or any portion of the territorial area which is  
18 or may be served under the existing cable television  
19 franchise.

20 (ii) "Additional cable television franchise" means a  
21 franchise pursuant to which community antenna television  
22 services may be provided within the territorial areas, or  
23 any portion thereof, which may be served under an existing  
24 cable television franchise.

25 (iii) "Franchising Authority" is defined as that term  
26 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549.

2 (iv) "Cable operator" is defined as that term is  
3 defined under Section 602(4) of the Cable Communications  
4 Policy Act of 1984, Public Law 98-549.

5 Before granting an additional cable television franchise,  
6 the franchising authority shall:

7 (1) Give written notice to the owner or operator of any  
8 other community antenna television system franchised to  
9 serve all or any portion of the territorial area to be  
10 served by such additional cable television franchise,  
11 identifying the applicant for such additional franchise  
12 and specifying the date, time and place at which the  
13 franchising authority shall conduct public hearings to  
14 consider and determine whether such additional cable  
15 television franchise should be granted.

16 (2) Conduct a public hearing to determine the public  
17 need for such additional cable television franchise, the  
18 capacity of public rights-of-way to accommodate such  
19 additional community antenna television services, the  
20 potential disruption to existing users of public  
21 rights-of-way to be used by such additional franchise  
22 applicant to complete construction and to provide cable  
23 television services within the proposed franchise area,  
24 the long term economic impact of such additional cable  
25 television system within the community, and such other  
26 factors as the franchising authority shall deem

1 appropriate.

2 (3) Determine, based upon the foregoing factors,  
3 whether it is in the best interest of the county to grant  
4 such additional cable television franchise.

5 (4) If the franchising authority shall determine that  
6 it is in the best interest of the county to do so, it may  
7 grant the additional cable television franchise. Except as  
8 provided in paragraph (5) of this subsection (e), no such  
9 additional cable television franchise shall be granted  
10 under terms or conditions more favorable or less burdensome  
11 to the applicant than those required under the existing  
12 cable television franchise, including but not limited to  
13 terms and conditions pertaining to the territorial extent  
14 of the franchise, system design, technical performance  
15 standards, construction schedules, performance bonds,  
16 standards for construction and installation of cable  
17 television facilities, service to subscribers, public  
18 educational and governmental access channels and  
19 programming, production assistance, liability and  
20 indemnification, and franchise fees.

21 (5) Unless the existing cable television franchise  
22 provides that any additional cable television franchise  
23 shall be subject to the same terms or substantially  
24 equivalent terms and conditions as those of the existing  
25 cable television franchise, the franchising authority may  
26 grant an additional cable television franchise under

1 different terms and conditions than those of the existing  
2 franchise, in which event the franchising authority shall  
3 enter into good faith negotiations with the existing  
4 franchisee and shall, within 120 days after the effective  
5 date of the additional cable television franchise, modify  
6 the existing cable television franchise in a manner and to  
7 the extent necessary to ensure that neither the existing  
8 cable television franchise nor the additional cable  
9 television franchise, each considered in its entirety,  
10 provides a competitive advantage over the other, provided  
11 that prior to modifying the existing cable television  
12 franchise, the franchising authority shall have conducted  
13 a public hearing to consider the proposed modification. No  
14 modification in the terms and conditions of the existing  
15 cable television franchise shall oblige the existing cable  
16 television franchisee (1) to make any additional payment to  
17 the franchising authority, including the payment of any  
18 additional franchise fee, (2) to engage in any additional  
19 construction of the existing cable television system or,  
20 (3) to modify the specifications or design of the existing  
21 cable television system; and the inclusion of the factors  
22 identified in items (2) and (3) shall not be considered in  
23 determining whether either franchise considered in its  
24 entirety, has a competitive advantage over the other except  
25 to the extent that the additional franchisee provides  
26 additional video or data services or the equipment or

1 facilities necessary to generate and or carry such service.  
2 No modification in the terms and conditions of the existing  
3 cable television franchise shall be made if the existing  
4 cable television franchisee elects to continue to operate  
5 under all terms and conditions of the existing franchise.

6 If within the 120 day period the franchising authority  
7 and the existing cable television franchisee are unable to  
8 reach agreement on modifications to the existing cable  
9 television franchise, then the franchising authority shall  
10 modify the existing cable television franchise, effective  
11 45 days thereafter, in a manner, and only to the extent,  
12 that the terms and conditions of the existing cable  
13 television franchise shall no longer impose any duty or  
14 obligation on the existing franchisee which is not also  
15 imposed under the additional cable television franchise;  
16 however, if by the modification the existing cable  
17 television franchisee is relieved of duties or obligations  
18 not imposed under the additional cable television  
19 franchise, then within the same 45 days and following a  
20 public hearing concerning modification of the additional  
21 cable television franchise within that 45 day period, the  
22 franchising authority shall modify the additional cable  
23 television franchise to the extent necessary to insure that  
24 neither the existing cable television franchise nor the  
25 additional cable television franchise, each considered in  
26 its entirety, shall have a competitive advantage over the

1 other.

2 No county shall be subject to suit for damages based upon  
3 the county's determination to grant or its refusal to grant an  
4 additional cable television franchise, provided that a public  
5 hearing as herein provided has been held and the franchising  
6 authority has determined that it is in the best interest of the  
7 county to grant or refuse to grant such additional franchise,  
8 as the case may be.

9 It is declared to be the law of this State, pursuant to  
10 paragraphs (h) and (i) of Section 6 of Article VII of the  
11 Illinois Constitution, that the establishment of minimum  
12 standards and procedures for the granting of additional cable  
13 television franchises as provided in this subsection (e) is an  
14 exclusive State power and function that may not be exercised  
15 concurrently by a home rule unit.

16 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

17 (55 ILCS 5/5-1096.5)

18 Sec. 5-1096.5. Cable and video competition.

19 (a) A person or entity seeking to provide cable service or  
20 video service in this State after June 30, 2007 (the effective  
21 date of Public Act 95-9) ~~this amendatory Act of the 95th~~  
22 ~~General Assembly~~ shall either (1) obtain a State-issued  
23 authorization pursuant to Section 21-401 of the Public  
24 Utilities Act 401 of the Cable and Video Competition Law of  
25 ~~2007~~ (220 ILCS 5/21-401); (2) obtain authorization pursuant to

1 Section 11-42-11 of the Illinois Municipal Code (65 ILCS  
2 5/11-42-11); or (3) obtain authorization pursuant to Section  
3 5-1095 of the Counties Code (55 ILCS 5/5-1095).

4 (b) A person or entity seeking to provide cable service or  
5 video service in this State after June 30, 2007 ~~the effective~~  
6 ~~date of this amendatory Act of the 95th General Assembly~~ shall  
7 not use the public rights-of-way for the installation or  
8 construction of facilities for the provision of cable service  
9 or video service or offer cable service or video service until  
10 it has (i) obtained a State-issued authorization to offer or  
11 provide cable or video service under Section 21-401 of the  
12 Public Utilities Act ~~401 of the Cable and Video Competition Law~~  
13 ~~of 2007~~; (ii) obtained authorization under Section 11-42-11 of  
14 the Illinois Municipal Code; or (iii) ~~or~~ obtained authorization  
15 under Section 5-1095 of the Counties Code. Nothing in this  
16 Section shall prohibit a local unit of government from granting  
17 a permit to a person or entity for the use of the public  
18 rights-of-way to install or construct facilities to provide  
19 cable service or video service, at its sole discretion. No unit  
20 of local government shall be liable for denial or delay of a  
21 permit prior to the issuance of a State-issued authorization.

22 (c) For the purposes of subsection (e) of Section 5-1095 of  
23 this Code ~~Section 5-1095(e)~~, a State-issued authorization  
24 under Article XXI of the Public Utilities Act shall be  
25 considered substantially equivalent in terms and conditions as  
26 an existing cable provider.

1 (d) Nothing in Article XXI of the Public Utilities Act  
2 shall constitute a basis for modification of an existing cable  
3 franchise or an injunction against or for the recovery of  
4 damages from a municipality pursuant to subsection (e) of  
5 Section 5-1095 of this Code ~~Section 5-1095(e)~~ because of an  
6 application for or the issuance of a State-issued authorization  
7 under that Article XXI.

8 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

9 Section 165. The Township Code is amended by renumbering  
10 Section 14a as follows:

11 (60 ILCS 1/200-14a)

12 Sec. 200-14a ~~14a~~. Reimbursement for specialized rescue  
13 services. A township that provides fire protection services may  
14 fix, charge, and collect reasonable fees for specialized rescue  
15 services provided by the township. The total amount collected  
16 may not exceed the reasonable cost of providing those  
17 specialized rescue services and may not, in any event, exceed  
18 \$125 per hour per vehicle and \$35 per hour per firefighter. The  
19 fee may be charged to any of the following parties, but only  
20 after there has been a finding of fault against that party by  
21 the Occupational Safety and Health Administration or the  
22 Illinois Department of Labor:

23 (a) the owner of the property on which the specialized  
24 rescue services occurred;



1 (b) any person involved in an activity that caused or  
2 contributed to the emergency;

3 (c) an individual who is rescued during the emergency  
4 and his or her employer if the person was acting in  
5 furtherance of the employer's interests;

6 (d) in cases involving the recovery of property, any  
7 person having control or custody of the property at the  
8 time of the emergency.

9 For the purposes of this Section, the term "specialized  
10 rescue services" includes, but is not limited to, structural  
11 collapse, tactical rescue, high angle rescue, underwater  
12 rescue and recovery, confined space rescue, below grade rescue,  
13 and trench rescue.

14 (Source: P.A. 95-497, eff. 1-1-08; revised 12-6-07.)

15 Section 170. The Illinois Municipal Code is amended by  
16 changing Sections 3.1-10-5, 10-4-2.3, 11-5-1.5, 11-42-11,  
17 11-42-11.2, 11-74.4-3, and 11-74.4-7 as follows:

18 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

19 Sec. 3.1-10-5. Qualifications; elective office.

20 (a) A person is not eligible for an elective municipal  
21 office unless that person is a qualified elector of the  
22 municipality and has resided in the municipality at least one  
23 year next preceding the election or appointment, except as  
24 provided in subsection (c) of Section 3.1-20-25, subsection (b)

1 of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

2 (b) A person is not eligible for an elective municipal  
3 office if that person is in arrears in the payment of a tax or  
4 other indebtedness due to the municipality or has been  
5 convicted in any court located in the United States of any  
6 infamous crime, bribery, perjury, or other felony.

7 (c) A person is not eligible for the office of alderman of  
8 a ward unless that person has resided in the ward that the  
9 person seeks to represent, and a person is not eligible for the  
10 office of trustee of a district unless that person has resided  
11 in the municipality, at least one year next preceding the  
12 election or appointment, except as provided in subsection (c)  
13 of Section 3.1-20-25, subsection (b) of Section 3.1-25-75,  
14 Section 5-2-2, or Section 5-2-11.

15 (d) If a person (i) is a resident of a municipality  
16 immediately prior to the active duty military service of that  
17 person or that person's spouse, (ii) resides anywhere outside  
18 of the municipality during that active duty military service,  
19 and (iii) immediately upon completion of that active duty  
20 military service is again a resident of the municipality, then  
21 the time during which the person resides outside the  
22 municipality during the active duty military service is deemed  
23 to be time during which the person is a resident of the  
24 municipality for purposes of determining the residency  
25 requirement under subsection (a).

26 (Source: P.A. 95-61, eff. 8-13-07; 95-646, eff. 1-1-08; revised

1 11-8-07.)

2 (65 ILCS 5/10-4-2.3)

3 Sec. 10-4-2.3. Required health benefits. If a  
4 municipality, including a home rule municipality, is a  
5 self-insurer for purposes of providing health insurance  
6 coverage for its employees, the coverage shall include coverage  
7 for the post-mastectomy care benefits required to be covered by  
8 a policy of accident and health insurance under Section 356t  
9 and the coverage required under Sections 356g.5, 356u, 356w,  
10 356x, 356z.6, ~~and 356z.9~~, and 356z.10 ~~356z.9~~ of the Illinois  
11 Insurance Code. The requirement that health benefits be covered  
12 as provided in this is an exclusive power and function of the  
13 State and is a denial and limitation under Article VII, Section  
14 6, subsection (h) of the Illinois Constitution. A home rule  
15 municipality to which this Section applies must comply with  
16 every provision of this Section.

17 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
18 95-520, eff. 8-28-07; revised 12-4-07.)

19 (65 ILCS 5/11-5-1.5)

20 Sec. 11-5-1.5. Adult entertainment facility. It is  
21 prohibited within a municipality to locate an adult  
22 entertainment facility within 1,000 feet of the property  
23 boundaries of any school, day care center, cemetery, public  
24 park, forest preserve, public housing, and place of religious

1 worship, except that in a county with a population of more than  
2 800,000 and less than 2,000,000 inhabitants, it is prohibited  
3 to locate, construct, or operate a new adult entertainment  
4 facility within one mile of the property boundaries of any  
5 school, day care center, cemetery, public park, forest  
6 preserve, public housing, or place of religious worship located  
7 anywhere within that county. Notwithstanding any other  
8 requirements of this Section, it is also prohibited to locate,  
9 construct, or operate a new adult entertainment facility within  
10 one mile of the property boundaries of any school, day care  
11 center, cemetery, public park, forest preserve, public  
12 housing, or place of religious worship located in that area of  
13 Cook County outside of the City of Chicago.

14 For the purposes of this Section, "adult entertainment  
15 facility" means (i) a striptease club or pornographic movie  
16 theatre whose business is the commercial sale, dissemination,  
17 or distribution of sexually explicit material, shows, or other  
18 exhibitions or (ii) an adult bookstore or adult video store in  
19 which 25% or more of its stock-in-trade, books, magazines, and  
20 films for sale, exhibition, or viewing on-premises are sexually  
21 explicit material.

22 (Source: P.A. 95-47, eff. 1-1-08; 95-214, eff. 8-16-07; revised  
23 11-8-07.)

24 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

25 Sec. 11-42-11. Community antenna television systems;

1 satellite transmitted television programming.

2 (a) The corporate authorities of each municipality may  
3 license, franchise and tax the business of operating a  
4 community antenna television system as hereinafter defined. In  
5 municipalities with less than 2,000,000 inhabitants, the  
6 corporate authorities may, under the limited circumstances set  
7 forth in this Section, own (or lease as lessee) and operate a  
8 community antenna television system; provided that a  
9 municipality may not acquire, construct, own, or operate a  
10 community antenna television system for the use or benefit of  
11 private consumers or users, and may not charge a fee for that  
12 consumption or use, unless the proposition to acquire,  
13 construct, own, or operate a cable antenna television system  
14 has been submitted to and approved by the electors of the  
15 municipality in accordance with subsection (f). Before  
16 acquiring, constructing, or commencing operation of a  
17 community antenna television system, the municipality shall  
18 comply with the following:

19 (1) Give written notice to the owner or operator of any  
20 other community antenna television system franchised to  
21 serve all or any portion of the territorial area to be  
22 served by the municipality's community antenna television  
23 system, specifying the date, time, and place at which the  
24 municipality shall conduct public hearings to consider and  
25 determine whether the municipality should acquire,  
26 construct, or commence operation of a community antenna

1 television system. The public hearings shall be conducted  
2 at least 14 days after this notice is given.

3 (2) Publish a notice of the hearing in 2 or more  
4 newspapers published in the county, city, village,  
5 incorporated town, or town, as the case may be. If there is  
6 no such newspaper, then notice shall be published in any 2  
7 or more newspapers published in the county and having a  
8 general circulation throughout the community. The public  
9 hearings shall be conducted at least 14 days after this  
10 notice is given.

11 (3) Conduct a public hearing to determine the means by  
12 which construction, maintenance, and operation of the  
13 system will be financed, including whether the use of tax  
14 revenues or other fees will be required.

15 (b) The words "community antenna television system" shall  
16 mean any facility which is constructed in whole or in part in,  
17 on, under or over any highway or other public place and which  
18 is operated to perform for hire the service of receiving and  
19 amplifying the signals broadcast by one or more television  
20 stations and redistributing such signals by wire, cable or  
21 other means to members of the public who subscribe to such  
22 service; except that such definition shall not include (i) any  
23 system which serves fewer than fifty subscribers, or (ii) any  
24 system which serves only the residents of one or more apartment  
25 dwellings under common ownership, control or management, and  
26 commercial establishments located on the premises of such

1 dwellings.

2 (c) The authority hereby granted does not include authority  
3 to license, franchise or tax telephone companies subject to  
4 jurisdiction of the Illinois Commerce Commission or the Federal  
5 Communications Commission in connection with the furnishing of  
6 circuits, wires, cables, and other facilities to the operator  
7 of a community antenna television system.

8 (c-1) Each franchise entered into by a municipality and a  
9 community antenna television system shall include the customer  
10 service and privacy standards and protections contained in  
11 Article XXII of the Public Utilities Act ~~the Cable and Video~~  
12 ~~Customers Protection Law~~. A franchise may not contain different  
13 penalties or consumer service and privacy standards and  
14 protections. Each franchise entered into by a municipality and  
15 a community antenna television system before June 30, 2007 (the  
16 effective date of Public Act 95-9) ~~this amendatory Act of the~~  
17 ~~95th General Assembly~~ shall be amended by this Section to  
18 incorporate the penalty provisions and customer service and  
19 privacy standards and protections contained in Article XXII of  
20 the Public Utilities Act ~~the Cable and Video Customers~~  
21 ~~Protection Law~~.

22 The corporate authorities of each municipality may, in the  
23 course of franchising such community antenna television  
24 system, grant to such franchisee the authority and the right  
25 and permission to use all public streets, rights of way,  
26 alleys, ways for public service facilities, parks,

1 playgrounds, school grounds, or other public grounds, in which  
2 such municipality may have an interest, for the construction,  
3 installation, operation, maintenance, alteration, addition,  
4 extension or improvement of a community antenna television  
5 system.

6 Any charge imposed by a community antenna television system  
7 franchised pursuant to this Section for the raising or removal  
8 of cables or lines to permit passage on, to or from a street  
9 shall not exceed the reasonable costs of work reasonably  
10 necessary to safely permit such passage. Pursuant to  
11 subsections (h) and (i) of Section 6 of Article VII of the  
12 Constitution of the State of Illinois, the General Assembly  
13 declares the regulation of charges which may be imposed by  
14 community antenna television systems for the raising or removal  
15 of cables or lines to permit passage on, to or from streets is  
16 a power or function to be exercised exclusively by the State  
17 and not to be exercised or performed concurrently with the  
18 State by any unit of local government, including any home rule  
19 unit.

20 The municipality may, upon written request by the  
21 franchisee of a community antenna television system, exercise  
22 its right of eminent domain solely for the purpose of granting  
23 an easement right no greater than 8 feet in width, extending no  
24 greater than 8 feet from any lot line for the purpose of  
25 extending cable across any parcel of property in the manner  
26 provided by the law of eminent domain, provided, however, such



1 franchisee deposits with the municipality sufficient security  
2 to pay all costs incurred by the municipality in the exercise  
3 of its right of eminent domain.

4 (d) The General Assembly finds and declares that  
5 satellite-transmitted television programming should be  
6 available to those who desire to subscribe to such programming  
7 and that decoding devices should be obtainable at reasonable  
8 prices by those who are unable to obtain satellite-transmitted  
9 television programming through duly franchised community  
10 antenna television systems.

11 In any instance in which a person is unable to obtain  
12 satellite-transmitted television programming through a duly  
13 franchised community antenna television system either because  
14 the municipality and county in which such person resides has  
15 not granted a franchise to operate and maintain a community  
16 antenna television system, or because the duly franchised  
17 community antenna television system operator does not make  
18 cable television services available to such person, any  
19 programming company that delivers satellite-transmitted  
20 television programming in scrambled or encrypted form shall  
21 ensure that devices for description of such programming are  
22 made available to such person, through the local community  
23 antenna television operator or directly, for purchase or lease  
24 at prices reasonably related to the cost of manufacture and  
25 distribution of such devices.

26 (e) The General Assembly finds and declares that, in order

1 to ensure that community antenna television services are  
2 provided in an orderly, competitive and economically sound  
3 manner, the best interests of the public will be served by the  
4 establishment of certain minimum standards and procedures for  
5 the granting of additional cable television franchises.

6 Subject to the provisions of this subsection, the authority  
7 granted under subsection (a) hereof shall include the authority  
8 to license, franchise and tax more than one cable operator to  
9 provide community antenna television services within the  
10 corporate limits of a single franchising authority. For  
11 purposes of this subsection (e), the term:

12 (i) "Existing cable television franchise" means a  
13 community antenna television franchise granted by a  
14 municipality which is in use at the time such municipality  
15 receives an application or request by another cable  
16 operator for a franchise to provide cable antenna  
17 television services within all or any portion of the  
18 territorial area which is or may be served under the  
19 existing cable television franchise.

20 (ii) "Additional cable television franchise" means a  
21 franchise pursuant to which community antenna television  
22 services may be provided within the territorial areas, or  
23 any portion thereof, which may be served under an existing  
24 cable television franchise.

25 (iii) "Franchising Authority" is defined as that term  
26 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549, but does not include  
2 any municipality with a population of 1,000,000 or more.

3 (iv) "Cable operator" is defined as that term is  
4 defined under Section 602(4) of the Cable Communications  
5 Policy Act of 1984, Public Law 98-549.

6 Before granting an additional cable television franchise,  
7 the franchising authority shall:

8 (1) Give written notice to the owner or operator of any  
9 other community antenna television system franchised to  
10 serve all or any portion of the territorial area to be  
11 served by such additional cable television franchise,  
12 identifying the applicant for such additional franchise  
13 and specifying the date, time and place at which the  
14 franchising authority shall conduct public hearings to  
15 consider and determine whether such additional cable  
16 television franchise should be granted.

17 (2) Conduct a public hearing to determine the public  
18 need for such additional cable television franchise, the  
19 capacity of public rights-of-way to accommodate such  
20 additional community antenna television services, the  
21 potential disruption to existing users of public  
22 rights-of-way to be used by such additional franchise  
23 applicant to complete construction and to provide cable  
24 television services within the proposed franchise area,  
25 the long term economic impact of such additional cable  
26 television system within the community, and such other

1 factors as the franchising authority shall deem  
2 appropriate.

3 (3) Determine, based upon the foregoing factors,  
4 whether it is in the best interest of the municipality to  
5 grant such additional cable television franchise.

6 (4) If the franchising authority shall determine that  
7 it is in the best interest of the municipality to do so, it  
8 may grant the additional cable television franchise.  
9 Except as provided in paragraph (5) of this subsection (e),  
10 no such additional cable television franchise shall be  
11 granted under terms or conditions more favorable or less  
12 burdensome to the applicant than those required under the  
13 existing cable television franchise, including but not  
14 limited to terms and conditions pertaining to the  
15 territorial extent of the franchise, system design,  
16 technical performance standards, construction schedules,  
17 performance bonds, standards for construction and  
18 installation of cable television facilities, service to  
19 subscribers, public educational and governmental access  
20 channels and programming, production assistance, liability  
21 and indemnification, and franchise fees.

22 (5) Unless the existing cable television franchise  
23 provides that any additional cable television franchise  
24 shall be subject to the same terms or substantially  
25 equivalent terms and conditions as those of the existing  
26 cable television franchise, the franchising authority may

1 grant an additional cable television franchise under  
2 different terms and conditions than those of the existing  
3 franchise, in which event the franchising authority shall  
4 enter into good faith negotiations with the existing  
5 franchisee and shall, within 120 days after the effective  
6 date of the additional cable television franchise, modify  
7 the existing cable television franchise in a manner and to  
8 the extent necessary to ensure that neither the existing  
9 cable television franchise nor the additional cable  
10 television franchise, each considered in its entirety,  
11 provides a competitive advantage over the other, provided  
12 that prior to modifying the existing cable television  
13 franchise, the franchising authority shall have conducted  
14 a public hearing to consider the proposed modification. No  
15 modification in the terms and conditions of the existing  
16 cable television franchise shall oblige the existing cable  
17 television franchisee (1) to make any additional payment to  
18 the franchising authority, including the payment of any  
19 additional franchise fee, (2) to engage in any additional  
20 construction of the existing cable television system or,  
21 (3) to modify the specifications or design of the existing  
22 cable television system; and the inclusion of the factors  
23 identified in items (2) and (3) shall not be considered in  
24 determining whether either franchise considered in its  
25 entirety, has a competitive advantage over the other except  
26 to the extent that the additional franchisee provides

1 additional video or data services or the equipment or  
2 facilities necessary to generate and or carry such service.  
3 No modification in the terms and conditions of the existing  
4 cable television franchise shall be made if the existing  
5 cable television franchisee elects to continue to operate  
6 under all terms and conditions of the existing franchise.

7 If within the 120 day period the franchising authority  
8 and the existing cable television franchisee are unable to  
9 reach agreement on modifications to the existing cable  
10 television franchise, then the franchising authority shall  
11 modify the existing cable television franchise, effective  
12 45 days thereafter, in a manner, and only to the extent,  
13 that the terms and conditions of the existing cable  
14 television franchise shall no longer impose any duty or  
15 obligation on the existing franchisee which is not also  
16 imposed under the additional cable television franchise;  
17 however, if by the modification the existing cable  
18 television franchisee is relieved of duties or obligations  
19 not imposed under the additional cable television  
20 franchise, then within the same 45 days and following a  
21 public hearing concerning modification of the additional  
22 cable television franchise within that 45 day period, the  
23 franchising authority shall modify the additional cable  
24 television franchise to the extent necessary to insure that  
25 neither the existing cable television franchise nor the  
26 additional cable television franchise, each considered in

1           its entirety, shall have a competitive advantage over the  
2           other.

3           No municipality shall be subject to suit for damages based  
4           upon the municipality's determination to grant or its refusal  
5           to grant an additional cable television franchise, provided  
6           that a public hearing as herein provided has been held and the  
7           franchising authority has determined that it is in the best  
8           interest of the municipality to grant or refuse to grant such  
9           additional franchise, as the case may be.

10          It is declared to be the law of this State, pursuant to  
11          paragraphs (h) and (i) of Section 6 of Article VII of the  
12          Illinois Constitution, that the establishment of minimum  
13          standards and procedures for the granting of additional cable  
14          television franchises by municipalities with a population less  
15          than 1,000,000 as provided in this subsection (e) is an  
16          exclusive State power and function that may not be exercised  
17          concurrently by a home rule unit.

18          (f) No municipality may acquire, construct, own, or operate  
19          a community antenna television system unless the corporate  
20          authorities adopt an ordinance. The ordinance must set forth  
21          the action proposed; describe the plant, equipment, and  
22          property to be acquired or constructed; and specifically  
23          describe the manner in which the construction, acquisition, and  
24          operation of the system will be financed.

25          The ordinance may not take effect until the question of  
26          acquiring, construction, owning, or operating a community

1 antenna television system has been submitted to the electors of  
2 the municipality at a regular election and approved by a  
3 majority of the electors voting on the question. The corporate  
4 authorities must certify the question to the proper election  
5 authority, which must submit the question at an election in  
6 accordance with the Election Code.

7 The question must be submitted in substantially the  
8 following form:

9 Shall the ordinance authorizing the municipality to  
10 (insert action authorized by ordinance) take effect?

11 The votes must be recorded as "Yes" or "No".

12 If a majority of electors voting on the question vote in  
13 the affirmative, the ordinance shall take effect.

14 Not more than 30 or less than 15 days before the date of  
15 the referendum, the municipal clerk must publish the ordinance  
16 at least once in one or more newspapers published in the  
17 municipality or, if no newspaper is published in the  
18 municipality, in one or more newspapers of general circulation  
19 within the municipality.

20 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

21 (65 ILCS 5/11-42-11.2)

22 Sec. 11-42-11.2. Cable and video competition.

23 (a) A person or entity seeking to provide cable service or  
24 video service in this State after June 30, 2007 (the effective  
25 date of Public Act 95-9) ~~this amendatory Act of the 95th~~



1 ~~General Assembly~~ shall either (1) obtain a State-issued  
2 authorization pursuant to Section 21-401 ~~Section 401~~ of the  
3 Public Utilities Act ~~Cable and Video Competition Law of 2007;~~  
4 (2) obtain authorization pursuant to Section 11-42-11 of the  
5 Illinois Municipal Code; or (3) obtain authorization pursuant  
6 to Section 5-1095 of the Counties Code. All providers offering  
7 or providing cable or video service in this State shall have  
8 authorization pursuant to either (i) the Cable and Video  
9 Competition Law of 2007; (ii) Section 11-42-11 of the Illinois  
10 Municipal Code; or (iii) Section 5-1095 of the Counties Code.

11 (b) A person or entity seeking to provide cable service or  
12 video service in this State after June 30, 2007 (the effective  
13 date of Public Act 95-9) ~~this amendatory Act of the 95th~~  
14 ~~General Assembly~~ shall not use the public rights-of-way for the  
15 installation or construction of facilities for the provision of  
16 cable service or video service or offer cable service or video  
17 service until it has (i) obtained a State-issued authorization  
18 to offer or provide cable or video service under Section 21-401  
19 ~~Section 401~~ of the Public Utilities Act ~~Cable and Video~~  
20 ~~Competition Law of 2007;~~ (ii) obtained authorization under  
21 Section 11-42-11 of the Illinois Municipal Code; or (iii) ~~or~~  
22 obtained authorization under Section 5-1095 of the Counties  
23 Code. Nothing in this Section shall prohibit a local unit of  
24 government from granting a permit to a person or entity for the  
25 use of the public rights-of-way to install or construct  
26 facilities to provide cable service or video service, at its

1 sole discretion. No unit of local government shall be liable  
2 for denial or delay of a permit prior to the issuance of a  
3 State-issued authorization.

4 (c) For the purposes of subsection (e) of Section 11-42-11  
5 of this Code ~~Section 11-42-11(e)~~, a State-issued authorization  
6 under Article XXI of the Public Utilities Act shall be  
7 considered substantially equivalent in terms and conditions as  
8 an existing cable provider.

9 (d) Nothing in Article XXI of the Public Utilities Act  
10 shall constitute a basis for modification of an existing cable  
11 franchise or an injunction against or for the recovery of  
12 damages from a municipality pursuant to Section 11-42-11  
13 because of an application for or the issuance of a State-issued  
14 authorization under that Article XXI.

15 (Source: P.A. 95-9, eff. 6-30-07; revised 11-20-07.)

16 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

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

21 (a) For any redevelopment project area that has been  
22 designated pursuant to this Section by an ordinance adopted  
23 prior to November 1, 1999 (the effective date of Public Act  
24 91-478), "blighted area" shall have the meaning set forth in  
25 this Section prior to that date.

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

5           (1) If improved, industrial, commercial, and  
6 residential buildings or improvements are detrimental to  
7 the public safety, health, or welfare because of a  
8 combination of 5 or more of the following factors, each of  
9 which is (i) present, with that presence documented, to a  
10 meaningful extent so that a municipality may reasonably  
11 find that the factor is clearly present within the intent  
12 of the Act and (ii) reasonably distributed throughout the  
13 improved part of the redevelopment project area:

14           (A) Dilapidation. An advanced state of disrepair  
15 or neglect of necessary repairs to the primary  
16 structural components of buildings or improvements in  
17 such a combination that a documented building  
18 condition analysis determines that major repair is  
19 required or the defects are so serious and so extensive  
20 that the buildings must be removed.

21           (B) Obsolescence. The condition or process of  
22 falling into disuse. Structures have become ill-suited  
23 for the original use.

24           (C) Deterioration. With respect to buildings,  
25 defects including, but not limited to, major defects in  
26 the secondary building components such as doors,

1 windows, porches, gutters and downspouts, and fascia.  
2 With respect to surface improvements, that the  
3 condition of roadways, alleys, curbs, gutters,  
4 sidewalks, off-street parking, and surface storage  
5 areas evidence deterioration, including, but not  
6 limited to, surface cracking, crumbling, potholes,  
7 depressions, loose paving material, and weeds  
8 protruding through paved surfaces.

9 (D) Presence of structures below minimum code  
10 standards. All structures that do not meet the  
11 standards of zoning, subdivision, building, fire, and  
12 other governmental codes applicable to property, but  
13 not including housing and property maintenance codes.

14 (E) Illegal use of individual structures. The use  
15 of structures in violation of applicable federal,  
16 State, or local laws, exclusive of those applicable to  
17 the presence of structures below minimum code  
18 standards.

19 (F) Excessive vacancies. The presence of buildings  
20 that are unoccupied or under-utilized and that  
21 represent an adverse influence on the area because of  
22 the frequency, extent, or duration of the vacancies.

23 (G) Lack of ventilation, light, or sanitary  
24 facilities. The absence of adequate ventilation for  
25 light or air circulation in spaces or rooms without  
26 windows, or that require the removal of dust, odor,

1 gas, smoke, or other noxious airborne materials.  
2 Inadequate natural light and ventilation means the  
3 absence of skylights or windows for interior spaces or  
4 rooms and improper window sizes and amounts by room  
5 area to window area ratios. Inadequate sanitary  
6 facilities refers to the absence or inadequacy of  
7 garbage storage and enclosure, bathroom facilities,  
8 hot water and kitchens, and structural inadequacies  
9 preventing ingress and egress to and from all rooms and  
10 units within a building.

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

20 (I) Excessive land coverage and overcrowding of  
21 structures and community facilities. The  
22 over-intensive use of property and the crowding of  
23 buildings and accessory facilities onto a site.  
24 Examples of problem conditions warranting the  
25 designation of an area as one exhibiting excessive land  
26 coverage are: (i) the presence of buildings either

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

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

18           (K) Environmental clean-up. The proposed  
19          redevelopment project area has incurred Illinois  
20          Environmental Protection Agency or United States  
21          Environmental Protection Agency remediation costs for,  
22          or a study conducted by an independent consultant  
23          recognized as having expertise in environmental  
24          remediation has determined a need for, the clean-up of  
25          hazardous waste, hazardous substances, or underground  
26          storage tanks required by State or federal law,

1 provided that the remediation costs constitute a  
2 material impediment to the development or  
3 redevelopment of the redevelopment project area.

4 (L) Lack of community planning. The proposed  
5 redevelopment project area was developed prior to or  
6 without the benefit or guidance of a community plan.  
7 This means that the development occurred prior to the  
8 adoption by the municipality of a comprehensive or  
9 other community plan or that the plan was not followed  
10 at the time of the area's development. This factor must  
11 be documented by evidence of adverse or incompatible  
12 land-use relationships, inadequate street layout,  
13 improper subdivision, parcels of inadequate shape and  
14 size to meet contemporary development standards, or  
15 other evidence demonstrating an absence of effective  
16 community planning.

17 (M) The total equalized assessed value of the  
18 proposed redevelopment project area has declined for 3  
19 of the last 5 calendar years prior to the year in which  
20 the redevelopment project area is designated or is  
21 increasing at an annual rate that is less than the  
22 balance of the municipality for 3 of the last 5  
23 calendar years for which information is available or is  
24 increasing at an annual rate that is less than the  
25 Consumer Price Index for All Urban Consumers published  
26 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



1 the Property Tax Code within the last 5 years.

2 (D) Deterioration of structures or site  
3 improvements in neighboring areas adjacent to the  
4 vacant land.

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

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

1 year in which the redevelopment project area is  
2 designated.

3 (3) If vacant, the sound growth of the redevelopment  
4 project area is impaired by one of the following factors  
5 that (i) is present, with that presence documented, to a  
6 meaningful extent so that a municipality may reasonably  
7 find that the factor is clearly present within the intent  
8 of the Act and (ii) is reasonably distributed throughout  
9 the vacant part of the redevelopment project area to which  
10 it pertains:

11 (A) The area consists of one or more unused  
12 quarries, mines, or strip mine ponds.

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

15 (C) The area, prior to its designation, is subject  
16 to (i) chronic flooding that adversely impacts on real  
17 property in the area as certified by a registered  
18 professional engineer or appropriate regulatory agency  
19 or (ii) surface water that discharges from all or a  
20 part of the area and contributes to flooding within the  
21 same watershed, but only if the redevelopment project  
22 provides for facilities or improvements to contribute  
23 to the alleviation of all or part of the flooding.

24 (D) The area consists of an unused or illegal  
25 disposal site containing earth, stone, building  
26 debris, or similar materials that were removed from

1 construction, demolition, excavation, or dredge sites.

2 (E) Prior to November 1, 1999, the area is not less  
3 than 50 nor more than 100 acres and 75% of which is  
4 vacant (notwithstanding that the area has been used for  
5 commercial agricultural purposes within 5 years prior  
6 to the designation of the redevelopment project area),  
7 and the area meets at least one of the factors itemized  
8 in paragraph (1) of this subsection, the area has been  
9 designated as a town or village center by ordinance or  
10 comprehensive plan adopted prior to January 1, 1982,  
11 and the area has not been developed for that designated  
12 purpose.

13 (F) The area qualified as a blighted improved area  
14 immediately prior to becoming vacant, unless there has  
15 been substantial private investment in the immediately  
16 surrounding area.

17 (b) For any redevelopment project area that has been  
18 designated pursuant to this Section by an ordinance adopted  
19 prior to November 1, 1999 (the effective date of Public Act  
20 91-478), "conservation area" shall have the meaning set forth  
21 in this Section prior to that date.

22 On and after November 1, 1999, "conservation area" means  
23 any improved area within the boundaries of a redevelopment  
24 project area located within the territorial limits of the  
25 municipality in which 50% or more of the structures in the area  
26 have an age of 35 years or more. Such an area is not yet a

1 blighted area but because of a combination of 3 or more of the  
2 following factors is detrimental to the public safety, health,  
3 morals or welfare and such an area may become a blighted area:

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

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

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

24 (4) Presence of structures below minimum code  
25 standards. All structures that do not meet the standards of  
26 zoning, subdivision, building, fire, and other

1 governmental codes applicable to property, but not  
2 including housing and property maintenance codes.

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

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

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

24 (8) Inadequate utilities. Underground and overhead  
25 utilities such as storm sewers and storm drainage, sanitary  
26 sewers, water lines, and gas, telephone, and electrical

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

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

24 (10) Deleterious land use or layout. The existence of  
25 incompatible land-use relationships, buildings occupied by  
26 inappropriate mixed-uses, or uses considered to be

1           noxious, offensive, or unsuitable for the surrounding  
2           area.

3           (11) Lack of community planning. The proposed  
4           redevelopment project area was developed prior to or  
5           without the benefit or guidance of a community plan. This  
6           means that the development occurred prior to the adoption  
7           by the municipality of a comprehensive or other community  
8           plan or that the plan was not followed at the time of the  
9           area's development. This factor must be documented by  
10          evidence of adverse or incompatible land-use  
11          relationships, inadequate street layout, improper  
12          subdivision, parcels of inadequate shape and size to meet  
13          contemporary development standards, or other evidence  
14          demonstrating an absence of effective community planning.

15          (12) The area has incurred Illinois Environmental  
16          Protection Agency or United States Environmental  
17          Protection Agency remediation costs for, or a study  
18          conducted by an independent consultant recognized as  
19          having expertise in environmental remediation has  
20          determined a need for, the clean-up of hazardous waste,  
21          hazardous substances, or underground storage tanks  
22          required by State or federal law, provided that the  
23          remediation costs constitute a material impediment to the  
24          development or redevelopment of the redevelopment project  
25          area.

26          (13) The total equalized assessed value of the proposed

1 redevelopment project area has declined for 3 of the last 5  
2 calendar years for which information is available or is  
3 increasing at an annual rate that is less than the balance  
4 of the municipality for 3 of the last 5 calendar years for  
5 which information is available or is increasing at an  
6 annual rate that is less than the Consumer Price Index for  
7 All Urban Consumers published by the United States  
8 Department of Labor or successor agency for 3 of the last 5  
9 calendar years for which information is available.

10 (c) "Industrial park" means an area in a blighted or  
11 conservation area suitable for use by any manufacturing,  
12 industrial, research or transportation enterprise, of  
13 facilities to include but not be limited to factories, mills,  
14 processing plants, assembly plants, packing plants,  
15 fabricating plants, industrial distribution centers,  
16 warehouses, repair overhaul or service facilities, freight  
17 terminals, research facilities, test facilities or railroad  
18 facilities.

19 (d) "Industrial park conservation area" means an area  
20 within the boundaries of a redevelopment project area located  
21 within the territorial limits of a municipality that is a labor  
22 surplus municipality or within 1 1/2 miles of the territorial  
23 limits of a municipality that is a labor surplus municipality  
24 if the area is annexed to the municipality; which area is zoned  
25 as industrial no later than at the time the municipality by  
26 ordinance designates the redevelopment project area, and which



1 area includes both vacant land suitable for use as an  
2 industrial park and a blighted area or conservation area  
3 contiguous to such vacant land.

4 (e) "Labor surplus municipality" means a municipality in  
5 which, at any time during the 6 months before the municipality  
6 by ordinance designates an industrial park conservation area,  
7 the unemployment rate was over 6% and was also 100% or more of  
8 the national average unemployment rate for that same time as  
9 published in the United States Department of Labor Bureau of  
10 Labor Statistics publication entitled "The Employment  
11 Situation" or its successor publication. For the purpose of  
12 this subsection, if unemployment rate statistics for the  
13 municipality are not available, the unemployment rate in the  
14 municipality shall be deemed to be the same as the unemployment  
15 rate in the principal county in which the municipality is  
16 located.

17 (f) "Municipality" shall mean a city, village,  
18 incorporated town, or a township that is located in the  
19 unincorporated portion of a county with 3 million or more  
20 inhabitants, if the county adopted an ordinance that approved  
21 the township's redevelopment plan.

22 (g) "Initial Sales Tax Amounts" means the amount of taxes  
23 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
24 Service Use Tax Act, the Service Occupation Tax Act, the  
25 Municipal Retailers' Occupation Tax Act, and the Municipal  
26 Service Occupation Tax Act by retailers and servicemen on

1 transactions at places located in a State Sales Tax Boundary  
2 during the calendar year 1985.

3 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
4 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
5 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
6 Municipal Retailers' Occupation Tax Act, and the Municipal  
7 Service Occupation Tax Act by retailers and servicemen on  
8 transactions at places located within the State Sales Tax  
9 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

10 (h) "Municipal Sales Tax Increment" means an amount equal  
11 to the increase in the aggregate amount of taxes paid to a  
12 municipality from the Local Government Tax Fund arising from  
13 sales by retailers and servicemen within the redevelopment  
14 project area or State Sales Tax Boundary, as the case may be,  
15 for as long as the redevelopment project area or State Sales  
16 Tax Boundary, as the case may be, exist over and above the  
17 aggregate amount of taxes as certified by the Illinois  
18 Department of Revenue and paid under the Municipal Retailers'  
19 Occupation Tax Act and the Municipal Service Occupation Tax Act  
20 by retailers and servicemen, on transactions at places of  
21 business located in the redevelopment project area or State  
22 Sales Tax Boundary, as the case may be, during the base year  
23 which shall be the calendar year immediately prior to the year  
24 in which the municipality adopted tax increment allocation  
25 financing. For purposes of computing the aggregate amount of  
26 such taxes for base years occurring prior to 1985, the

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

1 this calculation shall be made by utilizing the period from  
2 October 1, 1988, to June 30, 1989, to determine the tax amounts  
3 received from retailers and servicemen pursuant to the  
4 Municipal Retailers' Occupation Tax and the Municipal Service  
5 Occupation Tax Act which shall have deducted therefrom  
6 nine-twelfths of the certified Initial Sales Tax Amounts,  
7 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
8 Tax Amounts as appropriate. For every State Fiscal Year  
9 thereafter, the applicable period shall be the 12 months  
10 beginning July 1 and ending June 30 to determine the tax  
11 amounts received which shall have deducted therefrom the  
12 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
13 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
14 case may be.

15 (i) "Net State Sales Tax Increment" means the sum of the  
16 following: (a) 80% of the first \$100,000 of State Sales Tax  
17 Increment annually generated within a State Sales Tax Boundary;  
18 (b) 60% of the amount in excess of \$100,000 but not exceeding  
19 \$500,000 of State Sales Tax Increment annually generated within  
20 a State Sales Tax Boundary; and (c) 40% of all amounts in  
21 excess of \$500,000 of State Sales Tax Increment annually  
22 generated within a State Sales Tax Boundary. If, however, a  
23 municipality established a tax increment financing district in  
24 a county with a population in excess of 3,000,000 before  
25 January 1, 1986, and the municipality entered into a contract  
26 or issued bonds after January 1, 1986, but before December 31,

1 1986, to finance redevelopment project costs within a State  
2 Sales Tax Boundary, then the Net State Sales Tax Increment  
3 means, for the fiscal years beginning July 1, 1990, and July 1,  
4 1991, 100% of the State Sales Tax Increment annually generated  
5 within a State Sales Tax Boundary; and notwithstanding any  
6 other provision of this Act, for those fiscal years the  
7 Department of Revenue shall distribute to those municipalities  
8 100% of their Net State Sales Tax Increment before any  
9 distribution to any other municipality and regardless of  
10 whether or not those other municipalities will receive 100% of  
11 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
12 every year thereafter until the year 2007, for any municipality  
13 that has not entered into a contract or has not issued bonds  
14 prior to June 1, 1988 to finance redevelopment project costs  
15 within a State Sales Tax Boundary, the Net State Sales Tax  
16 Increment shall be calculated as follows: By multiplying the  
17 Net State Sales Tax Increment by 90% in the State Fiscal Year  
18 1999; 80% in the State Fiscal Year 2000; 70% in the State  
19 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the  
20 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
21 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
22 2006; and 10% in the State Fiscal Year 2007. No payment shall  
23 be made for State Fiscal Year 2008 and thereafter.

24 Municipalities that issued bonds in connection with a  
25 redevelopment project in a redevelopment project area within  
26 the State Sales Tax Boundary prior to July 29, 1991, or that

1 entered into contracts in connection with a redevelopment  
2 project in a redevelopment project area before June 1, 1988,  
3 shall continue to receive their proportional share of the  
4 Illinois Tax Increment Fund distribution until the date on  
5 which the redevelopment project is completed or terminated. If,  
6 however, a municipality that issued bonds in connection with a  
7 redevelopment project in a redevelopment project area within  
8 the State Sales Tax Boundary prior to July 29, 1991 retires the  
9 bonds prior to June 30, 2007 or a municipality that entered  
10 into contracts in connection with a redevelopment project in a  
11 redevelopment project area before June 1, 1988 completes the  
12 contracts prior to June 30, 2007, then so long as the  
13 redevelopment project is not completed or is not terminated,  
14 the Net State Sales Tax Increment shall be calculated,  
15 beginning on the date on which the bonds are retired or the  
16 contracts are completed, as follows: By multiplying the Net  
17 State Sales Tax Increment by 60% in the State Fiscal Year 2002;  
18 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year  
19 2004; 30% in the State Fiscal Year 2005; 20% in the State  
20 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No  
21 payment shall be made for State Fiscal Year 2008 and  
22 thereafter. Refunding of any bonds issued prior to July 29,  
23 1991, shall not alter the Net State Sales Tax Increment.

24 (j) "State Utility Tax Increment Amount" means an amount  
25 equal to the aggregate increase in State electric and gas tax  
26 charges imposed on owners and tenants, other than residential

1 customers, of properties located within the redevelopment  
2 project area under Section 9-222 of the Public Utilities Act,  
3 over and above the aggregate of such charges as certified by  
4 the Department of Revenue and paid by owners and tenants, other  
5 than residential customers, of properties within the  
6 redevelopment project area during the base year, which shall be  
7 the calendar year immediately prior to the year of the adoption  
8 of the ordinance authorizing tax increment allocation  
9 financing.

10 (k) "Net State Utility Tax Increment" means the sum of the  
11 following: (a) 80% of the first \$100,000 of State Utility Tax  
12 Increment annually generated by a redevelopment project area;  
13 (b) 60% of the amount in excess of \$100,000 but not exceeding  
14 \$500,000 of the State Utility Tax Increment annually generated  
15 by a redevelopment project area; and (c) 40% of all amounts in  
16 excess of \$500,000 of State Utility Tax Increment annually  
17 generated by a redevelopment project area. For the State Fiscal  
18 Year 1999, and every year thereafter until the year 2007, for  
19 any municipality that has not entered into a contract or has  
20 not issued bonds prior to June 1, 1988 to finance redevelopment  
21 project costs within a redevelopment project area, the Net  
22 State Utility Tax Increment shall be calculated as follows: By  
23 multiplying the Net State Utility Tax Increment by 90% in the  
24 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%  
25 in the State Fiscal Year 2001; 60% in the State Fiscal Year  
26 2002; 50% in the State Fiscal Year 2003; 40% in the State

1 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
2 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.  
3 No payment shall be made for the State Fiscal Year 2008 and  
4 thereafter.

5 Municipalities that issue bonds in connection with the  
6 redevelopment project during the period from June 1, 1988 until  
7 3 years after the effective date of this Amendatory Act of 1988  
8 shall receive the Net State Utility Tax Increment, subject to  
9 appropriation, for 15 State Fiscal Years after the issuance of  
10 such bonds. For the 16th through the 20th State Fiscal Years  
11 after issuance of the bonds, the Net State Utility Tax  
12 Increment shall be calculated as follows: By multiplying the  
13 Net State Utility Tax Increment by 90% in year 16; 80% in year  
14 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
15 Refunding of any bonds issued prior to June 1, 1988, shall not  
16 alter the revised Net State Utility Tax Increment payments set  
17 forth above.

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

22 (m) "Payment in lieu of taxes" means those estimated tax  
23 revenues from real property in a redevelopment project area  
24 derived from real property that has been acquired by a  
25 municipality which according to the redevelopment project or  
26 plan is to be used for a private use which taxing districts



1 would have received had a municipality not acquired the real  
2 property and adopted tax increment allocation financing and  
3 which would result from levies made after the time of the  
4 adoption of tax increment allocation financing to the time the  
5 current equalized value of real property in the redevelopment  
6 project area exceeds the total initial equalized value of real  
7 property in said area.

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

1 class and number of new employees to be employed in the  
2 operation of the facilities to be developed; and

3 (J) if property is to be annexed to the municipality,  
4 the plan shall include the terms of the annexation  
5 agreement.

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

14 (1) The municipality finds that the redevelopment  
15 project area on the whole has not been subject to growth  
16 and development through investment by private enterprise  
17 and would not reasonably be anticipated to be developed  
18 without the adoption of the redevelopment plan.

19 (2) The municipality finds that the redevelopment plan  
20 and project conform to the comprehensive plan for the  
21 development of the municipality as a whole, or, for  
22 municipalities with a population of 100,000 or more,  
23 regardless of when the redevelopment plan and project was  
24 adopted, the redevelopment plan and project either: (i)  
25 conforms to the strategic economic development or  
26 redevelopment plan issued by the designated planning

1 authority of the municipality, or (ii) includes land uses  
2 that have been approved by the planning commission of the  
3 municipality.

4 (3) The redevelopment plan establishes the estimated  
5 dates of completion of the redevelopment project and  
6 retirement of obligations issued to finance redevelopment  
7 project costs. Those dates: shall not be later than  
8 December 31 of the year in which the payment to the  
9 municipal treasurer as provided in subsection (b) of  
10 Section 11-74.4-8 of this Act is to be made with respect to  
11 ad valorem taxes levied in the twenty-third calendar year  
12 after the year in which the ordinance approving the  
13 redevelopment project area is adopted if the ordinance was  
14 adopted on or after January 15, 1981; shall not be later  
15 than December 31 of the year in which the payment to the  
16 municipal treasurer as provided in subsection (b) of  
17 Section 11-74.4-8 of this Act is to be made with respect to  
18 ad valorem taxes levied in the thirty-third calendar year  
19 after the year in which the ordinance approving the  
20 redevelopment project area if the ordinance was adopted on  
21 May 20, 1985 by the Village of Wheeling; and shall not be  
22 later than December 31 of the year in which the payment to  
23 the municipal treasurer as provided in subsection (b) of  
24 Section 11-74.4-8 of this Act is to be made with respect to  
25 ad valorem taxes levied in the thirty-fifth calendar year  
26 after the year in which the ordinance approving the

1 redevelopment project area is adopted:

2 (A) if the ordinance was adopted before January 15,  
3 1981, or

4 (B) if the ordinance was adopted in December 1983,  
5 April 1984, July 1985, or December 1989, or

6 (C) if the ordinance was adopted in December 1987  
7 and the redevelopment project is located within one  
8 mile of Midway Airport, or

9 (D) if the ordinance was adopted before January 1,  
10 1987 by a municipality in Mason County, or

11 (E) if the municipality is subject to the Local  
12 Government Financial Planning and Supervision Act or  
13 the Financially Distressed City Law, or

14 (F) if the ordinance was adopted in December 1984  
15 by the Village of Rosemont, or

16 (G) if the ordinance was adopted on December 31,  
17 1986 by a municipality located in Clinton County for  
18 which at least \$250,000 of tax increment bonds were  
19 authorized on June 17, 1997, or if the ordinance was  
20 adopted on December 31, 1986 by a municipality with a  
21 population in 1990 of less than 3,600 that is located  
22 in a county with a population in 1990 of less than  
23 34,000 and for which at least \$250,000 of tax increment  
24 bonds were authorized on June 17, 1997, or

25 (H) if the ordinance was adopted on October 5, 1982  
26 by the City of Kankakee, or if the ordinance was

1           adopted on December 29, 1986 by East St. Louis, or

2           (I) if the ordinance was adopted on November 12,  
3           1991 by the Village of Sauget, or

4           (J) if the ordinance was adopted on February 11,  
5           1985 by the City of Rock Island, or

6           (K) if the ordinance was adopted before December  
7           18, 1986 by the City of Moline, or

8           (L) if the ordinance was adopted in September 1988  
9           by Sauk Village, or

10          (M) if the ordinance was adopted in October 1993 by  
11          Sauk Village, or

12          (N) if the ordinance was adopted on December 29,  
13          1986 by the City of Galva, or

14          (O) if the ordinance was adopted in March 1991 by  
15          the City of Centreville, or

16          (P) if the ordinance was adopted on January 23,  
17          1991 by the City of East St. Louis, or

18          (Q) if the ordinance was adopted on December 22,  
19          1986 by the City of Aledo, or

20          (R) if the ordinance was adopted on February 5,  
21          1990 by the City of Clinton, or

22          (S) if the ordinance was adopted on September 6,  
23          1994 by the City of Freeport, or

24          (T) if the ordinance was adopted on December 22,  
25          1986 by the City of Tuscola, or

26          (U) if the ordinance was adopted on December 23,

1           1986 by the City of Sparta, or

2                   (V) if the ordinance was adopted on December 23,  
3           1986 by the City of Beardstown, or

4                   (W) if the ordinance was adopted on April 27, 1981,  
5           October 21, 1985, or December 30, 1986 by the City of  
6           Belleville, or

7                   (X) if the ordinance was adopted on December 29,  
8           1986 by the City of Collinsville, or

9                   (Y) if the ordinance was adopted on September 14,  
10          1994 by the City of Alton, or

11                   (Z) if the ordinance was adopted on November 11,  
12          1996 by the City of Lexington, or

13                   (AA) if the ordinance was adopted on November 5,  
14          1984 by the City of LeRoy, or

15                   (BB) if the ordinance was adopted on April 3, 1991  
16          or June 3, 1992 by the City of Markham, or

17                   (CC) if the ordinance was adopted on November 11,  
18          1986 by the City of Pekin, or

19                   (DD) if the ordinance was adopted on December 15,  
20          1981 by the City of Champaign, or

21                   (EE) if the ordinance was adopted on December 15,  
22          1986 by the City of Urbana, or

23                   (FF) if the ordinance was adopted on December 15,  
24          1986 by the Village of Heyworth, or

25                   (GG) if the ordinance was adopted on February 24,  
26          1992 by the Village of Heyworth, or

1 (HH) if the ordinance was adopted on March 16, 1995  
2 by the Village of Heyworth, or

3 (II) if the ordinance was adopted on December 23,  
4 1986 by the Town of Cicero, or

5 (JJ) if the ordinance was adopted on December 30,  
6 1986 by the City of Effingham, or

7 (KK) if the ordinance was adopted on May 9, 1991 by  
8 the Village of Tilton, or

9 (LL) if the ordinance was adopted on October 20,  
10 1986 by the City of Elmhurst, or

11 (MM) if the ordinance was adopted on January 19,  
12 1988 by the City of Waukegan, or

13 (NN) if the ordinance was adopted on September 21,  
14 1998 by the City of Waukegan, or

15 (OO) if the ordinance was adopted on December 31,  
16 1986 by the City of Sullivan, or

17 (PP) if the ordinance was adopted on December 23,  
18 1991 by the City of Sullivan, or

19 (QQ) if the ordinance was adopted on December 31,  
20 1986 by the City of Oglesby, or

21 (RR) if the ordinance was adopted on July 28, 1987  
22 by the City of Marion, or

23 (SS) if the ordinance was adopted on April 23, 1990  
24 by the City of Marion, or

25 (TT) if the ordinance was adopted on August 20,  
26 1985 by the Village of Mount Prospect, or



1 (UU) if the ordinance was adopted on February 2,  
2 1998 by the Village of Woodhull, or

3 (VV) if the ordinance was adopted on April 20, 1993  
4 by the Village of Princeville, or

5 (WW) if the ordinance was adopted on July 1, 1986  
6 by the City of Granite City, or

7 (XX) if the ordinance was adopted on February 2,  
8 1989 by the Village of Lombard, or

9 (YY) if the ordinance was adopted on December 29,  
10 1986 by the Village of Gardner, or

11 (ZZ) if the ordinance was adopted on July 14, 1999  
12 by the Village of Paw Paw, or

13 (AAA) if the ordinance was adopted on November 17,  
14 1986 by the Village of Franklin Park, or

15 (BBB) if the ordinance was adopted on November 20,  
16 1989 by the Village of South Holland, or

17 (CCC) if the ordinance was adopted on July 14, 1992  
18 by the Village of Riverdale, or.

19 (DDD) ~~(CCC)~~ if the ordinance was adopted on  
20 December 29, 1986 by the City of Galesburg, or

21 (EEE) ~~(DDD)~~ if the ordinance was adopted on April  
22 1, 1985 by the City of Galesburg, or.

23 (FFF) ~~(CCC)~~ if the ordinance was adopted on May 21,  
24 1990 by the City of West Chicago, or.

25 (GGG) ~~(CCC)~~ if the ordinance was adopted on  
26 December 16, 1986 by the City of Oak Forest, or.

1            (HHH) ~~(AAA)~~ if the ordinance was adopted in 1999 by  
2            the City of Villa Grove, or ~~or~~

3            (III) ~~(CCC)~~ if the ordinance was adopted on January  
4            13, 1987 by the Village of Mt. Zion, or ~~or~~

5            (JJJ) ~~(CCC)~~ if the ordinance was adopted on  
6            December 30, 1986 by the Village of Manteno, or ~~or~~

7            (KKK) ~~(DDD)~~ if the ordinance was adopted on April  
8            3, 1989 by the City of Chicago Heights, or ~~or~~

9            (LLL) ~~(EEE)~~ if the ordinance was adopted on January  
10           6, 1999 by the Village of Rosemont, or

11           (MMM) ~~(FFF)~~ if the ordinance was adopted on  
12           December 19, 2000 by the Village of Stone Park.

13           However, for redevelopment project areas for which  
14           bonds were issued before July 29, 1991, or for which  
15           contracts were entered into before June 1, 1988, in  
16           connection with a redevelopment project in the area within  
17           the State Sales Tax Boundary, the estimated dates of  
18           completion of the redevelopment project and retirement of  
19           obligations to finance redevelopment project costs may be  
20           extended by municipal ordinance to December 31, 2013. The  
21           termination procedures of subsection (b) of Section  
22           11-74.4-8 are not required for these redevelopment project  
23           areas in 2009 but are required in 2013. The extension  
24           allowed by this amendatory Act of 1993 shall not apply to  
25           real property tax increment allocation financing under  
26           Section 11-74.4-8.

1           A municipality may by municipal ordinance amend an  
2 existing redevelopment plan to conform to this paragraph  
3 (3) as amended by Public Act 91-478, which municipal  
4 ordinance may be adopted without further hearing or notice  
5 and without complying with the procedures provided in this  
6 Act pertaining to an amendment to or the initial approval  
7 of a redevelopment plan and project and designation of a  
8 redevelopment project area.

9           Those dates, for purposes of real property tax  
10 increment allocation financing pursuant to Section  
11 11-74.4-8 only, shall be not more than 35 years for  
12 redevelopment project areas that were adopted on or after  
13 December 16, 1986 and for which at least \$8 million worth  
14 of municipal bonds were authorized on or after December 19,  
15 1989 but before January 1, 1990; provided that the  
16 municipality elects to extend the life of the redevelopment  
17 project area to 35 years by the adoption of an ordinance  
18 after at least 14 but not more than 30 days' written notice  
19 to the taxing bodies, that would otherwise constitute the  
20 joint review board for the redevelopment project area,  
21 before the adoption of the ordinance.

22           Those dates, for purposes of real property tax  
23 increment allocation financing pursuant to Section  
24 11-74.4-8 only, shall be not more than 35 years for  
25 redevelopment project areas that were established on or  
26 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

1 displacement of residents from 10 or more inhabited  
2 residential units, and the municipality certifies in the  
3 plan that such displacement will not result from the plan,  
4 a housing impact study need not be performed. If, however,  
5 the redevelopment plan would result in the displacement of  
6 residents from 10 or more inhabited residential units, or  
7 if the redevelopment project area contains 75 or more  
8 inhabited residential units and no certification is made,  
9 then the municipality shall prepare, as part of the  
10 separate feasibility report required by subsection (a) of  
11 Section 11-74.4-5, a housing impact study.

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

25 Part II of the housing impact study shall identify the  
26 inhabited residential units in the proposed redevelopment

1 project area that are to be or may be removed. If inhabited  
2 residential units are to be removed, then the housing  
3 impact study shall identify (i) the number and location of  
4 those units that will or may be removed, (ii) the  
5 municipality's plans for relocation assistance for those  
6 residents in the proposed redevelopment project area whose  
7 residences are to be removed, (iii) the availability of  
8 replacement housing for those residents whose residences  
9 are to be removed, and shall identify the type, location,  
10 and cost of the housing, and (iv) the type and extent of  
11 relocation assistance to be provided.

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

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

1 that Act, including the eligibility criteria. Affordable  
2 housing may be either existing or newly constructed  
3 housing. For purposes of this paragraph (7), "low-income  
4 households", "very low-income households", and "affordable  
5 housing" have the meanings set forth in the Illinois  
6 Affordable Housing Act. The municipality shall make a good  
7 faith effort to ensure that this affordable housing is  
8 located in or near the redevelopment project area within  
9 the municipality.

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

17 (9) For redevelopment project areas designated prior  
18 to November 1, 1999, the redevelopment plan may be amended  
19 without further joint review board meeting or hearing,  
20 provided that the municipality shall give notice of any  
21 such changes by mail to each affected taxing district and  
22 registrant on the interested party registry, to authorize  
23 the municipality to expend tax increment revenues for  
24 redevelopment project costs defined by paragraphs (5) and  
25 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
26 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so

1 long as the changes do not increase the total estimated  
2 redevelopment project costs set out in the redevelopment  
3 plan by more than 5% after adjustment for inflation from  
4 the date the plan was adopted.

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

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

24 (q) "Redevelopment project costs" mean and include the sum  
25 total of all reasonable or necessary costs incurred or  
26 estimated to be incurred, and any such costs incidental to a



1 redevelopment plan and a redevelopment project. Such costs  
2 include, without limitation, the following:

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

1 consultant or advisor before the commencement of services  
2 for the municipality and thereafter whenever any other  
3 contracts with those individuals or entities are executed  
4 by the consultant or advisor;

5 (1.5) After July 1, 1999, annual administrative costs  
6 shall not include general overhead or administrative costs  
7 of the municipality that would still have been incurred by  
8 the municipality if the municipality had not designated a  
9 redevelopment project area or approved a redevelopment  
10 plan;

11 (1.6) The cost of marketing sites within the  
12 redevelopment project area to prospective businesses,  
13 developers, and investors;

14 (2) Property assembly costs, including but not limited  
15 to acquisition of land and other property, real or  
16 personal, or rights or interests therein, demolition of  
17 buildings, site preparation, site improvements that serve  
18 as an engineered barrier addressing ground level or below  
19 ground environmental contamination, including, but not  
20 limited to parking lots and other concrete or asphalt  
21 barriers, and the clearing and grading of land;

22 (3) Costs of rehabilitation, reconstruction or repair  
23 or remodeling of existing public or private buildings,  
24 fixtures, and leasehold improvements; and the cost of  
25 replacing an existing public building if pursuant to the  
26 implementation of a redevelopment project the existing

1 public building is to be demolished to use the site for  
2 private investment or devoted to a different use requiring  
3 private investment;

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

23 (5) Costs of job training and retraining projects,  
24 including the cost of "welfare to work" programs  
25 implemented by businesses located within the redevelopment  
26 project area;

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

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

15           (7.5) For redevelopment project areas designated (or  
16 redevelopment project areas amended to add or increase the  
17 number of tax-increment-financing assisted housing units)  
18 on or after November 1, 1999, an elementary, secondary, or  
19 unit school district's increased costs attributable to  
20 assisted housing units located within the redevelopment  
21 project area for which the developer or redeveloper  
22 receives financial assistance through an agreement with  
23 the municipality or because the municipality incurs the  
24 cost of necessary infrastructure improvements within the  
25 boundaries of the assisted housing sites necessary for the  
26 completion of that housing as authorized by this Act, and

1           which costs shall be paid by the municipality from the  
2           Special Tax Allocation Fund when the tax increment revenue  
3           is received as a result of the assisted housing units and  
4           shall be calculated annually as follows:

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

23                          (i) for unit school districts with a district  
24                          average 1995-96 Per Capita Tuition Charge of less  
25                          than \$5,900, no more than 25% of the total amount  
26                          of property tax increment revenue produced by

1           those housing units that have received tax  
2           increment finance assistance under this Act;

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

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

15          (B) For alternate method districts, flat grant  
16          districts, and foundation districts with a district  
17          average 1995-96 Per Capita Tuition Charge equal to or  
18          more than \$5,900, excluding any school district with a  
19          population in excess of 1,000,000, by multiplying the  
20          district's increase in attendance resulting from the  
21          net increase in new students enrolled in that school  
22          district who reside in housing units within the  
23          redevelopment project area that have received  
24          financial assistance through an agreement with the  
25          municipality or because the municipality incurs the  
26          cost of necessary infrastructure improvements within

1 the boundaries of the housing sites necessary for the  
2 completion of that housing as authorized by this Act  
3 since the designation of the redevelopment project  
4 area by the most recently available per capita tuition  
5 cost as defined in Section 10-20.12a of the School Code  
6 less any increase in general state aid as defined in  
7 Section 18-8.05 of the School Code attributable to  
8 these added new students subject to the following  
9 annual limitations:

10 (i) for unit school districts, no more than 40%  
11 of the total amount of property tax increment  
12 revenue produced by those housing units that have  
13 received tax increment finance assistance under  
14 this Act;

15 (ii) for elementary school districts, no more  
16 than 27% of the total amount of property tax  
17 increment revenue produced by those housing units  
18 that have received tax increment finance  
19 assistance under this Act; and

20 (iii) for secondary school districts, no more  
21 than 13% of the total amount of property tax  
22 increment revenue produced by those housing units  
23 that have received tax increment finance  
24 assistance under this Act.

25 (C) For any school district in a municipality with  
26 a population in excess of 1,000,000, the following

1 restrictions shall apply to the reimbursement of  
2 increased costs under this paragraph (7.5):

3 (i) no increased costs shall be reimbursed  
4 unless the school district certifies that each of  
5 the schools affected by the assisted housing  
6 project is at or over its student capacity;

7 (ii) the amount reimbursable shall be reduced  
8 by the value of any land donated to the school  
9 district by the municipality or developer, and by  
10 the value of any physical improvements made to the  
11 schools by the municipality or developer; and

12 (iii) the amount reimbursed may not affect  
13 amounts otherwise obligated by the terms of any  
14 bonds, notes, or other funding instruments, or the  
15 terms of any redevelopment agreement.

16 Any school district seeking payment under this  
17 paragraph (7.5) shall, after July 1 and before  
18 September 30 of each year, provide the municipality  
19 with reasonable evidence to support its claim for  
20 reimbursement before the municipality shall be  
21 required to approve or make the payment to the school  
22 district. If the school district fails to provide the  
23 information during this period in any year, it shall  
24 forfeit any claim to reimbursement for that year.  
25 School districts may adopt a resolution waiving the  
26 right to all or a portion of the reimbursement



1 otherwise required by this paragraph (7.5). By  
2 acceptance of this reimbursement the school district  
3 waives the right to directly or indirectly set aside,  
4 modify, or contest in any manner the establishment of  
5 the redevelopment project area or projects;

6 (7.7) For redevelopment project areas designated (or  
7 redevelopment project areas amended to add or increase the  
8 number of tax-increment-financing assisted housing units)  
9 on or after January 1, 2005 (the effective date of Public  
10 Act 93-961), a public library district's increased costs  
11 attributable to assisted housing units located within the  
12 redevelopment project area for which the developer or  
13 redeveloper receives financial assistance through an  
14 agreement with the municipality or because the  
15 municipality incurs the cost of necessary infrastructure  
16 improvements within the boundaries of the assisted housing  
17 sites necessary for the completion of that housing as  
18 authorized by this Act shall be paid to the library  
19 district by the municipality from the Special Tax  
20 Allocation Fund when the tax increment revenue is received  
21 as a result of the assisted housing units. This paragraph  
22 (7.7) applies only if (i) the library district is located  
23 in a county that is subject to the Property Tax Extension  
24 Limitation Law or (ii) the library district is not located  
25 in a county that is subject to the Property Tax Extension  
26 Limitation Law but the district is prohibited by any other

1 law from increasing its tax levy rate without a prior voter  
2 referendum.

3 The amount paid to a library district under this  
4 paragraph (7.7) shall be calculated by multiplying (i) the  
5 net increase in the number of persons eligible to obtain a  
6 library card in that district who reside in housing units  
7 within the redevelopment project area that have received  
8 financial assistance through an agreement with the  
9 municipality or because the municipality incurs the cost of  
10 necessary infrastructure improvements within the  
11 boundaries of the housing sites necessary for the  
12 completion of that housing as authorized by this Act since  
13 the designation of the redevelopment project area by (ii)  
14 the per-patron cost of providing library services so long  
15 as it does not exceed \$120. The per-patron cost shall be  
16 the Total Operating Expenditures Per Capita as stated in  
17 the most recent Illinois Public Library Statistics  
18 produced by the Library Research Center at the University  
19 of Illinois. The municipality may deduct from the amount  
20 that it must pay to a library district under this paragraph  
21 any amount that it has voluntarily paid to the library  
22 district from the tax increment revenue. The amount paid to  
23 a library district under this paragraph (7.7) shall be no  
24 more than 2% of the amount produced by the assisted housing  
25 units and deposited into the Special Tax Allocation Fund.

26 A library district is not eligible for any payment

1 under this paragraph (7.7) unless the library district has  
2 experienced an increase in the number of patrons from the  
3 municipality that created the tax-increment-financing  
4 district since the designation of the redevelopment  
5 project area.

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

21 (8) Relocation costs to the extent that a municipality  
22 determines that relocation costs shall be paid or is  
23 required to make payment of relocation costs by federal or  
24 State law or in order to satisfy subparagraph (7) of  
25 subsection (n);

26 (9) Payment in lieu of taxes;

1           (10) Costs of job training, retraining, advanced  
2 vocational education or career education, including but  
3 not limited to courses in occupational, semi-technical or  
4 technical fields leading directly to employment, incurred  
5 by one or more taxing districts, provided that such costs  
6 (i) are related to the establishment and maintenance of  
7 additional job training, advanced vocational education or  
8 career education programs for persons employed or to be  
9 employed by employers located in a redevelopment project  
10 area; and (ii) when incurred by a taxing district or taxing  
11 districts other than the municipality, are set forth in a  
12 written agreement by or among the municipality and the  
13 taxing district or taxing districts, which agreement  
14 describes the program to be undertaken, including but not  
15 limited to the number of employees to be trained, a  
16 description of the training and services to be provided,  
17 the number and type of positions available or to be  
18 available, itemized costs of the program and sources of  
19 funds to pay for the same, and the term of the agreement.  
20 Such costs include, specifically, the payment by community  
21 college districts of costs pursuant to Sections 3-37, 3-38,  
22 3-40 and 3-40.1 of the Public Community College Act and by  
23 school districts of costs pursuant to Sections 10-22.20a  
24 and 10-23.3a of The School Code;

25           (11) Interest cost incurred by a redeveloper related to  
26 the construction, renovation or rehabilitation of a

1 redevelopment project provided that:

2 (A) such costs are to be paid directly from the  
3 special tax allocation fund established pursuant to  
4 this Act;

5 (B) such payments in any one year may not exceed  
6 30% of the annual interest costs incurred by the  
7 redeveloper with regard to the redevelopment project  
8 during that year;

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

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

21 (E) the cost limits set forth in subparagraphs (B)  
22 and (D) of paragraph (11) shall be modified for the  
23 financing of rehabilitated or new housing units for  
24 low-income households and very low-income households,  
25 as defined in Section 3 of the Illinois Affordable  
26 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

1 low-income households, only the low and very  
2 low-income units shall be eligible for benefits under  
3 subparagraph (F) of paragraph (11). The standards for  
4 maintaining the occupancy by low-income households and  
5 very low-income households, as defined in Section 3 of  
6 the Illinois Affordable Housing Act, of those units  
7 constructed with eligible costs made available under  
8 the provisions of this subparagraph (F) of paragraph  
9 (11) shall be established by guidelines adopted by the  
10 municipality. The responsibility for annually  
11 documenting the initial occupancy of the units by  
12 low-income households and very low-income households,  
13 as defined in Section 3 of the Illinois Affordable  
14 Housing Act, shall be that of the then current owner of  
15 the property. For ownership units, the guidelines will  
16 provide, at a minimum, for a reasonable recapture of  
17 funds, or other appropriate methods designed to  
18 preserve the original affordability of the ownership  
19 units. For rental units, the guidelines will provide,  
20 at a minimum, for the affordability of rent to low and  
21 very low-income households. As units become available,  
22 they shall be rented to income-eligible tenants. The  
23 municipality may modify these guidelines from time to  
24 time; the guidelines, however, shall be in effect for  
25 as long as tax increment revenue is being used to pay  
26 for costs associated with the units or for the

1 retirement of bonds issued to finance the units or for  
2 the life of the redevelopment project area, whichever  
3 is later.

4 (11.5) If the redevelopment project area is located  
5 within a municipality with a population of more than  
6 100,000, the cost of day care services for children of  
7 employees from low-income families working for businesses  
8 located within the redevelopment project area and all or a  
9 portion of the cost of operation of day care centers  
10 established by redevelopment project area businesses to  
11 serve employees from low-income families working in  
12 businesses located in the redevelopment project area. For  
13 the purposes of this paragraph, "low-income families"  
14 means families whose annual income does not exceed 80% of  
15 the municipal, county, or regional median income, adjusted  
16 for family size, as the annual income and municipal,  
17 county, or regional median income are determined from time  
18 to time by the United States Department of Housing and  
19 Urban Development.

20 (12) Unless explicitly stated herein the cost of  
21 construction of new privately-owned buildings shall not be  
22 an eligible redevelopment project cost.

23 (13) After November 1, 1999 (the effective date of  
24 Public Act 91-478), none of the redevelopment project costs  
25 enumerated in this subsection shall be eligible  
26 redevelopment project costs if those costs would provide



1 direct financial support to a retail entity initiating  
2 operations in the redevelopment project area while  
3 terminating operations at another Illinois location within  
4 10 miles of the redevelopment project area but outside the  
5 boundaries of the redevelopment project area municipality.  
6 For purposes of this paragraph, termination means a closing  
7 of a retail operation that is directly related to the  
8 opening of the same operation or like retail entity owned  
9 or operated by more than 50% of the original ownership in a  
10 redevelopment project area, but it does not mean closing an  
11 operation for reasons beyond the control of the retail  
12 entity, as documented by the retail entity, subject to a  
13 reasonable finding by the municipality that the current  
14 location contained inadequate space, had become  
15 economically obsolete, or was no longer a viable location  
16 for the retailer or serviceman.

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

24 (r) "State Sales Tax Boundary" means the redevelopment  
25 project area or the amended redevelopment project area  
26 boundaries which are determined pursuant to subsection (9) of

1 Section 11-74.4-8a of this Act. The Department of Revenue shall  
2 certify pursuant to subsection (9) of Section 11-74.4-8a the  
3 appropriate boundaries eligible for the determination of State  
4 Sales Tax Increment.

5 (s) "State Sales Tax Increment" means an amount equal to  
6 the increase in the aggregate amount of taxes paid by retailers  
7 and servicemen, other than retailers and servicemen subject to  
8 the Public Utilities Act, on transactions at places of business  
9 located within a State Sales Tax Boundary pursuant to the  
10 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
11 Tax Act, and the Service Occupation Tax Act, except such  
12 portion of such increase that is paid into the State and Local  
13 Sales Tax Reform Fund, the Local Government Distributive Fund,  
14 the Local Government Tax Fund and the County and Mass Transit  
15 District Fund, for as long as State participation exists, over  
16 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
17 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
18 taxes as certified by the Department of Revenue and paid under  
19 those Acts by retailers and servicemen on transactions at  
20 places of business located within the State Sales Tax Boundary  
21 during the base year which shall be the calendar year  
22 immediately prior to the year in which the municipality adopted  
23 tax increment allocation financing, less 3.0% of such amounts  
24 generated under the Retailers' Occupation Tax Act, Use Tax Act  
25 and Service Use Tax Act and the Service Occupation Tax Act,  
26 which sum shall be appropriated to the Department of Revenue to

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

1 period from October 1, 1988, until June 30, 1989, to determine  
2 the tax amounts received from retailers and servicemen, which  
3 shall have deducted therefrom nine-twelfths of the certified  
4 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
5 Amounts or the Revised Initial Sales Tax Amounts as  
6 appropriate. For every State Fiscal Year thereafter, the  
7 applicable period shall be the 12 months beginning July 1 and  
8 ending on June 30, to determine the tax amounts received which  
9 shall have deducted therefrom the certified Initial Sales Tax  
10 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
11 Initial Sales Tax Amounts. Municipalities intending to receive  
12 a distribution of State Sales Tax Increment must report a list  
13 of retailers to the Department of Revenue by October 31, 1988  
14 and by July 31, of each year thereafter.

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

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

25 (v) As used in subsection (a) of Section 11-74.4-3 of this  
26 Act, "vacant land" means any parcel or combination of parcels

1 of real property without industrial, commercial, and  
2 residential buildings which has not been used for commercial  
3 agricultural purposes within 5 years prior to the designation  
4 of the redevelopment project area, unless the parcel is  
5 included in an industrial park conservation area or the parcel  
6 has been subdivided; provided that if the parcel was part of a  
7 larger tract that has been divided into 3 or more smaller  
8 tracts that were accepted for recording during the period from  
9 1950 to 1990, then the parcel shall be deemed to have been  
10 subdivided, and all proceedings and actions of the municipality  
11 taken in that connection with respect to any previously  
12 approved or designated redevelopment project area or amended  
13 redevelopment project area are hereby validated and hereby  
14 declared to be legally sufficient for all purposes of this Act.  
15 For purposes of this Section and only for land subject to the  
16 subdivision requirements of the Plat Act, land is subdivided  
17 when the original plat of the proposed Redevelopment Project  
18 Area or relevant portion thereof has been properly certified,  
19 acknowledged, approved, and recorded or filed in accordance  
20 with the Plat Act and a preliminary plat, if any, for any  
21 subsequent phases of the proposed Redevelopment Project Area or  
22 relevant portion thereof has been properly approved and filed  
23 in accordance with the applicable ordinance of the  
24 municipality.

25 (w) "Annual Total Increment" means the sum of each  
26 municipality's annual Net Sales Tax Increment and each

1 municipality's annual Net Utility Tax Increment. The ratio of  
2 the Annual Total Increment of each municipality to the Annual  
3 Total Increment for all municipalities, as most recently  
4 calculated by the Department, shall determine the proportional  
5 shares of the Illinois Tax Increment Fund to be distributed to  
6 each municipality.

7 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;  
8 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.  
9 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.  
10 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,  
11 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;  
12 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.  
13 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,  
14 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;  
15 95-683, eff. 10-19-07; revised 12-4-07.)

16 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

17 Sec. 11-74.4-7. Obligations secured by the special tax  
18 allocation fund set forth in Section 11-74.4-8 for the  
19 redevelopment project area may be issued to provide for  
20 redevelopment project costs. Such obligations, when so issued,  
21 shall be retired in the manner provided in the ordinance  
22 authorizing the issuance of such obligations by the receipts of  
23 taxes levied as specified in Section 11-74.4-9 against the  
24 taxable property included in the area, by revenues as specified  
25 by Section 11-74.4-8a and other revenue designated by the

1 municipality. A municipality may in the ordinance pledge all or  
2 any part of the funds in and to be deposited in the special tax  
3 allocation fund created pursuant to Section 11-74.4-8 to the  
4 payment of the redevelopment project costs and obligations. Any  
5 pledge of funds in the special tax allocation fund shall  
6 provide for distribution to the taxing districts and to the  
7 Illinois Department of Revenue of moneys not required, pledged,  
8 earmarked, or otherwise designated for payment and securing of  
9 the obligations and anticipated redevelopment project costs  
10 and such excess funds shall be calculated annually and deemed  
11 to be "surplus" funds. In the event a municipality only applies  
12 or pledges a portion of the funds in the special tax allocation  
13 fund for the payment or securing of anticipated redevelopment  
14 project costs or of obligations, any such funds remaining in  
15 the special tax allocation fund after complying with the  
16 requirements of the application or pledge, shall also be  
17 calculated annually and deemed "surplus" funds. All surplus  
18 funds in the special tax allocation fund shall be distributed  
19 annually within 180 days after the close of the municipality's  
20 fiscal year by being paid by the municipal treasurer to the  
21 County Collector, to the Department of Revenue and to the  
22 municipality in direct proportion to the tax incremental  
23 revenue received as a result of an increase in the equalized  
24 assessed value of property in the redevelopment project area,  
25 tax incremental revenue received from the State and tax  
26 incremental revenue received from the municipality, but not to

1 exceed as to each such source the total incremental revenue  
2 received from that source. The County Collector shall  
3 thereafter make distribution to the respective taxing  
4 districts in the same manner and proportion as the most recent  
5 distribution by the county collector to the affected districts  
6 of real property taxes from real property in the redevelopment  
7 project area.

8 Without limiting the foregoing in this Section, the  
9 municipality may in addition to obligations secured by the  
10 special tax allocation fund pledge for a period not greater  
11 than the term of the obligations towards payment of such  
12 obligations any part or any combination of the following: (a)  
13 net revenues of all or part of any redevelopment project; (b)  
14 taxes levied and collected on any or all property in the  
15 municipality; (c) the full faith and credit of the  
16 municipality; (d) a mortgage on part or all of the  
17 redevelopment project; or (e) any other taxes or anticipated  
18 receipts that the municipality may lawfully pledge.

19 Such obligations may be issued in one or more series  
20 bearing interest at such rate or rates as the corporate  
21 authorities of the municipality shall determine by ordinance.  
22 Such obligations shall bear such date or dates, mature at such  
23 time or times not exceeding 20 years from their respective  
24 dates, be in such denomination, carry such registration  
25 privileges, be executed in such manner, be payable in such  
26 medium of payment at such place or places, contain such



1 covenants, terms and conditions, and be subject to redemption  
2 as such ordinance shall provide. Obligations issued pursuant to  
3 this Act may be sold at public or private sale at such price as  
4 shall be determined by the corporate authorities of the  
5 municipalities. No referendum approval of the electors shall be  
6 required as a condition to the issuance of obligations pursuant  
7 to this Division except as provided in this Section.

8 In the event the municipality authorizes issuance of  
9 obligations pursuant to the authority of this Division secured  
10 by the full faith and credit of the municipality, which  
11 obligations are other than obligations which may be issued  
12 under home rule powers provided by Article VII, Section 6 of  
13 the Illinois Constitution, or pledges taxes pursuant to (b) or  
14 (c) of the second paragraph of this section, the ordinance  
15 authorizing the issuance of such obligations or pledging such  
16 taxes shall be published within 10 days after such ordinance  
17 has been passed in one or more newspapers, with general  
18 circulation within such municipality. The publication of the  
19 ordinance shall be accompanied by a notice of (1) the specific  
20 number of voters required to sign a petition requesting the  
21 question of the issuance of such obligations or pledging taxes  
22 to be submitted to the electors; (2) the time in which such  
23 petition must be filed; and (3) the date of the prospective  
24 referendum. The municipal clerk shall provide a petition form  
25 to any individual requesting one.

26 If no petition is filed with the municipal clerk, as

1 hereinafter provided in this Section, within 30 days after the  
2 publication of the ordinance, the ordinance shall be in effect.  
3 But, if within that 30 day period a petition is filed with the  
4 municipal clerk, signed by electors in the municipality  
5 numbering 10% or more of the number of registered voters in the  
6 municipality, asking that the question of issuing obligations  
7 using full faith and credit of the municipality as security for  
8 the cost of paying for redevelopment project costs, or of  
9 pledging taxes for the payment of such obligations, or both, be  
10 submitted to the electors of the municipality, the corporate  
11 authorities of the municipality shall call a special election  
12 in the manner provided by law to vote upon that question, or,  
13 if a general, State or municipal election is to be held within  
14 a period of not less than 30 or more than 90 days from the date  
15 such petition is filed, shall submit the question at the next  
16 general, State or municipal election. If it appears upon the  
17 canvass of the election by the corporate authorities that a  
18 majority of electors voting upon the question voted in favor  
19 thereof, the ordinance shall be in effect, but if a majority of  
20 the electors voting upon the question are not in favor thereof,  
21 the ordinance shall not take effect.

22 The ordinance authorizing the obligations may provide that  
23 the obligations shall contain a recital that they are issued  
24 pursuant to this Division, which recital shall be conclusive  
25 evidence of their validity and of the regularity of their  
26 issuance.

1           In the event the municipality authorizes issuance of  
2 obligations pursuant to this Section secured by the full faith  
3 and credit of the municipality, the ordinance authorizing the  
4 obligations may provide for the levy and collection of a direct  
5 annual tax upon all taxable property within the municipality  
6 sufficient to pay the principal thereof and interest thereon as  
7 it matures, which levy may be in addition to and exclusive of  
8 the maximum of all other taxes authorized to be levied by the  
9 municipality, which levy, however, shall be abated to the  
10 extent that monies from other sources are available for payment  
11 of the obligations and the municipality certifies the amount of  
12 said monies available to the county clerk.

13           A certified copy of such ordinance shall be filed with the  
14 county clerk of each county in which any portion of the  
15 municipality is situated, and shall constitute the authority  
16 for the extension and collection of the taxes to be deposited  
17 in the special tax allocation fund.

18           A municipality may also issue its obligations to refund in  
19 whole or in part, obligations theretofore issued by such  
20 municipality under the authority of this Act, whether at or  
21 prior to maturity, provided however, that the last maturity of  
22 the refunding obligations shall not be expressed to mature  
23 later than December 31 of the year in which the payment to the  
24 municipal treasurer as provided in subsection (b) of Section  
25 11-74.4-8 of this Act is to be made with respect to ad valorem  
26 taxes levied in the twenty-third calendar year after the year

1 in which the ordinance approving the redevelopment project area  
2 is adopted if the ordinance was adopted on or after January 15,  
3 1981, not later than December 31 of the year in which the  
4 payment to the municipal treasurer as provided in subsection  
5 (b) of Section 11-74.4-8 of this Act is to be made with respect  
6 to ad valorem taxes levied in the thirty-third calendar year  
7 after the year in which the ordinance approving the  
8 redevelopment project area if the ordinance was adopted on May  
9 20, 1985 by the Village of Wheeling, and not later than  
10 December 31 of the year in which the payment to the municipal  
11 treasurer as provided in subsection (b) of Section 11-74.4-8 of  
12 this Act is to be made with respect to ad valorem taxes levied  
13 in the thirty-fifth calendar year after the year in which the  
14 ordinance approving the redevelopment project area is adopted  
15 (A) if the ordinance was adopted before January 15, 1981, or  
16 (B) if the ordinance was adopted in December 1983, April 1984,  
17 July 1985, or December 1989, or (C) if the ordinance was  
18 adopted in December, 1987 and the redevelopment project is  
19 located within one mile of Midway Airport, or (D) if the  
20 ordinance was adopted before January 1, 1987 by a municipality  
21 in Mason County, or (E) if the municipality is subject to the  
22 Local Government Financial Planning and Supervision Act or the  
23 Financially Distressed City Law, or (F) if the ordinance was  
24 adopted in December 1984 by the Village of Rosemont, or (G) if  
25 the ordinance was adopted on December 31, 1986 by a  
26 municipality located in Clinton County for which at least

1 \$250,000 of tax increment bonds were authorized on June 17,  
2 1997, or if the ordinance was adopted on December 31, 1986 by a  
3 municipality with a population in 1990 of less than 3,600 that  
4 is located in a county with a population in 1990 of less than  
5 34,000 and for which at least \$250,000 of tax increment bonds  
6 were authorized on June 17, 1997, or (H) if the ordinance was  
7 adopted on October 5, 1982 by the City of Kankakee, or (I) if  
8 the ordinance was adopted on December 29, 1986 by East St.  
9 Louis, or if the ordinance was adopted on November 12, 1991 by  
10 the Village of Sauget, or (J) if the ordinance was adopted on  
11 February 11, 1985 by the City of Rock Island, or (K) if the  
12 ordinance was adopted before December 18, 1986 by the City of  
13 Moline, or (L) if the ordinance was adopted in September 1988  
14 by Sauk Village, or (M) if the ordinance was adopted in October  
15 1993 by Sauk Village, or (N) if the ordinance was adopted on  
16 December 29, 1986 by the City of Galva, or (O) if the ordinance  
17 was adopted in March 1991 by the City of Centreville, or (P) if  
18 the ordinance was adopted on January 23, 1991 by the City of  
19 East St. Louis, or (Q) if the ordinance was adopted on December  
20 22, 1986 by the City of Aledo, or (R) if the ordinance was  
21 adopted on February 5, 1990 by the City of Clinton, or (S) if  
22 the ordinance was adopted on September 6, 1994 by the City of  
23 Freeport, or (T) if the ordinance was adopted on December 22,  
24 1986 by the City of Tuscola, or (U) if the ordinance was  
25 adopted on December 23, 1986 by the City of Sparta, or (V) if  
26 the ordinance was adopted on December 23, 1986 by the City of

1 Beardstown, or (W) if the ordinance was adopted on April 27,  
2 1981, October 21, 1985, or December 30, 1986 by the City of  
3 Belleville, or (X) if the ordinance was adopted on December 29,  
4 1986 by the City of Collinsville, or (Y) if the ordinance was  
5 adopted on September 14, 1994 by the City of Alton, or (Z) if  
6 the ordinance was adopted on November 11, 1996 by the City of  
7 Lexington, or (AA) if the ordinance was adopted on November 5,  
8 1984 by the City of LeRoy, or (BB) if the ordinance was adopted  
9 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)  
10 if the ordinance was adopted on November 11, 1986 by the City  
11 of Pekin, or (DD) if the ordinance was adopted on December 15,  
12 1981 by the City of Champaign, or (EE) if the ordinance was  
13 adopted on December 15, 1986 by the City of Urbana, or (FF) if  
14 the ordinance was adopted on December 15, 1986 by the Village  
15 of Heyworth, or (GG) if the ordinance was adopted on February  
16 24, 1992 by the Village of Heyworth, or (HH) if the ordinance  
17 was adopted on March 16, 1995 by the Village of Heyworth, or  
18 (II) if the ordinance was adopted on December 23, 1986 by the  
19 Town of Cicero, or (JJ) if the ordinance was adopted on  
20 December 30, 1986 by the City of Effingham, or (KK) if the  
21 ordinance was adopted on May 9, 1991 by the Village of Tilton,  
22 or (LL) if the ordinance was adopted on October 20, 1986 by the  
23 City of Elmhurst, or (MM) if the ordinance was adopted on  
24 January 19, 1988 by the City of Waukegan, or (NN) if the  
25 ordinance was adopted on September 21, 1998 by the City of  
26 Waukegan, or (OO) if the ordinance was adopted on December 31,

1 1986 by the City of Sullivan, or (PP) if the ordinance was  
2 adopted on December 23, 1991 by the City of Sullivan, or (QQ)  
3 if the ordinance was adopted on December 31, 1986 by the City  
4 of Oglesby, or (RR) if the ordinance was adopted on July 28,  
5 1987 by the City of Marion, or (SS) if the ordinance was  
6 adopted on April 23, 1990 by the City of Marion, or (TT) if the  
7 ordinance was adopted on August 20, 1985 by the Village of  
8 Mount Prospect, or (UU) if the ordinance was adopted on  
9 February 2, 1998 by the Village of Woodhull, or (VV) if the  
10 ordinance was adopted on April 20, 1993 by the Village of  
11 Princeville, or (WW) if the ordinance was adopted on July 1,  
12 1986 by the City of Granite City, or (XX) if the ordinance was  
13 adopted on February 2, 1989 by the Village of Lombard, or (YY)  
14 if the ordinance was adopted on December 29, 1986 by the  
15 Village of Gardner, or (ZZ) if the ordinance was adopted on  
16 July 14, 1999 by the Village of Paw Paw, or (AAA) if the  
17 ordinance was adopted on November 17, 1986 by the Village of  
18 Franklin Park, or (BBB) if the ordinance was adopted on  
19 November 20, 1989 by the Village of South Holland, or (CCC) if  
20 the ordinance was adopted on July 14, 1992 by the Village of  
21 Riverdale, or DDD ~~(CCC)~~ if the ordinance was adopted on  
22 December 29, 1986 by the City of Galesburg, or (EEE) ~~(DDD)~~ if  
23 the ordinance was adopted on April 1, 1985 by the City of  
24 Galesburg, or (FFF) ~~(CCC)~~ if the ordinance was adopted on May  
25 21, 1990 by the City of West Chicago, or (GGG) ~~(CCC)~~ if the  
26 ordinance was adopted on December 16, 1986 by the City of Oak

1 Forest, ~~or~~ (HHH) ~~(AAA)~~ if the ordinance was adopted in 1999 by  
2 the City of Villa Grove, or (III) ~~(CCC)~~ if the ordinance was  
3 adopted on January 13, 1987 by the Village of Mt. Zion, or  
4 (JJJ) ~~(CCC)~~ if the ordinance was adopted on December 30, 1986  
5 by the Village of Manteno, or (KKK) ~~(DDD)~~ if the ordinance was  
6 adopted on April 3, 1989 by the City of Chicago Heights, or  
7 (LLL) ~~(EEE)~~ if the ordinance was adopted on January 6, 1999 by  
8 the Village of Rosemont, or (MMM) ~~(FFF)~~ if the ordinance was  
9 adopted on December 19, 2000 by the Village of Stone Park and,  
10 for redevelopment project areas for which bonds were issued  
11 before July 29, 1991, in connection with a redevelopment  
12 project in the area within the State Sales Tax Boundary and  
13 which were extended by municipal ordinance under subsection (n)  
14 of Section 11-74.4-3, the last maturity of the refunding  
15 obligations shall not be expressed to mature later than the  
16 date on which the redevelopment project area is terminated or  
17 December 31, 2013, whichever date occurs first.

18 In the event a municipality issues obligations under home  
19 rule powers or other legislative authority the proceeds of  
20 which are pledged to pay for redevelopment project costs, the  
21 municipality may, if it has followed the procedures in  
22 conformance with this division, retire said obligations from  
23 funds in the special tax allocation fund in amounts and in such  
24 manner as if such obligations had been issued pursuant to the  
25 provisions of this division.

26 All obligations heretofore or hereafter issued pursuant to



1 this Act shall not be regarded as indebtedness of the  
2 municipality issuing such obligations or any other taxing  
3 district for the purpose of any limitation imposed by law.

4 (Source: P.A. 94-260, eff. 7-19-05; 94-297, eff. 7-21-05;  
5 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff.  
6 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782,  
7 eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06;  
8 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff.  
9 1-26-07; 95-15, eff. 7-16-07; 95-164, eff. 1-1-08; 95-331, eff.  
10 8-21-07; 95-346, eff. 8-21-07; 95-459, eff. 8-27-07; 95-653,  
11 eff. 1-1-08; 95-662, eff. 10-11-07; 95-683, eff. 10-19-07;  
12 revised 11-8-07.)

13 Section 175. The School Code is amended by changing  
14 Sections 2-3.12, 5-1, 10-22.3f, 10-22.22b, 10-23.5, 14-8.02,  
15 14C-8, 18-12, 27-8.1, 27-17, and 27-23.7 and by setting forth  
16 and renumbering multiple versions of Sections 2-3.142,  
17 10-20.40, and 34-18.34 as follows:

18 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

19 Sec. 2-3.12. School building code.

20 (a) To prepare for school boards with the advice of the  
21 Department of Public Health, the Capital Development Board, and  
22 the State Fire Marshal a school building code that will  
23 conserve the health and safety and general welfare of the  
24 pupils and school personnel and others who use public school

1 facilities. ~~(now repealed)~~

2 (b) Within 2 years after September 23, 1983, and every 10  
3 years thereafter, or at such other times as the State Board of  
4 Education deems necessary or the regional superintendent so  
5 orders, each school board subject to the provisions of this  
6 Section shall again survey its school buildings and effectuate  
7 any recommendations in accordance with the procedures set forth  
8 herein.

9 (1) An architect or engineer licensed in the State of  
10 Illinois is required to conduct the surveys under the  
11 provisions of this Section and shall make a report of the  
12 findings of the survey titled "safety survey report" to the  
13 school board.

14 (2) The school board shall approve the safety survey  
15 report, including any recommendations to effectuate  
16 compliance with the code, and submit it to the Regional  
17 Superintendent.

18 (3) The Regional Superintendent shall render a  
19 decision regarding approval or denial and submit the safety  
20 survey report to the State Superintendent of Education.

21 (4) The State Superintendent of Education shall  
22 approve or deny the report including recommendations to  
23 effectuate compliance with the code and, if approved, issue  
24 a certificate of approval.

25 (5) Upon receipt of the certificate of approval, the  
26 Regional Superintendent shall issue an order to effect any

1 approved recommendations included in the report. The  
2 report shall meet all of the following requirements:

3 (A) Items in the report shall be prioritized.

4 (B) Urgent items shall be considered as those items  
5 related to life safety problems that present an  
6 immediate hazard to the safety of students.

7 (C) Required items shall be considered as those  
8 items that are necessary for a safe environment but  
9 present less of an immediate hazard to the safety of  
10 students.

11 (D) Urgent and required items shall reference a  
12 specific rule in the code authorized by this Section  
13 that is currently being violated or will be violated  
14 within the next 12 months if the violation is not  
15 remedied.

16 (6) The school board of each district so surveyed and  
17 receiving a report of needed recommendations to be made to  
18 maintain standards of safety and health of the pupils  
19 enrolled shall effectuate the correction of urgent items as  
20 soon as achievable to ensure the safety of the students,  
21 but in no case more than one year after the date of the  
22 State Superintendent of Education's approval of the  
23 recommendation.

24 (7) Required items shall be corrected in a timely  
25 manner, but in no case more than 5 years from the date of  
26 the State Superintendent of Education's approval of the

1 recommendation.

2 (8) Once each year the school board shall submit a  
3 report of progress on completion of any recommendations to  
4 effectuate compliance with the code.

5 (c) As soon as practicable, but not later than 2 years  
6 after January 1, 1993, the State Board of Education shall  
7 combine the document known as "Efficient and Adequate Standards  
8 for the Construction of Schools" with the document known as  
9 "Building Specifications for Health and Safety in Public  
10 Schools" together with any modifications or additions that may  
11 be deemed necessary. The combined document shall be known as  
12 the "Health/Life Safety Code for Public Schools" and shall be  
13 the governing code for all facilities that house public school  
14 students or are otherwise used for public school purposes,  
15 whether such facilities are permanent or temporary and whether  
16 they are owned, leased, rented, or otherwise used by the  
17 district. Facilities owned by a school district but that are  
18 not used to house public school students or are not used for  
19 public school purposes shall be governed by separate provisions  
20 within the code authorized by this Section.

21 (d) The 10 year survey cycle specified in this Section  
22 shall continue to apply based upon the standards contained in  
23 the "Health/Life Safety Code for Public Schools", which shall  
24 specify building standards for buildings that are constructed  
25 prior to January 1, 1993 and for buildings that are constructed  
26 after that date.

1           (e) The "Health/Life Safety Code for Public Schools" shall  
2 be the governing code for public schools; however, the  
3 provisions of this Section shall not preclude inspection of  
4 school premises and buildings pursuant to Section 9 of the Fire  
5 Investigation Act, provided that the provisions of the  
6 "Health/Life Safety Code for Public Schools", or such  
7 predecessor document authorized by this Section as may be  
8 applicable are used, and provided that those inspections are  
9 coordinated with the Regional Superintendent having  
10 jurisdiction over the public school facility.

11           (f) Nothing in this Section shall be construed to prohibit  
12 the State Fire Marshal or a qualified fire official to whom the  
13 State Fire Marshal has delegated his or her authority from  
14 conducting a fire safety check in a public school.

15           (g) The Regional Superintendent shall address any  
16 violations that are not corrected in a timely manner pursuant  
17 to subsection (b) of Section 3-14.21 of this Code.

18           (h) Any agency having jurisdiction beyond the scope of the  
19 applicable document authorized by this Section may issue a  
20 lawful order to a school board to effectuate recommendations,  
21 and the school board receiving the order shall certify to the  
22 Regional Superintendent and the State Superintendent of  
23 Education when it has complied with the order.

24           (i) The State Board of Education is authorized to adopt any  
25 rules that are necessary relating to the administration and  
26 enforcement of the provisions of this Section.

1 (j) The code authorized by this Section shall apply only to  
2 those school districts having a population of less than 500,000  
3 inhabitants.

4 (k) In this Section, a "qualified fire official" means an  
5 individual that meets the requirements of rules adopted by the  
6 State Fire Marshal in cooperation with the State Board of  
7 Education to administer this Section. These rules shall be  
8 based on recommendations made by the task force established  
9 under Section 2-3.137 of this Code.

10 (Source: P.A. 94-225, eff. 7-14-05; 94-875, eff. 7-1-06;  
11 94-1105, eff. 6-1-07; revised 2-20-07.)

12 (105 ILCS 5/2-3.142)

13 Sec. 2-3.142. Grants to Illinois School Psychology  
14 Internship Consortium. Subject to appropriations for this  
15 purpose, the State Board of Education shall provide grants to  
16 the Illinois School Psychology Internship Consortium for aid in  
17 providing training programs and facilitating interns to  
18 improve the educational and mental health services of children  
19 in this State.

20 (Source: P.A. 95-102, eff. 1-1-08.)

21 (105 ILCS 5/2-3.144)

22 Sec. 2-3.144 ~~2-3.142~~. Community college enrollments. The  
23 State Board of Education shall annually assemble all data  
24 reported to the State Board of Education under Section 10-21.4

1 or 34-8 of this Code by district superintendents, relating to  
2 the number of high school students in the educational service  
3 region who are enrolled in accredited courses at any community  
4 college, together with the name and number of the course or  
5 courses that each such student is taking, assembled both by  
6 individual school district and by educational service region  
7 totals.

8 (Source: P.A. 95-496, eff. 8-28-07; revised 12-7-07.)

9 (105 ILCS 5/2-3.145)

10 Sec. 2-3.145 ~~2-3.142~~. Special education expenditure and  
11 receipt report. The State Board of Education shall issue an  
12 annual report to the General Assembly and Governor identifying  
13 each school district's special education expenditures;  
14 receipts received from State, federal, and local sources; and  
15 net special education expenditures over receipts received, if  
16 applicable. Expenditures and receipts shall be calculated in a  
17 manner specified by the State Board using data obtained from  
18 the Annual Financial Report, the Funding and Child Tracking  
19 System, and district enrollment information. This report must  
20 be issued on or before May 1, 2008 and on or before each May 1  
21 thereafter.

22 (Source: P.A. 95-555, eff. 8-30-07; revised 12-7-07.)

23 (105 ILCS 5/2-3.147)

24 Sec. 2-3.147 ~~2-3.142~~. The Ensuring Success in School Task

1 Force.

2 (a) In this Section:

3 "Domestic violence" means abuse by a family or household  
4 member, as "abuse" and "family or household members" are  
5 defined in Section 103 of the Illinois Domestic Violence Act of  
6 1986.

7 "Sexual violence" means sexual assault, abuse, or stalking  
8 of an adult or minor child proscribed in the Criminal Code of  
9 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,  
10 12-14.1, 12-15, and 12-16, including sexual violence committed  
11 by perpetrators who are strangers to the victim and sexual  
12 violence committed by perpetrators who are known or related by  
13 blood or marriage to the victim.

14 (b) The State Board of Education shall convene an Ensuring  
15 Success in School Task Force to develop policies, procedures,  
16 and protocols to be adopted by school districts for addressing  
17 the educational and related needs of children and youth who are  
18 parents, expectant parents, or victims of domestic or sexual  
19 violence to ensure their ability to stay in school, stay safe  
20 while in school, and successfully complete their education. The  
21 State Board of Education shall be the agency responsible for  
22 providing staff and administrative support to the task force.

23 (c) The Ensuring Success in School Task Force shall do all  
24 of the following:

25 (1) Conduct a thorough examination of the barriers to  
26 school attendance, safety, and completion for children and



1 youth who are parents, expectant parents, or victims of  
2 domestic or sexual violence.

3 (2) Conduct a discovery process that includes relevant  
4 research and the identification of effective policies,  
5 protocols, and programs within this State and elsewhere.

6 (3) Conduct meetings and public hearings in  
7 geographically diverse locations throughout the State to  
8 ensure the maximum input from area advocates and service  
9 providers, from local education agencies, and from  
10 children and youth who are parents, expectant parents, or  
11 victims of domestic or sexual violence and their parents or  
12 guardians.

13 (4) Establish and adhere to procedures and protocols to  
14 allow children and youth who are parents, expectant  
15 parents, or victims of domestic or sexual violence, their  
16 parents or guardians, and advocates who work on behalf of  
17 such children and youth to participate in the task force  
18 anonymously and confidentially.

19 (5) Invite the testimony of and confer with experts on  
20 relevant topics.

21 (6) Produce a report of the task force's findings on  
22 best practices and policies, which shall include a plan  
23 with a phased and prioritized implementation timetable  
24 with focus on ensuring the successful and safe completion  
25 of school for children and youth who are parents, expectant  
26 parents, or victims of domestic or sexual violence. The

1 task force shall submit a report to the General Assembly on  
2 or before January 1, 2009 on its findings, recommendations,  
3 and implementation plan. Any task force reports shall be  
4 published on the State Board of Education's Internet  
5 website on the date the report is delivered to the General  
6 Assembly.

7 (7) Recommend new legislation or proposed rules  
8 developed by the task force.

9 (d) The President of the Senate and the Speaker of the  
10 House of Representatives shall each appoint one co-chairperson  
11 of the Ensuring Success in School Task Force. In addition to  
12 the 2 co-chairpersons, the task force shall be comprised of  
13 each of the following members, appointed by the State Board of  
14 Education, and shall be representative of the geographic,  
15 racial, ethnic, and cultural diversity of this State:

16 (1) A representative of a statewide nonprofit,  
17 nongovernmental domestic violence organization.

18 (2) A domestic violence victims' advocate or service  
19 provider from a different nonprofit, nongovernmental  
20 domestic violence organization.

21 (3) A representative of a statewide nonprofit,  
22 nongovernmental sexual assault organization.

23 (4) A sexual assault victims' advocate or service  
24 provider from a different nonprofit, nongovernmental  
25 sexual assault organization.

26 (5) A teen parent advocate or service provider from a

1 nonprofit, nongovernmental organization.

2 (6) A school social worker.

3 (7) A school psychologist.

4 (8) A school counselor.

5 (9) A representative of a statewide professional  
6 teachers' organization.

7 (10) A representative of a different statewide  
8 professional teachers' organization.

9 (11) A representative of a statewide organization that  
10 represents school boards.

11 (12) A representative of a statewide organization  
12 representing principals.

13 (13) A representative of City of Chicago School  
14 District 299.

15 (14) A representative of a nonprofit, nongovernmental  
16 youth services provider.

17 (15) A representative of a statewide nonprofit,  
18 nongovernmental multi-issue advocacy organization with  
19 expertise in a cross-section of relevant issues.

20 (16) An alternative education service provider.

21 (17) A representative from a regional office of  
22 education.

23 (18) A truancy intervention services provider.

24 (19) A youth who is a parent or expectant parent  
25 directly affected by the issues, problems, and concerns of  
26 staying in school and successfully completing his or her

1 education through high school.

2 (20) A youth who is a victim of domestic or sexual  
3 violence directly affected by the issues, problems, and  
4 concerns of staying in school and successfully completing  
5 his or her education.

6 (21) A parent or guardian of a child or youth who is a  
7 parent or expectant parent directly affected by the issues,  
8 problems, and concerns of staying in school and  
9 successfully completing his or her education.

10 (22) A parent or guardian of a child or youth who is a  
11 victim of domestic or sexual violence directly affected by  
12 the issues, problems, and concerns of staying in school and  
13 successfully completing his or her education.

14 The task force shall also consist of one member appointed by  
15 the Minority Leader of the Senate, one member appointed by the  
16 Minority Leader of the House of Representatives, the State  
17 Superintendent of Education, the Secretary of Human Services,  
18 the Director of Healthcare and Family Services, the Director of  
19 Children and Family Services, and the Director of Public Health  
20 or their designees.

21 (e) Members of the Ensuring Success in School Task Force  
22 shall receive no compensation for their participation, but may  
23 be reimbursed by the State Board of Education for expenses in  
24 connection with their participation, including travel, if  
25 funds are available. However, members of the task force who are  
26 youth who are parents, expectant parents, or victims of

1 domestic or sexual violence and the parents or guardians of  
2 such youth shall be reimbursed for their travel expenses  
3 connected to their participation in the task force.

4 (Source: P.A. 95-558, eff. 8-30-07; revised 12-7-07.)

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

6 Sec. 5-1. County school units.

7 (a) The territory in each county, exclusive of any school  
8 district governed by any special act which requires the  
9 district to appoint its own school treasurer, shall constitute  
10 a county school unit. County school units of less than  
11 2,000,000 inhabitants shall be known as Class I county school  
12 units and the office of township trustees, where existing on  
13 July 1, 1962, in such units shall be abolished on that date and  
14 all books and records of such former township trustees shall be  
15 forthwith thereafter transferred to the county board of school  
16 trustees. County school units of 2,000,000 or more inhabitants  
17 shall be known as Class II county school units and shall retain  
18 the office of township trustees unless otherwise provided in  
19 subsection (b) or (c).

20 (b) Notwithstanding subsections (a) and (c), the school  
21 board of any elementary school district having a fall, 1989  
22 aggregate enrollment of at least 2,500 but less than 6,500  
23 pupils and having boundaries that are coterminous with the  
24 boundaries of a high school district, and the school board of  
25 any high school district having a fall, 1989 aggregate

1 enrollment of at least 2,500 but less than 6,500 pupils and  
2 having boundaries that are coterminous with the boundaries of  
3 an elementary school district, may, whenever the territory of  
4 such school district forms a part of a Class II county school  
5 unit, by proper resolution withdraw such school district from  
6 the jurisdiction and authority of the trustees of schools of  
7 the township in which such school district is located and from  
8 the jurisdiction and authority of the township treasurer in  
9 such Class II county school unit; provided that the school  
10 board of any such school district shall, upon the adoption and  
11 passage of such resolution, thereupon elect or appoint its own  
12 school treasurer as provided in Section 8-1. Upon the adoption  
13 and passage of such resolution and the election or appointment  
14 by the school board of its own school treasurer: (1) the  
15 trustees of schools in such township shall no longer have or  
16 exercise any powers and duties with respect to the school  
17 district governed by such school board or with respect to the  
18 school business, operations or assets of such school district;  
19 and (2) all books and records of the township trustees relating  
20 to the school business and affairs of such school district  
21 shall be transferred and delivered to the school board of such  
22 school district. Upon the effective date of this amendatory Act  
23 of 1993, the legal title to, and all right, title and interest  
24 formerly held by the township trustees in any school buildings  
25 and school sites used and occupied by the school board of such  
26 school district for school purposes, that legal title, right,

1 title and interest thereafter having been transferred to and  
2 vested in the regional board of school trustees under P.A.  
3 87-473 until the abolition of that regional board of school  
4 trustees by P.A. 87-969, shall be deemed transferred by  
5 operation of law to and shall vest in the school board of that  
6 school district.

7 Notwithstanding subsections (a) and (c), the school boards  
8 of Oak Park & River Forest District 200, Oak Park Elementary  
9 School District 97, and River Forest School District 90 may, by  
10 proper resolution, withdraw from the jurisdiction and  
11 authority of the trustees of schools of Proviso and Cicero  
12 Townships and the township treasurer, provided that the school  
13 board shall, upon the adoption and passage of the resolution,  
14 elect or appoint its own school treasurer as provided in  
15 Section 8-1 of this Code. Upon the adoption and passage of the  
16 resolution and the election or appointment by the school board  
17 of its own school treasurer: (1) the trustees of schools in the  
18 township or townships shall no longer have or exercise any  
19 powers or duties with respect to the school district or with  
20 respect to the school business, operations, or assets of the  
21 school district; (2) all books and records of the trustees of  
22 schools and all moneys, securities, loanable funds, and other  
23 assets relating to the school business and affairs of the  
24 school district shall be transferred and delivered to the  
25 school board; and (3) all legal title to and all right, title,  
26 and interest formerly held by the trustees of schools in any

1 common school lands, school buildings, or school sites used and  
2 occupied by the school board and all rights of property and  
3 causes of action pertaining to or constituting a part of the  
4 common school lands, buildings, or sites shall be deemed  
5 transferred by operation of law to and shall vest in the school  
6 board.

7 Notwithstanding subsections (a) and (c), the respective  
8 school boards of Berwyn North School District 98, Berwyn South  
9 School District 100, Cicero School District 99, and J.S. Morton  
10 High School District 201 may, by proper resolution, withdraw  
11 from the jurisdiction and authority of the trustees of schools  
12 of Cicero Township and the township treasurer, provided that  
13 the school board shall, upon the adoption and passage of the  
14 resolution, elect or appoint its own school treasurer as  
15 provided in Section 8-1 of this Code. Upon the adoption and  
16 passage of the resolution and the election or appointment by  
17 the school board of its own school treasurer: (1) the trustees  
18 of schools in the township shall no longer have or exercise any  
19 powers or duties with respect to the school district or with  
20 respect to the school business, operations, or assets of the  
21 school district; (2) all books and records of the trustees of  
22 schools and all moneys, securities, loanable funds, and other  
23 assets relating to the school business and affairs of the  
24 school district shall be transferred and delivered to the  
25 school board; and (3) all legal title to and all right, title,  
26 and interest formerly held by the trustees of schools in any



1 common school lands, school buildings, or school sites used and  
2 occupied by the school board and all rights of property and  
3 causes of action pertaining to or constituting a part of the  
4 common school lands, buildings, or sites shall be deemed  
5 transferred by operation of law to and shall vest in the school  
6 board.

7 (c) Notwithstanding the provisions of subsection (a), the  
8 offices of township treasurer and trustee of schools of any  
9 township located in a Class II county school unit shall be  
10 abolished as provided in this subsection if all of the  
11 following conditions are met:

12 (1) During the same 30 day period, each school board of  
13 each elementary and unit school district that is subject to  
14 the jurisdiction and authority of the township treasurer  
15 and trustees of schools of the township in which those  
16 offices are sought to be abolished gives written notice by  
17 certified mail, return receipt requested to the township  
18 treasurer and trustees of schools of that township of the  
19 date of a meeting of the school board, to be held not more  
20 than 90 nor less than 60 days after the date when the  
21 notice is given, at which meeting the school board is to  
22 consider and vote upon the question of whether there shall  
23 be submitted to the electors of the school district a  
24 proposition to abolish the offices of township treasurer  
25 and trustee of schools of that township. None of the  
26 notices given under this paragraph to the township

1 treasurer and trustees of schools of a township shall be  
2 deemed sufficient or in compliance with the requirements of  
3 this paragraph unless all of those notices are given within  
4 the same 30 day period.

5 (2) Each school board of each elementary and unit  
6 school district that is subject to the jurisdiction and  
7 authority of the township treasurer and trustees of schools  
8 of the township in which those offices are sought to be  
9 abolished, by the affirmative vote of at least 5 members of  
10 the school board at a school board meeting of which notice  
11 is given as required by paragraph (1) of this subsection,  
12 adopts a resolution requiring the secretary of the school  
13 board to certify to the proper election authorities for  
14 submission to the electors of the school district at the  
15 next consolidated election in accordance with the general  
16 election law a proposition to abolish the offices of  
17 township treasurer and trustee of schools of that township.  
18 None of the resolutions adopted under this paragraph by any  
19 elementary or unit school districts that are subject to the  
20 jurisdiction and authority of the township treasurer and  
21 trustees of schools of the township in which those offices  
22 are sought to be abolished shall be deemed in compliance  
23 with the requirements of this paragraph or sufficient to  
24 authorize submission of the proposition to abolish those  
25 offices to a referendum of the electors in any such school  
26 district unless all of the school boards of all of the

1 elementary and unit school districts that are subject to  
 2 the jurisdiction and authority of the township treasurer  
 3 and trustees of schools of that township adopt such a  
 4 resolution in accordance with the provisions of this  
 5 paragraph.

6 (3) The school boards of all of the elementary and unit  
 7 school districts that are subject to the jurisdiction and  
 8 authority of the township treasurer and trustees of schools  
 9 of the township in which those offices are sought to be  
 10 abolished submit a proposition to abolish the offices of  
 11 township treasurer and trustee of schools of that township  
 12 to the electors of their respective school districts at the  
 13 same consolidated election in accordance with the general  
 14 election law, the ballot in each such district to be in  
 15 substantially the following form:

16 -----  
 17 OFFICIAL BALLOT  
 18 Shall the offices of township  
 19 treasurer and YES  
 20 trustee of -----  
 21 schools of Township ..... NO  
 22 Range ..... be abolished?  
 23 -----

24 (4) At the consolidated election at which the  
 25 proposition to abolish the offices of township treasurer  
 26 and trustee of schools of a township is submitted to the

1 electors of each elementary and unit school district that  
2 is subject to the jurisdiction and authority of the  
3 township treasurer and trustee of schools of that township,  
4 a majority of the electors voting on the proposition in  
5 each such elementary and unit school district votes in  
6 favor of the proposition as submitted to them.

7 If in each elementary and unit school district that is  
8 subject to the jurisdiction and authority of the township  
9 treasurer and trustees of schools of the township in which  
10 those offices are sought to be abolished a majority of the  
11 electors in each such district voting at the consolidated  
12 election on the proposition to abolish the offices of township  
13 treasurer and trustee of schools of that township votes in  
14 favor of the proposition as submitted to them, the proposition  
15 shall be deemed to have passed; but if in any such elementary  
16 or unit school district a majority of the electors voting on  
17 that proposition in that district fails to vote in favor of the  
18 proposition as submitted to them, then notwithstanding the vote  
19 of the electors in any other such elementary or unit school  
20 district on that proposition the proposition shall not be  
21 deemed to have passed in any of those elementary or unit school  
22 districts, and the offices of township treasurer and trustee of  
23 schools of the township in which those offices were sought to  
24 be abolished shall not be abolished, unless in each of those  
25 elementary and unit school districts remaining subject to the  
26 jurisdiction and authority of the township treasurer and

1 trustees of schools of that township proceedings are again  
2 initiated to abolish those offices and all of the proceedings  
3 and conditions prescribed in paragraphs (1) through (4) of this  
4 subsection are repeated and met in each of those elementary and  
5 unit school districts.

6 Notwithstanding the foregoing provisions of this Section  
7 or any other provision of the School Code, the offices of  
8 township treasurer and trustee of schools of a township that  
9 has a population of less than 200,000 and that contains a unit  
10 school district and is located in a Class II county school unit  
11 shall also be abolished as provided in this subsection if all  
12 of the conditions set forth in paragraphs (1), (2), and (3) of  
13 this subsection are met and if the following additional  
14 condition is met:

15 The electors in all of the school districts subject to  
16 the jurisdiction and authority of the township treasurer  
17 and trustees of schools of the township in which those  
18 offices are sought to be abolished shall vote at the  
19 consolidated election on the proposition to abolish the  
20 offices of township treasurer and trustee of schools of  
21 that township. If a majority of the electors in all of the  
22 school districts combined voting on the proposition vote in  
23 favor of the proposition, then the proposition shall be  
24 deemed to have passed; but if a majority of the electors  
25 voting on the proposition in all of the school district  
26 fails to vote in favor of the proposition as submitted to

1           them, then the proposition shall not be deemed to have  
2           passed and the offices of township treasurer and trustee of  
3           schools of the township in which those offices were sought  
4           to be abolished shall not be abolished, unless and until  
5           the proceedings detailed in paragraphs (1) through (3) of  
6           this subsection and the conditions set forth in this  
7           paragraph are met.

8           If the proposition to abolish the offices of township  
9           treasurer and trustee of schools of a township is deemed to  
10          have passed at the consolidated election as provided in this  
11          subsection, those offices shall be deemed abolished by  
12          operation of law effective on January 1 of the calendar year  
13          immediately following the calendar year in which that  
14          consolidated election is held, provided that if after the  
15          election, the trustees of schools by resolution elect to  
16          abolish the offices of township treasurer and trustee of  
17          schools effective on July 1 immediately following the election,  
18          then the offices shall be abolished on July 1 immediately  
19          following the election. On the date that the offices of  
20          township treasurer and trustee of schools of a township are  
21          deemed abolished by operation of law, the school board of each  
22          elementary and unit school district and the school board of  
23          each high school district that is subject to the jurisdiction  
24          and authority of the township treasurer and trustees of schools  
25          of that township at the time those offices are abolished: (i)  
26          shall appoint its own school treasurer as provided in Section

1 8-1; and (ii) unless the term of the contract of a township  
2 treasurer expires on the date that the office of township  
3 treasurer is abolished, shall pay to the former township  
4 treasurer its proportionate share of any aggregate  
5 compensation that, were the office of township treasurer not  
6 abolished at that time, would have been payable to the former  
7 township treasurer after that date over the remainder of the  
8 term of the contract of the former township treasurer that  
9 began prior to but ends after that date. In addition, on the  
10 date that the offices of township treasurer and trustee of  
11 schools of a township are deemed abolished as provided in this  
12 subsection, the school board of each elementary school, high  
13 school and unit school district that until that date is subject  
14 to the jurisdiction and authority of the township treasurer and  
15 trustees of schools of that township shall be deemed by  
16 operation of law to have agreed and assumed to pay and, when  
17 determined, shall pay to the Illinois Municipal Retirement Fund  
18 a proportionate share of the unfunded liability existing in  
19 that Fund at the time these offices are abolished in that  
20 calendar year for all annuities or other benefits then or  
21 thereafter to become payable from that Fund with respect to all  
22 periods of service performed prior to that date as a  
23 participating employee in that Fund by persons serving during  
24 those periods of service as a trustee of schools, township  
25 treasurer or regular employee in the office of the township  
26 treasurer of that township. That unfunded liability shall be

1 actuarially determined by the board of trustees of the Illinois  
2 Municipal Retirement Fund, and the board of trustees shall  
3 thereupon notify each school board required to pay a  
4 proportionate share of that unfunded liability of the aggregate  
5 amount of the unfunded liability so determined. The amount so  
6 paid to the Illinois Municipal Retirement Fund by each of those  
7 school districts shall be credited to the account of the  
8 township in that Fund. For each elementary school, high school  
9 and unit school district under the jurisdiction and authority  
10 of a township treasurer and trustees of schools of a township  
11 in which those offices are abolished as provided in this  
12 subsection, each such district's proportionate share of the  
13 aggregate compensation payable to the former township  
14 treasurer as provided in this paragraph and each such  
15 district's proportionate share of the aggregate amount of the  
16 unfunded liability payable to the Illinois Municipal  
17 Retirement Fund as provided in this paragraph shall be computed  
18 in accordance with the ratio that the number of pupils in  
19 average daily attendance in each such district for the school  
20 year last ending prior to the date on which the offices of  
21 township treasurer and trustee of schools of that township are  
22 abolished bears to the aggregate number of pupils in average  
23 daily attendance in all of those districts as so reported for  
24 that school year.

25       Upon abolition of the offices of township treasurer and  
26 trustee of schools of a township as provided in this



1 subsection: (i) the regional board of school trustees, in its  
2 corporate capacity, shall be deemed the successor in interest  
3 to the former trustees of schools of that township with respect  
4 to the common school lands and township loanable funds of the  
5 township; (ii) all right, title and interest existing or vested  
6 in the former trustees of schools of that township in the  
7 common school lands and township loanable funds of the  
8 township, and all records, moneys, securities and other assets,  
9 rights of property and causes of action pertaining to or  
10 constituting a part of those common school lands or township  
11 loanable funds, shall be transferred to and deemed vested by  
12 operation of law in the regional board of school trustees,  
13 which shall hold legal title to, manage and operate all common  
14 school lands and township loanable funds of the township,  
15 receive the rents, issues and profits therefrom, and have and  
16 exercise with respect thereto the same powers and duties as are  
17 provided by this Code to be exercised by regional boards of  
18 school trustees when acting as township land commissioners in  
19 counties having at least 220,000 but fewer than 2,000,000  
20 inhabitants; (iii) the regional board of school trustees shall  
21 select to serve as its treasurer with respect to the common  
22 school lands and township loanable funds of the township a  
23 person from time to time also serving as the appointed school  
24 treasurer of any school district that was subject to the  
25 jurisdiction and authority of the township treasurer and  
26 trustees of schools of that township at the time those offices

1 were abolished, and the person selected to also serve as  
2 treasurer of the regional board of school trustees shall have  
3 his compensation for services in that capacity fixed by the  
4 regional board of school trustees, to be paid from the township  
5 loanable funds, and shall make to the regional board of school  
6 trustees the reports required to be made by treasurers of  
7 township land commissioners, give bond as required by  
8 treasurers of township land commissioners, and perform the  
9 duties and exercise the powers of treasurers of township land  
10 commissioners; (iv) the regional board of school trustees shall  
11 designate in the manner provided by Section 8-7, insofar as  
12 applicable, a depository for its treasurer, and the proceeds of  
13 all rents, issues and profits from the common school lands and  
14 township loanable funds of that township shall be deposited and  
15 held in the account maintained for those purposes with that  
16 depository and shall be expended and distributed therefrom as  
17 provided in Section 15-24 and other applicable provisions of  
18 this Code; and (v) whenever there is vested in the trustees of  
19 schools of a township at the time that office is abolished  
20 under this subsection the legal title to any school buildings  
21 or school sites used or occupied for school purposes by any  
22 elementary school, high school or unit school district subject  
23 to the jurisdiction and authority of those trustees of school  
24 at the time that office is abolished, the legal title to those  
25 school buildings and school sites shall be deemed transferred  
26 by operation of law to and invested in the school board of that

1 school district, in its corporate capacity Section 7-28, the  
2 same to be held, sold, exchanged leased or otherwise  
3 transferred in accordance with applicable provisions of this  
4 Code.

5 Notwithstanding Section 2-3.25g of this Code, a waiver of a  
6 mandate established under this Section may not be requested.

7 (Source: P.A. 94-1078, eff. 1-9-07; 94-1105, eff. 6-1-07; 95-4,  
8 eff. 5-31-07; revised 7-5-07.)

9 (105 ILCS 5/10-20.40)

10 Sec. 10-20.40. Student biometric information.

11 (a) For the purposes of this Section, "biometric  
12 information" means any information that is collected through an  
13 identification process for individuals based on their unique  
14 behavioral or physiological characteristics, including  
15 fingerprint, hand geometry, voice, or facial recognition or  
16 iris or retinal scans.

17 (b) School districts that collect biometric information  
18 from students shall adopt policies that require, at a minimum,  
19 all of the following:

20 (1) Written permission from the individual who has  
21 legal custody of the student, as defined in Section  
22 10-20.12b of this Code, or from the student if he or she  
23 has reached the age of 18.

24 (2) The discontinuation of use of a student's biometric  
25 information under either of the following conditions:

1 (A) upon the student's graduation or withdrawal  
2 from the school district; or

3 (B) upon receipt in writing of a request for  
4 discontinuation by the individual having legal custody  
5 of the student or by the student if he or she has  
6 reached the age of 18.

7 (3) The destruction of all of a student's biometric  
8 information within 30 days after the biometric information  
9 is discontinued in accordance with item (2) of this  
10 subsection (b).

11 (4) The use of biometric information solely for  
12 identification or fraud prevention.

13 (5) A prohibition on the sale, lease, or other  
14 disclosure of biometric information to another person or  
15 entity, unless:

16 (A) the individual who has legal custody of the  
17 student or the student, if he or she has reached the  
18 age of 18, consents to the disclosure; or

19 (B) the disclosure is required by court order.

20 (6) The storage, transmittal, and protection of all  
21 biometric information from disclosure.

22 (c) Failure to provide written consent under item (1) of  
23 subsection (b) of this Section by the individual who has legal  
24 custody of the student or by the student, if he or she has  
25 reached the age of 18, must not be the basis for refusal of any  
26 services otherwise available to the student.

1 (Source: P.A. 95-232, eff. 8-16-07.)

2 (105 ILCS 5/10-20.41)

3 Sec. 10-20.41 ~~10-20.40~~. Use of facilities by community  
4 organizations. School boards are encouraged to allow community  
5 organizations to use school facilities during non-school  
6 hours. If a school board allows a community organization to use  
7 school facilities during non-school hours, the board must adopt  
8 a formal policy governing the use of school facilities by  
9 community organizations during non-school hours. The policy  
10 shall prohibit such use if it interferes with any school  
11 functions or the safety of students or school personnel or  
12 affects the property or liability of the school district.

13 (Source: P.A. 95-308, eff. 8-20-07; revised 12-7-07.)

14 (105 ILCS 5/10-20.42)

15 Sec. 10-20.42 ~~10-20.40~~. Wind farm. A school district may  
16 own and operate a wind generation turbine farm, either  
17 individually or jointly, that directly or indirectly reduces  
18 the energy or other operating costs of the school district. The  
19 school district may ask for the assistance of any State agency,  
20 including without limitation the State Board of Education or  
21 the Environmental Protection Agency, in obtaining financing  
22 options for a wind generation turbine farm.

23 (Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

1 (105 ILCS 5/10-20.43)

2 Sec. 10-20.43 ~~10-20.40~~. School facility occupation tax  
3 fund. All proceeds received by a school district from a  
4 distribution under 3-14.31 must be maintained in a special fund  
5 known as the school facility occupation tax fund. The district  
6 may use moneys in that fund only for school facility purposes,  
7 as that term is defined under Section 5-1006.7 of the Counties  
8 Code.

9 (Source: P.A. 95-675, eff. 10-11-07; revised 12-7-07.)

10 (105 ILCS 5/10-22.3f)

11 Sec. 10-22.3f. Required health benefits. Insurance  
12 protection and benefits for employees shall provide the  
13 post-mastectomy care benefits required to be covered by a  
14 policy of accident and health insurance under Section 356t and  
15 the coverage required under Sections 356g.5, 356u, 356w, 356x,  
16 356z.6, and 356z.9 of the Illinois Insurance Code.

17 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
18 revised 12-4-07.)

19 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

20 Sec. 10-22.22b. (a) The provisions of this subsection shall  
21 not apply to the deactivation of a high school facility under  
22 subsection (c). Where in its judgment the interests of the  
23 district and of the students therein will be best served, to  
24 deactivate any high school facility or elementary school

1 facility in the district and send the students of such high  
 2 school in grades 9 through 12 or such elementary school in  
 3 grades kindergarten through 8, as applicable, to schools in  
 4 other districts. Such action may be taken only with the  
 5 approval of the voters in the district and the approval, by  
 6 proper resolution, of the school board of the receiving  
 7 district. The board of the district contemplating deactivation  
 8 shall, by proper resolution, cause the proposition to  
 9 deactivate the school facility to be submitted to the voters of  
 10 the district at a regularly scheduled election. Notice shall be  
 11 published at least 10 days prior to the date of the election at  
 12 least once in one or more newspapers published in the district  
 13 or, if no newspaper is published in the district, in one or  
 14 more newspapers with a general circulation within the district.  
 15 The notice shall be substantially in the following form:

16 NOTICE OF REFERENDUM TO  
 17 DEACTIVATE THE ... SCHOOL FACILITY  
 18 IN SCHOOL DISTRICT NO. ....

19 Notice is hereby given that on (insert date), a referendum  
 20 will be held in ..... County (Counties) for the purpose of  
 21 voting for or against the proposition to deactivate the .....  
 22 School facility in School District No. .... and to send  
 23 pupils in ..... School to School District(s) No. ....

24 The polls will be open at .... o'clock ... m., and close at  
 25 .... o'clock ... m. of the same day.

26 .....

1 Dated (insert date).

2 The proposition shall be in substantially the following form:

3 -----

4 Shall the Board

5 of Education of School

6 District No. ...., YES

7 ..... County, Illinois, be

8 authorized to deactivate -----

9 the .... School facility

10 and to send pupils in ..... NO

11 School to School

12 District(s) No. ....?

13 -----

14 If the majority of those voting upon the proposition in the  
15 district contemplating deactivation vote in favor of the  
16 proposition, the board of that district, upon approval of the  
17 board of the receiving district, shall execute a contract with  
18 the receiving district providing for the reassignment of  
19 students to the receiving district. If the deactivating  
20 district seeks to send its students to more than one district,  
21 it shall execute a contract with each receiving district. The  
22 length of the contract shall be for 2 school years, but the  
23 districts may renew the contract for additional one year or 2  
24 year periods. Contract renewals shall be executed by January 1  
25 of the year in which the existing contract expires. If the



1 majority of those voting upon the proposition do not vote in  
2 favor of the proposition, the school facility may not be  
3 deactivated.

4 The sending district shall pay to the receiving district an  
5 amount agreed upon by the 2 districts.

6 When the deactivation of school facilities becomes  
7 effective pursuant to this Section, the provisions of Section  
8 24-12 relative to the contractual continued service status of  
9 teachers having contractual continued service whose positions  
10 are transferred from one board to the control of a different  
11 board shall apply, and the positions at the school facilities  
12 being deactivated held by teachers, as that term is defined in  
13 Section 24-11, having contractual continued service with the  
14 school district at the time of the deactivation shall be  
15 transferred to the control of the board or boards who shall be  
16 receiving the district's students on the following basis:

17 (1) positions of such teachers in contractual  
18 continued service that were full time positions shall be  
19 transferred to the control of whichever of such boards such  
20 teachers shall request with the teachers making such  
21 requests proceeding in the order of those with the greatest  
22 length of continuing service with the board to those with  
23 the shortest length of continuing service with the board,  
24 provided that the number selecting one board over another  
25 board or other boards shall not exceed that proportion of  
26 the school students going to such board or boards; and

1           (2) positions of such teachers in contractual  
2 continued service that were full time positions and as to  
3 which there is no selection left under subparagraph 1  
4 hereof shall be transferred to the appropriate board.

5           The contractual continued service status of any teacher  
6 thereby transferred to another district is not lost and the  
7 receiving board is subject to the School Code with respect to  
8 such transferred teacher in the same manner as if such teacher  
9 was the district's employee during the time such teacher was  
10 actually employed by the board of the deactivating district  
11 from which the position was transferred.

12           When the deactivation of school facilities becomes  
13 effective pursuant to this Section, the provisions of  
14 subsection (b) of Section 10-23.5 of this Code relative to the  
15 transfer of educational support personnel employees shall  
16 apply, and the positions at the school facilities being  
17 deactivated that are held by educational support personnel  
18 employees at the time of the deactivation shall be transferred  
19 to the control of the board or boards that will be receiving  
20 the district's students on the following basis:

21           (A) positions of such educational support personnel  
22 employees that were full-time positions shall be  
23 transferred to the control of whichever of the boards the  
24 employees request, with the educational support personnel  
25 employees making these requests proceeding in the order of  
26 those with the greatest length of continuing service with

1 the board to those with the shortest length of continuing  
2 service with the board, provided that the number selecting  
3 one board over another board or other boards must not  
4 exceed that proportion of students going to such board or  
5 boards; and

6 (B) positions of such educational support personnel  
7 employees that were full-time positions and as to which  
8 there is no selection left under subdivision (A) shall be  
9 transferred to the appropriate board.

10 The length of continuing service of any educational support  
11 personnel employee thereby transferred to another district is  
12 not lost and the receiving board is subject to this Code with  
13 respect to that transferred educational support personnel  
14 employee in the same manner as if the educational support  
15 personnel employee was the district's employee during the time  
16 the educational support personnel employee was actually  
17 employed by the board of the deactivating district from which  
18 the position was transferred.

19 (b) The provisions of this subsection shall not apply to  
20 the reactivation of a high school facility which is deactivated  
21 under subsection (c). The sending district may, with the  
22 approval of the voters in the district, reactivate the school  
23 facility which was deactivated. The board of the district  
24 seeking to reactivate the school facility shall, by proper  
25 resolution, cause the proposition to reactivate to be submitted  
26 to the voters of the district at a regularly scheduled

1 election. Notice shall be published at least 10 days prior to  
2 the date of the election at least once in one or more  
3 newspapers published in the district or, if no newspaper is  
4 published in the district, in one or more newspapers with a  
5 general circulation within the district. The notice shall be  
6 substantially in the following form:

7 NOTICE OF REFERENDUM TO  
8 REACTIVATE THE ..... SCHOOL FACILITY  
9 IN SCHOOL DISTRICT NO. ....

10 Notice is hereby given that on (insert date), a referendum  
11 will be held in ..... County (Counties) for the purpose of  
12 voting for or against the proposition to reactivate the .....  
13 School facility in School District No. .... and to discontinue  
14 sending pupils of School District No. .... to School  
15 District(s) No. ....

16 The polls will be opened at ... o'clock .. m., and closed  
17 at ... o'clock .. m. of the same day.

18 .....

19 Dated (insert date).

20 The proposition shall be in substantially the following form:

21 -----

22 Shall the Board  
23 of Education of School YES  
24 District No. ....,  
25 ..... County, Illinois,

1 be authorized to -----  
 2 reactivate the .... School  
 3 facility and to discontinue sending  
 4 pupils of School District No. .... NO  
 5 to School District(s) No. ....?

6 -----

7 (c) The school board of any unit school district which  
 8 experienced a strike by a majority of its certified employees  
 9 that endured for over 6 months during the regular school term  
 10 of the 1986-1987 school year, and which during the ensuing  
 11 1987-1988 school year had an enrollment in grades 9 through 12  
 12 of less than 125 students may, when in its judgment the  
 13 interests of the district and of the students therein will be  
 14 best served thereby, deactivate the high school facilities  
 15 within the district for the regular term of the 1988-1989  
 16 school year and, for that school year only, send the students  
 17 of such high school in grades 9 through 12 to schools in  
 18 adjoining or adjacent districts. Such action may only be taken:  
 19 (a) by proper resolution of the school board deactivating its  
 20 high school facilities and the approval, by proper resolution,  
 21 of the school board of the receiving district or districts, and  
 22 (b) pursuant to a contract between the sending and each  
 23 receiving district, which contract or contracts: (i) shall  
 24 provide for the reassignment of all students of the deactivated  
 25 high school in grades 9 through 12 to the receiving district or  
 26 districts; (ii) shall apply only to the regular school term of

1 the 1988-1989 school year; (iii) shall not be subject to  
2 renewal or extension; and (iv) shall require the sending  
3 district to pay to the receiving district the cost of educating  
4 each student who is reassigned to the receiving district, such  
5 costs to be an amount agreed upon by the sending and receiving  
6 district but not less than the per capita cost of maintaining  
7 the high school in the receiving district during the 1987-1988  
8 school year. Any high school facility deactivated pursuant to  
9 this subsection for the regular school term of the 1988-1989  
10 school year shall be reactivated by operation of law as of the  
11 end of the regular term of the 1988-1989 school year. The  
12 status as a unit school district of a district which  
13 deactivates its high school facilities pursuant to this  
14 subsection shall not be affected by reason of such deactivation  
15 of its high school facilities and such district shall continue  
16 to be deemed in law a school district maintaining grades  
17 kindergarten through 12 for all purposes relating to the levy,  
18 extension, collection and payment of the taxes of the district  
19 under Article 17 for the 1988-1989 school year.

20 (d) Whenever a school facility is reactivated pursuant to  
21 the provisions of this Section, then all teachers in  
22 contractual continued service who were honorably dismissed or  
23 transferred as part of the deactivation process, in addition to  
24 other rights they may have under the School Code, shall be  
25 recalled or transferred back to the original district.

26 (Source: P.A. 94-213, eff. 7-14-05; 95-110, eff. 1-1-08;

1 95-148, eff. 8-14-07; revised 11-15-07.)

2 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

3 Sec. 10-23.5. Educational support personnel employees.

4 (a) To employ such educational support personnel employees  
5 as it deems advisable and to define their employment duties;  
6 provided that residency within any school district shall not be  
7 considered in determining the employment or the compensation of  
8 any such employee, or whether to retain, promote, assign or  
9 transfer such employee. If an educational support personnel  
10 employee is removed or dismissed or the hours he or she works  
11 are reduced as a result of a decision of the school board (i)  
12 to decrease the number of educational support personnel  
13 employees employed by the board or (ii) to discontinue some  
14 particular type of educational support service, written notice  
15 shall be mailed to the employee and also given to the employee  
16 either by certified mail, return receipt requested, or personal  
17 delivery with receipt, at least 30 days before the employee is  
18 removed or dismissed or the hours he or she works are reduced,  
19 together with a statement of honorable dismissal and the reason  
20 therefor if applicable. However, if a reduction in hours is due  
21 to an unforeseen reduction in the student population, then the  
22 written notice must be mailed and given to the employee at  
23 least 5 days before the hours are reduced. The employee with  
24 the shorter length of continuing service with the district,  
25 within the respective category of position, shall be dismissed

1 first unless an alternative method of determining the sequence  
2 of dismissal is established in a collective bargaining  
3 agreement or contract between the board and any exclusive  
4 bargaining agent and except that this provision shall not  
5 impair the operation of any affirmative action program in the  
6 district, regardless of whether it exists by operation of law  
7 or is conducted on a voluntary basis by the board. If the board  
8 has any vacancies for the following school term or within one  
9 calendar year from the beginning of the following school term,  
10 the positions thereby becoming available within a specific  
11 category of position shall be tendered to the employees so  
12 removed or dismissed from that category or any other category  
13 of position, so far as they are qualified to hold such  
14 positions. Each board shall, in consultation with any exclusive  
15 employee representative or bargaining agent, each year  
16 establish a list, categorized by positions, showing the length  
17 of continuing service of each full time educational support  
18 personnel employee who is qualified to hold any such positions,  
19 unless an alternative method of determining a sequence of  
20 dismissal is established as provided for in this Section, in  
21 which case a list shall be made in accordance with the  
22 alternative method. Copies of the list shall be distributed to  
23 the exclusive employee representative or bargaining agent on or  
24 before February 1 of each year. Where an educational support  
25 personnel employee is dismissed by the board as a result of a  
26 decrease in the number of employees or the discontinuance of



1 the employee's job, the employee shall be paid all earned  
2 compensation on or before the third business day following his  
3 or her last day of employment.

4 The provisions of this amendatory Act of 1986 relating to  
5 residency within any school district shall not apply to cities  
6 having a population exceeding 500,000 inhabitants.

7 (b) In the case of a new school district or districts  
8 formed in accordance with Article 11E of this Code, a school  
9 district or districts that annex all of the territory of one or  
10 more entire other school districts in accordance with Article 7  
11 of this Code, or a school district receiving students from a  
12 deactivated school facility in accordance with Section  
13 10-22.22b of this Code, the employment of educational support  
14 personnel in the new, annexing, or receiving school district  
15 immediately following the reorganization shall be governed by  
16 this subsection (b). Lists of the educational support personnel  
17 employed in the individual districts for the school year  
18 immediately prior to the effective date of the new district or  
19 districts, annexation, or deactivation shall be combined for  
20 the districts forming the new district or districts, for the  
21 annexed and annexing districts, or for the deactivating and  
22 receiving districts, as the case may be. The combined list  
23 shall be categorized by positions, showing the length of  
24 continuing service of each full-time educational support  
25 personnel employee who is qualified to hold any such position.  
26 If there are more full-time educational support personnel

1 employees on the combined list than there are available  
2 positions in the new, annexing, or receiving school district,  
3 then the employing school board shall first remove or dismiss  
4 those educational support personnel employees with the shorter  
5 length of continuing service within the respective category of  
6 position, following the procedures outlined in subsection (a)  
7 of this Section. The employment and position of each  
8 educational support personnel employee on the combined list not  
9 so removed or dismissed shall be transferred to the new,  
10 annexing, or receiving school board, and the new, annexing, or  
11 receiving school board is subject to this Code with respect to  
12 any educational support personnel employee so transferred as if  
13 the educational support personnel employee had been the new,  
14 annexing, or receiving board's employee during the time the  
15 educational support personnel employee was actually employed  
16 by the school board of the district from which the employment  
17 and position were transferred.

18 The changes made by Public Act 95-148 ~~this amendatory Act~~  
19 ~~of the 95th General Assembly~~ shall not apply to the formation  
20 of a new district or districts in accordance with Article 11E  
21 of this Code, the annexation of one or more entire districts in  
22 accordance with Article 7 of this Code, or the deactivation of  
23 a school facility in accordance with Section 10-22.22b of this  
24 Code effective on or before July 1, 2007.

25 (Source: P.A. 95-148, eff. 8-14-07; 95-396, eff. 8-23-07;  
26 revised 11-15-07.)

1 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

2 Sec. 14-8.02. Identification, Evaluation and Placement of  
3 Children.

4 (a) The State Board of Education shall make rules under  
5 which local school boards shall determine the eligibility of  
6 children to receive special education. Such rules shall ensure  
7 that a free appropriate public education be available to all  
8 children with disabilities as defined in Section 14-1.02. The  
9 State Board of Education shall require local school districts  
10 to administer non-discriminatory procedures or tests to  
11 limited English proficiency students coming from homes in which  
12 a language other than English is used to determine their  
13 eligibility to receive special education. The placement of low  
14 English proficiency students in special education programs and  
15 facilities shall be made in accordance with the test results  
16 reflecting the student's linguistic, cultural and special  
17 education needs. For purposes of determining the eligibility of  
18 children the State Board of Education shall include in the  
19 rules definitions of "case study", "staff conference",  
20 "individualized educational program", and "qualified  
21 specialist" appropriate to each category of children with  
22 disabilities as defined in this Article. For purposes of  
23 determining the eligibility of children from homes in which a  
24 language other than English is used, the State Board of  
25 Education shall include in the rules definitions for "qualified

1 bilingual specialists" and "linguistically and culturally  
2 appropriate individualized educational programs". For purposes  
3 of this Section, as well as Sections 14-8.02a, 14-8.02b, and  
4 14-8.02c of this Code, "parent" means a parent as defined in  
5 the federal Individuals with Disabilities Education Act (20  
6 U.S.C. 1401(23)).

7 (b) No child shall be eligible for special education  
8 facilities except with a carefully completed case study fully  
9 reviewed by professional personnel in a multidisciplinary  
10 staff conference and only upon the recommendation of qualified  
11 specialists or a qualified bilingual specialist, if available.  
12 At the conclusion of the multidisciplinary staff conference,  
13 the parent of the child shall be given a copy of the  
14 multidisciplinary conference summary report and  
15 recommendations, which includes options considered, and be  
16 informed of their right to obtain an independent educational  
17 evaluation if they disagree with the evaluation findings  
18 conducted or obtained by the school district. If the school  
19 district's evaluation is shown to be inappropriate, the school  
20 district shall reimburse the parent for the cost of the  
21 independent evaluation. The State Board of Education shall,  
22 with advice from the State Advisory Council on Education of  
23 Children with Disabilities on the inclusion of specific  
24 independent educational evaluators, prepare a list of  
25 suggested independent educational evaluators. The State Board  
26 of Education shall include on the list clinical psychologists

1 licensed pursuant to the Clinical Psychologist Licensing Act.  
2 Such psychologists shall not be paid fees in excess of the  
3 amount that would be received by a school psychologist for  
4 performing the same services. The State Board of Education  
5 shall supply school districts with such list and make the list  
6 available to parents at their request. School districts shall  
7 make the list available to parents at the time they are  
8 informed of their right to obtain an independent educational  
9 evaluation. However, the school district may initiate an  
10 impartial due process hearing under this Section within 5 days  
11 of any written parent request for an independent educational  
12 evaluation to show that its evaluation is appropriate. If the  
13 final decision is that the evaluation is appropriate, the  
14 parent still has a right to an independent educational  
15 evaluation, but not at public expense. An independent  
16 educational evaluation at public expense must be completed  
17 within 30 days of a parent written request unless the school  
18 district initiates an impartial due process hearing or the  
19 parent or school district offers reasonable grounds to show  
20 that such 30 day time period should be extended. If the due  
21 process hearing decision indicates that the parent is entitled  
22 to an independent educational evaluation, it must be completed  
23 within 30 days of the decision unless the parent or the school  
24 district offers reasonable grounds to show that such 30 day  
25 period should be extended. If a parent disagrees with the  
26 summary report or recommendations of the multidisciplinary

1 conference or the findings of any educational evaluation which  
2 results therefrom, the school district shall not proceed with a  
3 placement based upon such evaluation and the child shall remain  
4 in his or her regular classroom setting. No child shall be  
5 eligible for admission to a special class for the educable  
6 mentally disabled or for the trainable mentally disabled except  
7 with a psychological evaluation and recommendation by a school  
8 psychologist. Consent shall be obtained from the parent of a  
9 child before any evaluation is conducted. If consent is not  
10 given by the parent or if the parent disagrees with the  
11 findings of the evaluation, then the school district may  
12 initiate an impartial due process hearing under this Section.  
13 The school district may evaluate the child if that is the  
14 decision resulting from the impartial due process hearing and  
15 the decision is not appealed or if the decision is affirmed on  
16 appeal. The determination of eligibility shall be made and the  
17 IEP meeting shall be completed within 60 school days from the  
18 date of written parental consent. In those instances when  
19 written parental consent is obtained with fewer than 60 pupil  
20 attendance days left in the school year, the eligibility  
21 determination shall be made and the IEP meeting shall be  
22 completed prior to the first day of the following school year.  
23 After a child has been determined to be eligible for a special  
24 education class, such child must be placed in the appropriate  
25 program pursuant to the individualized educational program by  
26 or no later than the beginning of the next school semester. The

1 appropriate program pursuant to the individualized educational  
2 program of students whose native tongue is a language other  
3 than English shall reflect the special education, cultural and  
4 linguistic needs. No later than September 1, 1993, the State  
5 Board of Education shall establish standards for the  
6 development, implementation and monitoring of appropriate  
7 bilingual special individualized educational programs. The  
8 State Board of Education shall further incorporate appropriate  
9 monitoring procedures to verify implementation of these  
10 standards. The district shall indicate to the parent and the  
11 State Board of Education the nature of the services the child  
12 will receive for the regular school term while waiting  
13 placement in the appropriate special education class.

14 If the child is deaf, hard of hearing, blind, or visually  
15 impaired and he or she might be eligible to receive services  
16 from the Illinois School for the Deaf or the Illinois School  
17 for the Visually Impaired, the school district shall notify the  
18 parents, in writing, of the existence of these schools and the  
19 services they provide and shall make a reasonable effort to  
20 inform the parents of the existence of other, local schools  
21 that provide similar services and the services that these other  
22 schools provide. This notification shall include without  
23 limitation information on school services, school admissions  
24 criteria, and school contact information.

25 In the development of the individualized education program  
26 for a student who has a disability on the autism spectrum

1 (which includes autistic disorder, Asperger's disorder,  
2 pervasive developmental disorder not otherwise specified,  
3 childhood disintegrative disorder, and Rett Syndrome, as  
4 defined in the Diagnostic and Statistical Manual of Mental  
5 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
6 consider all of the following factors:

7 (1) The verbal and nonverbal communication needs of the  
8 child.

9 (2) The need to develop social interaction skills and  
10 proficiencies.

11 (3) The needs resulting from the child's unusual  
12 responses to sensory experiences.

13 (4) The needs resulting from resistance to  
14 environmental change or change in daily routines.

15 (5) The needs resulting from engagement in repetitive  
16 activities and stereotyped movements.

17 (6) The need for any positive behavioral  
18 interventions, strategies, and supports to address any  
19 behavioral difficulties resulting from autism spectrum  
20 disorder.

21 (7) Other needs resulting from the child's disability  
22 that impact progress in the general curriculum, including  
23 social and emotional development.

24 Public Act 95-257 ~~This amendatory Act of the 95th General~~  
25 ~~Assembly~~ does not create any new entitlement to a service,  
26 program, or benefit, but must not affect any entitlement to a



1 service, program, or benefit created by any other law.

2 If the student may be eligible to participate in the  
3 Home-Based Support Services Program for Mentally Disabled  
4 Adults authorized under the Developmental Disability and  
5 Mental Disability Services Act upon becoming an adult, the  
6 student's individualized education program shall include plans  
7 for (i) determining the student's eligibility for those  
8 home-based services, (ii) enrolling the student in the program  
9 of home-based services, and (iii) developing a plan for the  
10 student's most effective use of the home-based services after  
11 the student becomes an adult and no longer receives special  
12 educational services under this Article. The plans developed  
13 under this paragraph shall include specific actions to be taken  
14 by specified individuals, agencies, or officials.

15 (c) In the development of the individualized education  
16 program for a student who is functionally blind, it shall be  
17 presumed that proficiency in Braille reading and writing is  
18 essential for the student's satisfactory educational progress.  
19 For purposes of this subsection, the State Board of Education  
20 shall determine the criteria for a student to be classified as  
21 functionally blind. Students who are not currently identified  
22 as functionally blind who are also entitled to Braille  
23 instruction include: (i) those whose vision loss is so severe  
24 that they are unable to read and write at a level comparable to  
25 their peers solely through the use of vision, and (ii) those  
26 who show evidence of progressive vision loss that may result in

1 functional blindness. Each student who is functionally blind  
2 shall be entitled to Braille reading and writing instruction  
3 that is sufficient to enable the student to communicate with  
4 the same level of proficiency as other students of comparable  
5 ability. Instruction should be provided to the extent that the  
6 student is physically and cognitively able to use Braille.  
7 Braille instruction may be used in combination with other  
8 special education services appropriate to the student's  
9 educational needs. The assessment of each student who is  
10 functionally blind for the purpose of developing the student's  
11 individualized education program shall include documentation  
12 of the student's strengths and weaknesses in Braille skills.  
13 Each person assisting in the development of the individualized  
14 education program for a student who is functionally blind shall  
15 receive information describing the benefits of Braille  
16 instruction. The individualized education program for each  
17 student who is functionally blind shall specify the appropriate  
18 learning medium or media based on the assessment report.

19 (d) To the maximum extent appropriate, the placement shall  
20 provide the child with the opportunity to be educated with  
21 children who are not disabled; provided that children with  
22 disabilities who are recommended to be placed into regular  
23 education classrooms are provided with supplementary services  
24 to assist the children with disabilities to benefit from the  
25 regular classroom instruction and are included on the teacher's  
26 regular education class register. Subject to the limitation of

1 the preceding sentence, placement in special classes, separate  
2 schools or other removal of the disabled child from the regular  
3 educational environment shall occur only when the nature of the  
4 severity of the disability is such that education in the  
5 regular classes with the use of supplementary aids and services  
6 cannot be achieved satisfactorily. The placement of limited  
7 English proficiency students with disabilities shall be in  
8 non-restrictive environments which provide for integration  
9 with non-disabled peers in bilingual classrooms. Annually,  
10 each January, school districts shall report data on students  
11 from non-English speaking backgrounds receiving special  
12 education and related services in public and private facilities  
13 as prescribed in Section 2-3.30. If there is a disagreement  
14 between parties involved regarding the special education  
15 placement of any child, either in-state or out-of-state, the  
16 placement is subject to impartial due process procedures  
17 described in Article 10 of the Rules and Regulations to Govern  
18 the Administration and Operation of Special Education.

19 (e) No child who comes from a home in which a language  
20 other than English is the principal language used may be  
21 assigned to any class or program under this Article until he  
22 has been given, in the principal language used by the child and  
23 used in his home, tests reasonably related to his cultural  
24 environment. All testing and evaluation materials and  
25 procedures utilized for evaluation and placement shall not be  
26 linguistically, racially or culturally discriminatory.

1 (f) Nothing in this Article shall be construed to require  
2 any child to undergo any physical examination or medical  
3 treatment whose parents object thereto on the grounds that such  
4 examination or treatment conflicts with his religious beliefs.

5 (g) School boards or their designee shall provide to the  
6 parents of a child prior written notice of any decision (a)  
7 proposing to initiate or change, or (b) refusing to initiate or  
8 change, the identification, evaluation, or educational  
9 placement of the child or the provision of a free appropriate  
10 public education to their child, and the reasons therefor. Such  
11 written notification shall also inform the parent of the  
12 opportunity to present complaints with respect to any matter  
13 relating to the educational placement of the student, or the  
14 provision of a free appropriate public education and to have an  
15 impartial due process hearing on the complaint. The notice  
16 shall inform the parents in the parents' native language,  
17 unless it is clearly not feasible to do so, of their rights and  
18 all procedures available pursuant to this Act and the federal  
19 Individuals with Disabilities Education Improvement Act of  
20 2004 (Public Law 108-446); it shall be the responsibility of  
21 the State Superintendent to develop uniform notices setting  
22 forth the procedures available under this Act and the federal  
23 Individuals with Disabilities Education Improvement Act of  
24 2004 (Public Law 108-446) to be used by all school boards. The  
25 notice shall also inform the parents of the availability upon  
26 request of a list of free or low-cost legal and other relevant

1 services available locally to assist parents in initiating an  
2 impartial due process hearing. Any parent who is deaf, or does  
3 not normally communicate using spoken English, who  
4 participates in a meeting with a representative of a local  
5 educational agency for the purposes of developing an  
6 individualized educational program shall be entitled to the  
7 services of an interpreter.

8 (h) (Blank).

9 (i) (Blank).

10 (j) (Blank).

11 (k) (Blank).

12 (l) (Blank).

13 (m) (Blank).

14 (n) (Blank).

15 (o) (Blank).

16 (Source: P.A. 94-376, eff. 7-29-05; 94-1100, eff. 2-2-07;  
17 95-257, eff. 1-1-08; revised 11-15-07.)

18 (105 ILCS 5/14C-8) (from Ch. 122, par. 14C-8)

19 Sec. 14C-8. Teacher certification - Qualifications -  
20 Issuance of certificates. No person shall be eligible for  
21 employment by a school district as a teacher of transitional  
22 bilingual education without either (a) holding a valid teaching  
23 certificate issued pursuant to Article 21 of this Code and  
24 meeting such additional language and course requirements as  
25 prescribed by the State Board of Education or (b) meeting the

1 requirements set forth in this Section. The Certification Board  
2 shall issue certificates valid for teaching in all grades of  
3 the common school in transitional bilingual education programs  
4 to any person who presents it with satisfactory evidence that  
5 he possesses an adequate speaking and reading ability in a  
6 language other than English in which transitional bilingual  
7 education is offered and communicative skills in English, and  
8 possessed within 5 years previous to his or her applying for a  
9 certificate under this Section a valid teaching certificate  
10 issued by a foreign country, or by a State or possession or  
11 territory of the United States, or other evidence of teaching  
12 preparation as may be determined to be sufficient by the  
13 Certification Board, or holds a degree from an institution of  
14 higher learning in a foreign country which the Certification  
15 Board determines to be the equivalent of a bachelor's degree  
16 from a recognized institution of higher learning in the United  
17 States; provided that any person seeking a certificate under  
18 this Section must meet the following additional requirements:

19 (1) Such persons must be in good health;

20 (2) Such persons must be of sound moral character;

21 (3) Such persons must be legally present in the United  
22 States and possess legal authorization for employment;

23 (4) Such persons must not be employed to replace any  
24 presently employed teacher who otherwise would not be  
25 replaced for any reason.

26 Certificates issuable pursuant to this Section shall be

1 issuable only during the 5 years immediately following the  
2 effective date of this Act and thereafter for additional  
3 periods of one year only upon a determination by the State  
4 Board of Education that a school district lacks the number of  
5 teachers necessary to comply with the mandatory requirements of  
6 Section 14C-3 of this Article for the establishment and  
7 maintenance of programs of transitional bilingual education  
8 and said certificates issued by the Certification Board shall  
9 be valid for a period of 6 years following their date of  
10 issuance and shall not be renewed, except that one renewal for  
11 a period of two years may be granted if necessary to permit the  
12 holder of a certificate issued under this Section to acquire a  
13 teaching certificate pursuant to Article 21 of this Code. Such  
14 certificates and the persons to whom they are issued shall be  
15 exempt from the provisions of Article 21 of this Code except  
16 that Sections 21-12, 21-13, 21-16, 21-17, 21-21, 21-22, 21-23  
17 and 21-24 shall continue to be applicable to all such  
18 certificates.

19 After the effective date of this amendatory Act of 1984, an  
20 additional renewal for a period to expire August 31, 1985, may  
21 be granted. The State Board of Education shall report to the  
22 General Assembly on or before January 31, 1985 its  
23 recommendations for the qualification of teachers of bilingual  
24 education and for the qualification of teachers of English as a  
25 second language. Said qualification program shall take effect  
26 no later than August 31, 1985.

1           Beginning July 1, 2001, the State Board of Education shall  
2           implement a test or tests to assess the speaking, reading,  
3           writing, and grammar skills of applicants for a certificate  
4           issued under this Section in the English language and in the  
5           language of the transitional bilingual education program  
6           requested by the applicant and shall establish appropriate fees  
7           for these tests. The State Board of Education, in consultation  
8           with the Certification Board, shall promulgate rules to  
9           implement the required tests, including specific provisions to  
10          govern test selection, test validation, determination of a  
11          passing score, administration of the test or tests, frequency  
12          of administration, applicant fees, identification requirements  
13          for test takers, frequency of applicants taking the tests, the  
14          years for which a score is valid, waiving tests for individuals  
15          who have satisfactorily passed other tests, and the  
16          consequences of dishonest conduct in the application for or  
17          taking of the tests.

18          If the qualifications of an applicant for a certificate  
19          valid for teaching in transitional bilingual education  
20          programs in all grades of the common schools do not meet the  
21          requirements established for the issuance of that certificate,  
22          the Certification Board nevertheless shall issue the applicant  
23          a substitute teacher's certificate under Section 21-9 whenever  
24          it appears from the face of the application submitted for  
25          certification as a teacher of transitional bilingual education  
26          and the evidence presented in support thereof that the



1 applicant's qualifications meet the requirements established  
2 for the issuance of a certificate under Section 21-9; provided,  
3 that if it does not appear from the face of such application  
4 and supporting evidence that the applicant is qualified for  
5 issuance of a certificate under Section 21-9 the Certification  
6 Board shall evaluate the application with reference to the  
7 requirements for issuance of certificates under Section 21-9  
8 and shall inform the applicant, at the time it denies the  
9 application submitted for certification as a teacher of  
10 transitional bilingual education, of the additional  
11 qualifications which the applicant must possess in order to  
12 meet the requirements established for issuance of (i) a  
13 certificate valid for teaching in transitional bilingual  
14 education programs in all grades of the common schools and (ii)  
15 a substitute teacher's certificate under Section 21-9.

16 (Source: P.A. 94-1105, eff. 6-1-07; 95-496, eff. 8-28-07;  
17 revised 11-15-07.)

18 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

19 Sec. 18-12. Dates for filing State aid claims. The school  
20 board of each school district shall require teachers,  
21 principals, or superintendents to furnish from records kept by  
22 them such data as it needs in preparing and certifying to the  
23 regional superintendent its school district report of claims  
24 provided in Sections 18-8.05 through 18-9 as required by the  
25 State Superintendent of Education. The district claim shall be

1 based on the latest available equalized assessed valuation and  
2 tax rates, as provided in Section 18-8.05 and shall use the  
3 average daily attendance as determined by the method outlined  
4 in Section 18-8.05 and shall be certified and filed with the  
5 regional superintendent by June 21 for districts with an  
6 official school calendar end date before June 15 or within 2  
7 weeks following the official school calendar end date for  
8 districts with a school year end date of June 15 or later. The  
9 regional superintendent shall certify and file with the State  
10 Superintendent of Education district State aid claims by July 1  
11 for districts with an official school calendar end date before  
12 June 15 or no later than July 15 for districts with an official  
13 school calendar end date of June 15 or later. Failure to so  
14 file by these deadlines constitutes a forfeiture of the right  
15 to receive payment by the State until such claim is filed and  
16 vouchered for payment. The regional superintendent of schools  
17 shall certify the county report of claims by July 15; and the  
18 State Superintendent of Education shall voucher for payment  
19 those claims to the State Comptroller as provided in Section  
20 18-11.

21 Except as otherwise provided in this Section, if any school  
22 district fails to provide the minimum school term specified in  
23 Section 10-19, the State aid claim for that year shall be  
24 reduced by the State Superintendent of Education in an amount  
25 equivalent to .56818% for each day less than the number of days  
26 required by this Code.

1           If the State Superintendent of Education determines that  
2 the failure to provide the minimum school term was occasioned  
3 by an act or acts of God, or was occasioned by conditions  
4 beyond the control of the school district which posed a  
5 hazardous threat to the health and safety of pupils, the State  
6 aid claim need not be reduced.

7           If the State Superintendent of Education determines that  
8 the failure to provide the minimum school term was due to a  
9 school being closed on or after September 11, 2001 for more  
10 than one-half day of attendance due to a bioterrorism or  
11 terrorism threat that was investigated by a law enforcement  
12 agency, the State aid claim shall not be reduced.

13           If, during any school day, (i) a school district has  
14 provided at least one clock hour of instruction but must close  
15 the schools due to adverse weather conditions or due to a  
16 condition beyond the control of the school district that poses  
17 a hazardous threat to the health and safety of pupils prior to  
18 providing the minimum hours of instruction required for a full  
19 day of attendance, (ii) the school district must delay the  
20 start of the school day due to adverse weather conditions and  
21 this delay prevents the district from providing the minimum  
22 hours of instruction required for a full day of attendance, or  
23 (iii) a school district has provided at least one clock hour of  
24 instruction but must dismiss students from one or more  
25 recognized school buildings due to a condition beyond the  
26 control of the school district, the partial day of attendance

1 may be counted as a full day of attendance. The partial day of  
2 attendance and the reasons therefor shall be certified in  
3 writing within a month of the closing or delayed start by the  
4 local school district superintendent to the Regional  
5 Superintendent of Schools for forwarding to the State  
6 Superintendent of Education for approval.

7 If a school building is ordered to be closed by the school  
8 board, in consultation with a local emergency response agency,  
9 due to a condition that poses a hazardous threat to the health  
10 and safety of pupils, then the school district shall have a  
11 grace period of 4 days in which the general State aid claim  
12 shall not be reduced so that alternative housing of the pupils  
13 may be located.

14 No exception to the requirement of providing a minimum  
15 school term may be approved by the State Superintendent of  
16 Education pursuant to this Section unless a school district has  
17 first used all emergency days provided for in its regular  
18 calendar.

19 If the State Superintendent of Education declares that an  
20 energy shortage exists during any part of the school year for  
21 the State or a designated portion of the State, a district may  
22 operate the school attendance centers within the district 4  
23 days of the week during the time of the shortage by extending  
24 each existing school day by one clock hour of school work, and  
25 the State aid claim shall not be reduced, nor shall the  
26 employees of that district suffer any reduction in salary or

1 benefits as a result thereof. A district may operate all  
2 attendance centers on this revised schedule, or may apply the  
3 schedule to selected attendance centers, taking into  
4 consideration such factors as pupil transportation schedules  
5 and patterns and sources of energy for individual attendance  
6 centers.

7 No State aid claim may be filed for any district unless the  
8 district superintendent executes and files with the State  
9 Superintendent of Education, in the method prescribed by the  
10 Superintendent, certification that the district has complied  
11 with the requirements of Section 10-22.5 in regard to the  
12 nonsegregation of pupils on account of color, creed, race, sex  
13 or nationality.

14 No State aid claim may be filed for any district unless the  
15 district superintendent executes and files with the State  
16 Superintendent of Education, in the method prescribed by the  
17 Superintendent, a sworn statement that to the best of his or  
18 her knowledge or belief the employing or assigning personnel  
19 have complied with Section 24-4 in all respects.

20 Electronically submitted State aid claims shall be  
21 submitted by duly authorized district or regional individuals  
22 over a secure network that is password protected. The  
23 electronic submission of a State aid claim must be accompanied  
24 with an affirmation that all of the provisions of Sections  
25 18-8.05 through 18-9, 10-22.5, and 24-4 of this Code are met in  
26 all respects.

1 (Source: P.A. 94-1105, eff. 6-1-07; 95-152, eff. 8-14-07;  
2 revised 11-15-07.)

3 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

4 Sec. 27-8.1. Health examinations and immunizations.

5 (1) In compliance with rules and regulations which the  
6 Department of Public Health shall promulgate, and except as  
7 hereinafter provided, all children in Illinois shall have a  
8 health examination as follows: within one year prior to  
9 entering kindergarten or the first grade of any public,  
10 private, or parochial elementary school; upon entering the  
11 sixth and ninth grades of any public, private, or parochial  
12 school; prior to entrance into any public, private, or  
13 parochial nursery school; and, irrespective of grade,  
14 immediately prior to or upon entrance into any public, private,  
15 or parochial school or nursery school, each child shall present  
16 proof of having been examined in accordance with this Section  
17 and the rules and regulations promulgated hereunder.

18 A tuberculosis skin test screening shall be included as a  
19 required part of each health examination included under this  
20 Section if the child resides in an area designated by the  
21 Department of Public Health as having a high incidence of  
22 tuberculosis. Additional health examinations of pupils,  
23 including eye examinations, may be required when deemed  
24 necessary by school authorities. Parents are encouraged to have  
25 their children undergo eye examinations at the same points in

1 time required for health examinations.

2 (1.5) In compliance with rules adopted by the Department of  
3 Public Health and except as otherwise provided in this Section,  
4 all children in kindergarten and the second and sixth grades of  
5 any public, private, or parochial school shall have a dental  
6 examination. Each of these children shall present proof of  
7 having been examined by a dentist in accordance with this  
8 Section and rules adopted under this Section before May 15th of  
9 the school year. If a child in the second or sixth grade fails  
10 to present proof by May 15th, the school may hold the child's  
11 report card until one of the following occurs: (i) the child  
12 presents proof of a completed dental examination or (ii) the  
13 child presents proof that a dental examination will take place  
14 within 60 days after May 15th. The Department of Public Health  
15 shall establish, by rule, a waiver for children who show an  
16 undue burden or a lack of access to a dentist. Each public,  
17 private, and parochial school must give notice of this dental  
18 examination requirement to the parents and guardians of  
19 students at least 60 days before May 15th of each school year.

20 (1.10) Except as otherwise provided in this Section, all  
21 children enrolling in kindergarten in a public, private, or  
22 parochial school on or after the effective date of this  
23 amendatory Act of the 95th General Assembly and any student  
24 enrolling for the first time in a public, private, or parochial  
25 school on or after the effective date of this amendatory Act of  
26 the 95th General Assembly shall have an eye examination. Each

1 of these children shall present proof of having been examined  
2 by a physician licensed to practice medicine in all of its  
3 branches or a licensed optometrist within the previous year, in  
4 accordance with this Section and rules adopted under this  
5 Section, before October 15th of the school year. If the child  
6 fails to present proof by October 15th, the school may hold the  
7 child's report card until one of the following occurs: (i) the  
8 child presents proof of a completed eye examination or (ii) the  
9 child presents proof that an eye examination will take place  
10 within 60 days after October 15th. The Department of Public  
11 Health shall establish, by rule, a waiver for children who show  
12 an undue burden or a lack of access to a physician licensed to  
13 practice medicine in all of its branches who provides eye  
14 examinations or to a licensed optometrist. Each public,  
15 private, and parochial school must give notice of this eye  
16 examination requirement to the parents and guardians of  
17 students in compliance with rules of the Department of Public  
18 Health. Nothing in this Section shall be construed to allow a  
19 school to exclude a child from attending because of a parent's  
20 or guardian's failure to obtain an eye examination for the  
21 child.

22 (2) The Department of Public Health shall promulgate rules  
23 and regulations specifying the examinations and procedures  
24 that constitute a health examination, which shall include the  
25 collection of data relating to obesity (including at a minimum,  
26 date of birth, gender, height, weight, blood pressure, and date



1 of exam), and a dental examination and may recommend by rule  
2 that certain additional examinations be performed. The rules  
3 and regulations of the Department of Public Health shall  
4 specify that a tuberculosis skin test screening shall be  
5 included as a required part of each health examination included  
6 under this Section if the child resides in an area designated  
7 by the Department of Public Health as having a high incidence  
8 of tuberculosis. The Department of Public Health shall specify  
9 that a diabetes screening as defined by rule shall be included  
10 as a required part of each health examination. Diabetes testing  
11 is not required.

12 Physicians licensed to practice medicine in all of its  
13 branches, advanced practice nurses who have a written  
14 collaborative agreement with a collaborating physician which  
15 authorizes them to perform health examinations, or physician  
16 assistants who have been delegated the performance of health  
17 examinations by their supervising physician shall be  
18 responsible for the performance of the health examinations,  
19 other than dental examinations, eye examinations, and vision  
20 and hearing screening, and shall sign all report forms required  
21 by subsection (4) of this Section that pertain to those  
22 portions of the health examination for which the physician,  
23 advanced practice nurse, or physician assistant is  
24 responsible. If a registered nurse performs any part of a  
25 health examination, then a physician licensed to practice  
26 medicine in all of its branches must review and sign all

1 required report forms. Licensed dentists shall perform all  
2 dental examinations and shall sign all report forms required by  
3 subsection (4) of this Section that pertain to the dental  
4 examinations. Physicians licensed to practice medicine in all  
5 its branches or licensed optometrists shall perform all eye  
6 examinations required by this Section and shall sign all report  
7 forms required by subsection (4) of this Section that pertain  
8 to the eye examination. For purposes of this Section, an eye  
9 examination shall at a minimum include history, visual acuity,  
10 subjective refraction to best visual acuity near and far,  
11 internal and external examination, and a glaucoma evaluation,  
12 as well as any other tests or observations that in the  
13 professional judgment of the doctor are necessary. Vision and  
14 hearing screening tests, which shall not be considered  
15 examinations as that term is used in this Section, shall be  
16 conducted in accordance with rules and regulations of the  
17 Department of Public Health, and by individuals whom the  
18 Department of Public Health has certified. In these rules and  
19 regulations, the Department of Public Health shall require that  
20 individuals conducting vision screening tests give a child's  
21 parent or guardian written notification, before the vision  
22 screening is conducted, that states, "Vision screening is not a  
23 substitute for a complete eye and vision evaluation by an eye  
24 doctor. Your child is not required to undergo this vision  
25 screening if an optometrist or ophthalmologist has completed  
26 and signed a report form indicating that an examination has

1 been administered within the previous 12 months."

2 (3) Every child shall, at or about the same time as he or  
3 she receives a health examination required by subsection (1) of  
4 this Section, present to the local school proof of having  
5 received such immunizations against preventable communicable  
6 diseases as the Department of Public Health shall require by  
7 rules and regulations promulgated pursuant to this Section and  
8 the Communicable Disease Prevention Act.

9 (4) The individuals conducting the health examination,  
10 dental examination, or eye examination shall record the fact of  
11 having conducted the examination, and such additional  
12 information as required, including for a health examination  
13 data relating to obesity (including at a minimum, date of  
14 birth, gender, height, weight, blood pressure, and date of  
15 exam), on uniform forms which the Department of Public Health  
16 and the State Board of Education shall prescribe for statewide  
17 use. The examiner shall summarize on the report form any  
18 condition that he or she suspects indicates a need for special  
19 services, including for a health examination factors relating  
20 to obesity. The individuals confirming the administration of  
21 required immunizations shall record as indicated on the form  
22 that the immunizations were administered.

23 (5) If a child does not submit proof of having had either  
24 the health examination or the immunization as required, then  
25 the child shall be examined or receive the immunization, as the  
26 case may be, and present proof by October 15 of the current

1 school year, or by an earlier date of the current school year  
2 established by a school district. To establish a date before  
3 October 15 of the current school year for the health  
4 examination or immunization as required, a school district must  
5 give notice of the requirements of this Section 60 days prior  
6 to the earlier established date. If for medical reasons one or  
7 more of the required immunizations must be given after October  
8 15 of the current school year, or after an earlier established  
9 date of the current school year, then the child shall present,  
10 by October 15, or by the earlier established date, a schedule  
11 for the administration of the immunizations and a statement of  
12 the medical reasons causing the delay, both the schedule and  
13 the statement being issued by the physician, advanced practice  
14 nurse, physician assistant, registered nurse, or local health  
15 department that will be responsible for administration of the  
16 remaining required immunizations. If a child does not comply by  
17 October 15, or by the earlier established date of the current  
18 school year, with the requirements of this subsection, then the  
19 local school authority shall exclude that child from school  
20 until such time as the child presents proof of having had the  
21 health examination as required and presents proof of having  
22 received those required immunizations which are medically  
23 possible to receive immediately. During a child's exclusion  
24 from school for noncompliance with this subsection, the child's  
25 parents or legal guardian shall be considered in violation of  
26 Section 26-1 and subject to any penalty imposed by Section

1 26-10. This subsection (5) does not apply to dental  
2 examinations and eye examinations.

3 (6) Every school shall report to the State Board of  
4 Education by November 15, in the manner which that agency shall  
5 require, the number of children who have received the necessary  
6 immunizations and the health examination (other than a dental  
7 examination or eye examination) as required, indicating, of  
8 those who have not received the immunizations and examination  
9 as required, the number of children who are exempt from health  
10 examination and immunization requirements on religious or  
11 medical grounds as provided in subsection (8). Every school  
12 shall report to the State Board of Education by June 30, in the  
13 manner that the State Board requires, the number of children  
14 who have received the required dental examination, indicating,  
15 of those who have not received the required dental examination,  
16 the number of children who are exempt from the dental  
17 examination on religious grounds as provided in subsection (8)  
18 of this Section and the number of children who have received a  
19 waiver under subsection (1.5) of this Section. Every school  
20 shall report to the State Board of Education by June 30, in the  
21 manner that the State Board requires, the number of children  
22 who have received the required eye examination, indicating, of  
23 those who have not received the required eye examination, the  
24 number of children who are exempt from the eye examination as  
25 provided in subsection (8) of this Section, the number of  
26 children who have received a waiver under subsection (1.10) of

1 this Section, and the total number of children in noncompliance  
2 with the eye examination requirement. This reported  
3 information shall be provided to the Department of Public  
4 Health by the State Board of Education.

5 (7) Upon determining that the number of pupils who are  
6 required to be in compliance with subsection (5) of this  
7 Section is below 90% of the number of pupils enrolled in the  
8 school district, 10% of each State aid payment made pursuant to  
9 Section 18-8.05 to the school district for such year may be  
10 withheld by the State Board of Education until the number of  
11 students in compliance with subsection (5) is the applicable  
12 specified percentage or higher.

13 (8) Parents or legal guardians who object to health,  
14 dental, or eye examinations or any part thereof, or to  
15 immunizations, on religious grounds shall not be required to  
16 submit their children or wards to the examinations or  
17 immunizations to which they so object if such parents or legal  
18 guardians present to the appropriate local school authority a  
19 signed statement of objection, detailing the grounds for the  
20 objection. If the physical condition of the child is such that  
21 any one or more of the immunizing agents should not be  
22 administered, the examining physician, advanced practice  
23 nurse, or physician assistant responsible for the performance  
24 of the health examination shall endorse that fact upon the  
25 health examination form. Exempting a child from the health,  
26 dental, or eye examination does not exempt the child from

1 participation in the program of physical education training  
2 provided in Sections 27-5 through 27-7 of this Code.

3 (9) For the purposes of this Section, "nursery schools"  
4 means those nursery schools operated by elementary school  
5 systems or secondary level school units or institutions of  
6 higher learning.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;  
8 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; revised 11-15-07.)

9 (105 ILCS 5/27-17) (from Ch. 122, par. 27-17)

10 Sec. 27-17. Safety education. School boards of public  
11 schools and all boards in charge of educational institutions  
12 supported wholly or partially by the State may provide  
13 instruction in safety education in all grades and include such  
14 instruction in the courses of study regularly taught therein.

15 In this section "safety education" means and includes  
16 instruction in the following:

17 1. automobile safety, including traffic regulations,  
18 highway safety, and the consequences of alcohol consumption and  
19 the operation of a motor vehicle;

20 2. safety in the home;

21 3. safety in connection with recreational activities;

22 4. safety in and around school buildings;

23 5. safety in connection with vocational work or training;

24 and

25 6. cardio-pulmonary resuscitation for pupils enrolled in

1 grades 9 through 11.

2 Such boards may make suitable provisions in the schools and  
3 institutions under their jurisdiction for instruction in  
4 safety education for not less than 16 hours during each school  
5 year.

6 The curriculum in all State universities shall contain  
7 instruction in safety education for teachers that is  
8 appropriate to the grade level of the teaching certificate.  
9 This instruction may be by specific courses in safety education  
10 or may be incorporated in existing subjects taught in the  
11 university.

12 (Source: P.A. 95-168, eff. 8-14-07; 95-371, eff. 8-23-07;  
13 revised 11-15-07.)

14 (105 ILCS 5/27-23.7)

15 Sec. 27-23.7. Bullying prevention education; gang  
16 resistance education and training.

17 (a) The General Assembly finds that bullying has a negative  
18 effect on the social environment of schools, creates a climate  
19 of fear among students, inhibits their ability to learn, and  
20 leads to other antisocial behavior. Bullying behavior has been  
21 linked to other forms of antisocial behavior, such as  
22 vandalism, shoplifting, skipping and dropping out of school,  
23 fighting, using drugs and alcohol, sexual harassment, and  
24 sexual violence.

25 The General Assembly further finds that the instance of



1 youth delinquent gangs continues to rise on a statewide basis.  
2 Given the higher rates of criminal offending among gang  
3 members, as well as the availability of increasingly lethal  
4 weapons, the level of criminal activity by gang members has  
5 taken on new importance for law enforcement agencies, schools,  
6 the community, and prevention efforts.

7 (b) In this Section:

8 "Bullying prevention" means and includes instruction in  
9 all of the following:

10 (1) Intimidation.

11 (2) Student victimization.

12 (3) Sexual harassment.

13 (4) Sexual violence.

14 (5) Strategies for student-centered problem solving  
15 regarding bullying.

16 "Gang resistance education and training" means and  
17 includes instruction in, without limitation, each of the  
18 following subject matters when accompanied by a stated  
19 objective of reducing gang activity and educating children in  
20 grades K through 12 about the consequences of gang involvement:

21 (1) Conflict resolution.

22 (2) Cultural sensitivity.

23 (3) Personal goal setting.

24 (4) Resisting peer pressure.

25 (c) Each school district may make suitable provisions for  
26 instruction in bullying prevention and gang resistance

1 education and training in all grades and include such  
2 instruction in the courses of study regularly taught therein. A  
3 school board may collaborate with a community-based agency  
4 providing specialized curricula in bullying prevention whose  
5 ultimate outcome is to prevent sexual violence. For the  
6 purposes of gang resistance education and training, a school  
7 board must collaborate with State and local law enforcement  
8 agencies. The State Board of Education may assist in the  
9 development of instructional materials and teacher training in  
10 relation to bullying prevention and gang resistance education  
11 and training.

12 (d) Beginning 180 days after August 23, 2007 (the effective  
13 date of Public Act 95-349) ~~this amendatory Act of the 95th~~  
14 ~~General Assembly~~, each school district shall create and  
15 maintain a policy on bullying, which policy must be filed with  
16 the State Board of Education. Each school district must  
17 communicate its policy on bullying to its students and their  
18 parent or guardian on an annual basis. The policy must be  
19 updated every 2 years and filed with the State Board of  
20 Education after being updated. The State Board of Education  
21 shall monitor the implementation of policies created under this  
22 subsection (d).

23 (Source: P.A. 94-937, eff. 6-26-06; 95-198, eff. 1-1-08;  
24 95-349, eff. 8-23-07; revised 11-15-07.)

1           Sec. 34-18.34. Student biometric information.

2           (a) For the purposes of this Section, "biometric  
3 information" means any information that is collected through an  
4 identification process for individuals based on their unique  
5 behavioral or physiological characteristics, including  
6 fingerprint, hand geometry, voice, or facial recognition or  
7 iris or retinal scans.

8           (b) If the school district collects biometric information  
9 from students, the district shall adopt a policy that requires,  
10 at a minimum, all of the following:

11           (1) Written permission from the individual who has  
12 legal custody of the student, as defined in Section  
13 10-20.12b of this Code, or from the student if he or she  
14 has reached the age of 18.

15           (2) The discontinuation of use of a student's biometric  
16 information under either of the following conditions:

17           (A) upon the student's graduation or withdrawal  
18 from the school district; or

19           (B) upon receipt in writing of a request for  
20 discontinuation by the individual having legal custody  
21 of the student or by the student if he or she has  
22 reached the age of 18.

23           (3) The destruction of all of a student's biometric  
24 information within 30 days after the biometric information  
25 is discontinued in accordance with item (2) of this  
26 subsection (b).

1           (4) The use of biometric information solely for  
2 identification or fraud prevention.

3           (5) A prohibition on the sale, lease, or other  
4 disclosure of biometric information to another person or  
5 entity, unless:

6                 (A) the individual who has legal custody of the  
7 student or the student, if he or she has reached the  
8 age of 18, consents to the disclosure; or

9                 (B) the disclosure is required by court order.

10           (6) The storage, transmittal, and protection of all  
11 biometric information from disclosure.

12           (c) Failure to provide written consent under item (1) of  
13 subsection (b) of this Section by the individual who has legal  
14 custody of the student or by the student, if he or she has  
15 reached the age of 18, must not be the basis for refusal of any  
16 services otherwise available to the student.

17 (Source: P.A. 95-232, eff. 8-16-07.)

18           (105 ILCS 5/34-18.35)

19           Sec. 34-18.35 ~~34-18.34~~. Use of facilities by community  
20 organizations. The board is encouraged to allow community  
21 organizations to use school facilities during non-school  
22 hours. If the board allows a community organization to use  
23 school facilities during non-school hours, the board must adopt  
24 a formal policy governing the use of school facilities by  
25 community organizations during non-school hours. The policy

1 shall prohibit such use if it interferes with any school  
2 functions or the safety of students or school personnel or  
3 affects the property or liability of the school district.

4 (Source: P.A. 95-308, eff. 8-20-07; revised 12-7-07.)

5 (105 ILCS 5/34-18.36)

6 Sec. 34-18.36 ~~34-18.34~~. Wind farm. The school district may  
7 own and operate a wind generation turbine farm, either  
8 individually or jointly, that directly or indirectly reduces  
9 the energy or other operating costs of the school district. The  
10 school district may ask for the assistance of any State agency,  
11 including without limitation the State Board of Education or  
12 the Environmental Protection Agency, in obtaining financing  
13 options for a wind generation turbine farm.

14 (Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

15 Section 180. The Southern Illinois University Management  
16 Act is amended by changing Section 8 as follows:

17 (110 ILCS 520/8) (from Ch. 144, par. 658)

18 Sec. 8. Powers and Duties of the Board. The Board shall  
19 have power and it shall be its duty:

20 1. To make rules, regulations and by-laws, not  
21 inconsistent with law, for the government and management of  
22 Southern Illinois University and its branches;

23 2. To employ, and, for good cause, to remove a

1 president of Southern Illinois University, and all  
2 necessary deans, professors, associate professors,  
3 assistant professors, instructors, and other educational  
4 and administrative assistants, and all other necessary  
5 employees, and contract with them upon matters relating to  
6 tenure, salaries and retirement benefits in accordance  
7 with the State Universities Civil Service Act; the Board  
8 shall, upon the written request of an employee of Southern  
9 Illinois University, withhold from the compensation of  
10 that employee any dues, payments or contributions payable  
11 by such employee to any labor organization as defined in  
12 the Illinois Educational Labor Relations Act. Under such  
13 arrangement, an amount shall be withheld from each regular  
14 payroll period which is equal to the pro rata share of the  
15 annual dues plus any payments or contributions, and the  
16 Board shall transmit such withholdings to the specified  
17 labor organization within 10 working days from the time of  
18 the withholding. Whenever the Board establishes a search  
19 committee to fill the position of president of Southern  
20 Illinois University, there shall be minority  
21 representation, including women, on that search committee;

22 3. To prescribe the course of study to be followed, and  
23 textbooks and apparatus to be used at Southern Illinois  
24 University;

25 4. To issue upon the recommendation of the faculty,  
26 diplomas to such persons as have satisfactorily completed

1 the required studies of Southern Illinois University, and  
2 confer such professional and literary degrees as are  
3 usually conferred by other institutions of like character  
4 for similar or equivalent courses of study, or such as the  
5 Board may deem appropriate;

6 5. To examine into the conditions, management, and  
7 administration of Southern Illinois University, to provide  
8 the requisite buildings, apparatus, equipment and  
9 auxiliary enterprises, and to fix and collect  
10 matriculation fees; tuition fees; fees for student  
11 activities; fees for student facilities such as student  
12 union buildings or field houses or stadium or other  
13 recreational facilities; student welfare fees; laboratory  
14 fees and similar fees for supplies and material;

15 6. To succeed to and to administer all trusts, trust  
16 property, and gifts now or hereafter belonging or  
17 pertaining to Southern Illinois University;

18 7. To accept endowments of professorships or  
19 departments in the University from any person who may  
20 proffer them and, at regular meetings, to prescribe rules  
21 and regulations in relation to endowments and declare on  
22 what general principles they may be accepted;

23 8. To enter into contracts with the Federal government  
24 for providing courses of instruction and other services at  
25 Southern Illinois University for persons serving in or with  
26 the military or naval forces of the United States, and to

1 provide such courses of instruction and other services;

2 9. To provide for the receipt and expenditures of  
3 Federal funds, paid to the Southern Illinois University by  
4 the Federal government for instruction and other services  
5 for persons serving in or with the military or naval forces  
6 of the United States and to provide for audits of such  
7 funds;

8 10. To appoint, subject to the applicable civil service  
9 law, persons to be members of the Southern Illinois  
10 University Police Department. Members of the Police  
11 Department shall be conservators of the peace and as such  
12 have all powers possessed by policemen in cities, and  
13 sheriffs, including the power to make arrests on view or  
14 warrants of violations of state statutes, university rules  
15 and regulations and city or county ordinances, except that  
16 they may exercise such powers only within counties wherein  
17 the university and any of its branches or properties are  
18 located when such is required for the protection of  
19 university properties and interests, and its students and  
20 personnel, and otherwise, within such counties, when  
21 requested by appropriate State or local law enforcement  
22 officials. However, such officers shall have no power to  
23 serve and execute civil processes.

24 The Board must authorize to each member of the Southern  
25 Illinois University Police Department and to any other  
26 employee of Southern Illinois University exercising the



1 powers of a peace officer a distinct badge that, on its  
2 face, (i) clearly states that the badge is authorized by  
3 Southern Illinois University and (ii) contains a unique  
4 identifying number. No other badge shall be authorized by  
5 Southern Illinois University.

6 10.5. ~~(10.5)~~ To conduct health care programs in  
7 furtherance of its teaching, research, and public service  
8 functions, which shall include without limitation patient  
9 and ancillary facilities, institutes, clinics, or offices  
10 owned, leased, or purchased through an equity interest by  
11 the Board or its appointed designee to carry out such  
12 activities in the course of or in support of the Board's  
13 academic, clinical, and public service responsibilities.

14 11. To administer a plan or plans established by the  
15 clinical faculty of the School of Medicine for the billing,  
16 collection and disbursement of charges for services  
17 performed in the course of or in support of the faculty's  
18 academic responsibilities, provided that such plan has  
19 been first approved by Board action. All such collections  
20 shall be deposited into a special fund or funds  
21 administered by the Board from which disbursements may be  
22 made according to the provisions of said plan. The  
23 reasonable costs incurred, by the University,  
24 administering the billing, collection and disbursement  
25 provisions of a plan shall have first priority for payment  
26 before distribution or disbursement for any other purpose.

1 Audited financial statements of the plan or plans must be  
2 provided to the Legislative Audit Commission annually.

3 The Board of Trustees may own, operate, or govern, by  
4 or through the School of Medicine, a managed care community  
5 network established under subsection (b) of Section 5-11 of  
6 the Illinois Public Aid Code.

7 12. The Board of Trustees may, directly or in  
8 cooperation with other institutions of higher education,  
9 acquire by purchase or lease or otherwise, and construct,  
10 enlarge, improve, equip, complete, operate, control and  
11 manage medical research and high technology parks,  
12 together with the necessary lands, buildings, facilities,  
13 equipment, and personal property therefor, to encourage  
14 and facilitate (a) the location and development of business  
15 and industry in the State of Illinois, and (b) the  
16 increased application and development of technology and  
17 (c) the improvement and development of the State's economy.  
18 The Board of Trustees may lease to nonprofit corporations  
19 all or any part of the land, buildings, facilities,  
20 equipment or other property included in a medical research  
21 and high technology park upon such terms and conditions as  
22 the Board of Trustees may deem advisable and enter into any  
23 contract or agreement with such nonprofit corporations as  
24 may be necessary or suitable for the construction,  
25 financing, operation and maintenance and management of any  
26 such park; and may lease to any person, firm, partnership

1 or corporation, either public or private, any part or all  
2 of the land, building, facilities, equipment or other  
3 property of such park for such purposes and upon such  
4 rentals, terms and conditions as the Board of Trustees may  
5 deem advisable; and may finance all or part of the cost of  
6 any such park, including the purchase, lease,  
7 construction, reconstruction, improvement, remodeling,  
8 addition to, and extension and maintenance of all or part  
9 of such high technology park, and all equipment and  
10 furnishings, by legislative appropriations, government  
11 grants, contracts, private gifts, loans, receipts from the  
12 operation of such high technology park, rentals and similar  
13 receipts; and may make its other facilities and services  
14 available to tenants or other occupants of any such park at  
15 rates which are reasonable and appropriate.

16 The powers of the Board as herein designated are subject to  
17 the Board of Higher Education Act.

18 (Source: P.A. 95-158, eff. 8-14-07; revised 11-15-07.)

19 Section 185. The Public Community College Act is amended by  
20 renumbering Section 2.24 as follows:

21 (110 ILCS 805/2-25)

22 Sec. 2-25 ~~2-24~~. College and Career Readiness Pilot Program.

23 (a) The General Assembly finds that there is a direct and  
24 significant link between students being academically prepared

1 for college and success in postsecondary education. Many  
2 students enter college unprepared for the academic rigors of  
3 college and require noncredit remedial courses to attain skills  
4 and knowledge needed for regular, credit coursework.  
5 Remediation lengthens time to degree, imposes additional costs  
6 on students and colleges, and uses student financial aid for  
7 courses that will not count toward a degree. All high school  
8 juniors take the Prairie State Achievement Examination, which  
9 contains the ACT college assessment exam. ACT test elements and  
10 scores can be correlated to specific course placements in  
11 community colleges. Customized ACT test results can be used in  
12 collaboration with high schools to assist high school students  
13 identify areas for improvement and help them close skill gaps  
14 during their senior year. Greater college and career readiness  
15 will reduce the need for remediation, lower educational costs,  
16 shorten time to degree, and increase the overall success rate  
17 of Illinois college students.

18 (b) Subject to appropriation, the State Board shall create  
19 a 3-year pilot project, to be known as the College and Career  
20 Readiness Pilot Program. The goals of the program are as  
21 follows:

22 (1) To diagnose college readiness by developing a  
23 system to align ACT scores to specific community college  
24 courses in developmental and freshman curriculums.

25 (2) To reduce remediation by decreasing the need for  
26 remedial coursework in mathematics, reading, and writing

1 at the college level through (i) increasing the number of  
2 students enrolled in a college-prep core curriculum, (ii)  
3 assisting students in improving college readiness skills,  
4 and (iii) increasing successful student transitions into  
5 postsecondary education.

6 (3) To align high school and college curriculums.

7 (4) To provide resources and academic support to  
8 students to enrich the senior year of high school through  
9 remedial or advanced coursework and other interventions.

10 (5) To develop an appropriate evaluation process to  
11 measure the effectiveness of readiness intervention  
12 strategies.

13 (c) The first year of the program created under this  
14 Section shall begin with the high school class of 2008.

15 (1) The State Board shall select 4 community colleges  
16 to participate in the program based on all of the  
17 following:

18 (A) The percentage of students in developmental  
19 coursework.

20 (B) Demographics of student enrollment, including  
21 socioeconomic status, race and ethnicity, and  
22 enrollments of first-generation college students.

23 (C) Geographic diversity.

24 (D) The willingness of the community college to  
25 submit developmental and introductory courses to ACT  
26 for analysis of college placement.

1           (E) The ability of the community college to partner  
2           with local high schools to develop college and career  
3           readiness strategies and college readiness teams.

4           (2) The State Board shall work with ACT to analyze up  
5           to 10 courses at each participating community college for  
6           purposes of determining student placement and college  
7           readiness.

8           (3) Each participating community college shall  
9           establish an agreement with a high school or schools to do  
10          all of the following:

11                 (A) Create a data-sharing agreement.

12                 (B) Create a Readiness Prescription for each  
13          student, showing all of the following:

14                         (i) The readiness status for college-level  
15          work.

16                         (ii) Course recommendations for remediation or  
17          for advanced coursework in Advanced Placement  
18          classes or dual credit and dual enrollment  
19          programs.

20                         (iii) Additional academic support services,  
21          including tutoring, mentoring, and college  
22          application assistance.

23                 (C) Create college and career readiness teams  
24          comprised of faculty and counselors or advisers from  
25          the community college and high school, the college and  
26          career readiness coordinator from the community

1 college, and other members as determined by the high  
2 school and community college. The teams may include  
3 local business or civic leaders. The teams shall  
4 develop intervention strategies as follows:

5 (i) Use the Readiness Prescription to develop  
6 a contract with each student for remedial or  
7 advanced coursework to be taken during the senior  
8 year.

9 (ii) Monitor student progress.

10 (iii) Provide readiness support services.

11 (D) Retest students in the spring of 2008 to assess  
12 progress and college readiness.

13 (4) The State Board shall work with participating  
14 community colleges and high schools to develop an  
15 appropriate evaluation process to measure effectiveness of  
16 intervention strategies, including all of the following:

17 (A) Baseline data for each participating school.

18 (B) Baseline data for the Illinois system.

19 (C) Comparison of ACT scores from March 2007 to  
20 March 2008.

21 (D) Student enrollment in college in the fall of  
22 2008.

23 (E) Placement of college and career readiness  
24 students in developmental and regular courses in the  
25 fall of 2008.

26 (F) Retention of college and career readiness

1 students in the spring semester of 2009.

2 (5) The State Board shall work with participating  
3 community colleges and high schools to establish  
4 operational processes and a budget for college and career  
5 readiness pilot programs, including all of the following:

6 (A) Employment of a college and career readiness  
7 coordinator at each community college site.

8 (B) Establishment of a budget.

9 (C) Creation of college and career readiness  
10 teams, resources, and partnership agreements.

11 (d) The second year of the program created under this  
12 Section shall begin with the high school class of 2009. In the  
13 second year, the State Board shall have all of the following  
14 duties:

15 (1) Analyze courses at 3 new community college sites.

16 (2) Undertake intervention strategies through college  
17 and career readiness teams with students in the class of  
18 2009.

19 (3) Monitor and assist college and career readiness  
20 graduates from the class of 2008 in college.

21 (e) The third year of the program created under this  
22 Section shall begin with the high school class of 2010. In the  
23 third year, the State Board shall have all of the following  
24 duties:

25 (1) Analyze courses at 5 new community college sites.

26 (2) Add college and career readiness teams at 3 new



1 sites (from year 2 of the program).

2 (3) Undertake intervention strategies through college  
3 and career readiness teams with students of the class of  
4 2010 at 7 sites.

5 (4) Monitor and assist students from the classes of  
6 2008 and 2009 in college.

7 (Source: P.A. 95-694, eff. 11-5-07; revised 12-7-07.)

8 Section 190. The Assisted Living and Shared Housing Act is  
9 amended by changing Sections 35 and 45 as follows:

10 (210 ILCS 9/35)

11 Sec. 35. Issuance of license.

12 (a) Upon receipt and review of an application for a license  
13 and review of the applicant establishment, the Director may  
14 issue a license if he or she finds:

15 (1) that the individual applicant, or the corporation,  
16 partnership, or other entity if the applicant is not an  
17 individual, is a person responsible and suitable to operate  
18 or to direct or participate in the operation of an  
19 establishment by virtue of financial capacity, appropriate  
20 business or professional experience, a record of lawful  
21 compliance with lawful orders of the Department and lack of  
22 revocation of a license issued under this Act or the  
23 Nursing Home Care Act during the previous 5 years;

24 (2) that the establishment is under the supervision of

1 a full-time director who is at least 21 years of age and  
2 has a high school diploma or equivalent plus either:

3 (A) 2 years of management experience or 2 years of  
4 experience in positions of progressive responsibility  
5 in health care, housing with services, or adult day  
6 care or providing similar services to the elderly; or

7 (B) 2 years of management experience or 2 years of  
8 experience in positions of progressive responsibility  
9 in hospitality and training in health care and housing  
10 with services management as defined by rule;

11 (3) that the establishment has staff sufficient in  
12 number with qualifications, adequate skills, education,  
13 and experience to meet the 24 hour scheduled and  
14 unscheduled needs of residents and who participate in  
15 ongoing training to serve the resident population;

16 (4) that all employees who are subject to the Health  
17 Care Worker Background Check Act meet the requirements of  
18 that Act;

19 (5) that the applicant is in substantial compliance  
20 with this Act and such other requirements for a license as  
21 the Department by rule may establish under this Act;

22 (6) that the applicant pays all required fees;

23 (7) that the applicant has provided to the Department  
24 an accurate disclosure document in accordance with the  
25 Alzheimer's Special Care Disclosure Act and in substantial  
26 compliance with Section 150 of this Act.

1           In addition to any other requirements set forth in this  
2 Act, as a condition of licensure under this Act, the director  
3 of an establishment must participate in at least 20 hours of  
4 training every 2 years to assist him or her in better meeting  
5 the needs of the residents of the establishment and managing  
6 ~~manage~~ the operation of the establishment.

7           Any license issued by the Director shall state the physical  
8 location of the establishment, the date the license was issued,  
9 and the expiration date. All licenses shall be valid for one  
10 year, except as provided in Sections 40 and 45. Each license  
11 shall be issued only for the premises and persons named in the  
12 application, and shall not be transferable or assignable.

13           (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;  
14 95-628, eff. 9-25-07; revised 11-15-07.)

15           (210 ILCS 9/45)

16           Sec. 45. Renewal of licenses. At least 120 days, but not  
17 more than 150 days prior to license expiration, the licensee  
18 shall submit an application for renewal of the license in such  
19 form and containing such information as the Department  
20 requires. If the application is approved, and if the licensee  
21 (i) has not committed a Type 1 violation in the preceding 24  
22 months, (ii) has not committed a Type 2 violation in the  
23 preceding 24 months, (iii) has not had an inspection, review,  
24 or evaluation that resulted in a finding of 10 or more Type 3  
25 violations in the preceding 24 months, and (iv) ~~the licensee~~

1 has not admitted or retained a resident in violation of Section  
2 75 of this Act in the preceding 24 months, the Department may  
3 renew the license for an additional period of 2 years. If a  
4 licensee whose license has been renewed for 2 years under this  
5 Section subsequently fails to meet any of the conditions set  
6 forth in items (i), (ii), and (iii), then, in addition to any  
7 other sanctions that the Department may impose under this Act,  
8 the Department shall revoke the 2-year license and replace it  
9 with a one-year license until the licensee again meets all of  
10 the conditions set forth in items (i), (ii), and (iii). If  
11 appropriate, the renewal application shall not be approved  
12 unless the applicant has provided to the Department an accurate  
13 disclosure document in accordance with the Alzheimer's Special  
14 Care Disclosure Act. If the application for renewal is not  
15 timely filed, the Department shall so inform the licensee.

16 (Source: P.A. 95-590, eff. 9-10-07; revised 11-15-07.)

17 Section 195. The Hospital Licensing Act is amended by  
18 changing Section 6.09 and by setting forth and renumbering  
19 multiple versions of Section 6.23 as follows:

20 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

21 Sec. 6.09. (a) In order to facilitate the orderly  
22 transition of aged and disabled patients from hospitals to  
23 post-hospital care, whenever a patient who qualifies for the  
24 federal Medicare program is hospitalized, the patient shall be

1 notified of discharge at least 24 hours prior to discharge from  
2 the hospital. With regard to pending discharges to a skilled  
3 nursing facility, the hospital must notify the case  
4 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at  
5 least 24 hours prior to discharge or, if home health services  
6 are ordered, the hospital must inform its designated case  
7 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of  
8 the pending discharge and must provide the patient with the  
9 case coordination unit's telephone number and other contact  
10 information.

11 (b) Every hospital shall develop procedures for a physician  
12 with medical staff privileges at the hospital or any  
13 appropriate medical staff member to provide the discharge  
14 notice prescribed in subsection (a) of this Section. The  
15 procedures must include prohibitions against discharging or  
16 referring a patient to any of the following if unlicensed,  
17 uncertified, or unregistered: (i) a board and care facility, as  
18 defined in the Board and Care Home Act; (ii) an assisted living  
19 and shared housing establishment, as defined in the Assisted  
20 Living and Shared Housing Act; (iii) a facility licensed under  
21 the Nursing Home Care Act; (iv) a supportive living facility,  
22 as defined in Section 5-5.01a of the Illinois Public Aid Code;  
23 or (v) a free-standing hospice facility licensed under the  
24 Hospice Program Licensing Act if licensure, certification, or  
25 registration is required. The Department of Public Health shall  
26 annually provide hospitals with a list of licensed, certified,

1 or registered board and care facilities, assisted living and  
2 shared housing establishments, nursing homes, supportive  
3 living facilities, and hospice facilities. Reliance upon this  
4 list by a hospital shall satisfy compliance with this  
5 requirement. The procedure may also include a waiver for any  
6 case in which a discharge notice is not feasible due to a short  
7 length of stay in the hospital by the patient, or for any case  
8 in which the patient voluntarily desires to leave the hospital  
9 before the expiration of the 24 hour period.

10 (c) At least 24 hours prior to discharge from the hospital,  
11 the patient shall receive written information on the patient's  
12 right to appeal the discharge pursuant to the federal Medicare  
13 program, including the steps to follow to appeal the discharge  
14 and the appropriate telephone number to call in case the  
15 patient intends to appeal the discharge.

16 (Source: P.A. 94-335, eff. 7-26-05; 95-80, eff. 8-13-07;  
17 95-651, eff. 10-11-07; revised 11-15-07.)

18 (210 ILCS 85/6.23)

19 Sec. 6.23. Prevention and control of Multidrug-Resistant  
20 Organisms. Each hospital shall develop and implement  
21 comprehensive interventions to prevent and control  
22 multidrug-resistant organisms (MDROs), including  
23 methicillin-resistant *Staphylococcus aureus* (MRSA),  
24 vancomycin-resistant enterococci (VRE), and certain  
25 gram-negative bacilli (GNB), that take into consideration

1 guidelines of the U.S. Centers for Disease Control and  
2 Prevention for the management of MDROs in healthcare settings.  
3 The Department shall adopt administrative rules that require  
4 hospitals to perform an annual facility-wide infection control  
5 risk assessment and enforce hand hygiene and contact precaution  
6 requirements.

7 (Source: P.A. 95-282, eff. 8-20-07.)

8 (210 ILCS 85/6.24)

9 Sec. 6.24 ~~6.23~~. Time of death; patient's religious beliefs.  
10 Every hospital must adopt policies and procedures to allow  
11 health care professionals, in documenting a patient's time of  
12 death at the hospital, to take into account the patient's  
13 religious beliefs concerning the patient's time of death.

14 (Source: P.A. 95-181, eff. 1-1-08; revised 12-7-07.)

15 Section 200. The Illinois Insurance Code is amended by  
16 changing Section 223 and by setting forth and renumbering  
17 multiple versions of Section 356z.9 as follows:

18 (215 ILCS 5/223) (from Ch. 73, par. 835)

19 Sec. 223. Director to value policies - Legal standard of  
20 valuation.

21 (1) The Director shall annually value, or cause to be  
22 valued, the reserve liabilities (hereinafter called reserves)  
23 for all outstanding life insurance policies and annuity and

1 pure endowment contracts of every life insurance company doing  
2 business in this State, except that in the case of an alien  
3 company, such valuation shall be limited to its United States  
4 business, and may certify the amount of any such reserves,  
5 specifying the mortality table or tables, rate or rates of  
6 interest, and methods (net level premium method or other) used  
7 in the calculation of such reserves. Other assumptions may be  
8 incorporated into the reserve calculation to the extent  
9 permitted by the National Association of Insurance  
10 Commissioners' Accounting Practices and Procedures Manual. In  
11 calculating such reserves, he may use group methods and  
12 approximate averages for fractions of a year or otherwise. In  
13 lieu of the valuation of the reserves herein required of any  
14 foreign or alien company, he may accept any valuation made, or  
15 caused to be made, by the insurance supervisory official of any  
16 state or other jurisdiction when such valuation complies with  
17 the minimum standard herein provided and if the official of  
18 such state or jurisdiction accepts as sufficient and valid for  
19 all legal purposes the certificate of valuation of the Director  
20 when such certificate states the valuation to have been made in  
21 a specified manner according to which the aggregate reserves  
22 would be at least as large as if they had been computed in the  
23 manner prescribed by the law of that state or jurisdiction.

24 Any such company which at any time has adopted any standard  
25 of valuation producing greater aggregate reserves than those  
26 calculated according to the minimum standard herein provided



1 may, with the approval of the Director, adopt any lower  
2 standard of valuation, but not lower than the minimum herein  
3 provided, however, that, for the purposes of this subsection,  
4 the holding of additional reserves previously determined by a  
5 qualified actuary to be necessary to render the opinion  
6 required by subsection (1a) shall not be deemed to be the  
7 adoption of a higher standard of valuation. In the valuation of  
8 policies the Director shall give no consideration to, nor make  
9 any deduction because of, the existence or the possession by  
10 the company of

11 (a) policy liens created by any agreement given or  
12 assented to by any assured subsequent to July 1, 1937, for  
13 which liens such assured has not received cash or other  
14 consideration equal in value to the amount of such liens,  
15 or

16 (b) policy liens created by any agreement entered into  
17 in violation of Section 232 unless the agreement imposing  
18 or creating such liens has been approved by a Court in a  
19 proceeding under Article XIII, or in the case of a foreign  
20 or alien company has been approved by a court in a  
21 rehabilitation or liquidation proceeding or by the  
22 insurance official of its domiciliary state or country, in  
23 accordance with the laws thereof.

24 (1a) This subsection shall become operative at the end of  
25 the first full calendar year following the effective date of  
26 this amendatory Act of 1991.

1 (A) General.

2 (1) Every life insurance company doing business in  
3 this State shall annually submit the opinion of a  
4 qualified actuary as to whether the reserves and  
5 related actuarial items held in support of the policies  
6 and contracts specified by the Director by regulation  
7 are computed appropriately, are based on assumptions  
8 that satisfy contractual provisions, are consistent  
9 with prior reported amounts and comply with applicable  
10 laws of this State. The Director by regulation shall  
11 define the specifics of this opinion and add any other  
12 items deemed to be necessary to its scope.

13 (2) The opinion shall be submitted with the annual  
14 statement reflecting the valuation of reserve  
15 liabilities for each year ending on or after December  
16 31, 1992.

17 (3) The opinion shall apply to all business in  
18 force including individual and group health insurance  
19 plans, in form and substance acceptable to the Director  
20 as specified by regulation.

21 (4) The opinion shall be based on standards adopted  
22 from time to time by the Actuarial Standards Board and  
23 on additional standards as the Director may by  
24 regulation prescribe.

25 (5) In the case of an opinion required to be  
26 submitted by a foreign or alien company, the Director

1           may accept the opinion filed by that company with the  
2           insurance supervisory official of another state if the  
3           Director determines that the opinion reasonably meets  
4           the requirements applicable to a company domiciled in  
5           this State.

6           (6) For the purpose of this Section, "qualified  
7           actuary" means a member in good standing of the  
8           American Academy of Actuaries who meets the  
9           requirements set forth in its regulations.

10          (7) Except in cases of fraud or willful misconduct,  
11          the qualified actuary shall not be liable for damages  
12          to any person (other than the insurance company and the  
13          Director) for any act, error, omission, decision or  
14          conduct with respect to the actuary's opinion.

15          (8) Disciplinary action by the Director against  
16          the company or the qualified actuary shall be defined  
17          in regulations by the Director.

18          (9) A memorandum, in form and substance acceptable  
19          to the Director as specified by regulation, shall be  
20          prepared to support each actuarial opinion.

21          (10) If the insurance company fails to provide a  
22          supporting memorandum at the request of the Director  
23          within a period specified by regulation or the Director  
24          determines that the supporting memorandum provided by  
25          the insurance company fails to meet the standards  
26          prescribed by the regulations or is otherwise

1           unacceptable to the Director, the Director may engage a  
2           qualified actuary at the expense of the company to  
3           review the opinion and the basis for the opinion and  
4           prepare the supporting memorandum as is required by the  
5           Director.

6           (11) Any memorandum in support of the opinion, and  
7           any other material provided by the company to the  
8           Director in connection therewith, shall be kept  
9           confidential by the Director and shall not be made  
10          public and shall not be subject to subpoena, other than  
11          for the purpose of defending an action seeking damages  
12          from any person by reason of any action required by  
13          this Section or by regulations promulgated hereunder;  
14          provided, however, that the memorandum or other  
15          material may otherwise be released by the Director (a)  
16          with the written consent of the company or (b) to the  
17          American Academy of Actuaries upon request stating  
18          that the memorandum or other material is required for  
19          the purpose of professional disciplinary proceedings  
20          and setting forth procedures satisfactory to the  
21          Director for preserving the confidentiality of the  
22          memorandum or other material. Once any portion of the  
23          confidential memorandum is cited by the company in its  
24          marketing or is cited before any governmental agency  
25          other than a state insurance department or is released  
26          by the company to the news media, all portions of the

1 confidential memorandum shall be no longer  
2 confidential.

3 (B) Actuarial analysis of reserves and assets  
4 supporting those reserves.

5 (1) Every life insurance company, except as  
6 exempted by or under regulation, shall also annually  
7 include in the opinion required by paragraph (A) (1) of  
8 this subsection (1a), an opinion of the same qualified  
9 actuary as to whether the reserves and related  
10 actuarial items held in support of the policies and  
11 contracts specified by the Director by regulation,  
12 when considered in light of the assets held by the  
13 company with respect to the reserves and related  
14 actuarial items including, but not limited to, the  
15 investment earnings on the assets and the  
16 considerations anticipated to be received and retained  
17 under the policies and contracts, make adequate  
18 provision for the company's obligations under the  
19 policies and contracts including, but not limited to,  
20 the benefits under and expenses associated with the  
21 policies and contracts.

22 (2) The Director may provide by regulation for a  
23 transition period for establishing any higher reserves  
24 which the qualified actuary may deem necessary in order  
25 to render the opinion required by this Section.

26 (2) This subsection shall apply to only those policies and

1 contracts issued prior to the operative date of Section 229.2  
2 (the Standard Non-forfeiture Law).

3 (a) Except as otherwise in this Article provided, the  
4 legal minimum standard for valuation of contracts issued  
5 before January 1, 1908, shall be the Actuaries or Combined  
6 Experience Table of Mortality with interest at 4% per annum  
7 and for valuation of contracts issued on or after that date  
8 shall be the American Experience Table of Mortality with  
9 either Craig's or Buttolph's Extension for ages under 10  
10 and with interest at 3 1/2% per annum. The legal minimum  
11 standard for the valuation of group insurance policies  
12 under which premium rates are not guaranteed for a period  
13 in excess of 5 years shall be the American Men Ultimate  
14 Table of Mortality with interest at 3 1/2% per annum. Any  
15 life company may, at its option, value its insurance  
16 contracts issued on or after January 1, 1938, in accordance  
17 with their terms on the basis of the American Men Ultimate  
18 Table of Mortality with interest not higher than 3 1/2% per  
19 annum.

20 (b) Policies issued prior to January 1, 1908, may  
21 continue to be valued according to a method producing  
22 reserves not less than those produced by the full  
23 preliminary term method. Policies issued on and after  
24 January 1, 1908, may be valued according to a method  
25 producing reserves not less than those produced by the  
26 modified preliminary term method hereinafter described in

1 paragraph (c). Policies issued on and after January 1,  
2 1938, may be valued either according to a method producing  
3 reserves not less than those produced by such modified  
4 preliminary term method or by the select and ultimate  
5 method on the basis that the rate of mortality during the  
6 first 5 years after the issuance of such contracts  
7 respectively shall be calculated according to the  
8 following percentages of rates shown by the American  
9 Experience Table of Mortality:

10 (i) first insurance year 50% thereof;

11 (ii) second insurance year 65% thereof;

12 (iii) third insurance year 75% thereof;

13 (iv) fourth insurance year 85% thereof;

14 (v) fifth insurance year 95% thereof.†

15 (c) If the premium charged for the first policy year  
16 under a limited payment life preliminary term policy  
17 providing for the payment of all premiums thereon in less  
18 than 20 years from the date of the policy or under an  
19 endowment preliminary term policy, exceeds that charged  
20 for the first policy year under 20 payment life preliminary  
21 term policies of the same company, the reserve thereon at  
22 the end of any year, including the first, shall not be less  
23 than the reserve on a 20 payment life preliminary term  
24 policy issued in the same year at the same age, together  
25 with an amount which shall be equivalent to the  
26 accumulation of a net level premium sufficient to provide

1 for a pure endowment at the end of the premium payment  
2 period, equal to the difference between the value at the  
3 end of such period of such a 20 payment life preliminary  
4 term policy and the full net level premium reserve at such  
5 time of such a limited payment life or endowment policy.  
6 The premium payment period is the period during which  
7 premiums are concurrently payable under such 20 payment  
8 life preliminary term policy and such limited payment life  
9 or endowment policy.

10 (d) The legal minimum standard for the valuations of  
11 annuities issued on and after January 1, 1938, shall be the  
12 American Annuitant's Table with interest not higher than 3  
13 3/4% per annum, and all annuities issued before that date  
14 shall be valued on a basis not lower than that used for the  
15 annual statement of the year 1937; but annuities deferred  
16 10 or more years and written in connection with life  
17 insurance shall be valued on the same basis as that used in  
18 computing the consideration or premiums therefor, or upon  
19 any higher standard at the option of the company.

20 (e) The Director may vary the standards of interest and  
21 mortality as to contracts issued in countries other than  
22 the United States and may vary standards of mortality in  
23 particular cases of invalid lives and other extra hazards.

24 (f) The legal minimum standard for valuation of waiver  
25 of premium disability benefits or waiver of premium and  
26 income disability benefits issued on and after January 1,



1           1938, shall be the Class (3) Disability Table (1926)  
2           modified to conform to the contractual waiting period, with  
3           interest at not more than 3 1/2% per annum; but in no event  
4           shall the values be less than those produced by the basis  
5           used in computing premiums for such benefits. The legal  
6           minimum standard for the valuation of such benefits issued  
7           prior to January 1, 1938, shall be such as to place an  
8           adequate value, as determined by sound insurance  
9           practices, on the liabilities thereunder and shall be such  
10          that the value of the benefits under each and every policy  
11          shall in no case be less than the value placed upon the  
12          future premiums.

13           (g) The legal minimum standard for the valuation of  
14          industrial policies issued on or after January 1, 1938,  
15          shall be the American Experience Table of Mortality or the  
16          Standard Industrial Mortality Table or the Substandard  
17          Industrial Mortality Table with interest at 3 1/2% per  
18          annum by the net level premium method, or in accordance  
19          with their terms by the modified preliminary term method  
20          hereinabove described.

21           (h) Reserves for all such policies and contracts may be  
22          calculated, at the option of the company, according to any  
23          standards which produce greater aggregate reserves for all  
24          such policies and contracts than the minimum reserves  
25          required by this subsection.

26          (3) This subsection shall apply to only those policies and

1 contracts issued on or after January 1, 1948 or such earlier  
2 operative date of Section 229.2 (the Standard Non-forfeiture  
3 Law) as shall have been elected by the insurance company  
4 issuing such policies or contracts.

5 (a) Except as otherwise provided in subsections (4),  
6 (6), and (7), the minimum standard for the valuation of all  
7 such policies and contracts shall be the Commissioners  
8 Reserve valuation method defined in paragraphs (b) and (f)  
9 of this subsection and in subsection 5, 3 1/2% interest for  
10 such policies issued prior to September 8, 1977, 5 1/2%  
11 interest for single premium life insurance policies and 4  
12 1/2% interest for all other such policies issued on or  
13 after September 8, 1977, and the following tables:

14 (i) The Commissioners 1941 Standard Ordinary  
15 Mortality Table for all Ordinary policies of life  
16 insurance issued on the standard basis, excluding any  
17 disability and accidental death benefits in such  
18 policies, for such policies issued prior to the  
19 operative date of subsection (4a) of Section 229.2  
20 (Standard Non-forfeiture Law); and the Commissioners  
21 1958 Standard Ordinary Mortality Table for such  
22 policies issued on or after such operative date but  
23 prior to the operative date of subsection (4c) of  
24 Section 229.2 provided that for any category of such  
25 policies issued on female risks all modified net  
26 premiums and present values referred to in this Act

1           may, prior to September 8, 1977, be calculated  
2           according to an age not more than 3 years younger than  
3           the actual age of the insured and, after September 8,  
4           1977, calculated according to an age not more than 6  
5           years younger than the actual age of the insured; and  
6           for such policies issued on or after the operative date  
7           of subsection (4c) of Section 229.2, (i) the  
8           Commissioners 1980 Standard Ordinary Mortality Table,  
9           or (ii) at the election of the company for any one or  
10          more specified plans of life insurance, the  
11          Commissioners 1980 Standard Ordinary Mortality Table  
12          with Ten-Year Select Mortality Factors, or (iii) any  
13          ordinary mortality table adopted after 1980 by the  
14          National Association of Insurance Commissioners and  
15          approved by regulations promulgated by the Director  
16          for use in determining the minimum standard of  
17          valuation for such policies.

18                 (ii) For all Industrial Life Insurance policies  
19                 issued on the standard basis, excluding any disability  
20                 and accidental death benefits in such policies--the  
21                 1941 Standard Industrial Mortality Table for such  
22                 policies issued prior to the operative date of  
23                 subsection 4 (b) of Section 229.2 (Standard  
24                 Non-forfeiture Law); and for such policies issued on or  
25                 after such operative date the Commissioners 1961  
26                 Standard Industrial Mortality Table or any industrial

1 mortality table adopted after 1980 by the National  
2 Association of Insurance Commissioners and approved by  
3 regulations promulgated by the Director for use in  
4 determining the minimum standard of valuation for such  
5 policies.

6 (iii) For Individual Annuity and Pure Endowment  
7 contracts, excluding any disability and accidental  
8 death benefits in such policies--the 1937 Standard  
9 Annuity Mortality Table--or, at the option of the  
10 company, the Annuity Mortality Table for 1949,  
11 Ultimate, or any modification of either of these tables  
12 approved by the Director.

13 (iv) For Group Annuity and Pure Endowment  
14 contracts, excluding any disability and accidental  
15 death benefits in such policies--the Group Annuity  
16 Mortality Table for 1951, any modification of such  
17 table approved by the Director, or, at the option of  
18 the company, any of the tables or modifications of  
19 tables specified for Individual Annuity and Pure  
20 Endowment contracts.

21 (v) For Total and Permanent Disability Benefits in  
22 or supplementary to Ordinary policies or contracts for  
23 policies or contracts issued on or after January 1,  
24 1966, the tables of Period 2 disablement rates and the  
25 1930 to 1950 termination rates of the 1952 Disability  
26 Study of the Society of Actuaries, with due regard to

1           the type of benefit, or any tables of disablement rates  
2           and termination rates adopted after 1980 by the  
3           National Association of Insurance Commissioners and  
4           approved by regulations promulgated by the Director  
5           for use in determining the minimum standard of  
6           valuation for such policies; for policies or contracts  
7           issued on or after January 1, 1961, and prior to  
8           January 1, 1966, either such tables or, at the option  
9           of the company, the Class (3) Disability Table (1926);  
10          and for policies issued prior to January 1, 1961, the  
11          Class (3) Disability Table (1926). Any such table  
12          shall, for active lives, be combined with a mortality  
13          table permitted for calculating the reserves for life  
14          insurance policies.

15                 (vi) For Accidental Death benefits in or  
16                 supplementary to policies--for policies issued on or  
17                 after January 1, 1966, the 1959 Accidental Death  
18                 Benefits Table or any accidental death benefits table  
19                 adopted after 1980 by the National Association of  
20                 Insurance Commissioners and approved by regulations  
21                 promulgated by the Director for use in determining the  
22                 minimum standard of valuation for such policies; for  
23                 policies issued on or after January 1, 1961, and prior  
24                 to January 1, 1966, any of such tables or, at the  
25                 option of the company, the Inter-Company Double  
26                 Indemnity Mortality Table; and for policies issued

1 prior to January 1, 1961, the Inter-Company Double  
2 Indemnity Mortality Table. Either table shall be  
3 combined with a mortality table permitted for  
4 calculating the reserves for life insurance policies.

5 (vii) For Group Life Insurance, life insurance  
6 issued on the substandard basis and other special  
7 benefits--such tables as may be approved by the  
8 Director.

9 (b) Except as otherwise provided in paragraph (f) of  
10 subsection (3), subsection (5), and subsection (7)  
11 reserves according to the Commissioners reserve valuation  
12 method, for the life insurance and endowment benefits of  
13 policies providing for a uniform amount of insurance and  
14 requiring the payment of uniform premiums shall be the  
15 excess, if any, of the present value, at the date of  
16 valuation, of such future guaranteed benefits provided for  
17 by such policies, over the then present value of any future  
18 modified net premiums therefor. The modified net premiums  
19 for any such policy shall be such uniform percentage of the  
20 respective contract premiums for such benefits that the  
21 present value, at the date of issue of the policy, of all  
22 such modified net premiums shall be equal to the sum of the  
23 then present value of such benefits provided for by the  
24 policy and the excess of (A) over (B), as follows:

25 (A) A net level annual premium equal to the present  
26 value, at the date of issue, of such benefits provided

1           for after the first policy year, divided by the present  
2           value, at the date of issue, of an annuity of one per  
3           annum payable on the first and each subsequent  
4           anniversary of such policy on which a premium falls  
5           due; provided, however, that such net level annual  
6           premium shall not exceed the net level annual premium  
7           on the 19 year premium whole life plan for insurance of  
8           the same amount at an age one year higher than the age  
9           at issue of such policy.

10                   (B) A net one year term premium for such benefits  
11           provided for in the first policy year.

12           For any life insurance policy issued on or after  
13           January 1, 1987, for which the contract premium in the  
14           first policy year exceeds that of the second year with no  
15           comparable additional benefit being provided in that first  
16           year, which policy provides an endowment benefit or a cash  
17           surrender value or a combination thereof in an amount  
18           greater than such excess premium, the reserve according to  
19           the Commissioners reserve valuation method as of any policy  
20           anniversary occurring on or before the assumed ending date,  
21           defined herein as the first policy anniversary on which the  
22           sum of any endowment benefit and any cash surrender value  
23           then available is greater than such excess premium, shall,  
24           except as otherwise provided in paragraph (f) of subsection  
25           (3), be the greater of the reserve as of such policy  
26           anniversary calculated as described in the preceding part

1 of this paragraph (b) and the reserve as of such policy  
2 anniversary calculated as described in the preceding part  
3 of this paragraph (b) with (i) the value defined in subpart  
4 A of the preceding part of this paragraph (b) being reduced  
5 by 15% of the amount of such excess first year premium,  
6 (ii) all present values of benefits and premiums being  
7 determined without reference to premiums or benefits  
8 provided for by the policy after the assumed ending date,  
9 (iii) the policy being assumed to mature on such date as an  
10 endowment, and (iv) the cash surrender value provided on  
11 such date being considered as an endowment benefit. In  
12 making the above comparison, the mortality and interest  
13 bases stated in paragraph (a) of subsection (3) and in  
14 subsection (6) ~~6~~ shall be used.

15 Reserves according to the Commissioners reserve  
16 valuation method for (i) life insurance policies providing  
17 for a varying amount of insurance or requiring the payment  
18 of varying premiums, (ii) group annuity and pure endowment  
19 contracts purchased under a retirement plan or plan of  
20 deferred compensation, established or maintained by an  
21 employer (including a partnership or sole proprietorship)  
22 or by an employee organization, or by both, other than a  
23 plan providing individual retirement accounts or  
24 individual retirement annuities under Section 408 of the  
25 Internal Revenue Code, as now or hereafter amended, (iii)  
26 disability and accidental death benefits in all policies



1 and contracts, and (iv) all other benefits, except life  
2 insurance and endowment benefits in life insurance  
3 policies and benefits provided by all other annuity and  
4 pure endowment contracts, shall be calculated by a method  
5 consistent with the principles of this paragraph (b),  
6 except that any extra premiums charged because of  
7 impairments or special hazards shall be disregarded in the  
8 determination of modified net premiums.

9 (c) In no event shall a company's aggregate reserves  
10 for all life insurance policies, excluding disability and  
11 accidental death benefits be less than the aggregate  
12 reserves calculated in accordance with the methods set  
13 forth in paragraphs (b), (f), and (g) of subsection (3) and  
14 in subsection (5) and the mortality table or tables and  
15 rate or rates of interest used in calculating  
16 non-forfeiture benefits for such policies.

17 (d) In no event shall the aggregate reserves for all  
18 policies, contracts, and benefits be less than the  
19 aggregate reserves determined by the qualified actuary to  
20 be necessary to render the opinion required by subsection  
21 (1a).

22 (e) Reserves for any category of policies, contracts or  
23 benefits as established by the Director, may be calculated,  
24 at the option of the company, according to any standards  
25 which produce greater aggregate reserves for such category  
26 than those calculated according to the minimum standard

1        herein provided, but the rate or rates of interest used for  
2        policies and contracts, other than annuity and pure  
3        endowment contracts, shall not be higher than the  
4        corresponding rate or rates of interest used in calculating  
5        any nonforfeiture benefits provided for therein.

6            (f) If in any contract year the gross premium charged  
7        by any life insurance company on any policy or contract is  
8        less than the valuation net premium for the policy or  
9        contract calculated by the method used in calculating the  
10       reserve thereon but using the minimum valuation standards  
11       of mortality and rate of interest, the minimum reserve  
12       required for such policy or contract shall be the greater  
13       of either the reserve calculated according to the mortality  
14       table, rate of interest, and method actually used for such  
15       policy or contract, or the reserve calculated by the method  
16       actually used for such policy or contract but using the  
17       minimum standards of mortality and rate of interest and  
18       replacing the valuation net premium by the actual gross  
19       premium in each contract year for which the valuation net  
20       premium exceeds the actual gross premium. The minimum  
21       valuation standards of mortality and rate of interest  
22       referred to in this paragraph (f) are those standards  
23       stated in subsection (6) and paragraph (a) of subsection  
24       (3).

25            For any life insurance policy issued on or after  
26        January 1, 1987, for which the gross premium in the first

1 policy year exceeds that of the second year with no  
2 comparable additional benefit provided in that first year,  
3 which policy provides an endowment benefit or a cash  
4 surrender value or a combination thereof in an amount  
5 greater than such excess premium, the foregoing provisions  
6 of this paragraph (f) shall be applied as if the method  
7 actually used in calculating the reserve for such policy  
8 were the method described in paragraph (b) of subsection  
9 (3), ignoring the second paragraph of said paragraph (b).  
10 The minimum reserve at each policy anniversary of such a  
11 policy shall be the greater of the minimum reserve  
12 calculated in accordance with paragraph (b) of subsection  
13 (3), including the second paragraph of said paragraph (b),  
14 and the minimum reserve calculated in accordance with this  
15 paragraph (f).

16 (g) In the case of any plan of life insurance which  
17 provides for future premium determination, the amounts of  
18 which are to be determined by the insurance company based  
19 on then estimates of future experience, or in the case of  
20 any plan of life insurance or annuity which is of such a  
21 nature that the minimum reserves cannot be determined by  
22 the methods described in paragraphs (b) and (f) of  
23 subsection (3) and subsection (5), the reserves which are  
24 held under any such plan shall:

25 (i) be appropriate in relation to the benefits and  
26 the pattern of premiums for that plan, and

1           (ii) be computed by a method which is consistent  
2           with the principles of this Standard Valuation Law, as  
3           determined by regulations promulgated by the Director.

4           (4) Except as provided in subsection (6), the minimum  
5           standard for the valuation of all individual annuity and pure  
6           endowment contracts issued on or after the operative date of  
7           this subsection, as defined herein, and for all annuities and  
8           pure endowments purchased on or after such operative date under  
9           group annuity and pure endowment contracts shall be the  
10          Commissioners Reserve valuation methods defined in paragraph  
11          (b) of subsection (3) and subsection (5) and the following  
12          tables and interest rates:

13           (a) For individual single premium immediate annuity  
14           contracts, excluding any disability and accidental death  
15           benefits in such contracts, the 1971 Individual Annuity  
16           Mortality Table, any individual annuity mortality table  
17           adopted after 1980 by the National Association of Insurance  
18           Commissioners and approved by regulations promulgated by  
19           the Director for use in determining the minimum standard of  
20           valuation for such contracts, or any modification of those  
21           tables approved by the Director, and 7 1/2% interest.

22           (b) For individual and pure endowment contracts other  
23           than single premium annuity contracts, excluding any  
24           disability and accidental death benefits in such  
25           contracts, the 1971 Individual Annuity Mortality Table,  
26           any individual annuity mortality table adopted after 1980

1 by the National Association of Insurance Commissioners and  
2 approved by regulations promulgated by the Director for use  
3 in determining the minimum standard of valuation for such  
4 contracts, or any modification of those tables approved by  
5 the Director, and 5 1/2% interest for single premium  
6 deferred annuity and pure endowment contracts and 4 1/2%  
7 interest for all other such individual annuity and pure  
8 endowment contracts.

9 (c) For all annuities and pure endowments purchased  
10 under group annuity and pure endowment contracts,  
11 excluding any disability and accidental death benefits  
12 purchased under such contracts, the 1971 Group Annuity  
13 Mortality Table, any group annuity mortality table adopted  
14 after 1980 by the National Association of Insurance  
15 Commissioners and approved by regulations promulgated by  
16 the Director for use in determining the minimum standard of  
17 valuation for such annuities and pure endowments, or any  
18 modification of those tables approved by the Director, and  
19 7 1/2% interest.

20 After September 8, 1977, any company may file with the  
21 Director a written notice of its election to comply with the  
22 provisions of this subsection after a specified date before  
23 January 1, 1979, which shall be the operative date of this  
24 subsection for such company; provided, a company may elect a  
25 different operative date for individual annuity and pure  
26 endowment contracts from that elected for group annuity and

1 pure endowment contracts. If a company makes no election, the  
2 operative date of this subsection for such company shall be  
3 January 1, 1979.

4 (5) This subsection shall apply to all annuity and pure  
5 endowment contracts other than group annuity and pure endowment  
6 contracts purchased under a retirement plan or plan of deferred  
7 compensation, established or maintained by an employer  
8 (including a partnership or sole proprietorship) or by an  
9 employee organization, or by both, other than a plan providing  
10 individual retirement accounts or individual retirement  
11 annuities under Section 408 of the Internal Revenue Code, as  
12 now or hereafter amended.

13 Reserves according to the Commissioners annuity reserve  
14 method for benefits under annuity or pure endowment contracts,  
15 excluding any disability and accidental death benefits in such  
16 contracts, shall be the greatest of the respective excesses of  
17 the present values, at the date of valuation, of the future  
18 guaranteed benefits, including guaranteed nonforfeiture  
19 benefits, provided for by such contracts at the end of each  
20 respective contract year, over the present value, at the date  
21 of valuation, of any future valuation considerations derived  
22 from future gross considerations, required by the terms of such  
23 contract, that become payable prior to the end of such  
24 respective contract year. The future guaranteed benefits shall  
25 be determined by using the mortality table, if any, and the  
26 interest rate, or rates, specified in such contracts for

1 determining guaranteed benefits. The valuation considerations  
2 are the portions of the respective gross considerations applied  
3 under the terms of such contracts to determine nonforfeiture  
4 values.

5 (6) (a) Applicability of this subsection. ~~(i)~~ The interest  
6 rates used in determining the minimum standard for the  
7 valuation of

8 (A) all life insurance policies issued in a particular  
9 calendar year, on or after the operative date of subsection  
10 (4c) of Section 229.2 (Standard Nonforfeiture Law),

11 (B) all individual annuity and pure endowment  
12 contracts issued in a particular calendar year ending on or  
13 after December 31, 1983,

14 (C) all annuities and pure endowments purchased in a  
15 particular calendar year ending on or after December 31,  
16 1983, under group annuity and pure endowment contracts, and

17 (D) the net increase in a particular calendar year  
18 ending after December 31, 1983, in amounts held under  
19 guaranteed interest contracts

20 shall be the calendar year statutory valuation interest rates,  
21 as defined in this subsection.

22 (b) Calendar Year Statutory Valuation Interest Rates.

23 (i) The calendar year statutory valuation interest  
24 rates shall be determined according to the following  
25 formulae, rounding "I" to the nearest .25%.

26 (A) For life insurance,

1  $I = .03 + W (R1 - .03) + W/2 (R2 - .09).$

2 (B) For single premium immediate annuities and  
3 annuity benefits involving life contingencies  
4 arising from other annuities with cash settlement  
5 options and from guaranteed interest contracts  
6 with cash settlement options,

7  $I = .03 + W (R - .03)$  or with prior  
8 approval of the Director  $I = .03 + W (Rq -$   
9  $.03).$

10 For the purposes of this subparagraph (i), "I"  
11 equals the calendar year statutory valuation interest  
12 rate, "R" is the reference interest rate defined in  
13 this subsection, "R1" is the lesser of R and .09, "R2"  
14 is the greater of R and .09, "Rq" is the quarterly  
15 reference interest rate defined in this subsection,  
16 and "W" is the weighting factor defined in this  
17 subsection.

18 (C) For other annuities with cash settlement  
19 options and guaranteed interest contracts with  
20 cash settlement options, valued on an issue year  
21 basis, except as stated in (B), the formula for  
22 life insurance stated in (A) applies to annuities  
23 and guaranteed interest contracts with guarantee  
24 durations in excess of 10 years, and the formula  
25 for single premium immediate annuities stated in  
26 (B) above applies to annuities and guaranteed



1 interest contracts with guarantee durations of 10  
2 years or less.

3 (D) For other annuities with no cash  
4 settlement options and for guaranteed interest  
5 contracts with no cash settlement options, the  
6 formula for single premium immediate annuities  
7 stated in (B) applies.

8 (E) For other annuities with cash settlement  
9 options and guaranteed interest contracts with  
10 cash settlement options, valued on a change in fund  
11 basis, the formula for single premium immediate  
12 annuities stated in (B) applies.

13 (ii) If the calendar year statutory valuation  
14 interest rate for any life insurance policy issued in  
15 any calendar year determined without reference to this  
16 subparagraph differs from the corresponding actual  
17 rate for similar policies issued in the immediately  
18 preceding calendar year by less than .5%, the calendar  
19 year statutory valuation interest rate for such life  
20 insurance policy shall be the corresponding actual  
21 rate for the immediately preceding calendar year. For  
22 purposes of applying this subparagraph, the calendar  
23 year statutory valuation interest rate for life  
24 insurance policies issued in a calendar year shall be  
25 determined for 1980, using the reference interest rate  
26 defined for 1979, and shall be determined for each

1 subsequent calendar year regardless of when subsection  
2 (4c) of Section 229.2 (Standard Nonforfeiture Law)  
3 becomes operative.

4 (c) Weighting Factors.

5 (i) The weighting factors referred to in the  
6 formulae stated in paragraph (b) are given in the  
7 following tables.

8 (A) Weighting Factors for Life Insurance.

9 Guarantee	Weighting
10 Duration	Factors
11 (Years)	
12 10 or less	.50
13 More than 10, but not more than 20	.45
14 More than 20	.35

15 For life insurance, the guarantee duration is  
16 the maximum number of years the life insurance can  
17 remain in force on a basis guaranteed in the policy  
18 or under options to convert to plans of life  
19 insurance with premium rates or nonforfeiture  
20 values or both which are guaranteed in the original  
21 policy.

22 (B) The weighting factor for single premium  
23 immediate annuities and for annuity benefits  
24 involving life contingencies arising from other  
25 annuities with cash settlement options and  
26 guaranteed interest contracts with cash settlement

1 options is .80.

2 (C) The weighting factors for other annuities  
 3 and for guaranteed interest contracts, except as  
 4 stated in (B) of this subparagraph (i), shall be as  
 5 specified in tables (1), (2), and (3) of this  
 6 subpart (C), according to the rules and  
 7 definitions in (4), (5) and (6) of this subpart  
 8 (C).

9 (1) For annuities and guaranteed interest  
 10 contracts valued on an issue year basis.

11 Guarantee	Weighting Factor		
12 Duration	for Plan Type		
13 (Years)	A	B	C
14 5 or less .....	.80	.60	.50
15 More than 5, but not			
16 more than 10 .....	.75	.60	.50
17 More than 10, but not			
18 more than 20 .....	.65	.50	.45
19 More than 20 .....	.45	.35	.35

20 (2) For annuities and guaranteed interest  
 21 contracts valued on a change in fund basis, the  
 22 factors shown in (1) for Plan Types A, B and C  
 23 are increased by .15, .25 and .05,  
 24 respectively.

25 (3) For annuities and guaranteed interest  
 26 contracts valued on an issue year basis, other

1 than those with no cash settlement options,  
2 which do not guarantee interest on  
3 considerations received more than one year  
4 after issue or purchase, and for annuities and  
5 guaranteed interest contracts valued on a  
6 change in fund basis which do not guarantee  
7 interest rates on considerations received more  
8 than 12 months beyond the valuation date, the  
9 factors shown in (1), or derived in (2), for  
10 Plan Types A, B and C are increased by .05.

11 (4) For other annuities with cash  
12 settlement options and guaranteed interest  
13 contracts with cash settlement options, the  
14 guarantee duration is the number of years for  
15 which the contract guarantees interest rates  
16 in excess of the calendar year statutory  
17 valuation interest rate for life insurance  
18 policies with guarantee durations in excess of  
19 20 years. For other annuities with no cash  
20 settlement options, and for guaranteed  
21 interest contracts with no cash settlement  
22 options, the guarantee duration is the number  
23 of years from the date of issue or date of  
24 purchase to the date annuity benefits are  
25 scheduled to commence.

26 (5) The plan types used in the above tables

1 are defined as follows.

2 Plan Type A is a plan under which the  
3 policyholder may not withdraw funds, or may  
4 withdraw funds at any time but only (a) with an  
5 adjustment to reflect changes in interest  
6 rates or asset values since receipt of the  
7 funds by the insurance company, (b) without  
8 such an adjustment but in installments over 5  
9 years or more, or (c) as an immediate life  
10 annuity.

11 Plan Type B is a plan under which the  
12 policyholder may not withdraw funds before  
13 expiration of the interest rate guarantee, or  
14 may withdraw funds before such expiration but  
15 only (a) with an adjustment to reflect changes  
16 in interest rates or asset values since receipt  
17 of the funds by the insurance company, or (b)  
18 without such adjustment but in installments  
19 over 5 years or more. At the end of the  
20 interest rate guarantee, funds may be  
21 withdrawn without such adjustment in a single  
22 sum or installments over less than 5 years.

23 Plan Type C is a plan under which the  
24 policyholder may withdraw funds before  
25 expiration of the interest rate guarantee in a  
26 single sum or installments over less than 5

1 years either (a) without adjustment to reflect  
2 changes in interest rates or asset values since  
3 receipt of the funds by the insurance company,  
4 or (b) subject only to a fixed surrender charge  
5 stipulated in the contract as a percentage of  
6 the fund.

7 (6) A company may elect to value  
8 guaranteed interest contracts with cash  
9 settlement options and annuities with cash  
10 settlement options on either an issue year  
11 basis or on a change in fund basis. Guaranteed  
12 interest contracts with no cash settlement  
13 options and other annuities with no cash  
14 settlement options shall be valued on an issue  
15 year basis. As used in this Section, "issue  
16 year basis of valuation" refers to a valuation  
17 basis under which the interest rate used to  
18 determine the minimum valuation standard for  
19 the entire duration of the annuity or  
20 guaranteed interest contract is the calendar  
21 year valuation interest rate for the year of  
22 issue or year of purchase of the annuity or  
23 guaranteed interest contract. "Change in fund  
24 basis of valuation", as used in this Section,  
25 refers to a valuation basis under which the  
26 interest rate used to determine the minimum

1 valuation standard applicable to each change  
2 in the fund held under the annuity or  
3 guaranteed interest contract is the calendar  
4 year valuation interest rate for the year of  
5 the change in the fund.

6 (d) Reference Interest Rate. ~~(i)~~ The reference  
7 interest rate referred to in paragraph (b) of this  
8 subsection is defined as follows.

9 (A) For all life insurance, the reference interest  
10 rate is the lesser of the average over a period of 36  
11 months, and the average over a period of 12 months,  
12 with both periods ending on June 30, or with prior  
13 approval of the Director ending on December 31, of the  
14 calendar year next preceding the year of issue, of  
15 Moody's Corporate Bond Yield Average - Monthly Average  
16 Corporates, as published by Moody's Investors Service,  
17 Inc.

18 (B) For single premium immediate annuities and for  
19 annuity benefits involving life contingencies arising  
20 from other annuities with cash settlement options and  
21 guaranteed interest contracts with cash settlement  
22 options, the reference interest rate is the average  
23 over a period of 12 months, ending on June 30, or with  
24 prior approval of the Director ending on December 31,  
25 of the calendar year of issue or year of purchase, of  
26 Moody's Corporate Bond Yield Average - Monthly Average

1 Corporates, as published by Moody's Investors Service,  
2 Inc.

3 (C) For annuities with cash settlement options and  
4 guaranteed interest contracts with cash settlement  
5 options, valued on a year of issue basis, except those  
6 described in (B), with guarantee durations in excess of  
7 10 years, the reference interest rate is the lesser of  
8 the average over a period of 36 months and the average  
9 over a period of 12 months, ending on June 30, or with  
10 prior approval of the Director ending on December 31,  
11 of the calendar year of issue or purchase, of Moody's  
12 Corporate Bond Yield Average-Monthly Average  
13 Corporates, as published by Moody's Investors Service,  
14 Inc.

15 (D) For other annuities with cash settlement  
16 options and guaranteed interest contracts with cash  
17 settlement options, valued on a year of issue basis,  
18 except those described in (B), with guarantee  
19 durations of 10 years or less, the reference interest  
20 rate is the average over a period of 12 months, ending  
21 on June 30, or with prior approval of the Director  
22 ending on December 31, of the calendar year of issue or  
23 purchase, of Moody's Corporate Bond Yield  
24 Average-Monthly Average Corporates, as published by  
25 Moody's Investors Service, Inc.

26 (E) For annuities with no cash settlement options



1 and for guaranteed interest contracts with no cash  
2 settlement options, the reference interest rate is the  
3 average over a period of 12 months, ending on June 30,  
4 or with prior approval of the Director ending on  
5 December 31, of the calendar year of issue or purchase,  
6 of Moody's Corporate Bond Yield Average-Monthly  
7 Average Corporates, as published by Moody's Investors  
8 Service, Inc.

9 (F) For annuities with cash settlement options and  
10 guaranteed interest contracts with cash settlement  
11 options, valued on a change in fund basis, except those  
12 described in (B), the reference interest rate is the  
13 average over a period of 12 months, ending on June 30,  
14 or with prior approval of the Director ending on  
15 December 31, of the calendar year of the change in the  
16 fund, of Moody's Corporate Bond Yield Average-Monthly  
17 Average Corporates, as published by Moody's Investors  
18 Service, Inc.

19 (G) For annuities valued by a formula based on  $R_q$ ,  
20 the quarterly reference interest rate is, with the  
21 prior approval of the Director, the average within each  
22 of the 4 consecutive calendar year quarters ending on  
23 March 31, June 30, September 30 and December 31 of the  
24 calendar year of issue or year of purchase of Moody's  
25 Corporate Bond Yield Average-Monthly Average  
26 Corporates, as published by Moody's Investors Service,

1           Inc.

2           (e) Alternative Method for Determining Reference  
3 Interest Rates. In the event that the Moody's Corporate  
4 Bond Yield Average-Monthly Average Corporates is no longer  
5 published by Moody's Investors Services, Inc., or in the  
6 event that the National Association of Insurance  
7 Commissioners determines that Moody's Corporate Bond Yield  
8 Average-Monthly Average Corporates as published by Moody's  
9 Investors Service, Inc. is no longer appropriate for the  
10 determination of the reference interest rate, then an  
11 alternative method for determination of the reference  
12 interest rate, which is adopted by the National Association  
13 of Insurance Commissioners and approved by regulations  
14 promulgated by the Director, may be substituted.

15           (7) Minimum Standards for Health (Disability, Accident and  
16 Sickness) Plans. The Director shall promulgate a regulation  
17 containing the minimum standards applicable to the valuation of  
18 health (disability, sickness and accident) plans.

19           (Source: P.A. 95-86, eff. 9-25-07 (changed from 1-1-08 by P.A.  
20 95-632); revised 11-15-07.)

21           (215 ILCS 5/356z.9)

22           Sec. 356z.9. Human papillomavirus vaccine. A group or  
23 individual policy of accident and health insurance or managed  
24 care plan amended, delivered, issued, or renewed after the  
25 effective date of this amendatory Act of the 95th General

1 Assembly must provide coverage for a human papillomavirus  
2 vaccine (HPV) that is approved for marketing by the federal  
3 Food and Drug Administration.

4 (Source: P.A. 95-422, eff. 8-24-07.)

5 (215 ILCS 5/356z.10)

6 Sec. 356z.10 ~~356z.9~~. Amino acid-based elemental formulas.

7 A group or individual major medical accident and health  
8 insurance policy or managed care plan amended, delivered,  
9 issued, or renewed after the effective date of this amendatory  
10 Act of the 95th General Assembly must provide coverage and  
11 reimbursement for amino acid-based elemental formulas,  
12 regardless of delivery method, for the diagnosis and treatment  
13 of (i) eosinophilic disorders and (ii) short bowel syndrome  
14 when the prescribing physician has issued a written order  
15 stating that the amino acid-based elemental formula is  
16 medically necessary.

17 (Source: P.A. 95-520, eff. 8-28-07; revised 12-4-07.)

18 Section 205. The Health Maintenance Organization Act is  
19 amended by changing Section 5-3 as follows:

20 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

21 Sec. 5-3. Insurance Code provisions.

22 (a) Health Maintenance Organizations shall be subject to  
23 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,

1 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,  
2 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,  
3 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10  
4 ~~356z.9~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d,  
5 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412,  
6 444, and 444.1, paragraph (c) of subsection (2) of Section 367,  
7 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV,  
8 and XXVI of the Illinois Insurance Code.

9 (b) For purposes of the Illinois Insurance Code, except for  
10 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health  
11 Maintenance Organizations in the following categories are  
12 deemed to be "domestic companies":

13 (1) a corporation authorized under the Dental Service  
14 Plan Act or the Voluntary Health Services Plans Act;

15 (2) a corporation organized under the laws of this  
16 State; or

17 (3) a corporation organized under the laws of another  
18 state, 30% or more of the enrollees of which are residents  
19 of this State, except a corporation subject to  
20 substantially the same requirements in its state of  
21 organization as is a "domestic company" under Article VIII  
22 1/2 of the Illinois Insurance Code.

23 (c) In considering the merger, consolidation, or other  
24 acquisition of control of a Health Maintenance Organization  
25 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

26 (1) the Director shall give primary consideration to

1 the continuation of benefits to enrollees and the financial  
2 conditions of the acquired Health Maintenance Organization  
3 after the merger, consolidation, or other acquisition of  
4 control takes effect;

5 (2) (i) the criteria specified in subsection (1) (b) of  
6 Section 131.8 of the Illinois Insurance Code shall not  
7 apply and (ii) the Director, in making his determination  
8 with respect to the merger, consolidation, or other  
9 acquisition of control, need not take into account the  
10 effect on competition of the merger, consolidation, or  
11 other acquisition of control;

12 (3) the Director shall have the power to require the  
13 following information:

14 (A) certification by an independent actuary of the  
15 adequacy of the reserves of the Health Maintenance  
16 Organization sought to be acquired;

17 (B) pro forma financial statements reflecting the  
18 combined balance sheets of the acquiring company and  
19 the Health Maintenance Organization sought to be  
20 acquired as of the end of the preceding year and as of  
21 a date 90 days prior to the acquisition, as well as pro  
22 forma financial statements reflecting projected  
23 combined operation for a period of 2 years;

24 (C) a pro forma business plan detailing an  
25 acquiring party's plans with respect to the operation  
26 of the Health Maintenance Organization sought to be

1           acquired for a period of not less than 3 years; and

2                   (D) such other information as the Director shall  
3           require.

4           (d) The provisions of Article VIII 1/2 of the Illinois  
5   Insurance Code and this Section 5-3 shall apply to the sale by  
6   any health maintenance organization of greater than 10% of its  
7   enrollee population (including without limitation the health  
8   maintenance organization's right, title, and interest in and to  
9   its health care certificates).

10          (e) In considering any management contract or service  
11   agreement subject to Section 141.1 of the Illinois Insurance  
12   Code, the Director (i) shall, in addition to the criteria  
13   specified in Section 141.2 of the Illinois Insurance Code, take  
14   into account the effect of the management contract or service  
15   agreement on the continuation of benefits to enrollees and the  
16   financial condition of the health maintenance organization to  
17   be managed or serviced, and (ii) need not take into account the  
18   effect of the management contract or service agreement on  
19   competition.

20          (f) Except for small employer groups as defined in the  
21   Small Employer Rating, Renewability and Portability Health  
22   Insurance Act and except for medicare supplement policies as  
23   defined in Section 363 of the Illinois Insurance Code, a Health  
24   Maintenance Organization may by contract agree with a group or  
25   other enrollment unit to effect refunds or charge additional  
26   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

1 to calculate (1) the Health Maintenance Organization's  
2 profitable experience with respect to the group or enrollment  
3 unit and the resulting refund to the group or enrollment unit  
4 or (2) the Health Maintenance Organization's unprofitable  
5 experience with respect to the group or enrollment unit and the  
6 resulting additional premium to be paid by the group or  
7 enrollment unit.

8 In no event shall the Illinois Health Maintenance  
9 Organization Guaranty Association be liable to pay any  
10 contractual obligation of an insolvent organization to pay any  
11 refund authorized under this Section.

12 (Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06;  
13 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

14 Section 210. The Limited Health Service Organization Act is  
15 amended by changing Section 4003 as follows:

16 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

17 Sec. 4003. Illinois Insurance Code provisions. Limited  
18 health service organizations shall be subject to the provisions  
19 of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c,  
20 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8,  
21 155.04, 155.37, 355.2, 356v, 356z.10 ~~356z.9~~, 368a, 401, 401.1,  
22 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and  
23 Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and  
24 XXVI of the Illinois Insurance Code. For purposes of the



1 Illinois Insurance Code, except for Sections 444 and 444.1 and  
2 Articles XIII and XIII 1/2, limited health service  
3 organizations in the following categories are deemed to be  
4 domestic companies:

5 (1) a corporation under the laws of this State; or

6 (2) a corporation organized under the laws of another  
7 state, 30% of more of the enrollees of which are residents  
8 of this State, except a corporation subject to  
9 substantially the same requirements in its state of  
10 organization as is a domestic company under Article VIII  
11 1/2 of the Illinois Insurance Code.

12 (Source: P.A. 95-520, eff. 8-28-07; revised 12-5-07.)

13 Section 215. The Voluntary Health Services Plans Act is  
14 amended by changing Section 10 as follows:

15 (215 ILCS 165/10) (from Ch. 32, par. 604)

16 Sec. 10. Application of Insurance Code provisions. Health  
17 services plan corporations and all persons interested therein  
18 or dealing therewith shall be subject to the provisions of  
19 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
20 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,  
21 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8,  
22 356z.9, 356z.10 ~~356z.9~~, 364.01, 367.2, 368a, 401, 401.1, 402,  
23 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of  
24 Section 367 of the Illinois Insurance Code.

1 (Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07;  
2 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff.  
3 8-28-07; revised 12-5-07.)

4 Section 220. The Public Utilities Act is amended by  
5 renumbering Section 12-103, by changing Sections 8-206,  
6 13-507.1, 13-701, 16-111, 21-101, 21-101.1, 21-201, 21-301,  
7 21-401, 21-601, 21-801, 21-901, 21-1001, 21-1101, 21-1201, and  
8 21-1301, and by renumbering and changing Article 70 as follows:

9 (220 ILCS 5/8-103)

10 Sec. 8-103 ~~12-103~~. Energy efficiency and demand-response  
11 measures.

12 (a) It is the policy of the State that electric utilities  
13 are required to use cost-effective energy efficiency and  
14 demand-response measures to reduce delivery load. Requiring  
15 investment in cost-effective energy efficiency and  
16 demand-response measures will reduce direct and indirect costs  
17 to consumers by decreasing environmental impacts and by  
18 avoiding or delaying the need for new generation, transmission,  
19 and distribution infrastructure. It serves the public interest  
20 to allow electric utilities to recover costs for reasonably and  
21 prudently incurred expenses for energy efficiency and  
22 demand-response measures. As used in this Section,  
23 "cost-effective" means that the measures satisfy the total  
24 resource cost test. The low-income measures described in

1 subsection (f)(4) of this Section shall not be required to meet  
2 the total resource cost test. For purposes of this Section, the  
3 terms "energy-efficiency", "demand-response", "electric  
4 utility", and "total resource cost test" shall have the  
5 meanings set forth in the Illinois Power Agency Act. For  
6 purposes of this Section, the amount per kilowatthour means the  
7 total amount paid for electric service expressed on a per  
8 kilowatthour basis. For purposes of this Section, the total  
9 amount paid for electric service includes without limitation  
10 estimated amounts paid for supply, transmission, distribution,  
11 surcharges, and add-on-taxes.

12 (b) Electric utilities shall implement cost-effective  
13 energy efficiency measures to meet the following incremental  
14 annual energy savings goals:

15 (1) 0.2% of energy delivered in the year commencing  
16 June 1, 2008;

17 (2) 0.4% of energy delivered in the year commencing  
18 June 1, 2009;

19 (3) 0.6% of energy delivered in the year commencing  
20 June 1, 2010;

21 (4) 0.8% of energy delivered in the year commencing  
22 June 1, 2011;

23 (5) 1% of energy delivered in the year commencing June  
24 1, 2012;

25 (6) 1.4% of energy delivered in the year commencing  
26 June 1, 2013;

1           (7) 1.8% of energy delivered in the year commencing  
2           June 1, 2014; and

3           (8) 2% of energy delivered in the year commencing June  
4           1, 2015 and each year thereafter.

5           (c) Electric utilities shall implement cost-effective  
6           demand-response measures to reduce peak demand by 0.1% over the  
7           prior year for eligible retail customers, as defined in Section  
8           16-111.5 of this Act. This requirement commences June 1, 2008  
9           and continues for 10 years.

10          (d) Notwithstanding the requirements of subsections (b)  
11          and (c) of this Section, an electric utility shall reduce the  
12          amount of energy efficiency and demand-response measures  
13          implemented in any single year by an amount necessary to limit  
14          the estimated average increase in the amounts paid by retail  
15          customers in connection with electric service due to the cost  
16          of those measures to:

17                 (1) in 2008, no more than 0.5% of the amount paid  
18                 per kilowatthour by those customers during the year ending  
19                 May 31, 2007;

20                 (2) in 2009, the greater of an additional 0.5% of  
21                 the amount paid per kilowatthour by those customers during  
22                 the year ending May 31, 2008 or 1% of the amount paid per  
23                 kilowatthour by those customers during the year ending May  
24                 31, 2007;

25                 (3) in 2010, the greater of an additional 0.5% of  
26                 the amount paid per kilowatthour by those customers during

1 the year ending May 31, 2009 or 1.5% of the amount paid per  
2 kilowatthour by those customers during the year ending May  
3 31, 2007;

4 (4) in 2011, the greater of an additional 0.5% of  
5 the amount paid per kilowatthour by those customers during  
6 the year ending May 31, 2010 or 2% of the amount paid per  
7 kilowatthour by those customers during the year ending May  
8 31, 2007; and

9 (5) thereafter, the amount of energy efficiency  
10 and demand-response measures implemented for any single  
11 year shall be reduced by an amount necessary to limit the  
12 estimated average net increase due to the cost of these  
13 measures included in the amounts paid by eligible retail  
14 customers in connection with electric service to no more  
15 than the greater of 2.015% of the amount paid per  
16 kilowatthour by those customers during the year ending May  
17 31, 2007 or the incremental amount per kilowatthour paid  
18 for these measures in 2011.

19 No later than June 30, 2011, the Commission shall review  
20 the limitation on the amount of energy efficiency and  
21 demand-response measures implemented pursuant to this Section  
22 and report to the General Assembly its findings as to whether  
23 that limitation unduly constrains the procurement of energy  
24 efficiency and demand-response measures.

25 (e) Electric utilities shall be responsible for overseeing  
26 the design, development, and filing of energy efficiency and

1 demand-response plans with the Commission. Electric utilities  
2 shall implement 100% of the demand-response measures in the  
3 plans. Electric utilities shall implement 75% of the energy  
4 efficiency measures approved by the Commission, and may, as  
5 part of that implementation, outsource various aspects of  
6 program development and implementation. The remaining 25% of  
7 those energy efficiency measures approved by the Commission  
8 shall be implemented by the Department of Commerce and Economic  
9 Opportunity, and must be designed in conjunction with the  
10 utility and the filing process. The Department may outsource  
11 development and implementation of energy efficiency measures.  
12 A minimum of 10% of the entire portfolio of cost-effective  
13 energy efficiency measures shall be procured from units of  
14 local government, municipal corporations, school districts,  
15 and community college districts. The Department shall  
16 coordinate the implementation of these measures.

17 The apportionment of the dollars to cover the costs to  
18 implement the Department's share of the portfolio of energy  
19 efficiency measures shall be made to the Department once the  
20 Department has executed grants or contracts for energy  
21 efficiency measures and provided supporting documentation for  
22 those grants and the contracts to the utility.

23 The details of the measures implemented by the Department  
24 shall be submitted by the Department to the Commission in  
25 connection with the utility's filing regarding the energy  
26 efficiency and demand-response measures that the utility

1 implements.

2 A utility providing approved energy efficiency and  
3 demand-response measures in the State shall be permitted to  
4 recover costs of those measures through an automatic adjustment  
5 clause tariff filed with and approved by the Commission. The  
6 tariff shall be established outside the context of a general  
7 rate case. Each year the Commission shall initiate a review to  
8 reconcile any amounts collected with the actual costs and to  
9 determine the required adjustment to the annual tariff factor  
10 to match annual expenditures.

11 Each utility shall include, in its recovery of costs, the  
12 costs estimated for both the utility's and the Department's  
13 implementation of energy efficiency and demand-response  
14 measures. Costs collected by the utility for measures  
15 implemented by the Department shall be submitted to the  
16 Department pursuant to Section 605-323 of the Civil  
17 Administrative Code of Illinois and shall be used by the  
18 Department solely for the purpose of implementing these  
19 measures. A utility shall not be required to advance any moneys  
20 to the Department but only to forward such funds as it has  
21 collected. The Department shall report to the Commission on an  
22 annual basis regarding the costs actually incurred by the  
23 Department in the implementation of the measures. Any changes  
24 to the costs of energy efficiency measures as a result of plan  
25 modifications shall be appropriately reflected in amounts  
26 recovered by the utility and turned over to the Department.

1           The portfolio of measures, administered by both the  
2 utilities and the Department, shall, in combination, be  
3 designed to achieve the annual savings targets described in  
4 subsections (b) and (c) of this Section, as modified by  
5 subsection (d) of this Section.

6           The utility and the Department shall agree upon a  
7 reasonable portfolio of measures and determine the measurable  
8 corresponding percentage of the savings goals associated with  
9 measures implemented by the utility or Department.

10           No utility shall be assessed a penalty under subsection (f)  
11 of this Section for failure to make a timely filing if that  
12 failure is the result of a lack of agreement with the  
13 Department with respect to the allocation of responsibilities  
14 or related costs or target assignments. In that case, the  
15 Department and the utility shall file their respective plans  
16 with the Commission and the Commission shall determine an  
17 appropriate division of measures and programs that meets the  
18 requirements of this Section.

19           If the Department is unable to meet incremental annual  
20 performance goals for the portion of the portfolio implemented  
21 by the Department, then the utility and the Department shall  
22 jointly submit a modified filing to the Commission explaining  
23 the performance shortfall and recommending an appropriate  
24 course going forward, including any program modifications that  
25 may be appropriate in light of the evaluations conducted under  
26 item (7) of subsection (f) of this Section. In this case, the



1 utility obligation to collect the Department's costs and turn  
2 over those funds to the Department under this subsection (e)  
3 shall continue only if the Commission approves the  
4 modifications to the plan proposed by the Department.

5 (f) No later than November 15, 2007, each electric utility  
6 shall file an energy efficiency and demand-response plan with  
7 the Commission to meet the energy efficiency and  
8 demand-response standards for 2008 through 2010. Every 3 years  
9 thereafter, each electric utility shall file an energy  
10 efficiency and demand-response plan with the Commission. If a  
11 utility does not file such a plan, it shall face a penalty of  
12 \$100,000 per day until the plan is filed. Each utility's plan  
13 shall set forth the utility's proposals to meet the utility's  
14 portion of the energy efficiency standards identified in  
15 subsection (b) and the demand-response standards identified in  
16 subsection (c) of this Section as modified by subsections (d)  
17 and (e), taking into account the unique circumstances of the  
18 utility's service territory. The Commission shall seek public  
19 comment on the utility's plan and shall issue an order  
20 approving or disapproving each plan within 3 months after its  
21 submission. If the Commission disapproves a plan, the  
22 Commission shall, within 30 days, describe in detail the  
23 reasons for the disapproval and describe a path by which the  
24 utility may file a revised draft of the plan to address the  
25 Commission's concerns satisfactorily. If the utility does not  
26 refile with the Commission within 60 days, the utility shall be

1 subject to penalties at a rate of \$100,000 per day until the  
2 plan is filed. This process shall continue, and penalties shall  
3 accrue, until the utility has successfully filed a portfolio of  
4 energy efficiency and demand-response measures. Penalties  
5 shall be deposited into the Energy Efficiency Trust Fund. In  
6 submitting proposed energy efficiency and demand-response  
7 plans and funding levels to meet the savings goals adopted by  
8 this Act the utility shall:

9 (1) Demonstrate that its proposed energy efficiency  
10 and demand-response measures will achieve the requirements  
11 that are identified in subsections (b) and (c) of this  
12 Section, as modified by subsections (d) and (e).

13 (2) Present specific proposals to implement new  
14 building and appliance standards that have been placed into  
15 effect.

16 (3) Present estimates of the total amount paid for  
17 electric service expressed on a per kilowatthour basis  
18 associated with the proposed portfolio of measures  
19 designed to meet the requirements that are identified in  
20 subsections (b) and (c) of this Section, as modified by  
21 subsections (d) and (e).

22 (4) Coordinate with the Department and the Department  
23 of Healthcare and Family Services to present a portfolio of  
24 energy efficiency measures targeted to households at or  
25 below 150% of the poverty level at a level proportionate to  
26 those households' share of total annual utility revenues in

1 Illinois.

2 (5) Demonstrate that its overall portfolio of energy  
3 efficiency and demand-response measures, not including  
4 programs covered by item (4) of this subsection (f), are  
5 cost-effective using the total resource cost test and  
6 represent a diverse cross-section of opportunities for  
7 customers of all rate classes to participate in the  
8 programs.

9 (6) Include a proposed cost-recovery tariff mechanism  
10 to fund the proposed energy efficiency and demand-response  
11 measures and to ensure the recovery of the prudently and  
12 reasonably incurred costs of Commission-approved programs.

13 (7) Provide for an annual independent evaluation of the  
14 performance of the cost-effectiveness of the utility's  
15 portfolio of measures and the Department's portfolio of  
16 measures, as well as a full review of the 3-year results of  
17 the broader net program impacts and, to the extent  
18 practical, for adjustment of the measures on a  
19 going-forward basis as a result of the evaluations. The  
20 resources dedicated to evaluation shall not exceed 3% of  
21 portfolio resources in any given year.

22 (g) No more than 3% of energy efficiency and  
23 demand-response program revenue may be allocated for  
24 demonstration of breakthrough equipment and devices.

25 (h) This Section does not apply to an electric utility that  
26 on December 31, 2005 provided electric service to fewer than

1 100,000 customers in Illinois.

2 (i) If, after 2 years, an electric utility fails to meet  
3 the efficiency standard specified in subsection (b) of this  
4 Section, as modified by subsections (d) and (e), it shall make  
5 a contribution to the Low-Income Home Energy Assistance  
6 Program. The combined total liability for failure to meet the  
7 goal shall be \$1,000,000, which shall be assessed as follows: a  
8 large electric utility shall pay \$665,000, and a medium  
9 electric utility shall pay \$335,000. If, after 3 years, an  
10 electric utility fails to meet the efficiency standard  
11 specified in subsection (b) of this Section, as modified by  
12 subsections (d) and (e), it shall make a contribution to the  
13 Low-Income Home Energy Assistance Program. The combined total  
14 liability for failure to meet the goal shall be \$1,000,000,  
15 which shall be assessed as follows: a large electric utility  
16 shall pay \$665,000, and a medium electric utility shall pay  
17 \$335,000. In addition, the responsibility for implementing the  
18 energy efficiency measures of the utility making the payment  
19 shall be transferred to the Illinois Power Agency if, after 3  
20 years, or in any subsequent 3-year period, the utility fails to  
21 meet the efficiency standard specified in subsection (b) of  
22 this Section, as modified by subsections (d) and (e). The  
23 Agency shall implement a competitive procurement program to  
24 procure resources necessary to meet the standards specified in  
25 this Section as modified by subsections (d) and (e), with costs  
26 for those resources to be recovered in the same manner as

1 products purchased through the procurement plan as provided in  
2 Section 16-111.5. The Director shall implement this  
3 requirement in connection with the procurement plan as provided  
4 in Section 16-111.5.

5 For purposes of this Section, (i) a "large electric  
6 utility" is an electric utility that, on December 31, 2005,  
7 served more than 2,000,000 electric customers in Illinois; (ii)  
8 a "medium electric utility" is an electric utility that, on  
9 December 31, 2005, served 2,000,000 or fewer but more than  
10 100,000 electric customers in Illinois; and (iii) Illinois  
11 electric utilities that are affiliated by virtue of a common  
12 parent company are considered a single electric utility.

13 (j) If, after 3 years, or any subsequent 3-year period, the  
14 Department fails to implement the Department's share of energy  
15 efficiency measures required by the standards in subsection  
16 (b), then the Illinois Power Agency may assume responsibility  
17 for and control of the Department's share of the required  
18 energy efficiency measures. The Agency shall implement a  
19 competitive procurement program to procure resources necessary  
20 to meet the standards specified in this Section, with the costs  
21 of these resources to be recovered in the same manner as  
22 provided for the Department in this Section.

23 (k) No electric utility shall be deemed to have failed to  
24 meet the energy efficiency standards to the extent any such  
25 failure is due to a failure of the Department or the Agency.

26 (Source: P.A. 95-481, eff. 8-28-07; revised 12-7-07.)

1 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

2 Sec. 8-206. Winter termination for nonpayment.

3 (a) Notwithstanding any other provision of this Act, no  
4 electric or gas public utility shall disconnect service to any  
5 residential customer or mastermetered apartment building for  
6 nonpayment of a bill or deposit where gas or electricity is  
7 used as the primary source of space heating or is used to  
8 control or operate the primary source of space heating  
9 equipment at the premises during the period of time from  
10 December 1 through and including March 31 of the immediately  
11 succeeding calendar year, unless:

12 (1) The utility (i) has offered the customer a deferred  
13 payment arrangement allowing for payment of past due  
14 amounts over a period of not less than 4 months not to  
15 extend beyond the following November and the option to  
16 enter into a levelized payment plan for the payment of  
17 future bills. The maximum down payment requirements shall  
18 not exceed 10% of the amount past due and owing at the time  
19 of entering into the agreement; and (ii) has provided the  
20 customer with the names, addresses and telephone numbers of  
21 governmental and private agencies which may provide  
22 assistance to customers of public utilities in paying their  
23 utility bills; the utility shall obtain the approval of an  
24 agency before placing the name of that agency on any list  
25 which will be used to provide such information to

1 customers;

2 (2) The customer has refused or failed to enter into a  
3 deferred payment arrangement as described in paragraph (1)  
4 of this subsection (a); and

5 (3) All notice requirements as provided by law and  
6 rules or regulations of the Commission have been met.

7 (b) Prior to termination of service for any residential  
8 customer or mastermetered apartment building during the period  
9 from December 1 through and including March 31 of the  
10 immediately succeeding calendar year, all electric and gas  
11 public utilities shall, in addition to all other notices:

12 (1) Notify the customer or an adult residing at the  
13 customer's premises by telephone, a personal visit to the  
14 customer's premises or by first class mail, informing the  
15 customer that:

16 (i) the customer's account is in arrears and the  
17 customer's service is subject to termination for  
18 nonpayment of a bill;

19 (ii) the customer can avoid disconnection of  
20 service by entering into a deferred payment agreement  
21 to pay past due amounts over a period not to extend  
22 beyond the following November and the customer has the  
23 option to enter into a levelized payment plan for the  
24 payment of future bills;

25 (iii) the customer may apply for any available  
26 assistance to aid in the payment of utility bills from

1           any governmental or private agencies from the list of  
2           such agencies provided to the customer by the utility.

3           Provided, however, that a public utility shall be  
4           required to make only one such contact with the customer  
5           during any such period from December 1 through and  
6           including March 31 of the immediately succeeding calendar  
7           year.

8           (2) Each public utility shall maintain records which  
9           shall include, but not necessarily be limited to, the  
10          manner by which the customer was notified and the time,  
11          date and manner by which any prior but unsuccessful  
12          attempts to contact were made. These records shall also  
13          describe the terms of the deferred payment arrangements  
14          offered to the customer and those entered into by the  
15          utility and customers. These records shall indicate the  
16          total amount past due, the down payment, the amount  
17          remaining to be paid and the number of months allowed to  
18          pay the outstanding balance. No public utility shall be  
19          required to retain records pertaining to unsuccessful  
20          attempts to contact or deferred payment arrangements  
21          rejected by the customer after such customer has entered  
22          into a deferred payment arrangement with such utility.

23          (c) No public utility shall disconnect service for  
24          nonpayment of a bill until the lapse of 6 business days after  
25          making the notification required by paragraph (1) of subsection

26          (b) so as to allow the customer an opportunity to:



1           (1) Enter into a deferred payment arrangement and the  
2           option to enter into a levelized payment plan for the  
3           payment of future bills.

4           (2) Contact a governmental or private agency that may  
5           provide assistance to customers for the payment of public  
6           utility bills.

7           (d) Any residential customer who enters into a deferred  
8           payment arrangement pursuant to this Act, and subsequently  
9           during that period of time set forth in subsection (a) becomes  
10          subject to termination, shall be given notice as required by  
11          law and any rule or regulation of the Commission prior to  
12          termination of service.

13          (e) During that time period set forth in subsection (a), a  
14          utility shall not require a down payment for a deposit from a  
15          residential customer in excess of 20% of the total deposit  
16          requested. An additional 4 months shall be allowed to pay the  
17          remainder of the deposit. This provision shall not apply to  
18          mastermetered apartment buildings or other nonresidential  
19          customers.

20          (f) During that period of time set forth in subsection (a),  
21          no utility may refuse to offer a deferred payment agreement to  
22          a residential customer who has defaulted on such an agreement  
23          within the past 12 months. However, no utility shall be  
24          required to enter into more than one deferred payment  
25          arrangement under this Section with any residential customer or  
26          mastermetered apartment building during the period from

1 December 1 through and including March 31 of the immediately  
2 succeeding calendar year.

3 (g) In order to enable customers to take advantage of  
4 energy assistance programs, customers who can demonstrate that  
5 their applications for a local, state or federal energy  
6 assistance program have been approved may request that the  
7 amount they will be entitled to receive as a regular energy  
8 assistance payment be deducted and set aside from the amount  
9 past due on which they make deferred payment arrangements.  
10 Payment on the set-aside amount shall be credited when the  
11 energy assistance voucher or check is received, according to  
12 the utility's common business practice.

13 (h) In no event shall any utility send a final notice to  
14 any customer who has entered into a current deferred payment  
15 agreement and has not defaulted on that deferred payment  
16 agreement, unless the final notice pertains to a deposit  
17 request.

18 (i) Each utility shall include with each disconnection  
19 notice sent during the period for December 1 through and  
20 including March 31 of the immediately succeeding calendar year  
21 to a residential customer an insert explaining the above  
22 provisions and providing a telephone number of the utility  
23 company which the consumer may call to receive further  
24 information.

25 (j) Each utility shall file with the Commission prior to  
26 December 1 of each year a plan detailing the implementation of

1 this Section. This plan shall contain, but not be limited to:

2 (1) a description of the methods to be used to notify  
3 residential customers as required in this Section,  
4 including the forms of written and oral notices which shall  
5 be required to include all the information contained in  
6 subsection (b) of this Section.

7 (2) a listing of the names, addresses and telephone  
8 numbers of governmental and private agencies which may  
9 provide assistance to residential customers in paying  
10 their utility bills.

11 (3) the program of employee education and information  
12 which shall be used by the company in the implementation of  
13 this Section.

14 (4) a description of methods to be utilized to inform  
15 residential customers of those governmental and private  
16 agencies and current and planned methods of cooperation  
17 with those agencies to identify the customers who qualify  
18 for assistance in paying their utility bills.

19 A utility which has a plan on file with the Commission need  
20 not resubmit a new plan each year. However, any alteration of  
21 the plan on file must be submitted and approved prior to  
22 December 1 of any year.

23 All plans are subject to review and approval by the  
24 Commission. The Commission may direct a utility to alter its  
25 plan to comply with the requirements of this Section.

26 (k) Notwithstanding any other provision of this Act, no

1 electric or gas public utility shall disconnect service to any  
2 residential customer who is a participant under Section 6 of  
3 the Energy Assistance Act for nonpayment of a bill or deposit  
4 where gas or electricity is used as the primary source of space  
5 heating or is used to control or operate the primary source of  
6 space heating equipment at the premises during the period of  
7 time from December 1 through and including March 31 of the  
8 immediately succeeding calendar year.

9 (Source: P.A. 95-331, eff. 8-21-07; revised 11-15-07.)

10 (220 ILCS 5/13-507.1)

11 (Section scheduled to be repealed on July 1, 2009)

12 Sec. 13-507.1. In any proceeding permitting, approving,  
13 investigating, or establishing rates, charges,  
14 classifications, or tariffs for telecommunications services  
15 classified as noncompetitive offered or provided by an  
16 incumbent local exchange carrier as that term is defined in  
17 Section 13-202.1 of this ~~the Public Utilities~~ Act, the  
18 Commission shall not allow any subsidy of Internet services,  
19 cable services, or video services by the rates or charges for  
20 local exchange telecommunications services, including local  
21 services classified as noncompetitive.

22 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

23 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

24 (Section scheduled to be repealed on July 1, 2009)

1           Sec. 13-701. ~~(a)~~ Notwithstanding any other provision of  
2 this Act to the contrary, the Commission has no power to  
3 supervise or control any telephone cooperative as respects  
4 assessment schedules or local service rates made or charged by  
5 such a cooperative on a nondiscriminatory basis. In addition,  
6 the Commission has no power to inquire into, or require the  
7 submission of, the terms, conditions or agreements by or under  
8 which telephone cooperatives are financed. A telephone  
9 cooperative shall file with the Commission either a copy of the  
10 annual financial report required by the Rural Electrification  
11 Administration, or the annual financial report required of  
12 other public utilities.

13           Sections 13-712 and 13-713 of this Act do not apply to  
14 telephone cooperatives.

15           (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

16           (220 ILCS 5/16-111)

17           Sec. 16-111. Rates and restructuring transactions during  
18 mandatory transition period; restructuring and other  
19 transactions.

20           (a) During the mandatory transition period,  
21 notwithstanding any provision of Article IX of this Act, and  
22 except as provided in subsections (b) and (f) of this Section,  
23 the Commission shall not (i) initiate, authorize or order any  
24 change by way of increase (other than in connection with a  
25 request for rate increase which was filed after September 1,

1 1997 but prior to October 15, 1997, by an electric utility  
2 serving less than 12,500 customers in this State), (ii)  
3 initiate or, unless requested by the electric utility,  
4 authorize or order any change by way of decrease, restructuring  
5 or unbundling (except as provided in Section 16-109A), in the  
6 rates of any electric utility that were in effect on October 1,  
7 1996, or (iii) in any order approving any application for a  
8 merger pursuant to Section 7-204 that was pending as of May 16,  
9 1997, impose any condition requiring any filing for an  
10 increase, decrease, or change in, or other review of, an  
11 electric utility's rates or enforce any such condition of any  
12 such order; provided, however, that this subsection shall not  
13 prohibit the Commission from:

14 (1) approving the application of an electric utility to  
15 implement an alternative to rate of return regulation or a  
16 regulatory mechanism that rewards or penalizes the  
17 electric utility through adjustment of rates based on  
18 utility performance, pursuant to Section 9-244;

19 (2) authorizing an electric utility to eliminate its  
20 fuel adjustment clause and adjust its base rate tariffs in  
21 accordance with subsection (b), (d), or (f) of Section  
22 9-220 of this Act, to fix its fuel adjustment factor in  
23 accordance with subsection (c) of Section 9-220 of this  
24 Act, or to eliminate its fuel adjustment clause in  
25 accordance with subsection (e) of Section 9-220 of this  
26 Act;

1           (3) ordering into effect tariffs for delivery services  
2           and transition charges in accordance with Sections 16-104  
3           and 16-108, for real-time pricing in accordance with  
4           Section 16-107, or the options required by Section 16-110  
5           and subsection (n) of 16-112, allowing a billing experiment  
6           in accordance with Section 16-106, or modifying delivery  
7           services tariffs in accordance with Section 16-109; or

8           (4) ordering or allowing into effect any tariff to  
9           recover charges pursuant to Sections 9-201.5, 9-220.1,  
10          9-221, 9-222 (except as provided in Section 9-222.1),  
11          16-108, and 16-114 of this Act, Section 5-5 of the  
12          Electricity Infrastructure Maintenance Fee Law, Section  
13          6-5 of the Renewable Energy, Energy Efficiency, and Coal  
14          Resources Development Law of 1997, and Section 13 of the  
15          Energy Assistance Act.

16          After December 31, 2004, the provisions of this subsection  
17          (a) shall not apply to an electric utility whose average  
18          residential retail rate was less than or equal to 90% of the  
19          average residential retail rate for the "Midwest Utilities", as  
20          that term is defined in subsection (b) of this Section, based  
21          on data reported on Form 1 to the Federal Energy Regulatory  
22          Commission for calendar year 1995, and which served between  
23          150,000 and 250,000 retail customers in this State on January  
24          1, 1995 unless the electric utility or its holding company has  
25          been acquired by or merged with an affiliate of another  
26          electric utility subsequent to January 1, 2002. This exemption

1 shall be limited to this subsection (a) and shall not extend to  
2 any other provisions of this Act.

3 (b) Notwithstanding the provisions of subsection (a), each  
4 Illinois electric utility serving more than 12,500 customers in  
5 Illinois shall file tariffs (i) reducing, effective August 1,  
6 1998, each component of its base rates to residential retail  
7 customers by 15% from the base rates in effect immediately  
8 prior to January 1, 1998 and (ii) if the public utility  
9 provides electric service to (A) more than 500,000 customers  
10 but less than 1,000,000 customers in this State on January 1,  
11 1999, reducing, effective May 1, 2002, each component of its  
12 base rates to residential retail customers by an additional 5%  
13 from the base rates in effect immediately prior to January 1,  
14 1998, or (B) at least 1,000,000 customers in this State on  
15 January 1, 1999, reducing, effective October 1, 2001, each  
16 component of its base rates to residential retail customers by  
17 an additional 5% from the base rates in effect immediately  
18 prior to January 1, 1998. Provided, however, that (A) if an  
19 electric utility's average residential retail rate is less than  
20 or equal to the average residential retail rate for a group of  
21 Midwest Utilities (consisting of all investor-owned electric  
22 utilities with annual system peaks in excess of 1000 megawatts  
23 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,  
24 Missouri, Ohio, and Wisconsin), based on data reported on Form  
25 1 to the Federal Energy Regulatory Commission for calendar year  
26 1995, then it shall only be required to file tariffs (i)



1 reducing, effective August 1, 1998, each component of its base  
2 rates to residential retail customers by 5% from the base rates  
3 in effect immediately prior to January 1, 1998, (ii) reducing,  
4 effective October 1, 2000, each component of its base rates to  
5 residential retail customers by the lesser of 5% of the base  
6 rates in effect immediately prior to January 1, 1998 or the  
7 percentage by which the electric utility's average residential  
8 retail rate exceeds the average residential retail rate of the  
9 Midwest Utilities, based on data reported on Form 1 to the  
10 Federal Energy Regulatory Commission for calendar year 1999,  
11 and (iii) reducing, effective October 1, 2002, each component  
12 of its base rates to residential retail customers by an  
13 additional amount equal to the lesser of 5% of the base rates  
14 in effect immediately prior to January 1, 1998 or the  
15 percentage by which the electric utility's average residential  
16 retail rate exceeds the average residential retail rate of the  
17 Midwest Utilities, based on data reported on Form 1 to the  
18 Federal Energy Regulatory Commission for calendar year 2001;  
19 and (B) if the average residential retail rate of an electric  
20 utility serving between 150,000 and 250,000 retail customers in  
21 this State on January 1, 1995 is less than or equal to 90% of  
22 the average residential retail rate for the Midwest Utilities,  
23 based on data reported on Form 1 to the Federal Energy  
24 Regulatory Commission for calendar year 1995, then it shall  
25 only be required to file tariffs (i) reducing, effective August  
26 1, 1998, each component of its base rates to residential retail

1 customers by 2% from the base rates in effect immediately prior  
2 to January 1, 1998; (ii) reducing, effective October 1, 2000,  
3 each component of its base rates to residential retail  
4 customers by 2% from the base rate in effect immediately prior  
5 to January 1, 1998; and (iii) reducing, effective October 1,  
6 2002, each component of its base rates to residential retail  
7 customers by 1% from the base rates in effect immediately prior  
8 to January 1, 1998. Provided, further, that any electric  
9 utility for which a decrease in base rates has been or is  
10 placed into effect between October 1, 1996 and the dates  
11 specified in the preceding sentences of this subsection, other  
12 than pursuant to the requirements of this subsection, shall be  
13 entitled to reduce the amount of any reduction or reductions in  
14 its base rates required by this subsection by the amount of  
15 such other decrease. The tariffs required under this subsection  
16 shall be filed 45 days in advance of the effective date.  
17 Notwithstanding anything to the contrary in Section 9-220 of  
18 this Act, no restatement of base rates in conjunction with the  
19 elimination of a fuel adjustment clause under that Section  
20 shall result in a lesser decrease in base rates than customers  
21 would otherwise receive under this subsection had the electric  
22 utility's fuel adjustment clause not been eliminated.

23 (c) Any utility reducing its base rates by 15% on August 1,  
24 1998 pursuant to subsection (b) shall include the following  
25 statement on its bills for residential customers from August 1  
26 through December 31, 1998: "Effective August 1, 1998, your

1 rates have been reduced by 15% by the Electric Service Customer  
2 Choice and Rate Relief Law of 1997 passed by the Illinois  
3 General Assembly.". Any utility reducing its base rates by 5%  
4 on August 1, 1998, pursuant to subsection (b) shall include the  
5 following statement on its bills for residential customers from  
6 August 1 through December 31, 1998: "Effective August 1, 1998,  
7 your rates have been reduced by 5% by the Electric Service  
8 Customer Choice and Rate Relief Law of 1997 passed by the  
9 Illinois General Assembly."

10 Any utility reducing its base rates by 2% on August 1, 1998  
11 pursuant to subsection (b) shall include the following  
12 statement on its bills for residential customers from August 1  
13 through December 31, 1998: "Effective August 1, 1998, your  
14 rates have been reduced by 2% by the Electric Service Customer  
15 Choice and Rate Relief Law of 1997 passed by the Illinois  
16 General Assembly."

17 (d) (Blank.)

18 (e) (Blank.)

19 (f) During the mandatory transition period, an electric  
20 utility may file revised tariffs reducing the price of any  
21 tariffed service offered by the electric utility for all  
22 customers taking that tariffed service, which shall be  
23 effective 7 days after filing.

24 (g) Until all classes of tariffed services are declared  
25 competitive, an electric utility may, without obtaining any  
26 approval of the Commission other than that provided for in this

1 subsection and notwithstanding any other provision of this Act  
2 or any rule or regulation of the Commission that would require  
3 such approval:

4 (1) implement a reorganization, other than a merger of  
5 2 or more public utilities as defined in Section 3-105 or  
6 their holding companies;

7 (2) retire generating plants from service;

8 (3) sell, assign, lease or otherwise transfer assets to  
9 an affiliated or unaffiliated entity and as part of such  
10 transaction enter into service agreements, power purchase  
11 agreements, or other agreements with the transferee;  
12 provided, however, that the prices, terms and conditions of  
13 any power purchase agreement must be approved or allowed  
14 into effect by the Federal Energy Regulatory Commission; or

15 (4) use any accelerated cost recovery method including  
16 accelerated depreciation, accelerated amortization or  
17 other capital recovery methods, or record reductions to the  
18 original cost of its assets.

19 In order to implement a reorganization, retire generating  
20 plants from service, or sell, assign, lease or otherwise  
21 transfer assets pursuant to this Section, the electric utility  
22 shall comply with subsections (c) and (d) of Section 16-128, if  
23 applicable, and subsection (k) of this Section, if applicable,  
24 and provide the Commission with at least 30 days notice of the  
25 proposed reorganization or transaction, which notice shall  
26 include the following information:

1           (i) a complete statement of the entries that the  
2 electric utility will make on its books and records of  
3 account to implement the proposed reorganization or  
4 transaction together with a certification from an  
5 independent certified public accountant that such entries  
6 are in accord with generally accepted accounting  
7 principles and, if the Commission has previously approved  
8 guidelines for cost allocations between the utility and its  
9 affiliates, a certification from the chief accounting  
10 officer of the utility that such entries are in accord with  
11 those cost allocation guidelines;

12           (ii) a description of how the electric utility will  
13 use proceeds of any sale, assignment, lease or transfer to  
14 retire debt or otherwise reduce or recover the costs of  
15 services provided by such electric utility;

16           (iii) a list of all federal approvals or approvals  
17 required from departments and agencies of this State, other  
18 than the Commission, that the electric utility has or will  
19 obtain before implementing the reorganization or  
20 transaction;

21           (iv) an irrevocable commitment by the electric utility  
22 that it will not, as a result of the transaction, impose  
23 any stranded cost charges that it might otherwise be  
24 allowed to charge retail customers under federal law or  
25 increase the transition charges that it is otherwise  
26 entitled to collect under this Article XVI; ~~and~~

1           (v) if the electric utility proposes to sell, assign,  
2           lease or otherwise transfer a generating plant that brings  
3           the amount of net dependable generating capacity  
4           transferred pursuant to this subsection to an amount equal  
5           to or greater than 15% of the electric utility's net  
6           dependable capacity as of the effective date of this  
7           amendatory Act of 1997, and enters into a power purchase  
8           agreement with the entity to which such generating plant is  
9           sold, assigned, leased, or otherwise transferred, the  
10          electric utility also agrees, if its fuel adjustment clause  
11          has not already been eliminated, to eliminate its fuel  
12          adjustment clause in accordance with subsection (b) of  
13          Section 9-220 for a period of time equal to the length of  
14          any such power purchase agreement or successor agreement,  
15          or until January 1, 2005, whichever is longer; if the  
16          capacity of the generating plant so transferred and related  
17          power purchase agreement does not result in the elimination  
18          of the fuel adjustment clause under this subsection, and  
19          the fuel adjustment clause has not already been eliminated,  
20          the electric utility shall agree that the costs associated  
21          with the transferred plant that are included in the  
22          calculation of the rate per kilowatt-hour to be applied  
23          pursuant to the electric utility's fuel adjustment clause  
24          during such period shall not exceed the per kilowatt-hour  
25          cost associated with such generating plant included in the  
26          electric utility's fuel adjustment clause during the full

1 calendar year preceding the transfer, with such limit to be  
2 adjusted each year thereafter by the Gross Domestic Product  
3 Implicit Price Deflator; and—

4 (vi) in ~~in~~ addition, if the electric utility proposes  
5 to sell, assign, or lease, (A) either (1) an amount of  
6 generating plant that brings the amount of net dependable  
7 generating capacity transferred pursuant to this  
8 subsection to an amount equal to or greater than 15% of its  
9 net dependable capacity on the effective date of this  
10 amendatory Act of 1997, or (2) one or more generating  
11 plants with a total net dependable capacity of 1100  
12 megawatts, or (B) transmission and distribution facilities  
13 that either (1) bring the amount of transmission and  
14 distribution facilities transferred pursuant to this  
15 subsection to an amount equal to or greater than 15% of the  
16 electric utility's total depreciated original cost  
17 investment in such facilities, or (2) represent an  
18 investment of \$25,000,000 in terms of total depreciated  
19 original cost, the electric utility shall provide, in  
20 addition to the information listed in subparagraphs (i)  
21 through (v), the following information: (A) a description  
22 of how the electric utility will meet its service  
23 obligations under this Act in a safe and reliable manner  
24 and (B) the electric utility's projected earned rate of  
25 return on common equity for each year from the date of the  
26 notice through December 31, 2006 both with and without the

1 proposed transaction. If the Commission has not issued an  
2 order initiating a hearing on the proposed transaction  
3 within 30 days after the date the electric utility's notice  
4 is filed, the transaction shall be deemed approved. The  
5 Commission may, after notice and hearing, prohibit the  
6 proposed transaction if it makes either or both of the  
7 following findings: (1) that the proposed transaction will  
8 render the electric utility unable to provide its tariffed  
9 services in a safe and reliable manner, or (2) that there  
10 is a strong likelihood that consummation of the proposed  
11 transaction will result in the electric utility being  
12 entitled to request an increase in its base rates. Any  
13 hearing initiated by the Commission into the proposed  
14 transaction shall be completed, and the Commission's final  
15 order approving or prohibiting the proposed transaction  
16 shall be entered, within 90 days after the date the  
17 electric utility's notice was filed. Provided, however,  
18 that a sale, assignment, or lease of transmission  
19 facilities to an independent system operator that meets the  
20 requirements of Section 16-126 shall not be subject to  
21 Commission approval under this Section.

22 In any proceeding conducted by the Commission pursuant  
23 to this subparagraph (vi), intervention shall be limited to  
24 parties with a direct interest in the transaction which is  
25 the subject of the hearing and any statutory consumer  
26 protection agency as defined in subsection (d) of Section



1           9-102.1. Notwithstanding the provisions of Section 10-113  
2           of this Act, any application seeking rehearing of an order  
3           issued under this subparagraph (vi), whether filed by the  
4           electric utility or by an intervening party, shall be filed  
5           within 10 days after service of the order.

6           The Commission shall not in any subsequent proceeding or  
7           otherwise, review such a reorganization or other transaction  
8           authorized by this Section, but shall retain the authority to  
9           allocate costs as stated in Section 16-111(i). An entity to  
10          which an electric utility sells, assigns, leases or transfers  
11          assets pursuant to this subsection (g) shall not, as a result  
12          of the transactions specified in this subsection (g), be deemed  
13          a public utility as defined in Section 3-105. Nothing in this  
14          subsection (g) shall change any requirement under the  
15          jurisdiction of the Illinois Department of Nuclear Safety  
16          including, but not limited to, the payment of fees. Nothing in  
17          this subsection (g) shall exempt a utility from obtaining a  
18          certificate pursuant to Section 8-406 of this Act for the  
19          construction of a new electric generating facility. Nothing in  
20          this subsection (g) is intended to exempt the transactions  
21          hereunder from the operation of the federal or State antitrust  
22          laws. Nothing in this subsection (g) shall require an electric  
23          utility to use the procedures specified in this subsection for  
24          any of the transactions specified herein. Any other procedure  
25          available under this Act may, at the electric utility's  
26          election, be used for any such transaction.

1           (h) During the mandatory transition period, the Commission  
2 shall not establish or use any rates of depreciation, which for  
3 purposes of this subsection shall include amortization, for any  
4 electric utility other than those established pursuant to  
5 subsection (c) of Section 5-104 of this Act or utilized  
6 pursuant to subsection (g) of this Section. Provided, however,  
7 that in any proceeding to review an electric utility's rates  
8 for tariffed services pursuant to Section 9-201, 9-202, 9-250  
9 or 16-111(d) of this Act, the Commission may establish new  
10 rates of depreciation for the electric utility in the same  
11 manner provided in subsection (d) of Section 5-104 of this Act.  
12 An electric utility implementing an accelerated cost recovery  
13 method including accelerated depreciation, accelerated  
14 amortization or other capital recovery methods, or recording  
15 reductions to the original cost of its assets, pursuant to  
16 subsection (g) of this Section, shall file a statement with the  
17 Commission describing the accelerated cost recovery method to  
18 be implemented or the reduction in the original cost of its  
19 assets to be recorded. Upon the filing of such statement, the  
20 accelerated cost recovery method or the reduction in the  
21 original cost of assets shall be deemed to be approved by the  
22 Commission as though an order had been entered by the  
23 Commission.

24           (i) Subsequent to the mandatory transition period, the  
25 Commission, in any proceeding to establish rates and charges  
26 for tariffed services offered by an electric utility, shall

1 consider only (1) the then current or projected revenues,  
2 costs, investments and cost of capital directly or indirectly  
3 associated with the provision of such tariffed services; (2)  
4 collection of transition charges in accordance with Sections  
5 16-102 and 16-108 of this Act; (3) recovery of any employee  
6 transition costs as described in Section 16-128 which the  
7 electric utility is continuing to incur, including recovery of  
8 any unamortized portion of such costs previously incurred or  
9 committed, with such costs to be equitably allocated among  
10 bundled services, delivery services, and contracts with  
11 alternative retail electric suppliers; and (4) recovery of the  
12 costs associated with the electric utility's compliance with  
13 decommissioning funding requirements; and shall not consider  
14 any other revenues, costs, investments or cost of capital of  
15 either the electric utility or of any affiliate of the electric  
16 utility that are not associated with the provision of tariffed  
17 services. In setting rates for tariffed services, the  
18 Commission shall equitably allocate joint and common costs and  
19 investments between the electric utility's competitive and  
20 tariffed services. In determining the justness and  
21 reasonableness of the electric power and energy component of an  
22 electric utility's rates for tariffed services subsequent to  
23 the mandatory transition period and prior to the time that the  
24 provision of such electric power and energy is declared  
25 competitive, the Commission shall consider the extent to which  
26 the electric utility's tariffed rates for such component for

1 each customer class exceed the market value determined pursuant  
2 to Section 16-112, and, if the electric power and energy  
3 component of such tariffed rate exceeds the market value by  
4 more than 10% for any customer class, may establish such  
5 electric power and energy component at a rate equal to the  
6 market value plus 10%.

7 (j) During the mandatory transition period, an electric  
8 utility may elect to transfer to a non-operating income account  
9 under the Commission's Uniform System of Accounts either or  
10 both of (i) an amount of unamortized investment tax credit that  
11 is in addition to the ratable amount which is credited to the  
12 electric utility's operating income account for the year in  
13 accordance with Section 46(f)(2) of the federal Internal  
14 Revenue Code of 1986, as in effect prior to P.L. 101-508, or  
15 (ii) "excess tax reserves", as that term is defined in Section  
16 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided  
17 that (A) the amount transferred may not exceed the amount of  
18 the electric utility's assets that were created pursuant to  
19 Statement of Financial Accounting Standards No. 71 which the  
20 electric utility has written off during the mandatory  
21 transition period, and (B) the transfer shall not be effective  
22 until approved by the Internal Revenue Service. An electric  
23 utility electing to make such a transfer shall file a statement  
24 with the Commission stating the amount and timing of the  
25 transfer for which it intends to request approval of the  
26 Internal Revenue Service, along with a copy of its proposed

1 request to the Internal Revenue Service for a ruling. The  
2 Commission shall issue an order within 14 days after the  
3 electric utility's filing approving, subject to receipt of  
4 approval from the Internal Revenue Service, the proposed  
5 transfer.

6 (k) If an electric utility is selling or transferring to a  
7 single buyer 5 or more generating plants located in this State  
8 with a total net dependable capacity of 5000 megawatts or more  
9 pursuant to subsection (g) of this Section and has obtained a  
10 sale price or consideration that exceeds 200% of the book value  
11 of such plants, the electric utility must provide to the  
12 Governor, the President of the Illinois Senate, the Minority  
13 Leader of the Illinois Senate, the Speaker of the Illinois  
14 House of Representatives, and the Minority Leader of the  
15 Illinois House of Representatives no later than 15 days after  
16 filing its notice under subsection (g) of this Section or 5  
17 days after the date on which this subsection (k) becomes law,  
18 whichever is later, a written commitment in which such electric  
19 utility agrees to expend \$2 billion outside the corporate  
20 limits of any municipality with 1,000,000 or more inhabitants  
21 within such electric utility's service area, over a 6-year  
22 period beginning with the calendar year in which the notice is  
23 filed, on projects, programs, and improvements within its  
24 service area relating to transmission and distribution  
25 including, without limitation, infrastructure expansion,  
26 repair and replacement, capital investments, operations and

1 maintenance, and vegetation management.

2 (l) Notwithstanding any other provision of this Act or any  
3 rule, regulation, or prior order of the Commission, a public  
4 utility providing electric and gas service may do any one or  
5 more of the following: transfer assets to, reorganize with, or  
6 merge with one or more public utilities under common holding  
7 company ownership or control in the manner prescribed in  
8 subsection (g) of this Section. No merger transaction costs,  
9 such as fees paid to attorneys, investment bankers, and other  
10 consultants, incurred in connection with a merger pursuant to  
11 this subsection (l) shall be recoverable in any subsequent rate  
12 proceeding. Approval of a merger pursuant to this subsection  
13 (l) shall not constitute approval of, or otherwise require,  
14 rate recovery of other costs incurred in connection with, or to  
15 implement the merger, such as the cost of restructuring,  
16 combining, or integrating debt, assets, or systems. Such other  
17 costs may be recovered only to the extent that the surviving  
18 utility can demonstrate that the cost savings produced by such  
19 restructuring, combination, or integration exceed the  
20 associated costs. Nothing in this subsection (l) shall impair  
21 the terms or conditions of employment or the collective  
22 bargaining rights of any employees of the utilities that are  
23 transferring assets, reorganizing, or merging.

24 (m) If an electric utility that on December 31, 2005  
25 provided electric service to at least 100,000 customers in  
26 Illinois transfers assets, reorganizes, or merges under this

1 Section, then the same provisions apply that applied during the  
2 mandatory transition period under Section 16-128.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
4 revised 11-30-07.)

5 (220 ILCS 5/21-101)

6 (Section scheduled to be repealed on October 1, 2013)

7 Sec. 21-101. Findings. With respect to cable and video  
8 competition, the General Assembly finds that:

9 (a) The economy in the State of Illinois will be  
10 enhanced by investment in new communications, cable  
11 services, and video services infrastructure, including  
12 broadband facilities, fiber optic, and Internet protocol  
13 technologies.

14 (b) Cable services and video services bring important  
15 daily benefits to Illinois consumers by providing news,  
16 education, and entertainment.

17 (c) Competitive cable service and video service  
18 providers are capable of providing new video programming  
19 services and competition to Illinois consumers and of  
20 decreasing the prices for video programming services paid  
21 by Illinois consumers.

22 (d) Although there has been some competitive entry into  
23 the facilities-based video programming market since  
24 current franchising requirements in this State were  
25 enacted, further entry by facilities-based providers could

1 benefit consumers, provided cable and video services are  
2 equitably available to all Illinois consumers at  
3 reasonable prices.

4 (e) The provision of competitive cable services and  
5 video services is a matter of statewide concern that  
6 extends beyond the boundaries of individual local units of  
7 government. Notwithstanding the foregoing, public  
8 rights-of-way are limited resources over which the  
9 municipality has a custodial duty to ensure that they are  
10 used, repaired, and maintained in a manner that best serves  
11 the public interest.

12 (f) The State authorization process and uniform  
13 standards and procedures in this Article are intended to  
14 enable rapid and widespread entry by competitive  
15 providers, which will bring to Illinois consumers the  
16 benefits of video competition, including providing  
17 consumers with more choice, lower prices, higher speed and  
18 more advanced Internet access, more diverse and varied  
19 news, public information, education, and entertainment  
20 programming, and will bring to this State and its local  
21 units of government the benefits of new infrastructure  
22 investment, job growth, and innovation in broadband and  
23 Internet protocol technologies and deployment.

24 (g) Providing an incumbent cable or video service  
25 provider with the option to secure a State-issued  
26 authorization through the termination of existing cable



1 franchises between incumbent cable and video service  
2 providers and any local franchising authority, is part of  
3 the new regulatory framework established by this Article.  
4 This Article is intended to best ensure equal treatment and  
5 parity among providers and technologies.

6 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

7 (220 ILCS 5/21-101.1)

8 (Section scheduled to be repealed on October 1, 2013)

9 Sec. 21-101.1. Applicability. The provisions of Public Act  
10 95-9 ~~this amendatory Act of the 95th Illinois General Assembly~~  
11 shall apply only to a holder of a cable service or video  
12 service authorization issued by the Commission pursuant to this  
13 Article ~~XXI of the Public Utilities Act~~, and shall not apply to  
14 any person or entity that provides cable television services  
15 under a cable television franchise issued by any municipality  
16 or county pursuant to Section 11-42-11 of the Illinois  
17 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the  
18 Counties Code (55 ILCS 5/5-1095), unless specifically provided  
19 for herein. A local unit of government that has an existing  
20 agreement for the provision of video services with a company or  
21 entity that uses its telecommunications facilities to provide  
22 video service as of May 30, 2007 may continue to operate under  
23 that agreement or may, at its discretion, terminate the  
24 existing agreement and require the video provider to obtain a  
25 State-issued authorization under this Article.

1 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

2 (220 ILCS 5/21-201)

3 (Section scheduled to be repealed on October 1, 2013)

4 Sec. 21-201. Definitions. As used in this Article:

5 (a) "Access" means that the cable or video provider is  
6 capable of providing cable services or video services at the  
7 household address using any technology, other than  
8 direct-to-home satellite service, that ~~which~~ provides 2-way  
9 ~~two-way~~ broadband Internet capability and video programming,  
10 content, and functionality, regardless of whether any customer  
11 has ordered service or whether the owner or landlord or other  
12 responsible person has granted access to the household. If more  
13 than one technology is used, the technologies shall provide  
14 similar 2-way ~~two-way~~ broadband Internet accessibility and  
15 similar video programming.

16 (b) "Basic cable or video service" means any cable or video  
17 service offering or tier that ~~which~~ includes the retransmission  
18 of local television broadcast signals.

19 (c) "Broadband service" means a high speed service  
20 connection to the public Internet capable of supporting, in at  
21 least one direction, a speed in excess of 200 kilobits per  
22 second (kbps) to the network demarcation point at the  
23 subscriber's premises.

24 (d) "Cable operator" means that term as defined in item (5)  
25 of 47 U.S.C. 522 ~~47 U.S.C. 522(5)~~.

1 (e) "Cable service" means that term as defined in item (6)  
2 of 47 U.S.C. 522 ~~47 U.S.C. 522(6)~~.

3 (f) "Cable system" means that term as defined in item (7)  
4 of 47 U.S.C. 522 ~~47 U.S.C. 522(7)~~.

5 (g) "Commission" means the Illinois Commerce Commission.

6 (h) "Competitive cable service or video service provider"  
7 means a person or entity that is providing or seeks to provide  
8 cable service or video service in an area where there is at  
9 least one incumbent cable operator.

10 (i) "Designated market area ~~Market Area~~" means a designated  
11 market area, as determined by Nielsen Media Research and  
12 published in the 1999-2000 Nielsen Station Index Directory and  
13 Nielsen Station Index United States Television Household  
14 Estimates or any successor publication. For any designated  
15 market area that crosses State lines, only households in the  
16 portion of the designated market area that is located within  
17 the holder's telecommunications service area in the State where  
18 access to video service will be offered shall be considered.

19 (j) "Footprint" means the geographic area designated by the  
20 cable service or video service provider as the geographic area  
21 in which it will offer cable services or video services during  
22 the period of its State-issued authorization. Each footprint  
23 shall be identified in terms of either (i) exchanges, as that  
24 term is defined in Section 13-206 of this Act ~~the Public~~  
25 ~~Utilities Act~~; (ii) a collection of United States Census Bureau  
26 Block numbers (13 digit); (iii) if the area is smaller than the

1 areas identified in either (i) or (ii), by geographic  
2 information system digital boundaries meeting or exceeding  
3 national map accuracy standards; or (iv) local units of  
4 government.

5 (k) "Holder" means a person or entity that has received  
6 authorization to offer or provide cable or video service from  
7 the Commission pursuant to Section 21-401 of this Article.

8 (l) "Household" means a house, an apartment, a mobile home,  
9 a group of rooms, or a single room that is intended for  
10 occupancy as separate living quarters. Separate living  
11 quarters are those in which the occupants live and eat  
12 separately from any other persons in the building and that  
13 ~~which~~ have direct access from the outside of the building or  
14 through a common hall. This definition is consistent with the  
15 United States Census Bureau, as that definition may be amended  
16 thereafter.

17 (m) "Incumbent cable operator" means a person or entity  
18 that provided cable services or video services in a particular  
19 area under a franchise agreement with a local unit of  
20 government pursuant to Section 11-42-11 of the Illinois  
21 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the  
22 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

23 (n) "Local franchising authority" means the local unit of  
24 government that has or requires a franchise with a cable  
25 operator, a provider of cable services, or a provider of video  
26 services to construct or operate a cable or video system or to

1 offer cable services or video services under Section 11-42-11  
2 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section  
3 5-1095 of the Counties Code (55 ILCS 5/5-1095).

4 (o) "Local unit of government" means a city, village,  
5 incorporated town, or a county.

6 (p) "Low-income household" means those residential  
7 households located within the holder's existing telephone  
8 service area where the average annual household income is less  
9 than \$35,000, based on the United States Census Bureau  
10 estimates adjusted annually to reflect rates of change and  
11 distribution.

12 (q) "Public rights-of-way" means the areas on, below, or  
13 above a public roadway, highway, street, public sidewalk,  
14 alley, waterway, or utility easements dedicated for compatible  
15 uses.

16 (r) "Service" means the provision of cable service ~~"cable~~  
17 ~~service"~~ or video service ~~"video service"~~ to subscribers and  
18 the interaction of subscribers with the person or entity that  
19 has received authorization to offer or provide cable or video  
20 service from the Commission pursuant to Section 21-401 of this  
21 Act ~~Article~~.

22 (s) "Service provider fee" means the amount paid under  
23 Section 21-801 of this Act ~~Article~~ by the holder to a  
24 municipality, or in the case of an unincorporated service area  
25 to a county, for service areas within its territorial  
26 jurisdiction, but under no circumstances shall the service

1 provider fee be paid to more than one local unit of government  
2 for the same portion of the holder's service area.

3 (t) "Telecommunications service area" means the area  
4 designated by the Commission as the area in which a  
5 telecommunications company was obligated to provide  
6 non-competitive local telephone service as of February 8, 1996  
7 as incorporated into Section 13-202.5 of this Act ~~Article XIII~~  
8 ~~of the Public Utilities Act.~~

9 (u) "Video programming" means that term as defined in item  
10 (20) of 47 U.S.C. 522 ~~47 U.S.C. 522(20)~~.

11 (v) "Video service" means video programming and subscriber  
12 interaction, if any, that is required for the selection or use  
13 of such video programming services, and that ~~which~~ is provided  
14 through wireline facilities located at least in part in the  
15 public rights-of-way without regard to delivery technology,  
16 including Internet protocol technology. This definition does  
17 not include any video programming provided by a commercial  
18 mobile service provider defined in subsection (d) of 47 U.S.C.  
19 332 ~~47 U.S.C. 332(d)~~ or any video programming provided solely  
20 as part of, and via, service that enables users to access  
21 content, information, electronic mail, or other services  
22 offered over the public Internet.

23 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

24 (220 ILCS 5/21-301)

25 (Section scheduled to be repealed on October 1, 2013)

1           Sec. 21-301. Eligibility.

2           (a) A person or entity seeking to provide cable service or  
3 video service in this State after June 30, 2007 (the effective  
4 date of Public Act 95-9) ~~this amendatory Act of the 95th~~  
5 ~~General Assembly~~ shall either (1) obtain a State-issued  
6 authorization pursuant to Section 21-401 ~~Section 401~~ of the  
7 Public Utilities Cable and Video Competition Act (220 ILCS  
8 5/21-401); (2) obtain authorization pursuant to Section  
9 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11);  
10 or (3) obtain authorization pursuant to Section 5-1095 of the  
11 Counties Code (55 ILCS 5/5-1095).

12           (b) An incumbent cable operator shall be eligible to apply  
13 for a State-issued authorization as provided in subsection (c)  
14 of this Section. Upon expiration of its current franchise  
15 agreement, an incumbent cable operator may obtain State  
16 authorization from the Commission pursuant to this Article or  
17 may pursue a franchise renewal with the appropriate local  
18 franchise authority under State and federal law. An incumbent  
19 cable operator and any successor-in-interest that receives a  
20 State-issued authorization shall be obligated to provide  
21 access to cable services or video services within any local  
22 unit of government at the same levels required by the local  
23 franchising authorities for the local unit of government on  
24 June 30, 2007 (the effective date of Public Act 95-9) ~~this~~  
25 ~~amendatory Act of the 95th General Assembly~~.

26           (c) (1) An incumbent cable operator may elect to terminate

1 its agreement with the local franchising authority and obtain a  
2 State-issued authorization by providing written notice to the  
3 Commission and the affected local franchising authority and any  
4 entity authorized by that franchising authority to manage  
5 public, education, and government access at least 180 days  
6 prior to its filing an application for a State-issued  
7 authorization. The existing agreement shall be terminated on  
8 the date that the Commission issues the State-issued  
9 authorization.

10 (2) An incumbent cable operator that elects to  
11 terminate an existing agreement with a local franchising  
12 authority under this Section is responsible for remitting  
13 to the affected local franchising authority and any entity  
14 designated by that local franchising authority to manage  
15 public, education, and government access before the 46th  
16 day after the date the agreement is terminated any accrued  
17 but unpaid fees due under the terminated agreement. If that  
18 incumbent cable operator has credit remaining from prepaid  
19 franchise fees, such amount of the remaining credit may be  
20 deducted from any future fees the incumbent cable operator  
21 must pay to the local franchising authority pursuant to  
22 subsection (b) of Section 21-801 of this Act ~~Section~~  
23 ~~21-801(b) of this Article.~~

24 (3) An incumbent cable operator that elects to  
25 terminate an existing agreement with a local franchising  
26 authority under this Section shall pay the affected local



1 franchising authority and any entity designated by that  
2 franchising authority to manage public, education, and  
3 government access, at the time that they would have been  
4 due, all monetary payments for public, education, or  
5 government access that would have been due during the  
6 remaining term of the agreement had it not been terminated  
7 as provided in this paragraph. All payments made by an  
8 incumbent cable operator pursuant to the previous sentence  
9 of this paragraph may be credited against the fees that  
10 that operator owes under item (1) of subsection (d) of  
11 Section 21-801 ~~Section 21-801(d)(1)~~ of this Act ~~Article~~.

12 (d) For purposes of this Article, the Commission shall be  
13 the franchising authority for cable service or video service  
14 providers that apply for and obtain a State-issued  
15 authorization under this Article with regard to the footprint  
16 covered by such authorization. Notwithstanding any other  
17 provision of this Article, holders using telecommunications  
18 facilities to provide cable service or video service are not  
19 obligated to provide that service outside the holder's  
20 telecommunications service area.

21 (e) Any person or entity that applies for and obtains a  
22 State-issued authorization under this Article shall not be  
23 subject to Section 11-42-11 of the Illinois Municipal Code (65  
24 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55  
25 ILCS 5/5-1095), except as provided in this Article. Except as  
26 provided under this Article, neither the Commission nor any

1 local unit of government may require a person or entity that  
2 has applied for and obtained a State-issued authorization to  
3 obtain a separate franchise or pay any franchise fee on cable  
4 service or video service.

5 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

6 (220 ILCS 5/21-401)

7 (Section scheduled to be repealed on October 1, 2013)

8 Sec. 21-401. Applications.

9 (a) (1) A person or entity seeking to provide cable service  
10 or video service pursuant to this Article shall not use the  
11 public rights-of-way for the installation or construction of  
12 facilities for the provision of cable service or video service  
13 or offer cable service or video service until it has obtained a  
14 State-issued authorization to offer or provide cable or video  
15 service under this Section ~~Section 401 of this Article~~, except  
16 as provided for in item (2) of this subsection ~~(a) (a)(2)~~. All  
17 cable or video providers offering or providing service in this  
18 State shall have authorization pursuant to either (i) the Cable  
19 and Video Competition Law of 2007 (220 ILCS 5/21-100 et seq.);  
20 (ii) Section 11-42-11 of the Illinois Municipal Code (65 ILCS  
21 5/11-42-11); or (iii) Section 5-1095 of the Counties Code (55  
22 ILCS 5/5-1095).

23 (2) Nothing in this Section shall prohibit a local unit  
24 of government from granting a permit to a person or entity  
25 for the use of the public rights-of-way to install or

1           construct facilities to provide cable service or video  
2           service, at its sole discretion. No unit of local  
3           government shall be liable for denial or delay of a permit  
4           prior to the issuance of a State-issued authorization.

5           (b) The application to the Commission for State-issued  
6           authorization shall contain a completed affidavit submitted by  
7           the applicant and signed by an officer or general partner of  
8           the applicant affirming all of the following:

9                   (1) That the applicant has filed or will timely file  
10                   with the Federal Communications Commission all forms  
11                   required by that agency in advance of offering cable  
12                   service or video service in this State.+

13                   (2) That the applicant agrees to comply with all  
14                   applicable federal and State statutes and regulations.+

15                   (3) That the applicant agrees to comply with all  
16                   applicable local unit of government regulations.+

17                   (4) An exact description of the cable service or video  
18                   service area where the cable service or video service will  
19                   be offered during the term of the State-issued  
20                   authorization. The service area shall be identified in  
21                   terms of either (i) exchanges, as that term is defined in  
22                   Section 13-206 of this Act ~~the Public Utilities Act~~; (ii) a  
23                   collection of United States Census Bureau Block numbers (13  
24                   digit); (iii) if the area is smaller than the areas  
25                   identified in either (i) or (ii), by geographic information  
26                   system digital boundaries meeting or exceeding national

1 map accuracy standards; or (iv) local unit of government.  
2 The description shall include the number of low-income  
3 households within the service area or footprint. If an  
4 applicant is a an incumbent cable operator, the incumbent  
5 cable operator and any successor-in-interest shall be  
6 obligated to provide access to cable services or video  
7 services within any local units of government at the same  
8 levels required by the local franchising authorities for  
9 the local unit of government on June 30, 2007 (the  
10 effective date of Public Act 95-9), ~~this amendatory Act of~~  
11 ~~the 95th General Assembly~~ and its application shall provide  
12 a description of an area no smaller than the service areas  
13 contained in its franchise or franchises ~~franchise(s)~~  
14 within the jurisdiction of the local unit of government in  
15 which it seeks to offer cable or video service. ~~†~~

16 (5) The location and telephone number of the  
17 applicant's principal place of business within this State  
18 and the names of the applicant's principal executive  
19 officers who are responsible for communications concerning  
20 the application and the services to be offered pursuant to  
21 the application, the applicant's legal name, and any name  
22 or names under which the applicant does or will provide  
23 cable services or video services in this State. ~~†~~

24 (6) A certification that the applicant has  
25 concurrently delivered a copy of the application to all  
26 local units of government that include all or any part of

1 the service area identified in item (4) of this subsection  
2 (b) subsection (b) (4) within such local unit of  
3 government's jurisdictional boundaries. ~~†~~

4 (7) The expected date that cable service or video  
5 service will be initially offered in the area identified in  
6 item (4) of this subsection (b) subsection (b) (4). In the  
7 event that a holder does not offer cable services or video  
8 services within 3 ~~three~~ months after the expected date, it  
9 shall amend its application and update the expected date  
10 service will be offered and explain the delay in offering  
11 cable services or video services. ~~†~~

12 ~~(8)~~ The application shall include adequate assurance that  
13 the applicant possesses the financial, managerial, legal, and  
14 technical qualifications necessary to construct and operate  
15 the proposed system, ~~and~~ to promptly repair any damage to the  
16 public right-of-way caused by the applicant, and to pay the  
17 cost of removal of its facilities. To accomplish these  
18 requirements, the applicant may, at the time the applicant  
19 seeks to use the public rights-of-way in that jurisdiction, be  
20 required by the State of Illinois or ~~and/or~~ later be required  
21 by the local unit of government, or both, to post a bond,  
22 produce a certificate of insurance, or otherwise demonstrate  
23 its financial responsibility. ~~† and~~

24 ~~(9)~~ The application shall include the applicant's general  
25 standards related to customer service required by Section  
26 22-501 of this Act ~~220 ILCS 5/70 501~~, which shall include, but

1 not be limited to, installation, disconnection, service and  
2 repair obligations; appointment hours; ~~7~~ employee ID  
3 requirements; customer service telephone numbers and hours;  
4 procedures for billing, charges, deposits, refunds, and  
5 credits; procedures for termination of service; notice of  
6 deletion of programming service and ~~7~~ changes related to  
7 transmission of programming or changes or increases in rates;  
8 use and availability of parental control or lock-out devices;  
9 complaint procedures and procedures for bill dispute  
10 resolution ~~7~~ and a description of the rights and remedies  
11 available to consumers if the holder does not materially meet  
12 their customer service standards; and special services for  
13 customers with visual, hearing, l or mobility disabilities.

14 (c)(1) The applicant may designate information that it  
15 submits in its application or subsequent reports as  
16 confidential or proprietary, provided that the applicant  
17 states the reasons the confidential designation is necessary.  
18 The Commission shall provide adequate protection for such  
19 information pursuant to Section 4-404 of this Act ~~Section~~  
20 ~~5/4-404 of the Public Utilities Act~~. If the Commission, a local  
21 unit of government, or any other party seeks public disclosure  
22 of information designated as confidential, the Commission  
23 shall consider the confidential designation in a proceeding  
24 under the Illinois Administrative Procedure ~~Procedures~~ Act,  
25 and the burden of proof to demonstrate that the designated  
26 information is confidential shall be upon the applicant.

1 Designated information shall remain confidential pending the  
2 Commission's determination of whether the information is  
3 entitled to confidential treatment. Information designated as  
4 confidential shall be provided to local units of government for  
5 purposes of assessing compliance with this Article as permitted  
6 under a Protective Order issued by the Commission pursuant to  
7 the Commission's rules and to the Attorney General pursuant to  
8 Section 6.5 of the Attorney General Act~~7~~ (15 ILCS 205/6.5).  
9 Information designated as confidential under this Section or  
10 determined to be confidential upon Commission review shall only  
11 be disclosed pursuant to a valid and enforceable subpoena or  
12 court order or as required by the Freedom of Information Act.  
13 Nothing herein shall delay the application approval timeframes  
14 set forth in this Article.

15 (2) Information regarding the location of video  
16 services that have been or are being offered to the public  
17 and aggregate information included in the reports required  
18 by this Article shall not be designated or treated as  
19 confidential.

20 (d)(1) The Commission shall post all applications it  
21 receives under this Article on its web site within 5 ~~five (5)~~  
22 business days.

23 (2) The Commission shall notify an applicant for a  
24 cable service or video service authorization whether the  
25 applicant's application and affidavit are complete on or  
26 before the 15th business day after the applicant submits

1 the application. If the application and affidavit are not  
2 complete, the Commission shall state in its notice all of  
3 the reasons the application or affidavit are incomplete,  
4 and the applicant shall resubmit a complete application.  
5 The Commission shall have 30 days after submission by the  
6 applicant of a complete application and affidavit to issue  
7 the service authorization. If the Commission does not  
8 notify the applicant regarding the completeness of the  
9 application and affidavit or issue the service  
10 authorization within the time periods required under this  
11 subsection, the application and affidavit shall be  
12 considered complete and the service authorization issued  
13 upon the expiration of the 30th day.

14 (e) The authorization issued by the Commission will expire  
15 on the date listed in Section 21-1601 of this Act and shall  
16 contain or include all of the following:

17 (1) A grant of authority to provide cable service or  
18 video service in the service area footprint as requested in  
19 the application, subject to the laws of the State and the  
20 ordinances, rules, and regulations of the local units of  
21 government.

22 (2) A grant of authority to use, occupy, and construct  
23 facilities in the public rights-of-way for the delivery of  
24 cable service or video service in the service area  
25 footprint, subject to the laws, ordinances, rules, or  
26 regulations of this State and local units of governments.



1 (3) A statement that the grant of authority is subject  
2 to lawful operation of the cable service or video service  
3 by the applicant, its affiliated entities, or its  
4 successors-in-interest.

5 (4) The Commission shall notify a local unit of  
6 government within 3 ~~three (3)~~ business days of the grant of  
7 any authorization within a service area footprint if that  
8 authorization includes any part of the local unit of  
9 government's jurisdictional boundaries.

10 (f) The authorization issued pursuant to this Section  
11 ~~Section 401 of this Article~~ by the Commission may be  
12 transferred to any successor-in-interest to the applicant to  
13 which it is initially granted without further Commission action  
14 if the successor-in-interest (i) submits an application and the  
15 information required by subsection (b) of this Section ~~Section~~  
16 ~~21-401(b)~~ for the successor-in-interest and (ii) is not in  
17 violation of this Article or of any federal, State, or local  
18 law, ordinance, rule, or regulation. A successor-in-interest  
19 shall file its application and notice of transfer with the  
20 Commission and the relevant local units of government no less  
21 than 15 ~~fifteen (15)~~ business days prior to the completion of  
22 the transfer. The Commission is not required or authorized to  
23 act upon the notice of transfer; however, the transfer is not  
24 effective until the Commission approves the  
25 successor-in-interest's application. A local unit of  
26 government or the Attorney General may seek to bar a transfer

1 of ownership by filing suit in a court of competent  
2 jurisdiction predicated on the existence of a material and  
3 continuing breach of this Article by the holder, a pattern of  
4 noncompliance with customer service standards by the potential  
5 successor-in-interest, or the insolvency of the potential  
6 successor-in-interest. If a transfer is made when there are  
7 violations of this Article or of any federal, State, or local  
8 law, ordinance, rule, or regulation, the successor-in-interest  
9 shall be subject to 3 ~~three~~ times the penalties provided for in  
10 this Article.

11 (g) The authorization issued pursuant to Section 21-401 of  
12 this Article by the Commission may be terminated, or its cable  
13 service or video service area footprint may be modified, by the  
14 cable service provider or video service provider by submitting  
15 notice to the Commission and to the relevant local unit of  
16 government containing a description of the change on the same  
17 terms as the initial description pursuant to item (4) of  
18 subsection (b) of this Section ~~Section 21-401(b)(4)~~. The  
19 Commission is not required or authorized to act upon that  
20 notice. It shall be a violation of this Article for a holder to  
21 discriminate against potential residential subscribers because  
22 of the race or income of the residents in the local area in  
23 which the group resides by terminating or modifying its cable  
24 service or video service area footprint. It shall be a  
25 violation of this Article for a holder to terminate or modify  
26 its cable service or video service area footprint if it leaves

1 an area with no cable service or video service from any  
2 provider.

3 (h) The Commission's authority to administer this Article  
4 is limited to the powers and duties explicitly provided under  
5 this Article. Its authority under this Article does not include  
6 or limit the powers and duties that the Commission has under  
7 the other Articles of this Act ~~the Public Utilities Act~~, the  
8 Illinois Administrative Procedure Act, ~~(5 ILCS 100/)~~ or any  
9 other law or regulation to conduct proceedings, l other than as  
10 provided in subsection (c) ~~above~~, or has to promulgate rules or  
11 regulations. The Commission shall not have the authority to  
12 limit or expand the obligations and requirements provided in  
13 this Section, ~~r~~ or to regulate or control a person or entity to  
14 the extent that person or entity is providing cable service or  
15 video service, l except as provided in this Article.

16 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

17 (220 ILCS 5/21-601)

18 (Section scheduled to be repealed on October 1, 2013)

19 Sec. 21-601. Public, education, and government access. For  
20 the purposes of this Section, "programming" means content  
21 produced or provided by any person, group, governmental agency,  
22 or noncommercial public or private agency or organization.

23 (a) Not later than 90 days after a request by the local  
24 unit of government or its designee that has received notice  
25 under subsection (a) of Section 21-801 ~~Section 21-801(a)~~ of

1 this Act Article, the holder shall (i) designate the same  
2 amount of capacity on its network to provide for public,  
3 education, and government access use, as the incumbent cable  
4 operator is required to designate under its franchise terms in  
5 effect with a local unit of government on January 1, 2007, and  
6 (ii) retransmit to its subscribers the same number of public,  
7 education, and government access channels as the incumbent  
8 cable operator was retransmitting to subscribers on January 1,  
9 2007.

10 (b) If the local unit of government produces or maintains  
11 the public education or government programming in a manner or  
12 form that is compatible with the holder's network, it shall  
13 transmit such programming to the holder in that form provided  
14 that form permits ~~will permit~~ the holder to satisfy the  
15 requirements of subsection (c) of this Section ~~Section~~  
16 ~~21-601(e)~~. If the local unit of government does not produce or  
17 maintain such programming in that manner or form, then the  
18 holder shall be responsible for any changes in the form of the  
19 transmission necessary to make public, education, and  
20 government programming compatible with the technology or  
21 protocol used by the holder to deliver services. The holder  
22 shall receive programming from the local unit of government (or  
23 the local unit of government's public, education, and  
24 government programming providers) and transmit that public,  
25 education, and government programming directly to the holder's  
26 subscribers within the local unit of government's jurisdiction

1 at no cost to the local unit of government or the public,  
2 education, and government programming providers. If the holder  
3 is required to change the form of the transmission, the local  
4 unit of government or its designee shall provide reasonable  
5 access to the holder to allow the holder to transmit the  
6 public, education, and government programming in an economical  
7 manner subject to the requirements of subsection (c) of this  
8 Section ~~Section 21-601(e)~~.

9 (c) The holder shall provide to subscribers public,  
10 education, and government access channel capacity at  
11 equivalent visual and audio quality and equivalent  
12 functionality, from the viewing perspective of the subscriber,  
13 to that of commercial channels carried on the holder's basic  
14 cable or video service offerings or tiers without the need for  
15 any equipment other than the equipment necessary to receive the  
16 holder's basic cable or video service offerings or tiers.

17 (d) The holder and an incumbent cable operator shall  
18 negotiate in good faith to interconnect their networks, if  
19 needed, for the purpose of providing public, education, and  
20 government programming. Interconnection may be accomplished by  
21 direct cable, microwave link, satellite, or other reasonable  
22 method of connection. The holder and the incumbent cable  
23 operator shall provide interconnection of the public,  
24 education, and government channels on reasonable terms and  
25 conditions and may not withhold the interconnection. If a  
26 holder and an incumbent cable operator cannot reach a mutually

1 acceptable interconnection agreement, the local unit of  
2 government may require the incumbent cable operator to allow  
3 the holder to interconnect its network with the incumbent cable  
4 operator's network at a technically feasible point on their  
5 networks. If no technically feasible point for interconnection  
6 is available, the holder and an incumbent cable operator shall  
7 each make an interconnection available to the public,  
8 education, and government channel originators at their local  
9 origination points and shall provide the facilities necessary  
10 for the interconnection. The cost of any interconnection shall  
11 be borne by the holder unless otherwise agreed to by the  
12 parties. The interconnection required by this subsection shall  
13 be completed within the 90-day deadline set forth in subsection  
14 (a) of this Section.

15 (e) The public, education, and government channels shall be  
16 for the exclusive use of the local unit of government or its  
17 designee to provide public, education, and government  
18 programming. The public, education, and government channels  
19 shall be used only for noncommercial purposes. However,  
20 advertising, underwriting, or sponsorship recognition may be  
21 carried on the channels for the purpose of funding public,  
22 education, and government access related activities.

23 (f) Public, education, and government channels shall all be  
24 carried on the holder's basic cable or video service offerings  
25 or tiers. To the extent feasible, the public, education, and  
26 government channels shall not be separated numerically from

1 other channels carried on the holder's basic cable or video  
2 service offerings or tiers, and the channel numbers for the  
3 public, education, and government channels shall be the same  
4 channel numbers used by the incumbent cable operator, unless  
5 prohibited by federal law. After the initial designation of  
6 public, education, and government channel numbers, the channel  
7 numbers shall not be changed without the agreement of the local  
8 unit of government or the entity to which the local unit of  
9 government has assigned responsibility for managing public,  
10 education, and government access channels, unless the change is  
11 required by federal law. Each channel shall be capable of  
12 carrying a National Television System Committee (NTSC)  
13 television signal.

14 (g) The holder shall provide a listing of public,  
15 education, and government channels on channel cards and menus  
16 provided to subscribers in a manner equivalent to other  
17 channels if the holder uses such cards and menus. Further, the  
18 holder shall provide a listing of public, education, and  
19 government programming on its electronic program guide if such  
20 a guide is utilized by the holder. It is the public, education,  
21 and government entity's responsibility to provide the holder or  
22 its designated agent, as determined by the holder, with program  
23 schedules and information in a timely manner.

24 (h) If less than 3 ~~three~~ public, education, and government  
25 channels are provided within the local unit of government as of  
26 January 1, 2007, a local unit of government whose jurisdiction

1 lies within the authorized service area of the holder may  
2 initially request the holder to designate sufficient capacity  
3 for up to 3 ~~three~~ public, education, and government channels. A  
4 local unit of government or its designee that seeks to add  
5 additional capacity shall give the holder a written  
6 notification specifying the number of additional channels to be  
7 used, specifying the number of channels in actual use, and  
8 verifying that the additional channels requested will be put  
9 into actual use.

10 (i) The holder shall, within 90 days of a request by the  
11 local unit of government or its designated public, education,  
12 or government access entity, provide sufficient capacity for an  
13 additional channel for public, education, and government  
14 access when the programming on a given access channel exceeds  
15 40 hours per week as measured on a quarterly basis. The  
16 additional channel shall not be used for any purpose other than  
17 for carrying additional public, education, or government  
18 access programming.

19 (j) The public, education, and government access  
20 programmer is solely responsible for the content that it  
21 provides over designated public, education, or government  
22 channels. A holder shall not exercise any editorial control  
23 over any programming on any channel designed for public,  
24 education, or government use or on any other channel required  
25 by law or a binding agreement with the local unit of  
26 government.



1           (k) A holder shall not be subject to any civil or criminal  
2 liability for any program carried on any channel designated for  
3 public, education, or government use.

4           (l) A court of competent jurisdiction shall have exclusive  
5 jurisdiction to enforce any requirement under this Section or  
6 resolve any dispute regarding the requirements set forth in  
7 this Section, and no provider of cable service or video service  
8 may be barred from providing service or be required to  
9 terminate service as a result of that dispute or enforcement  
10 action.

11       (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

12           (220 ILCS 5/21-801)

13           (Section scheduled to be repealed on October 1, 2013)

14           Sec. 21-801. Applicable fees payable to the local unit of  
15 government.

16           (a) Prior to offering cable service or video service in a  
17 local unit of government's jurisdiction, a holder shall notify  
18 the local unit of government. The notice shall be given to the  
19 local unit of government at least 10 days before the holder  
20 begins to offer cable service or video service within the  
21 boundaries of that local unit of government.

22           (b) In any local unit of government in which a holder  
23 offers cable service or video service on a commercial basis,  
24 the holder shall be liable for and pay the service provider fee  
25 to the local unit of government. The local unit of government

1 shall adopt an ordinance imposing such a fee. The holder's  
2 liability for the fee shall commence on the first day of the  
3 calendar month that is at least 30 days after the holder  
4 receives such ordinance. The ordinance shall be sent by mail,  
5 postage prepaid, to the address listed on the holder's  
6 application provided to the local unit of government pursuant  
7 to item (6) of subsection (b) of Section 21-401 of this Act  
8 ~~Section 21-401(b)(6)~~. The fee authorized by this Section shall  
9 be 5% of gross revenues or the same as the fee paid to the local  
10 unit of government by any incumbent cable operator providing  
11 cable service. The payment of the service provider fee shall be  
12 due on a quarterly basis, 45 days after the close of the  
13 calendar quarter. If mailed, the fee is considered paid on the  
14 date it is postmarked. Except as provided in this Article, the  
15 local unit of government may not demand any additional fees or  
16 charges from the holder and may not demand the use of any other  
17 calculation method other than allowed under this Article.

18 (c) For purposes of this Article, "gross revenues" means  
19 all consideration of any kind or nature, including, without  
20 limitation, cash, credits, property, and in-kind contributions  
21 received by the holder for the operation of a cable or video  
22 system to provide cable service or video service within the  
23 holder's cable service or video service area within the local  
24 unit of government's jurisdiction.

25 (1) Gross revenues shall include the following:

26 (i) Recurring charges for cable service or video

1 service.

2 (ii) Event-based charges for cable service or  
3 video service, including, but not limited to,  
4 pay-per-view and video-on-demand charges.

5 (iii) Rental of set-top ~~set-top~~ boxes and other  
6 cable service or video service equipment.

7 (iv) Service charges related to the provision of  
8 cable service or video service, including, but not  
9 limited to, activation, installation, and repair  
10 charges.

11 (v) Administrative charges related to the  
12 provision of cable service or video service, including  
13 but not limited to service order and service  
14 termination charges.

15 (vi) Late payment fees or charges, insufficient  
16 funds check charges, and other charges assessed to  
17 recover the costs of collecting delinquent payments.

18 (vii) A pro rata portion of all revenue derived by  
19 the holder or its affiliates pursuant to compensation  
20 arrangements for advertising or for promotion or  
21 exhibition of any products or services derived from the  
22 operation of the holder's network to provide cable  
23 service or video service within the local unit of  
24 government's jurisdiction. The allocation shall be  
25 based on the number of subscribers in the local unit of  
26 government divided by the total number of subscribers

1 in relation to the relevant regional or national  
2 compensation arrangement.

3 (viii) Compensation received by the holder that is  
4 derived from the operation of the holder's network to  
5 provide cable service or video service with respect to  
6 commissions that are received by the holder as  
7 compensation for promotion or exhibition of any  
8 products or services on the holder's network, such as a  
9 "home shopping" or similar channel, subject to item  
10 (ix) of this paragraph (1) subsection (b) (ix).

11 (ix) In the case of a cable service or video  
12 service that is bundled or integrated functionally  
13 with other services, capabilities, or applications,  
14 the portion of the holder's revenue attributable to the  
15 other services, capabilities, or applications shall be  
16 included in gross revenue unless the holder can  
17 reasonably identify the division or exclusion of the  
18 revenue from its books and records that are kept in the  
19 regular course of business.

20 (x) The service provider fee permitted by  
21 subsection (b) of this Section Section 21-801(b) of  
22 this Article.

23 (2) Gross revenues do not include any of the following:

24 (i) Revenues not actually received, even if  
25 billed, such as bad debt, subject to item (vi) of  
26 paragraph (1) of this subsection (c) Section

1           ~~21-801(e)(1)(vi).~~

2           (ii) Refunds, discounts, or other price  
3 adjustments that reduce the amount of gross revenues  
4 received by the holder of the State-issued  
5 authorization to the extent the refund, rebate,  
6 credit, or discount is attributable to cable service or  
7 video service.

8           (iii) Regardless of whether the services are  
9 bundled, packaged, or functionally integrated with  
10 cable service or video service, any revenues received  
11 from services not classified as cable service or video  
12 service, including, without limitation, revenue  
13 received from telecommunications services, information  
14 services, or the provision of directory or Internet  
15 advertising, including yellow pages, white pages,  
16 banner advertisement, and electronic publishing, or  
17 any other revenues attributed by the holder to noncable  
18 service or nonvideo service in accordance with the  
19 holder's books and records and records kept in the  
20 regular course of business and any applicable laws,  
21 rules, regulations, standards, or orders.

22           (iv) The sale of cable services or video services  
23 for resale in which the purchaser is required to  
24 collect the service provider fee from the purchaser's  
25 subscribers to the extent the purchaser certifies in  
26 writing that it will resell the service within the

1 local unit of government's jurisdiction and pay the fee  
2 permitted by subsection (b) of this Section ~~Section~~  
3 ~~21-801(b)~~ with respect to the service.

4 (v) Any tax or fee of general applicability imposed  
5 upon the subscribers or the transaction by a city,  
6 State, federal, or any other governmental entity and  
7 collected by the holder of the State-issued  
8 authorization and required to be remitted to the taxing  
9 entity, including sales and use taxes.

10 (vi) Security deposits collected from subscribers.

11 (vii) Amounts paid by subscribers to "home  
12 shopping" or similar vendors for merchandise sold  
13 through any home shopping channel offered as part of  
14 the cable service or video service.

15 (3) Revenue of an affiliate of a holder shall be  
16 included in the calculation of gross revenues to the extent  
17 the treatment of the revenue as revenue of the affiliate  
18 rather than the holder has the effect of evading the  
19 payment of the fee permitted by subsection (b) of this  
20 Section ~~Section 21-801(b) of this Article~~ which would  
21 otherwise be paid by the cable service or video service.

22 (d) (1) The holder shall pay to the local unit of government  
23 or the entity designated by that local unit of government to  
24 manage public, education, and government access, upon request  
25 as support for public, education, and government access, a fee  
26 equal to no less than (i) 1% of gross revenues, or (ii) if

1 greater, the percentage of gross revenues that incumbent cable  
2 operators pay to the local unit of government or its designee  
3 for public, education, and government access support in the  
4 local unit of government's jurisdiction. For purposes of item  
5 (ii) of paragraph (1) of this subsection (d) subparagraph  
6 ~~(d)(1)(ii) above~~, the percentage of gross revenues that all  
7 incumbent cable operators pay shall be equal to the annual sum  
8 of the payments that incumbent cable operators in the service  
9 area are obligated to pay by franchises and agreements or by  
10 contracts with the local government designee for public,  
11 education and government access in effect on January 1, 2007,  
12 including the total of any lump sum payments required to be  
13 made over the term of each franchise or agreement divided by  
14 the number of years of the applicable term, divided by the  
15 annual sum of such incumbent cable operator's or operators'  
16 ~~operator(s)'s~~ gross revenues during the immediately prior  
17 calendar year. The sum of payments includes any payments that  
18 an incumbent cable operator is required to pay pursuant to item  
19 (3) of subsection (c) of Section 21-301 ~~Section 21-301(c)(3) of~~  
20 ~~this Article.~~

21 (2) A local unit of government may require all holders  
22 of a State-issued authorization and all cable operators  
23 franchised by that local unit of government on June 30,  
24 2007 (the effective date of this Section) ~~hereof~~ in the  
25 franchise area to provide to the local unit of government,  
26 or to the entity designated by that local unit of

1 government to manage public, education, and government  
2 access, information sufficient to calculate the public,  
3 education, and government access equivalent fee and any  
4 credits under paragraph (1) of this subsection (d)  
5 ~~subsection (d)(1)~~.

6 (3) The fee shall be due on a quarterly basis and paid  
7 45 days after the close of the calendar quarter. Each  
8 payment shall include a statement explaining the basis for  
9 the calculation of the fee. If mailed, the fee is  
10 considered paid on the date it is postmarked. The liability  
11 of the holder for payment of the fee under this subsection  
12 shall commence on the same date as the payment of the  
13 service provider fee pursuant to subsection (b) of this  
14 Section.

15 (e) The holder may identify and collect the amount of the  
16 service provider fee as a separate line item on the regular  
17 bill of each subscriber.

18 (f) The holder may identify and collect the amount of the  
19 public, education, and government programming support fee as a  
20 separate line item on the regular bill of each subscriber.

21 (g) All determinations and computations under this Section  
22 shall be made pursuant to the definition of gross revenues set  
23 forth in this Section, and shall be made pursuant to generally  
24 accepted accounting principles.

25 (h) Nothing contained in this Article shall be construed to  
26 exempt a holder from any tax that is or may later be imposed by



1 the local unit of government, including any tax that is or may  
2 later be required to be paid by or through the holder with  
3 respect to cable service or video service. A State-issued  
4 authorization shall not affect any requirement of the holder  
5 with respect to payment of the local unit of government's  
6 simplified municipal telecommunications tax or any other tax as  
7 it applies to any telephone service provided by the holder. A  
8 State-issued authorization shall not affect any requirement of  
9 the holder with respect to payment of the local unit of  
10 government's 911 or E911 fees, taxes, or charges.

11 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

12 (220 ILCS 5/21-901)

13 (Section scheduled to be repealed on October 1, 2013)

14 Sec. 21-901. Audits.

15 (a) Upon receiving notice under item (4) of subsection (e)  
16 of Section 21-401 of this Act ~~Section 21-401(e)(4)~~ that a  
17 holder has received State-issued authorization under this  
18 Article, a local unit of government shall notify the holder of  
19 the requirements it imposes on other cable service or video  
20 service providers in its jurisdiction to submit to an audit of  
21 its books and records. The holder shall comply with the same  
22 requirements the local unit of government imposes on other  
23 cable service or video service providers in its jurisdiction to  
24 audit the holder's books and records and to recompute any  
25 amounts determined to be payable under the requirements of the

1 local unit of government. If all local franchises between the  
2 local unit of government and a cable operator terminate, the  
3 audit requirements shall be those adopted by the local  
4 government pursuant to the Local Government Taxpayers' Bill of  
5 Rights Act, ~~50 ILCS 45~~. No acceptance of amounts remitted  
6 should be construed as an accord that the amounts are correct.

7 (b) Any additional amount due after an audit shall be paid  
8 within 30 days after the local unit of government's submission  
9 of an invoice for the sum.

10 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

11 (220 ILCS 5/21-1001)

12 (Section scheduled to be repealed on October 1, 2013)

13 Sec. 21-1001. Local unit of government authority.

14 (a) The holder of a State-issued authorization shall comply  
15 with all the applicable construction and technical standards  
16 and right-of-way occupancy standards set forth in a local unit  
17 of government's code of ordinances relating to the use of  
18 public rights-of-way, pole attachments, permit obligations,  
19 indemnification, performance bonds, penalties, or liquidated  
20 damages. The applicable requirements for a holder that is using  
21 its existing telecommunications network or constructing a  
22 telecommunications network shall be the same requirements that  
23 the local unit of government imposes on telecommunications  
24 providers in its jurisdiction. The applicable requirements for  
25 a holder that is using or constructing a cable system shall be

1 the same requirements the local unit of government imposes on  
2 other cable operators in its jurisdiction.

3 (b) A local unit of government shall allow the holder to  
4 install, construct, operate, maintain, and remove a cable  
5 service, video service, or telecommunications network within a  
6 public right-of-way and shall provide the holder with open,  
7 comparable, nondiscriminatory, and competitively neutral  
8 access to the public right-of-way on the same terms applicable  
9 to other cable service or video service providers or cable  
10 operators in its jurisdiction. Notwithstanding any other  
11 provisions of law, if a local unit of government is permitted  
12 by law to require the holder of a State authorization to seek a  
13 permit to install, construct, operate, maintain, or remove its  
14 cable service, video service, or telecommunications network  
15 within a public right-of-way, those permits shall be deemed  
16 granted within 45 days after being submitted, if not otherwise  
17 acted upon by the local unit of government, provided the holder  
18 complies with the requirements applicable to the holder in its  
19 jurisdiction.

20 (c) A local unit of government may impose reasonable terms,  
21 but it may not discriminate against the holder with respect to  
22 any of the following:

23 (1) The authorization or placement of a cable service,  
24 video service, or telecommunications network or equipment  
25 in public rights-of-way.

26 (2) Access to a building.

1 (3) A local unit of government utility pole attachment.

2 (d) If a local unit of government imposes a permit fee on  
3 incumbent cable operators, it may impose a permit fee on the  
4 holder only to the extent it imposes such a fee on incumbent  
5 cable operators. In all other cases, these fees may not exceed  
6 the actual, direct costs incurred by the local unit of  
7 government for issuing the relevant permit. In no event may a  
8 fee under this Section be levied if the holder already has paid  
9 a permit fee of any kind in connection with the same activity  
10 that would otherwise be covered by the permit fee under this  
11 Section provided no additional equipment, work, function, or  
12 other burden is added to the existing activity for which the  
13 permit was issued.

14 (e) Nothing in this Article shall affect the rights that  
15 any holder has under Section 4 of the Telephone Line Right of  
16 Way Act (220 ILCS 65/4).

17 (f) In addition to the other requirements in this Section,  
18 if the holder installs, upgrades, constructs, operates,  
19 maintains, and removes facilities or equipment within a public  
20 right-of-way to provide cable service or video service, it  
21 shall comply with the following:

22 (1) The holder must locate its equipment in the  
23 right-of-way as to cause only minimum interference with the  
24 use of streets, alleys, and other public ways and places,  
25 and to cause only minimum impact upon and interference  
26 with the rights and reasonable convenience of property

1 owners who adjoin any of the said streets, alleys, or other  
2 public ways. No fixtures shall be placed in any public ways  
3 in such a manner to interfere with the usual travel on such  
4 public ways, nor ~~nor~~ shall such fixtures or equipment  
5 limit the visibility of vehicular or ~~and/or~~ pedestrian  
6 traffic, or both.

7 (2) The holder shall comply with a local unit of  
8 government's reasonable requests to place equipment on  
9 public property where possible, and promptly comply with  
10 local unit of government direction with respect to the  
11 location and screening of equipment and facilities. In  
12 constructing or upgrading its cable or video network in the  
13 right-of-way, the holder shall use the smallest suitable  
14 equipment enclosures and power pedestals and cabinets then  
15 in use by the holder for the application.

16 (3) The holder's construction practices shall be in  
17 accordance with all applicable Sections of the  
18 Occupational Safety and Health Act of 1970, as amended, as  
19 well as all applicable State laws, including the ~~Illinois~~  
20 Civil Administrative Code of Illinois, and local codes,  
21 where applicable, as adopted by the local unit of  
22 government. All installation of electronic equipment shall  
23 be of a permanent nature, durable, and, where applicable,  
24 installed in accordance with the provisions of the National  
25 Electrical Safety Code of the National Bureau of Standards  
26 and National Electrical Code of the National Board of Fire

1 Underwriters.

2 (4) The holder shall not interfere with the local unit  
3 of government's performance of public works. Nothing in the  
4 State-issued authorization shall be in preference or  
5 hindrance to the right of the local unit of government to  
6 perform or carry on any public works or public improvements  
7 of any kind. The holder expressly agrees that it shall, at  
8 its own expense, protect, support, temporarily disconnect,  
9 relocate in the same street or other public place, or  
10 remove from such street or other public place, any of the  
11 network, system, facilities, or equipment when required to  
12 do so by the local unit of government, because of necessary  
13 public health, safety, and welfare improvements. In the  
14 event a holder and other users of a public right-of-way,  
15 including incumbent cable operators or utilities, ~~of a~~  
16 ~~public right of way~~ are required to relocate and  
17 compensation is paid to the users of such public  
18 right-of-way, such parties shall be treated equally with  
19 respect to such compensation.

20 (5) The holder shall comply with all local units of  
21 government inspection requirements. The making of  
22 post-construction, subsequent or ~~and/or~~ periodic  
23 inspections, or both, or the failure to do so shall not  
24 operate to relieve the holder of any responsibility,  
25 obligation, or liability.

26 (6) The holder shall maintain insurance or provide

1 evidence of self insurance as required by an applicable  
2 ordinance of the local unit of government.

3 (7) The holder shall reimburse all reasonable  
4 make-ready expenses, including aerial and underground  
5 installation expenses requested by the holder to the local  
6 unit of government within 30 ~~thirty (30)~~ days of billing to  
7 the holder, provided that such charges shall be at the same  
8 rates as charges to others for the same or similar  
9 services.

10 (8) The holder shall indemnify and hold harmless the  
11 local unit of government and all boards, officers,  
12 employees, and representatives thereof from all claims,  
13 demands, causes of action, liability, judgments, costs and  
14 expenses, or losses for injury or death to persons or  
15 damage to property owned by, and Worker's Compensation  
16 claims against any parties indemnified herein, arising out  
17 of, caused by, or as a result of the holder's construction,  
18 lines, cable, erection, maintenance, use or presence of, or  
19 removal of any poles, wires, conduit, appurtenances  
20 thereto, or equipment or attachments thereto. The holder,  
21 however, shall not indemnify the local unit of government  
22 for any liabilities, damages, cost, and expense resulting  
23 from the willful misconduct, or negligence of the local  
24 unit of government, its officers, employees, and agents.  
25 The obligations imposed pursuant to this Section by a local  
26 unit of government shall be competitively neutral.

1           (9) The holder, upon request, shall provide the local  
2           unit of government with information describing the  
3           location of the cable service or video service facilities  
4           and equipment located in the unit of local government's  
5           rights-of-way pursuant to its State-issued authorization.  
6           If designated by the holder as confidential, such  
7           information provided pursuant to this subsection shall be  
8           exempt from inspection and copying under the Illinois  
9           Freedom of Information Act, ~~5 ILCS 140/1 et seq.~~, pursuant  
10          to the exemption provided for under provision (mm) of item  
11          (1) of Section 7 of the Freedom of Information Act ~~5 ILCS~~  
12          ~~140/7(1)(mm)~~ and any other present or future exemptions  
13          applicable to such information and shall not be disclosed  
14          by the unit of local government to any third party without  
15          the written consent of the holder.

16          (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

17           (220 ILCS 5/21-1101)

18           (Section scheduled to be repealed on October 1, 2013)

19           Sec. 21-1101. Requirements to provide video services.

20           (a) The holder of a State-issued authorization shall not  
21          deny access to cable service or video service to any potential  
22          residential subscribers because of the race or income of the  
23          residents in the local area in which the potential subscribers  
24          reside.

25           (b) (1) If the holder is using telecommunications



1 facilities to provide cable or video service and has 1,000,000  
2 or less telecommunications access lines in this State, but more  
3 than 300,000 telecommunications access lines in this State, the  
4 holder shall provide: ~~(1) Provide~~ access to its cable or video  
5 service to a number of households equal to at least 25% of its  
6 telecommunications access lines in this State within 3 years  
7 after the date a holder receives a State-issued authorization  
8 from the Commission and to a number not less than 35% of these  
9 households within 5 years after the date a holder receives a  
10 State-issued authorization from the Commission; ~~provided,~~  
11 ~~however,~~ that the holder of a State-issued authorization is not  
12 required to meet the 35% requirement in this paragraph (1)  
13 ~~subsection~~ until 2 years after at least 15% of the households  
14 with access to the holder's video service subscribe to the  
15 service for 6 consecutive months. The holder's obligation to  
16 provide such access in the State shall be distributed, as the  
17 holder determines, within 3 ~~three~~ different designated market  
18 areas.

19 (2) Within 3 years after the date a holder receives a  
20 State-issued authorization from the Commission, at least  
21 30% of the total households with access to the holder's  
22 cable or video service shall be low-income.

23 Within each designated market area identified in  
24 paragraph (1) of this subsection (b) ~~(b) (1)~~, the holder's  
25 obligation to offer service to low-income households shall  
26 be measured by each exchange, as that term is defined in

1 Section 13-206 of this ~~the Public Utilities~~ Act, in which  
2 the holder chooses to provide cable or video service. The  
3 holder is under no obligation to serve or provide access to  
4 an entire exchange; however, in addition to the statewide  
5 obligation to provide low-income access provided by this  
6 Section, in each exchange in which the holder chooses to  
7 provide cable or video service, the holder shall provide  
8 access to a percentage of low-income households that is at  
9 least equal to the percentage of the total low-income  
10 households within that exchange.

11 (3) The number of telecommunication access lines in  
12 this Section shall be based on the number of access lines  
13 that exist as of June 30, 2007 (the effective date of  
14 Public Act 95-9) ~~this amendatory Act of the 95th General~~  
15 ~~Assembly.~~

16 (c) (1) If the holder of a State-issued authorization is  
17 using telecommunications facilities to provide cable or video  
18 service and has more than 1,000,000 telecommunications access  
19 lines in this State, the holder shall provide: ~~(1) (A) Provide~~  
20 access to its cable or video service to a number of households  
21 equal to at least 35% of the households in the holder's  
22 telecommunications service area in the State within 3 years  
23 after the date a holder receives a State-issued authorization  
24 from the Commission and to a number not less than 50% of these  
25 households within 5 years after the date a holder receives a  
26 State-issued authorization from the Commission; provided,

1 ~~however,~~ that the holder of a State-issued authorization is not  
2 required to meet the 50% requirement in this paragraph (1)  
3 ~~subsection~~ until 2 years after at least 15% of the households  
4 with access to the holder's video service subscribe to the  
5 service for 6 consecutive months.

6 The holder's obligation to provide such access in the State  
7 shall be distributed, as the holder determines, within 3 ~~three~~  
8 designated market areas, one in each of the northeastern,  
9 central, and southwestern portions of the holder's  
10 telecommunications service area in the State. The designated  
11 market area for the northeastern portion shall consist of 2 ~~two~~  
12 separate and distinct reporting areas: (i) a city with more  
13 than 1,000,000 inhabitants, and (ii) all other local units of  
14 government on a combined basis within such designated market  
15 area in which it offers video service.

16 ~~(B)~~ If any state, in which a holder subject to this  
17 subsection (c) or one of its affiliates provides or seeks to  
18 provide cable or video service, adopts a law permitting  
19 state-issued authorization or statewide franchises to provide  
20 cable or video service that requires a cable or video provider  
21 to offer service to more than 35% of the households in the  
22 cable or video provider's service area in that state within 3  
23 years, holders subject to this subsection (c) shall provide  
24 service in this State to the same percentage of households  
25 within 3 years of adoption of such law in that state.

26 Furthermore, if any state, in which a holder subject to

1 this subsection (c) or one of its affiliates provides or seeks  
2 to provide cable or video service, adopts a law requiring a  
3 holder of a state-issued authorization or statewide franchises  
4 to offer cable or video service to more than 35% of its  
5 households if less than 15% of the households with access to  
6 the holder's video service subscribe to the service for 6  
7 consecutive months, then as a precondition to further  
8 build-out, holders subject to this subsection (c) shall be  
9 subject to the same percentage of service subscription in  
10 meeting its obligation to provide service to 50% of the  
11 households in this State.

12 (2) Within 3 years after the date a holder receives a  
13 State-issued authorization from the Commission, at least  
14 30% of the total households with access to the holder's  
15 cable or video service shall be low-income.

16 Within each designated market area listed in paragraph  
17 (1) of this subsection (c) ~~(e)(1)~~, the holder's obligation  
18 to offer service to low-income households shall be measured  
19 by each exchange, as that term is defined in Section 13-206  
20 of this ~~the Public Utilities~~ Act in which the holder  
21 chooses to provide cable or video service. The holder is  
22 under no obligation to serve or provide access to an entire  
23 exchange; however, in addition to the statewide obligation  
24 to provide low-income access provided by this Section, in  
25 each exchange in which the holder chooses to provide cable  
26 or video service, the holder shall provide access to a

1 percentage of low-income households that is at least equal  
2 to the percentage of the total low-income households within  
3 that exchange.

4 (d) (1) All other holders shall only provide access to one  
5 or more exchanges, as that term is defined in Section 13-206 of  
6 ~~this the Public Utilities Act~~, or to local units of government  
7 and shall provide access to their cable or video service to a  
8 number of households equal to 35% of the households in the  
9 exchange or local unit of government within 3 years after the  
10 date a holder receives a State-issued authorization from the  
11 Commission and to a number not less than 50% of these  
12 households within 5 years after the date a holder receives a  
13 State-issued authorization from the Commission, provided,~~7~~  
14 ~~however,~~ that if the holder is an incumbent cable operator or  
15 any successor-in-interest company, it shall be obligated to  
16 provide access to cable or video services within the  
17 jurisdiction of a local unit of government at the same levels  
18 required by the local franchising authorities for that local  
19 unit of government on June 30, 2007 (the effective date of  
20 Public Act 95-9) ~~this amendatory Act of the 95th General~~  
21 ~~Assembly.~~

22 (2) Within 3 years after the date a holder receives a  
23 State-issued authorization from the Commission, at least  
24 30% of the total households with access to the holder's  
25 cable or video service shall be low-income.

26 Within each designated exchange, as that term is

1 defined in Section 13-206 of this ~~the Public Utilities Act~~,  
2 or local unit of government listed in paragraph (1) of this  
3 subsection (d) ~~(d)(1)~~, the holder's obligation to offer  
4 service to low-income households shall be measured by each  
5 exchange or local unit of government in which the holder  
6 chooses to provide cable or video service. Except as  
7 provided in paragraph (1) of this subsection (d) ~~(d)(1)~~,  
8 the holder is under no obligation to serve or provide  
9 access to an entire exchange or local unit of government;  
10 however, in addition to the statewide obligation to provide  
11 low-income access provided by this Section, in each  
12 exchange or local unit of government in which the holder  
13 chooses to provide cable or video service, the holder shall  
14 provide access to a percentage of low-income households  
15 that is at least equal to the percentage of the total  
16 low-income households within that exchange or local unit of  
17 government.

18 (e) A holder subject to subsection (c) of this Section  
19 ~~21-1101(e)~~ shall provide wireline broadband service, defined  
20 as wireline service, capable of supporting, in at least one  
21 direction, a speed in excess of 200 kilobits per second (kbps),  
22 to the network demarcation point at the subscriber's premises,  
23 to a number of households equal to 90% of the households in the  
24 holder's telecommunications service area by December 31, 2008,  
25 or shall pay within 30 days of December 31, 2008 a sum of  
26 \$15,000,000 to the Digital Divide Elimination Infrastructure

1 Fund established pursuant to Section 13-301.3 ~~of Article XIII~~  
2 of this Act, or any successor fund established by the General  
3 Assembly. In that event the holder is required to make a  
4 payment pursuant to this subsection (e), the holder shall have  
5 no further accounting for this payment, which shall be used in  
6 any part of the State for the purposes established in the  
7 Digital Divide Elimination Infrastructure Fund or for  
8 broadband deployment.

9 (f) The holder of a State-issued authorization may satisfy  
10 the requirements of subsections (b), (c), and (d) of this  
11 Section through the use of any technology, which shall not  
12 include direct-to-home satellite service, that offers service,  
13 functionality, and content that, ~~which~~ is demonstrably similar  
14 to that provided through the holder's video service system.

15 (g) In any investigation into or complaint alleging that  
16 the holder of a State-issued authorization has failed to meet  
17 the requirements of this Section, the following factors may be  
18 considered in justification or mitigation or as justification  
19 for an extension of time to meet the requirements of  
20 subsections (b), (c), and (d) of this Section:

21 (1) The inability to obtain access to public and  
22 private rights-of-way under reasonable terms and  
23 conditions.

24 (2) Barriers to competition arising from existing  
25 exclusive service arrangements in developments or  
26 buildings.

1           (3) The inability to access developments or buildings  
2 using reasonable technical solutions under commercially  
3 reasonable terms and conditions.

4           (4) Natural disasters.

5           (5) Other factors beyond the control of the holder.

6           (h) If the holder relies on the factors identified in  
7 subsection (g) of this Section in response to an investigation  
8 or complaint, the holder shall demonstrate the following:

9           (1) what substantial effort the holder of a  
10 State-issued authorization has taken to meet the  
11 requirements of subsection ~~subsections~~ (a), (b),    or (c) of  
12 this Section;

13           (2) which portions of subsection (g) of this Section  
14 apply; and

15           (3) the number of days it has been delayed or the  
16 requirements it cannot perform as a consequence of  
17 subsection (g) of this Section.

18           (i) The factors in subsection (g) of this Section may be  
19 considered by the Attorney General or by a court of competent  
20 jurisdiction in determining whether the holder is in violation  
21 of this Article.

22           (j) Every holder of a State-issued authorization, no later  
23 than April 1, 2009, and annually no later than April 1  
24 thereafter, shall report to the Commission for each of the  
25 service areas as described in subsections (b), (c),    and (d) of  
26 this Section in which it provides access to its video service



1 in the State, the following information:

2 (1) Cable service and video service information:

3 (A) The number of households in the holder's  
4 telecommunications service area within each designated  
5 market area as described in subsections (b) and (c) of  
6 this Section or exchange or local unit of government as  
7 described in subsection (d) of this Section in which it  
8 offers video service.

9 (B) The number of households in the holder's  
10 telecommunications service area within each designated  
11 market area as described in subsections (b) and (c) of  
12 this Section or exchange or local unit of government as  
13 described in subsection (d) of this Section that are  
14 offered access to video service by the holder.

15 (C) The number of households in the holder's  
16 telecommunications service area in the State.

17 (D) The number of households in the holder's  
18 telecommunications service area in the State that are  
19 offered access to video service by the holder.

20 (2) Low-income household information:

21 (A) The number of low-income households in the  
22 holder's telecommunications service area within each  
23 designated market area as described in subsections (b)  
24 and (c) of this Section, as further identified in terms  
25 of exchanges, or exchange or local unit of government  
26 as described in subsection (d) of this Section, in

1           which it offers video service.

2           (B) The number of low-income households in the  
3 holder's telecommunications service area within each  
4 designated market area as described in subsections (b)  
5 and (c) of this Section, as further identified in terms  
6 of exchanges, or exchange or local unit of government  
7 as described in subsection (d) of this Section in the  
8 State, that are offered access to video service by the  
9 holder.

10           (C) The number of low-income households in the  
11 holder's telecommunications service area in the State.

12           (D) The number of low-income households in the  
13 holder's telecommunications service area in the State  
14 that are offered access to video service by the holder.

15           (k) The Commission, within 30 days of receiving the first  
16 report from holders under this Section, and annually no later  
17 than July 1 thereafter, shall submit to the General Assembly a  
18 report that includes, based on year-end data, the information  
19 submitted by holders pursuant to subdivisions (1) and (2) of  
20 subsection (j) ~~subsections (j)(1) and (j)(2)~~ of this Section.  
21 The Commission shall make this report available to any member  
22 of the public or any local unit of government upon request. All  
23 information submitted to the Commission and designated by  
24 holders as confidential and proprietary shall be subject to the  
25 disclosure provisions in subsection (c) of Section 21-401 of  
26 this Act ~~21-401(e)~~. No individually identifiable customer

1 information shall be subject to public disclosure.

2 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

3 (220 ILCS 5/21-1201)

4 (Section scheduled to be repealed on October 1, 2013)

5 Sec. 21-1201. Multiple-unit dwelling; interference with  
6 holder prohibited ~~dwelling; Interference with Holder~~  
7 ~~Prohibited.~~

8 (a) Neither the owner of any multiple-unit residential  
9 dwelling nor an agent or representative shall unreasonably  
10 interfere with the right of any tenant or lawful resident  
11 thereof to receive cable service or video service installation  
12 or maintenance from a holder of a State-issued authorization;  
13 provided, however, the owner, agent, or representative may  
14 require just and reasonable compensation from the holder for  
15 its access to and use of such property to provide installation,  
16 operation, maintenance, or removal of such cable service or  
17 video service.

18 (b) Neither the owner of any multiple-unit residential  
19 dwelling nor an agent or representative shall ask, demand, or  
20 receive any additional payment, service, or gratuity in any  
21 form from any tenant or lawful resident thereof as a condition  
22 for permitting or cooperating with the installation of a cable  
23 service or video service to the dwelling unit occupied by a  
24 tenant or resident requesting such service.

25 (c) Neither the owner of any multiple-unit residential

1 dwelling nor an agent or representative shall penalize, charge,L  
2 or surcharge a tenant or resident, ~~or~~ forfeit or threaten to  
3 forfeit any right of such tenant or resident, or discriminate  
4 in any way against such tenant or resident who requests or  
5 receives cable service or video service from a holder.

6 (d) Nothing in this Section shall prohibit the owner of any  
7 multiple-unit residential dwelling nor an agent or  
8 representative from requiring that a holder's facilities  
9 conform to reasonable conditions necessary to protect safety,  
10 functioning, appearance, and value of premises or the  
11 convenience and safety of persons or property.

12 (e) The owner of any multiple-unit residential dwelling or  
13 an agent or representative may require a holder to agree to  
14 indemnify the owner, or his agents or representatives, for  
15 damages or from liability for damages caused by the  
16 installation, operation, maintenance,L or removal of cable  
17 service or video service facilities.

18 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

19 (220 ILCS 5/21-1301)

20 (Section scheduled to be repealed on October 1, 2013)

21 Sec. 21-1301. Enforcement;IT penalties.

22 (a) The Attorney General is responsible for administering  
23 and ensuring holders' compliance with this Article, provided  
24 that nothing in this Article shall deprive local units of  
25 government of the right to enforce applicable rights and

1 obligations.

2 (b) The Attorney General may conduct an investigation  
3 regarding possible violations by holders of this Article  
4 including, without limitation, the issuance of subpoenas to:

5 (1) require the holder to file a statement or report or  
6 to answer interrogatories in writing as to all information  
7 relevant to the alleged violations;

8 (2) examine, under oath, any person who possesses  
9 knowledge or information related to the alleged  
10 violations; and

11 (3) examine any record, book, document, account, or  
12 paper related to the alleged violation.

13 (c) If the Attorney General determines that there is a  
14 reason to believe that a holder has violated or is about to  
15 violate this Article, the Attorney General may bring an action  
16 in a court of competent jurisdiction in the name of the People  
17 of the State against the holder to obtain temporary,  
18 preliminary, or permanent injunctive relief and civil  
19 penalties for any act, policy, or practice by the holder that  
20 violates this Article.

21 (d) If a court orders a holder to make payments to the  
22 Attorney General and the payments are to be used for the  
23 operations of the Office of the Attorney General or if a holder  
24 agrees to make payments to the Attorney General for the  
25 operations of the Office of the Attorney General as part of an  
26 Assurance of Voluntary Compliance, then the moneys paid under

1 any of the conditions described in this subsection (d) shall be  
2 deposited into the Attorney General Court Ordered and Voluntary  
3 Compliance Payment Projects Fund. Moneys in the Fund shall be  
4 used, subject to appropriation, for the performance of any  
5 function pertaining to the exercise of the duties to the  
6 Attorney General, including, but not limited to, enforcement of  
7 any law of this State and conducting public education programs;  
8 however, any moneys in the Fund that are required by the court  
9 to be used for a particular purpose shall be used for that  
10 purpose.

11 (e) In an action against a holder brought pursuant to this  
12 Article, the Attorney General may seek the assessment of one or  
13 more of the following civil monetary penalties in any action  
14 filed under this Article where the holder violates this Article  
15 and does not remedy the violation within 30 days of notice by  
16 the Attorney General:

17 (1) Any holder that violates or fails to comply with  
18 any of the provisions of this Article or of its  
19 State-issued authorization shall be subject to a civil  
20 penalty of up to \$30,000 for each and every offense, or  
21 0.00825% ~~0.00825%~~ of the holder's gross revenues, as defined  
22 in Section 21-801 of this Act, whichever is greater. Every  
23 violation of the provisions of this Article by a holder is  
24 a separate and distinct offense, provided, ~~however,~~ that if  
25 the same act or omission violates more than one provision  
26 of this Article, only one penalty or cumulative penalty may

1 be imposed for such act or omission. In the case of a  
2 continuing violation, each day's continuance thereof shall  
3 be a separate and distinct offense, ~~provided, however,~~ that  
4 the cumulative penalty for any continuing violation shall  
5 not exceed \$500,000 per year, and provided further that  
6 these limits shall not apply where the violation was  
7 intentional and either (i) created substantial risk to the  
8 safety of the cable service or video service provider's  
9 employees or customers or the public or (ii) was intended  
10 to cause economic benefits to accrue to the violator.

11 (2) The holder's State-issued authorization may be  
12 suspended or revoked if the holder fails to comply with the  
13 provisions of this Article after a reasonable time to  
14 achieve compliance has passed.

15 (3) If the holder is in violation of Section 21-1101 of  
16 this Act, in addition to any other remedies provided by  
17 law, a fine not to exceed 3% of the holder's total monthly  
18 gross revenue, as that term is defined in this Article,  
19 shall be imposed for each month from the date of violation  
20 until the date that compliance is achieved.

21 (4) Nothing in this Section shall limit or affect the  
22 powers of the Attorney General to enforce the provisions of  
23 this Article, Section 22-501 of this Act ~~the Cable and~~  
24 ~~Video Customer Protection Law, 220 ILCS 5/70-501 new,~~ or  
25 the Consumer Fraud and Deceptive Business Practices Act,  
26 ~~815 ILCS 505.~~

1 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

2 (220 ILCS 5/Art. XXII heading)

3 ARTICLE XXII ~~70~~. CABLE AND VIDEO CUSTOMER PROTECTION LAW

4 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

5 (220 ILCS 5/22-501)

6 Sec. 22-501 ~~70-501~~. Customer service and privacy  
7 protection. All cable or video providers in this State shall  
8 comply with the following customer service requirements and  
9 privacy protections. The provisions of this Act shall not apply  
10 to an incumbent cable operator prior to January 1, 2008. For  
11 purposes of this paragraph, an incumbent cable operator means a  
12 person or entity that provided cable services in a particular  
13 area under a franchise agreement with a local unit of  
14 government pursuant to Section 11-42-11 of the Illinois  
15 Municipal Code or Section 5-1095 of the Counties Code on  
16 January 1, 2007. A master antenna television, satellite master  
17 antenna television, direct broadcast satellite, multipoint  
18 distribution service, and other provider of video programming  
19 shall only be subject to the provisions of this Article to the  
20 extent permitted by federal law.

21 The following definitions apply to the terms used in this  
22 Article:

23 "Basic cable or video service" means any service offering  
24 or tier that ~~which~~ includes the retransmission of local



1 television broadcast signals.

2 "Cable or video provider" means any person or entity  
3 providing cable service or video service pursuant to  
4 authorization under (i) the Cable and Video Competition Law of  
5 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
6 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
7 antenna television, satellite master antenna television,  
8 direct broadcast satellite, multipoint distribution services,  
9 and other providers of video programming, whatever their  
10 technology. A cable or video provider shall not include a  
11 landlord providing only broadcast video programming to a  
12 single-family home or other residential dwelling consisting of  
13 4 ~~four~~ units or less.

14 "Franchise" has the same meaning as found in 47 U.S.C.  
15 522(9).

16 "Local unit of government" means a city, village,  
17 incorporated town, or a county.

18 "Normal business hours" means those hours during which most  
19 similar businesses in the geographic area of the local unit of  
20 government are open to serve customers. In all cases, "normal  
21 business hours" must include some evening hours at least one  
22 night per week or some weekend hours.

23 "Normal operating conditions" means those service  
24 conditions that are within the control of cable or video  
25 providers. Those conditions that are not within the control of  
26 cable or video providers include, but are not limited to,

1 natural disasters, civil disturbances, power outages,  
2 telephone network outages, and severe or unusual weather  
3 conditions. Those conditions that are ordinarily within the  
4 control of cable or video providers include, but are not  
5 limited to, special promotions, pay-per-view events, rate  
6 increases, regular peak or seasonal demand periods, and  
7 maintenance or upgrade of the cable service or video service  
8 network.

9 "Service interruption" means the loss of picture or sound  
10 on one or more cable service or video service on one or more  
11 cable or video channels.

12 "Service line drop" means the point of connection between a  
13 premises and the cable or video network that enables the  
14 premises to receive cable service or video service.

15 (a) General customer service standards:

16 (1) Cable or video providers shall establish general  
17 standards related to customer service, which shall  
18 include, but not be limited to, installation,  
19 disconnection, service and repair obligations; appointment  
20 hours<sup>7</sup> and employee ID requirements; customer service  
21 telephone numbers and hours; procedures for billing,  
22 charges, deposits, refunds, and credits; procedures for  
23 termination of service; notice of deletion of programming  
24 service;<sup>7</sup> changes related to transmission of programming;  
25 changes or increases in rates; the use and availability of  
26 parental control or lock-out devices; the use and

1 availability of an A/B switch if applicable; complaint  
2 procedures and procedures for bill dispute resolution; a  
3 description of the rights and remedies available to  
4 consumers if the cable or video provider does not  
5 materially meet its ~~their~~ customer service standards; and  
6 special services for customers with visual, hearing, or  
7 mobility disabilities.

8 (2) Cable or video providers' rates for each level of  
9 service, rules, regulations, and policies related to its  
10 cable service or video service described in paragraph (1)  
11 of this subsection (a) ~~(a)(1)~~ must be made available to the  
12 public and displayed clearly and conspicuously on the cable  
13 or video provider's site on the Internet. If a promotional  
14 price or a price for a specified period of time is offered,  
15 the cable or video provider shall display the price at the  
16 end of the promotional period or specified period of time  
17 clearly and conspicuously with the display of the  
18 promotional price or price for a specified period of time.  
19 The cable or video provider shall provide this information  
20 upon request.

21 (3) Cable or video providers shall provide notice  
22 concerning their general customer service standards to all  
23 customers. This notice shall be offered when service is  
24 first activated and annually thereafter. The information  
25 in the notice shall include all of the information  
26 specified in paragraph (1) of this subsection (a) ~~(a)(1)~~,

1 as well as the following: a listing of services offered by  
2 the cable or video providers, which shall clearly describe  
3 programming for all services and all levels of service; the  
4 rates for all services and levels of service; a telephone  
5 number ~~number(s)~~ through which customers may subscribe to,  
6 change, or terminate service, request customer service, or  
7 seek general or billing information; instructions on the  
8 use of the cable or video services; and, a description of  
9 rights and remedies that the cable or video providers shall  
10 make available to their customers if they do not materially  
11 meet the general customer service standards described in  
12 this Act.

13 (b) General customer service obligations:

14 (1) Cable or video providers shall render reasonably  
15 efficient service, promptly make repairs, and interrupt  
16 service only as necessary and for good cause, during  
17 periods of minimum use of the system and for no more than  
18 24 hours.

19 (2) All service representatives or any other person who  
20 contacts customers or potential customers on behalf of the  
21 cable or video provider shall have a visible identification  
22 card with their name and photograph and shall orally  
23 identify themselves upon first contact with the customer.  
24 Customer service representatives shall orally identify  
25 themselves to callers immediately following the greeting  
26 during each telephone contact with the public.

1           (3) The cable or video providers shall: (i) maintain a  
2 customer service facility within the boundaries of a local  
3 unit of government staffed by customer service  
4 representatives that have the capacity to accept payment,  
5 adjust bills, and respond to repair, installation,  
6 reconnection, disconnection, or other service calls and  
7 distribute or receive converter boxes, remote control  
8 units, digital stereo units, or other equipment related to  
9 the provision of cable or video service; ~~or~~ (ii) provide  
10 customers with bill payment facilities through retail,  
11 financial, or other commercial institutions located within  
12 the boundaries of a local unit of government; ~~or~~ (iii)  
13 provide an address, toll-free telephone number or  
14 electronic address to accept bill payments and  
15 correspondence, ~~and~~ provide secure collection boxes for  
16 the receipt of bill payments and the return of equipment,  
17 provided that if a cable or video provider provides secure  
18 collection boxes, it shall provide a printed receipt when  
19 items are deposited; or (iv) provide an address, toll-free  
20 telephone number, or electronic address to accept bill  
21 payments and correspondence, ~~and~~ provide a method for  
22 customers to return equipment to the cable or video  
23 provider at no cost to the customer.

24           (4) In each contact with a customer, the service  
25 representatives or any other person who contacts customers  
26 or potential customers on behalf of the cable or video

1 provider~~7~~ shall state the estimated cost of the service,  
2 repair, or installation orally prior to delivery of the  
3 service or before any work is performed, ~~and~~ shall provide  
4 the customer with an oral statement of the total charges  
5 before terminating the telephone call or other contact in  
6 which a service is ordered, whether in-person or over the  
7 Internet, and shall provide a written statement of the  
8 total charges before leaving the location at which the work  
9 was performed. In the event that the cost of service is a  
10 promotional price or is for a limited period of time, the  
11 cost of service at the end of the promotion or limited  
12 period of time shall be disclosed.

13 (5) Cable or video providers shall provide customers a  
14 minimum of 30 days' written notice before increasing rates  
15 or eliminating transmission of programming and shall  
16 submit the notice to the local unit of government in  
17 advance of distribution to customers, provided that the  
18 cable or video provider is not in violation of this  
19 provision if the elimination of transmission of  
20 programming was outside the control of the provider, in  
21 which case the provider shall use reasonable efforts to  
22 provide as much notice as possible, and any rate decrease  
23 related to the elimination of transmission of programming  
24 shall be applied to the date of the change.

25 (6) Cable or video providers shall provide clear visual  
26 and audio reception that meets or exceeds applicable

1 Federal Communications Commission technical standards. If  
2 a customer experiences poor video or audio reception due to  
3 the equipment of the cable or video provider, the cable or  
4 video provider shall promptly repair the problem at its own  
5 expense.

6 (c) Bills, payment, and termination:

7 (1) Cable or video providers shall render monthly bills  
8 that are clear, accurate, and understandable.

9 (2) Every residential customer who pays bills directly  
10 to the cable or video provider shall have at least 28 days  
11 from the date of the bill to pay the listed charges.

12 (3) Customer payments shall be posted promptly. When  
13 the payment is sent by United States mail, payment is  
14 considered paid on the date it is postmarked.

15 (4) Cable or video providers may not terminate  
16 residential service for nonpayment of a bill unless the  
17 cable or video provider furnishes notice of the delinquency  
18 and impending termination at least 21 days prior to the  
19 proposed termination. Notice of proposed termination shall  
20 be mailed, postage prepaid, to the customer to whom service  
21 is billed. Notice of proposed termination shall not be  
22 mailed until the 29th day after the date of the bill for  
23 services. Notice of delinquency and impending termination  
24 may be part of a billing statement only if the notice is  
25 presented in a different color than the bill and is  
26 designed to be conspicuous. The cable or video providers

1           may not assess a late fee prior to the 29th day after the  
2           date of the bill for service.

3           (5) Every notice of impending termination shall  
4           include all of the following: the name and address of  
5           customer; the amount of the delinquency; the date on which  
6           payment is required to avoid termination; and the telephone  
7           number of the cable or video provider's service  
8           representative to make payment arrangements and to provide  
9           additional information about the charges for failure to  
10          return equipment and for reconnection, if any. No customer  
11          may be charged a fee for termination or disconnection of  
12          service, irrespective of whether the customer initiated  
13          termination or disconnection or the cable or video provider  
14          initiated termination or disconnection.

15          (6) Service may only be terminated on days when the  
16          customer is able to reach a service representative of the  
17          cable or video providers, either in person or by telephone.

18          (7) Any service terminated by a cable or video provider  
19          without good cause shall be restored without any  
20          reconnection fee, charge, or penalty; good cause for  
21          termination includes, but is not limited to, failure to pay  
22          a bill by the date specified in the notice of impending  
23          termination, payment by check for which there are  
24          insufficient funds, theft of service, abuse of equipment or  
25          personnel, or other similar subscriber actions.

26          (8) Cable or video providers shall cease charging a



1 customer for any or all services within one ~~±~~ business day  
2 after it receives a request to immediately terminate  
3 service or on the day requested by the customer if such a  
4 date is at least 5 days from the date requested by the  
5 customer. Nothing in this subsection (c) shall prohibit the  
6 provider from billing for charges that the customer incurs  
7 prior to the date of termination. Cable or video providers  
8 shall issue a credit or~~7~~ a refund~~7~~ or return a deposit  
9 within 10 business days after the close of the customer's  
10 billing cycle following the request for termination or the  
11 return of equipment, if any, whichever is later.

12 (9) The customers or subscribers of a cable or video  
13 provider shall be allowed to disconnect their service at  
14 any time within the first 60 days after subscribing to or  
15 upgrading the service. Within this 60-day period, cable or  
16 video providers shall not charge or impose any fees or  
17 penalties on the customer for disconnecting service,  
18 including, but not limited to, any installation charge or~~7~~  
19 the imposition of an early termination charge, except the  
20 cable or video provider may impose a charge or fee to  
21 offset any rebates or credits received by the customer~~7~~ and  
22 may impose monthly service or maintenance charges,  
23 including pay-per-view and premium services charges,  
24 during such 60-day period.

25 (10) Cable and video providers shall guarantee  
26 customer satisfaction for new or upgraded service and the

1 customer shall receive a pro-rata credit in an amount equal  
2 to the pro-rata charge for the remaining days of service  
3 being disconnected or replaced upon the customers request  
4 if the customer is dissatisfied with the service and  
5 requests to discontinue the service within the first 60  
6 days after subscribing to the upgraded service.

7 (d) Response to customer inquiries:

8 (1) Cable or video providers will maintain a toll-free  
9 telephone access line that is ~~will be~~ available to  
10 customers 24 hours a day, 7 ~~seven~~ days a week, to accept  
11 calls regarding installation, termination, service, and  
12 complaints. Trained, knowledgeable, qualified service  
13 representatives of the cable or video providers will be  
14 available to respond to customer telephone inquiries  
15 during normal business hours. Customer service  
16 representatives shall be able to provide credit, waive  
17 fees, schedule appointments, and change billing cycles.  
18 Any difficulties that cannot be resolved by the customer  
19 service representatives shall be referred to a supervisor  
20 who shall make his or her best efforts to resolve the issue  
21 immediately. If the supervisor does not resolve the issue  
22 to the customer's satisfaction, the customer shall be  
23 informed of the cable or video provider's complaint  
24 procedures and procedures for billing dispute resolution  
25 and given a description of the rights and remedies  
26 available to customers to enforce the terms of this

1 Article, including the customer's rights to have the  
2 complaint reviewed by the local unit of government, to  
3 request mediation, and to review in a court of competent  
4 jurisdiction.

5 (2) After normal business hours, the access line may be  
6 answered by a service or an automated response system,  
7 including an answering machine. Inquiries received by  
8 telephone or e-mail after normal business hours shall be  
9 responded to by a trained service representative on the  
10 next business day. The cable or video provider shall  
11 respond to a written billing inquiry within 10 days of  
12 receipt of the inquiry.

13 (3) Cable or video providers shall provide customers  
14 seeking non-standard installations with a total  
15 installation cost estimate and an estimated date of  
16 completion. The actual charge to the customer shall not  
17 exceed 10% of the estimated cost without the written  
18 consent of the customer.

19 (4) If the cable or video provider receives notice that  
20 an unsafe condition exists with respect to its equipment,  
21 it shall investigate such condition immediately~~7~~ and shall  
22 take such measures as are necessary to remove or eliminate  
23 the unsafe condition. The cable or video provider shall  
24 inform the local unit of government promptly, but no later  
25 than 2 hours after it receives notification of an unsafe  
26 condition that it has not remedied.

1           (5) Under normal operating conditions, telephone  
2 answer time by the cable or video provider's customer  
3 representative, including wait time, shall not exceed 30  
4 seconds when the connection is made. If the call needs to  
5 be transferred, transfer time shall not exceed 30 seconds.  
6 These standards shall be met no less than 90% of the time  
7 under normal operating conditions, measured on a quarterly  
8 basis.

9           (6) Under normal operating conditions, the cable or  
10 video provider's customers will receive a busy signal less  
11 than 3% of the time.

12           (e) ~~Installations, Outages and Service Calls.~~ Under normal  
13 operating conditions, each of the following standards related  
14 to installations, outages, and service calls will be met no  
15 less than 95% of the time measured on a quarterly basis:

16           (1) Standard installations will be performed within 7  
17 business days after an order has been placed. "Standard"  
18 installations are those that are located up to 125 feet  
19 from the existing distribution system.

20           (2) Excluding conditions beyond the control of the  
21 cable or video providers, the cable or video providers will  
22 begin working on "service interruptions" promptly and in no  
23 event later than 24 hours after the interruption is  
24 reported by the customer or otherwise becomes known to the  
25 cable or video providers. Cable or video providers must  
26 begin actions to correct other service problems the next

1 business day after notification of the service problem and  
2 correct the problem within 48 hours after the interruption  
3 is reported by the customer 95% of the time, measured on a  
4 quarterly basis.~~+~~

5 (3) The "appointment window" alternatives for  
6 installations, service calls, and other installation  
7 activities will be either a specific time or, at a maximum,  
8 a 4-hour ~~four-hour~~ time block during evening, weekend,+ and  
9 normal business hours. The cable or video provider may  
10 schedule service calls and other installation activities  
11 outside of these hours for the express convenience of the  
12 customer.~~+~~and

13 (4) Cable or video providers may not cancel an  
14 appointment with a customer after 5:00 p.m. on the business  
15 day prior to the scheduled appointment. If the cable or  
16 video provider's representative is running late for an  
17 appointment with a customer and will not be able to keep  
18 the appointment as scheduled, the customer will be  
19 contacted. The appointment will be rescheduled, as  
20 necessary, at a time that ~~which~~ is convenient for the  
21 customer, even if the rescheduled appointment is not within  
22 normal business hours.

23 (f) Public benefit obligation:

24 (1) All cable or video providers offering service  
25 pursuant to the Cable and Video Competition Law of 2007,  
26 the Illinois Municipal Code, or the Counties Code~~+~~ shall

1 provide a free service line drop and free basic service to  
2 all current and future public buildings within their  
3 footprint, including, but not limited to, all local unit of  
4 government buildings, public libraries, and public primary  
5 and secondary schools, whether owned or leased by that  
6 local unit of government ("eligible buildings"). Such  
7 service shall be used in a manner consistent with the  
8 government purpose for the eligible building and shall not  
9 be resold.

10 (2) This obligation only applies to those cable or  
11 video service providers whose cable service or video  
12 service systems pass eligible buildings and its cable or  
13 video service is generally available to residential  
14 subscribers in the same local unit of government in which  
15 the eligible building is located. The burden of providing  
16 such service at each eligible building shall be shared by  
17 all cable and video providers whose systems pass the  
18 eligible buildings in an equitable and competitively  
19 neutral manner, and nothing herein shall require  
20 duplicative installations by more than one cable or video  
21 provider at each eligible building. Cable or video  
22 providers operating in a local unit of government shall  
23 meet as necessary and determine who will provide service to  
24 eligible buildings under this subsection (f). If the cable  
25 or video providers are unable to reach an agreement, they  
26 shall meet with the local unit of government, l which shall

1 determine which cable or video providers will serve each  
2 eligible building. The local unit of government shall bear  
3 the costs of any inside wiring or video equipment costs not  
4 ordinarily provided as part of the cable or video  
5 provider's basic offering.

6 (g) After the cable or video providers have offered service  
7 for one ~~(1)~~ year, the cable or video providers shall make an  
8 annual report to the Commission, to the local unit of  
9 government, and to the Attorney General that it is meeting the  
10 standards specified in this Article, identifying the number of  
11 complaints it received over the prior year in the State, and  
12 specifying the number of complaints related to each of the  
13 following: (1) billing, charges, refunds, and credits; (2)  
14 installation or termination of service; (3) quality of service  
15 and repair; (4) programming; and (5) miscellaneous complaints  
16 that do not fall within these categories. Thereafter, the cable  
17 or video providers shall also provide, upon request by the  
18 local unit of government where service is offered and to the  
19 Attorney General, an annual public report that includes  
20 performance data described in subdivisions (5) and (6) of  
21 subsection (d) and subdivisions (1) and (2) of subsection (e)  
22 ~~subsections (d) (5), (d) (6), (e) (1) and (e) (2)~~ of this Section  
23 for cable services or video services. The performance data  
24 shall be disaggregated for each requesting local unit of  
25 government or local exchange, as that term is defined in  
26 Section 13-206 of this ~~the Public Utilities~~ Act, in which the

1 cable or video providers have customers.

2 (h) To the extent consistent with federal law, cable or  
3 video providers shall offer the lowest-cost basic cable or  
4 video service as a stand-alone service to residential customers  
5 at reasonable rates. Cable or video providers shall not require  
6 the subscription to any service other than the lowest-cost  
7 basic service or to any telecommunications or information  
8 service, as a condition of access to cable or video service,  
9 including programming offered on a per channel or per program  
10 basis. Cable or video providers shall not discriminate between  
11 subscribers to the lowest-cost basic service, subscribers to  
12 other cable services or video services, and other subscribers  
13 with regard to the rates charged for cable or video programming  
14 offered on a per channel or per program basis.

15 (i) To the extent consistent with federal law, cable or  
16 video providers shall ensure that charges for changes in the  
17 subscriber's selection of services or equipment shall be based  
18 on the cost of such change and shall not exceed nominal amounts  
19 when the system's configuration permits changes in service tier  
20 selection to be effected solely by coded entry on a computer  
21 terminal or by other similarly simple method.

22 (j) To the extent consistent with federal law, cable or  
23 video providers shall have a rate structure for the provision  
24 of cable or video service that is uniform throughout the area  
25 within the boundaries of the local unit of government. This  
26 subsection (j) is not intended to prohibit bulk discounts to



1 multiple dwelling units or to prohibit reasonable discounts to  
2 senior citizens or other economically disadvantaged groups.

3 (k) To the extent consistent with federal law, cable or  
4 video providers shall not charge a subscriber for any service  
5 or equipment that the subscriber has not affirmatively  
6 requested by name. For purposes of this subsection (k), a  
7 subscriber's failure to refuse a cable or video provider's  
8 proposal to provide service or equipment shall not be deemed to  
9 be an affirmative request for such service or equipment.

10 (l) No contract or service offering cable services or video  
11 services or any bundle including such services shall be for a  
12 term longer than one year. Any contract or service offering  
13 with a term of service that contains an early termination fee  
14 shall limit the early termination fee to not more than the  
15 amount of the discount reflected in the price for cable  
16 services or video services for the period during which the  
17 consumer benefited from the discount.

18 (m) Cable or video providers shall not discriminate in the  
19 provision of services for the hearing and visually impaired,  
20 and shall comply with the accessibility requirements of 47  
21 U.S.C. 613. Cable or video providers shall deliver and pick-up~~r~~  
22 or provide customers with pre-paid shipping and packaging for  
23 the return of~~r~~ converters and other necessary equipment at the  
24 home of customers with disabilities. Cable or video providers  
25 shall provide free use of a converter or remote control unit to  
26 mobility impaired customers.

1           (n) (1) To the extent consistent with federal law, cable or  
2 video providers shall comply with the provisions of 47 U.S.C.  
3 532(h) and (j). The cable or video providers shall not exercise  
4 any editorial control over any video programming provided  
5 pursuant to this Section, or in any other way consider the  
6 content of such programming, except that a cable or video  
7 provider may refuse to transmit any leased access program or  
8 portion of a leased access program that ~~which~~ contains  
9 obscenity, indecency, or nudity and may consider such content  
10 to the minimum extent necessary to establish a reasonable price  
11 for the commercial use of designated channel capacity by an  
12 unaffiliated person. This subsection (n) shall permit cable or  
13 video providers to enforce prospectively a written and  
14 published policy of prohibiting programming that the cable or  
15 video provider reasonably believes describes or depicts sexual  
16 or excretory activities or organs in a patently offensive  
17 manner as measured by contemporary community standards.

18           (2) Upon customer request, the cable or video provider  
19 shall, without charge, fully scramble or otherwise fully  
20 block the audio and video programming of each channel  
21 carrying such programming so that a person who is not a  
22 subscriber does not receive the channel or programming.

23           (3) In providing sexually explicit adult programming  
24 or other programming that is indecent on any channel of its  
25 service primarily dedicated to sexually oriented  
26 programming, the cable or video provider shall fully

1           scramble or otherwise fully block the video and audio  
2           portion of such channel so that a person who is ~~one~~ not a  
3           subscriber to such channel or programming does not receive  
4           it.

5           (4) Scramble means to rearrange the content of the  
6           signal of the programming so that the programming cannot be  
7           viewed or heard in an understandable manner.

8           (o) Cable or video providers will maintain a listing,  
9           specific to the level of street address, of the areas where its  
10          cable or video services are available. Customers who inquire  
11          about purchasing cable or video service shall be informed about  
12          whether the cable or video provider's cable or video services  
13          are currently available to them at their specific location.

14          (p) ~~Privacy protections.~~ Cable or video providers shall not  
15          disclose the name, address, telephone number or other  
16          personally identifying information of a cable service or video  
17          service customer to be used in mailing lists or to be used for  
18          other commercial purposes not reasonably related to the conduct  
19          of its business unless the cable or video provider has provided  
20          to the customer a notice, separately or included in any other  
21          customer service notice, that clearly and conspicuously  
22          describes the customer's ability to prohibit the disclosure.  
23          Cable or video providers shall provide an address and telephone  
24          number for a customer to use without a toll charge to prevent  
25          disclosure of the customer's name and address in mailing lists  
26          or for other commercial purposes not reasonably related to the

1 conduct of its business to other businesses or affiliates of  
2 the cable or video provider. Cable or video providers shall  
3 comply with the consumer privacy requirements of the  
4 Communications Consumer Privacy Act, the Restricted Call  
5 Registry Act, and 47 U.S.C. 551 that are in effect as of June  
6 30, 2007 (the effective date of Public Act 95-9) ~~this~~  
7 ~~amendatory Act of the 95th General Assembly,~~ and as amended  
8 thereafter.

9 (q) Cable or video providers shall implement an informal  
10 process for handling inquiries from local units of government  
11 and customers concerning billing issues, service issues,  
12 privacy concerns, and other consumer complaints. In the event  
13 that an issue is not resolved through this informal process, a  
14 local unit of government or the customer may request nonbinding  
15 mediation with the cable or video provider, with each party to  
16 bear its own costs of such mediation. Selection of the mediator  
17 will be by mutual agreement, and preference will be given to  
18 mediation services that do not charge the consumer for their  
19 services. In the event that the informal process does not  
20 produce a satisfactory result to the customer or the local unit  
21 of government, enforcement may be pursued as provided in  
22 subdivision (4) of subsection (r) of this Section ~~(r)(4)~~.

23 (r) The Attorney General and the local unit of government  
24 may enforce all of the customer service and privacy protection  
25 standards of this Section with respect to complaints received  
26 from residents within the local unit of government's

1 jurisdiction, but it may not adopt or seek to enforce any  
2 additional or different customer service or performance  
3 standards under any other authority or provision of law.

4 (1) The local unit of government may, by ordinance,  
5 provide a schedule of penalties for any material breach of  
6 this Section by cable or video providers in addition to the  
7 penalties provided herein. No monetary penalties shall be  
8 assessed for a material breach if it is out of the  
9 reasonable control of the cable or video providers or its  
10 affiliate. Monetary penalties adopted in an ordinance  
11 pursuant to this Section shall apply on a competitively  
12 neutral basis to all providers of cable service or video  
13 service within the local unit of government's  
14 jurisdiction. In ~~and in~~ no event shall the penalties  
15 imposed under this subsection (r) exceed \$750 for each day  
16 of the material breach, and these penalties shall not  
17 exceed \$25,000 for each occurrence of a material breach per  
18 customer.

19 (2) For purposes of this Section, "material breach"  
20 means any substantial failure of a cable or video service  
21 provider to comply with service quality and other standards  
22 specified in any provision of this Act. The Attorney  
23 General or the local unit of government shall give the  
24 cable or video provider written notice of any alleged  
25 material breaches of this Act and allow such provider at  
26 least 30 days from receipt of the notice to remedy the

1 specified material breach.

2 (3) A material breach, for the purposes of assessing  
3 penalties, shall be deemed to have occurred for each day  
4 that a material breach has not been remedied by the cable  
5 service or video service provider after the expiration of  
6 the period specified in subdivision (2) of this subsection  
7 (r) ~~(r) (2)~~ in each local unit of government's jurisdiction,  
8 irrespective of the number of customers affected.

9 (4) Any customer, the Attorney General, or a local unit  
10 of government may pursue alleged violations of this Act by  
11 the cable or video provider in a court of competent  
12 jurisdiction. A cable or video provider may seek judicial  
13 review of a decision of a local unit of government imposing  
14 penalties in a court of competent jurisdiction. No local  
15 unit of government shall be subject to suit for damages or  
16 other relief based upon its action in connection with its  
17 enforcement or review of any of the terms, conditions, and  
18 rights contained in this Act except a court may require the  
19 return of any penalty it finds was not properly assessed or  
20 imposed.

21 (s) Cable or video providers shall credit customers for  
22 violations in the amounts stated herein. The credits shall be  
23 applied on the statement issued to the customer for the next  
24 monthly billing cycle following the violation or following the  
25 discovery of the violation. Cable or video providers are  
26 responsible for providing the credits described herein and the

1 customer is under no obligation to request the credit. If the  
2 customer is no longer taking service from the cable or video  
3 provider, the credit amount will be refunded to the customer by  
4 check within 30 days of the termination of service. A local  
5 unit of government may, by ordinance, adopt a schedule of  
6 credits payable directly to customers for breach of the  
7 customer service standards and obligations contained in this  
8 Article, provided the schedule of customer credits applies on a  
9 competitively neutral basis to all providers of cable service  
10 or video service in the local unit of government's jurisdiction  
11 and the credits are not greater than the credits provided in  
12 this Section.

13 (1) Failure to provide notice of customer service  
14 standards upon initiation of service: \$25.00.

15 (2) Failure to install service within 7 days: Waiver of  
16 50% of the installation fee or the monthly fee for the  
17 lowest-cost basic service, whichever is greater. Failure  
18 to install service within 14 days: Waiver of 100% of the  
19 installation fee or the monthly fee for the lowest-cost  
20 basic service, whichever is greater.

21 (3) Failure to remedy service interruptions or poor  
22 video or audio service quality within 48 hours: Pro-rata  
23 credit of total regular monthly charges equal to the number  
24 of days of the service interruption.

25 (4) Failure to keep an appointment or to notify the  
26 customer prior to the close of business on the business day

1 prior to the scheduled appointment: \$25.00.

2 (5) Violation of privacy protections: \$150.00.

3 (6) Failure to comply with scrambling requirements:  
4 \$50.00 per month.

5 (7) Violation of customer service and billing  
6 standards in subsections (c) and (d) of this Section:  
7 \$25.00 per occurrence.

8 (8) Violation of the bundling rules in subsection  
9 ~~Section~~ (h) of this Section: \$25.00 per month.

10 (t) The enforcement powers granted to the Attorney General  
11 in Article XXI of this ~~the Public Utilities~~ Act shall apply to  
12 this Article Act, except that the Attorney General may not seek  
13 penalties for violation of this Article Act other than in the  
14 amounts specified herein. Nothing in this Section shall limit  
15 or affect the powers of the Attorney General to enforce the  
16 provisions of Article XXI 21 of this ~~the Public Utilities~~ Act  
17 or the Consumer Fraud and Deceptive Business Practices Act.

18 (u) This Article Act applies to all cable and video  
19 providers in the State, including but not limited to those  
20 operating under a local franchise as that term is used in 47  
21 U.S.C. 522(9), those operating under authorization pursuant to  
22 Section 11-42-11 of the Illinois Municipal Code, those  
23 operating under authorization pursuant to Section 5-1095 of the  
24 Counties Code, and those operating under a State-issued  
25 authorization pursuant to Article XXI of this ~~the Public~~  
26 ~~Utilities~~ Act.



1 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

2 (220 ILCS 5/22-502)

3 Sec. 22-502 ~~70-502~~. The provisions of this Article are a  
4 limitation of home rule powers under subsection (h) of Section  
5 6 of Article VII of the Illinois Constitution.

6 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

7 (220 ILCS 5/22-503)

8 Sec. 22-503 ~~70-503~~. The provisions of this Article are  
9 severable under Section 1.31 of the Statute on Statutes.

10 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

11 Section 225. The Environmental Health Practitioner  
12 Licensing Act is amended by changing Section 22 as follows:

13 (225 ILCS 37/22)

14 (Section scheduled to be repealed on December 31, 2008)

15 Sec. 22. Environmental health practitioner in training.

16 (a) Any person who meets the educational qualifications  
17 specified in Section 20, but does not meet the experience  
18 requirement specified in that Section, may make application to  
19 the Department on a form prescribed by the Department for  
20 licensure as an environmental health practitioner in training.  
21 The Department shall license that person as an environmental  
22 health practitioner in training upon payment of the fee

1 required by this Act.

2 (b) An environmental health practitioner in training shall  
3 apply for licensure as an environmental health practitioner  
4 within 3 years of his or her licensure as an environmental  
5 health practitioner in training. The license may be renewed or  
6 extended as defined by rule of the Department. The Board may  
7 extend the licensure of any environmental health practitioner  
8 in training who furnishes, in writing, sufficient cause for not  
9 applying for examination as an environmental health  
10 practitioner within the 3-year period.

11 (c) An environmental health practitioner in training may  
12 engage in the practice of environmental health for a period not  
13 to exceed 6 years provided that he or she is supervised by a  
14 licensed professional engineer or a licensed environmental  
15 health practitioner as prescribed in this Act.

16 (Source: P.A. 92-837, eff. 8-22-02; revised 1-16-07.)

17 Section 230. The Health Care Worker Background Check Act is  
18 amended by changing Sections 25 and 40 as follows:

19 (225 ILCS 46/25)

20 Sec. 25. Persons ineligible to be hired by health care  
21 employers and long-term care facilities.

22 (a) In the discretion of the Director of Public Health, as  
23 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
24 or October 1, 2007, as applicable, and as is reasonably

1 practical, no health care employer shall knowingly hire,  
2 employ, or retain any individual in a position with duties  
3 involving direct care for clients, patients, or residents, and  
4 no long-term care facility shall knowingly hire, employ, or  
5 retain any individual in a position with duties that involve or  
6 may involve contact with residents or access to the living  
7 quarters or the financial, medical, or personal records of  
8 residents, who has been convicted of committing or attempting  
9 to commit one or more of the offenses defined in Sections  
10 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,  
11 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1,  
12 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2,  
13 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,  
14 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,  
15 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1,  
16 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,  
17 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those  
18 provided in Section 4 of the Wrongs to Children Act; those  
19 provided in Section 53 of the Criminal Jurisprudence Act; those  
20 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control  
21 Act; those defined in the Methamphetamine Control and Community  
22 Protection Act; or those defined in Sections 401, 401.1, 404,  
23 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances  
24 Act, unless the applicant or employee obtains a waiver pursuant  
25 to Section 40.

26 (a-1) In the discretion of the Director of Public Health,

1 as soon after January 1, 2004 or October 1, 2007, as  
2 applicable, and as is reasonably practical, no health care  
3 employer shall knowingly hire any individual in a position with  
4 duties involving direct care for clients, patients, or  
5 residents, and no long-term care facility shall knowingly hire  
6 any individual in a position with duties that involve or may  
7 involve contact with residents or access to the living quarters  
8 or the financial, medical, or personal records of residents,  
9 who has (i) been convicted of committing or attempting to  
10 commit one or more of the offenses defined in Section 12-3.3,  
11 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
12 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of  
13 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
14 and Debit Card Act; or Section 5.1 of the Wrongs to Children  
15 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
16 unless the applicant or employee obtains a waiver pursuant to  
17 Section 40 of this Act.

18 A health care employer is not required to retain an  
19 individual in a position with duties involving direct care for  
20 clients, patients, or residents, and no long-term care facility  
21 is required to retain an individual in a position with duties  
22 that involve or may involve contact with residents or access to  
23 the living quarters or the financial, medical, or personal  
24 records of residents, who has been convicted of committing or  
25 attempting to commit one or more of the offenses enumerated in  
26 this subsection.

1 (b) A health care employer shall not hire, employ, or  
2 retain any individual in a position with duties involving  
3 direct care of clients, patients, or residents, and no  
4 long-term care facility shall knowingly hire, employ, or retain  
5 any individual in a position with duties that involve or may  
6 involve contact with residents or access to the living quarters  
7 or the financial, medical, or personal records of residents, if  
8 the health care employer becomes aware that the individual has  
9 been convicted in another state of committing or attempting to  
10 commit an offense that has the same or similar elements as an  
11 offense listed in subsection (a) or (a-1), as verified by court  
12 records, records from a state agency, or an FBI criminal  
13 history record check, unless the applicant or employee obtains  
14 a waiver pursuant to Section 40 of this Act. This shall not be  
15 construed to mean that a health care employer has an obligation  
16 to conduct a criminal history records check in other states in  
17 which an employee has resided.

18 (Source: P.A. 94-556, eff. 9-11-05; 94-665, eff. 1-1-06;  
19 94-1053, eff. 7-24-06; 95-120, eff. 8-13-07; 95-639, eff.  
20 10-5-07; revised 11-15-07.)

21 (225 ILCS 46/40)

22 Sec. 40. Waiver.

23 (a) Any student, applicant, or employee listed on the  
24 Health Care Worker Registry may request a waiver of the  
25 prohibition against employment by:

1           (1) completing a waiver application on a form  
2           prescribed by the Department of Public Health;

3           (2) providing a written explanation of each conviction  
4           to include (i) what happened, (ii) how many years have  
5           passed since the offense, (iii) the individuals involved,  
6           (iv) the age of the applicant at the time of the offense,  
7           and (v) any other circumstances surrounding the offense;  
8           and

9           (3) providing official documentation showing that all  
10          fines have been paid, if applicable, and the date probation  
11          or parole was satisfactorily completed, if applicable.

12          (b) The applicant may, but is not required to, submit  
13          employment and character references and any other evidence  
14          demonstrating the ability of the applicant or employee to  
15          perform the employment responsibilities competently and  
16          evidence that the applicant or employee does not pose a threat  
17          to the health or safety of residents, patients, or clients.  
18          ~~Health care worker~~

19          (c) The Department of Public Health must inform health care  
20          employers if a waiver is being sought by entering a record on  
21          the Health Care Worker Registry that a waiver is pending and  
22          must act upon the waiver request within 30 days of receipt of  
23          all necessary information, as defined by rule. Except in cases  
24          where a rehabilitation waiver is granted, a letter shall be  
25          sent to the applicant notifying the applicant that he or she  
26          has received an automatic waiver.

1 (d) An individual shall not be employed from the time that  
2 the employer receives a notification from the Department of  
3 Public Health based upon the results of a fingerprint-based  
4 criminal history records check containing disqualifying  
5 conditions until the time that the individual receives a  
6 waiver.

7 (e) The entity responsible for inspecting, licensing,  
8 certifying, or registering the health care employer and the  
9 Department of Public Health shall be immune from liability for  
10 any waivers granted under this Section.

11 (f) A health care employer is not obligated to employ or  
12 offer permanent employment to an applicant, or to retain an  
13 employee who is granted a waiver under this Section.

14 (Source: P.A. 94-665, eff. 1-1-06; 95-120, eff. 8-13-07;  
15 95-545, eff. 8-28-07; revised 11-15-07.)

16 Section 235. The Health Care Worker Self-Referral Act is  
17 amended by changing Section 15 as follows:

18 (225 ILCS 47/15)

19 Sec. 15. Definitions. In this Act:

20 (a) "Board" means the Health Facilities Planning Board.

21 (b) "Entity" means any individual, partnership, firm,  
22 corporation, or other business that provides health services  
23 but does not include an individual who is a health care worker  
24 who provides professional services to an individual.

1           (c) "Group practice" means a group of 2 or more health care  
2 workers legally organized as a partnership, professional  
3 corporation, not-for-profit corporation, faculty practice plan  
4 or a similar association in which:

5           (1) each health care worker who is a member or employee  
6 or an independent contractor of the group provides  
7 substantially the full range of services that the health  
8 care worker routinely provides, including consultation,  
9 diagnosis, or treatment, through the use of office space,  
10 facilities, equipment, or personnel of the group;

11           (2) the services of the health care workers are  
12 provided through the group, and payments received for  
13 health services are treated as receipts of the group; and

14           (3) the overhead expenses and the income from the  
15 practice are distributed by methods previously determined  
16 by the group.

17           (d) "Health care worker" means any individual licensed  
18 under the laws of this State to provide health services,  
19 including but not limited to: dentists licensed under the  
20 Illinois Dental Practice Act; dental hygienists licensed under  
21 the Illinois Dental Practice Act; nurses and advanced practice  
22 nurses licensed under the Nurse Practice Act; occupational  
23 therapists licensed under the Illinois Occupational Therapy  
24 Practice Act; optometrists licensed under the Illinois  
25 Optometric Practice Act of 1987; pharmacists licensed under the  
26 Pharmacy Practice Act; physical therapists licensed under the



1 Illinois Physical Therapy Act; physicians licensed under the  
2 Medical Practice Act of 1987; physician assistants licensed  
3 under the Physician Assistant Practice Act of 1987; podiatrists  
4 licensed under the Podiatric Medical Practice Act of 1987;  
5 clinical psychologists licensed under the Clinical  
6 Psychologist Licensing Act; clinical social workers licensed  
7 under the Clinical Social Work and Social Work Practice Act;  
8 speech-language pathologists and audiologists licensed under  
9 the Illinois Speech-Language Pathology and Audiology Practice  
10 Act; or hearing instrument dispensers licensed under the  
11 Hearing Instrument Consumer Protection Act, or any of their  
12 successor Acts.

13 (e) "Health services" means health care procedures and  
14 services provided by or through a health care worker.

15 (f) "Immediate family member" means a health care worker's  
16 spouse, child, child's spouse, or a parent.

17 (g) "Investment interest" means an equity or debt security  
18 issued by an entity, including, without limitation, shares of  
19 stock in a corporation, units or other interests in a  
20 partnership, bonds, debentures, notes, or other equity  
21 interests or debt instruments except that investment interest  
22 for purposes of Section 20 does not include interest in a  
23 hospital licensed under the laws of the State of Illinois.

24 (h) "Investor" means an individual or entity directly or  
25 indirectly owning a legal or beneficial ownership or investment  
26 interest, (such as through an immediate family member, trust,

1 or another entity related to the investor).

2 (i) "Office practice" includes the facility or facilities  
3 at which a health care worker, on an ongoing basis, provides or  
4 supervises the provision of professional health services to  
5 individuals.

6 (j) "Referral" means any referral of a patient for health  
7 services, including, without limitation:

8 (1) The forwarding of a patient by one health care  
9 worker to another health care worker or to an entity  
10 outside the health care worker's office practice or group  
11 practice that provides health services.

12 (2) The request or establishment by a health care  
13 worker of a plan of care outside the health care worker's  
14 office practice or group practice that includes the  
15 provision of any health services.

16 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
17 revised 11-15-07.)

18 Section 240. The Nurse Practice Act is amended by changing  
19 Section 50-15 as follows:

20 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 50-15. Policy; application of Act.

23 (a) For the protection of life and the promotion of health,  
24 and the prevention of illness and communicable diseases, any

1 person practicing or offering to practice advanced,  
2 professional, or practical nursing in Illinois shall submit  
3 evidence that he or she is qualified to practice, and shall be  
4 licensed as provided under this Act. No person shall practice  
5 or offer to practice advanced, professional, or practical  
6 nursing in Illinois or use any title, sign, card or device to  
7 indicate that such a person is practicing professional or  
8 practical nursing unless such person has been licensed under  
9 the provisions of this Act.

10 (b) This Act does not prohibit the following:

11 (1) The practice of nursing in Federal employment in  
12 the discharge of the employee's duties by a person who is  
13 employed by the United States government or any bureau,  
14 division or agency thereof and is a legally qualified and  
15 licensed nurse of another state or territory and not in  
16 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of  
17 this Act.

18 (2) Nursing that is included in the program of study by  
19 students enrolled in programs of nursing or in current  
20 nurse practice update courses approved by the Department.

21 (3) The furnishing of nursing assistance in an  
22 emergency.

23 (4) The practice of nursing by a nurse who holds an  
24 active license in another state when providing services to  
25 patients in Illinois during a bonafide emergency or in  
26 immediate preparation for or during interstate transit.

1           (5) The incidental care of the sick by members of the  
2 family, domestic servants or housekeepers, or care of the  
3 sick where treatment is by prayer or spiritual means.

4           (6) Persons from being employed as unlicensed  
5 assistive personnel in private homes, long term care  
6 facilities, nurseries, hospitals or other institutions.

7           (7) The practice of practical nursing by one who is a  
8 licensed practical nurse under the laws of another U.S.  
9 jurisdiction and has applied in writing to the Department,  
10 in form and substance satisfactory to the Department, for a  
11 license as a licensed practical nurse and who is qualified  
12 to receive such license under this Act, until (i) the  
13 expiration of 6 months after the filing of such written  
14 application, (ii) the withdrawal of such application, or  
15 (iii) the denial of such application by the Department.

16           (8) The practice of advanced practice nursing by one  
17 who is an advanced practice nurse under the laws of another  
18 state, territory of the United States, or country and has  
19 applied in writing to the Department, in form and substance  
20 satisfactory to the Department, for a license as an  
21 advanced practice nurse and who is qualified to receive  
22 such license under this Act, until (i) the expiration of 6  
23 months after the filing of such written application, (ii)  
24 the withdrawal of such application, or (iii) the denial of  
25 such application by the Department.

26           (9) The practice of professional nursing by one who is

1 a registered professional nurse under the laws of another  
2 state, territory of the United States or country and has  
3 applied in writing to the Department, in form and substance  
4 satisfactory to the Department, for a license as a  
5 registered professional nurse and who is qualified to  
6 receive such license under Section 55-10, until (1) the  
7 expiration of 6 months after the filing of such written  
8 application, (2) the withdrawal of such application, or (3)  
9 the denial of such application by the Department.

10 (10) The practice of professional nursing that is  
11 included in a program of study by one who is a registered  
12 professional nurse under the laws of another state or  
13 territory of the United States or foreign country,  
14 territory or province and who is enrolled in a graduate  
15 nursing education program or a program for the completion  
16 of a baccalaureate nursing degree in this State, which  
17 includes clinical supervision by faculty as determined by  
18 the educational institution offering the program and the  
19 health care organization where the practice of nursing  
20 occurs.

21 (11) Any person licensed in this State under any other  
22 Act from engaging in the practice for which she or he is  
23 licensed.

24 (12) Delegation to authorized direct care staff  
25 trained under Section 15.4 of the Mental Health and  
26 Developmental Disabilities Administrative Act consistent

1 with the policies of the Department.

2 ~~(13)~~ Nothing in this Act shall be construed to limit the  
3 delegation of tasks or duties by a physician, dentist, or  
4 podiatrist to a licensed practical nurse, a registered  
5 professional nurse, or other persons.

6 (Source: P.A. 95-639, eff. 10-5-07; revised 12-7-07.)

7 Section 245. The Collection Agency Act is amended by  
8 changing Section 9.1 as follows:

9 (225 ILCS 425/9.1)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 9.1. Communication with persons other than debtor. ~~(a)~~  
12 Any debt collector or collection agency communicating with any  
13 person other than the debtor for the purpose of acquiring  
14 location information about the debtor shall:

15 (1) identify himself or herself, state that he or she  
16 is confirming or correcting location information  
17 concerning the consumer, and, only if expressly requested,  
18 identify his or her employer;

19 (2) not state that the consumer owes any debt;

20 (3) not communicate with any person more than once  
21 unless requested to do so by the person or unless the debt  
22 collector or collection agency reasonably believes that  
23 the earlier response of the person is erroneous or  
24 incomplete and that the person now has correct or complete

1 location information;

2 (4) not communicate by postcard;

3 (5) not use any language or symbol on any envelope or  
4 in the contents of any communication effected by mail or  
5 telegram that indicates that the debt collector or  
6 collection agency is in the debt collection business or  
7 that the communication relates to the collection of a debt;  
8 and

9 (6) after the debt collector or collection agency knows  
10 the debtor is represented by an attorney with regard to the  
11 subject debt and has knowledge of or can readily ascertain  
12 the attorney's name and address, not communicate with any  
13 person other than the attorney, unless the attorney fails  
14 to respond within a reasonable period of time, not less  
15 than 30 days, to communication from the debt collector or  
16 collection agency.

17 (Source: P.A. 95-437, eff. 1-1-08; revised 11-15-07.)

18 Section 250. The Private Detective, Private Alarm, Private  
19 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
20 amended by changing Section 31-30 as follows:

21 (225 ILCS 447/31-30)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 31-30. Restrictions on firearms.

24 (a) Nothing in this Act or the rules adopted under this Act

1 shall authorize a person licensed as a fingerprint vendor or  
2 any employee of a licensed fingerprint vendor agency to possess  
3 or carry a firearm in the course of providing fingerprinting  
4 services.

5 (b) Nothing in this Act or the rules adopted under this Act  
6 shall grant or authorize the issuance of a firearm control  
7 ~~authorization~~ card to a fingerprint vendor or any employee of a  
8 licensed fingerprint vendor agency.

9 (Source: P.A. 95-613, eff. 9-11-07; revised 11-15-07.)

10 Section 255. The Illinois Public Aid Code is amended by  
11 changing Sections 8A-7.1 and 9A-11 as follows:

12 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

13 Sec. 8A-7.1. The Director, upon making a determination  
14 based upon information in the possession of the Illinois  
15 Department, that continuation in practice of a licensed health  
16 care professional would constitute an immediate danger to the  
17 public, shall submit a written communication to the Director of  
18 Professional Regulation indicating such determination and  
19 additionally providing a complete summary of the information  
20 upon which such determination is based, and recommending that  
21 the Director of Professional Regulation immediately suspend  
22 such person's license. All relevant evidence, or copies  
23 thereof, in the Illinois Department's possession may also be  
24 submitted in conjunction with the written communication. A copy



1 of such written communication, which is exempt from the copying  
2 and inspection provisions of the Freedom of Information Act,  
3 shall at the time of submittal to the Director of Professional  
4 Regulation be simultaneously mailed to the last known business  
5 address of such licensed health care professional by certified  
6 or registered postage, United States Mail, return receipt  
7 requested. Any evidence, or copies thereof, which is submitted  
8 in conjunction with the written communication is also exempt  
9 from the copying and inspection provisions of the Freedom of  
10 Information Act.

11 The Director, upon making a determination based upon  
12 information in the possession of the Illinois Department, that  
13 a licensed health care professional is willfully committing  
14 fraud upon the Illinois Department's medical assistance  
15 program, shall submit a written communication to the Director  
16 of Professional Regulation indicating such determination and  
17 additionally providing a complete summary of the information  
18 upon which such determination is based. All relevant evidence,  
19 or copies thereof, in the Illinois Department's possession may  
20 also be submitted in conjunction with the written  
21 communication.

22 Upon receipt of such written communication, the Director of  
23 Professional Regulation shall promptly investigate the  
24 allegations contained in such written communication. A copy of  
25 such written communication, which is exempt from the copying  
26 and inspection provisions of the Freedom of Information Act,

1 shall at the time of submission to the Director of Professional  
2 Regulation, be simultaneously mailed to the last known address  
3 of such licensed health care professional by certified or  
4 registered postage, United States Mail, return receipt  
5 requested. Any evidence, or copies thereof, which is submitted  
6 in conjunction with the written communication is also exempt  
7 from the copying and inspection provisions of the Freedom of  
8 Information Act.

9 For the purposes of this Section, "licensed health care  
10 professional" means any person licensed under the Illinois  
11 Dental Practice Act, the Nurse Practice Act, the Medical  
12 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric  
13 Medical Practice Act of 1987, or the Illinois Optometric  
14 Practice Act of 1987.

15 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
16 revised 11-15-07.)

17 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

18 Sec. 9A-11. Child Care.

19 (a) The General Assembly recognizes that families with  
20 children need child care in order to work. Child care is  
21 expensive and families with low incomes, including those who  
22 are transitioning from welfare to work, often struggle to pay  
23 the costs of day care. The General Assembly understands the  
24 importance of helping low income working families become and  
25 remain self-sufficient. The General Assembly also believes

1 that it is the responsibility of families to share in the costs  
2 of child care. It is also the preference of the General  
3 Assembly that all working poor families should be treated  
4 equally, regardless of their welfare status.

5 (b) To the extent resources permit, the Illinois Department  
6 shall provide child care services to parents or other relatives  
7 as defined by rule who are working or participating in  
8 employment or Department approved education or training  
9 programs. At a minimum, the Illinois Department shall cover the  
10 following categories of families:

11 (1) recipients of TANF under Article IV participating  
12 in work and training activities as specified in the  
13 personal plan for employment and self-sufficiency;

14 (2) families transitioning from TANF to work;

15 (3) families at risk of becoming recipients of TANF;

16 (4) families with special needs as defined by rule; and

17 (5) working families with very low incomes as defined  
18 by rule.

19 The Department shall specify by rule the conditions of  
20 eligibility, the application process, and the types, amounts,  
21 and duration of services. Eligibility for child care benefits  
22 and the amount of child care provided may vary based on family  
23 size, income, and other factors as specified by rule.

24 In determining income eligibility for child care benefits,  
25 the Department annually, at the beginning of each fiscal year,  
26 shall establish, by rule, one income threshold for each family

1 size, in relation to percentage of State median income for a  
2 family of that size, that makes families with incomes below the  
3 specified threshold eligible for assistance and families with  
4 incomes above the specified threshold ineligible for  
5 assistance. Through and including fiscal year 2007, the  
6 specified threshold must be no less than 50% of the  
7 then-current State median income for each family size.  
8 Beginning in fiscal year 2008, the specified threshold must be  
9 no less than 185% of the then-current federal poverty level for  
10 each family size.

11 In determining eligibility for assistance, the Department  
12 shall not give preference to any category of recipients or give  
13 preference to individuals based on their receipt of benefits  
14 under this Code.

15 The Department shall allocate \$7,500,000 annually for a  
16 test program for families who are income-eligible for child  
17 care assistance, who are not recipients of TANF under Article  
18 IV, and who need child care assistance to participate in  
19 education and training activities. The Department shall  
20 specify by rule the conditions of eligibility for this test  
21 program.

22 Nothing in this Section shall be construed as conferring  
23 entitlement status to eligible families.

24 The Illinois Department is authorized to lower income  
25 eligibility ceilings, raise parent co-payments, create waiting  
26 lists, or take such other actions during a fiscal year as are

1 necessary to ensure that child care benefits paid under this  
2 Article do not exceed the amounts appropriated for those child  
3 care benefits. These changes may be accomplished by emergency  
4 rule under Section 5-45 of the Illinois Administrative  
5 Procedure Act, except that the limitation on the number of  
6 emergency rules that may be adopted in a 24-month period shall  
7 not apply.

8 The Illinois Department may contract with other State  
9 agencies or child care organizations for the administration of  
10 child care services.

11 (c) Payment shall be made for child care that otherwise  
12 meets the requirements of this Section and applicable standards  
13 of State and local law and regulation, including any  
14 requirements the Illinois Department promulgates by rule in  
15 addition to the licensure requirements promulgated by the  
16 Department of Children and Family Services and Fire Prevention  
17 and Safety requirements promulgated by the Office of the State  
18 Fire Marshal and is provided in any of the following:

19 (1) a child care center which is licensed or exempt  
20 from licensure pursuant to Section 2.09 of the Child Care  
21 Act of 1969;

22 (2) a licensed child care home or home exempt from  
23 licensing;

24 (3) a licensed group child care home;

25 (4) other types of child care, including child care  
26 provided by relatives or persons living in the same home as

1 the child, as determined by the Illinois Department by  
2 rule.

3 (c-5) ~~(b-5)~~ Solely for the purposes of coverage under the  
4 Illinois Public Labor Relations Act, child and day care home  
5 providers, including licensed and license exempt,  
6 participating in the Department's child care assistance  
7 program shall be considered to be public employees and the  
8 State of Illinois shall be considered to be their employer as  
9 of the effective date of this amendatory Act of the 94th  
10 General Assembly, but not before. The State shall engage in  
11 collective bargaining with an exclusive representative of  
12 child and day care home providers participating in the child  
13 care assistance program concerning their terms and conditions  
14 of employment that are within the State's control. Nothing in  
15 this subsection shall be understood to limit the right of  
16 families receiving services defined in this Section to select  
17 child and day care home providers or supervise them within the  
18 limits of this Section. The State shall not be considered to be  
19 the employer of child and day care home providers for any  
20 purposes not specifically provided in this amendatory Act of  
21 the 94th General Assembly, including but not limited to,  
22 purposes of vicarious liability in tort and purposes of  
23 statutory retirement or health insurance benefits. Child and  
24 day care home providers shall not be covered by the State  
25 Employees Group Insurance Act of 1971.

26 In according child and day care home providers and their

1 selected representative rights under the Illinois Public Labor  
2 Relations Act, the State intends that the State action  
3 exemption to application of federal and State antitrust laws be  
4 fully available to the extent that their activities are  
5 authorized by this amendatory Act of the 94th General Assembly.

6 (d) The Illinois Department shall, by rule, require  
7 co-payments for child care services by any parent, including  
8 parents whose only income is from assistance under this Code.  
9 The co-payment shall be assessed based on a sliding scale based  
10 on family income, family size, and the number of children in  
11 care. Co-payments shall not be increased due solely to a change  
12 in the methodology for counting family income.

13 (d-5) The Illinois Department, in consultation with its  
14 Child Care and Development Advisory Council, shall develop a  
15 plan to revise the child care assistance program's co-payment  
16 scale. The plan shall be completed no later than February 1,  
17 2008, and shall include:

18 (1) findings as to the percentage of income that the  
19 average American family spends on child care and the  
20 relative amounts that low-income families and the average  
21 American family spend on other necessities of life;

22 (2) recommendations for revising the child care  
23 co-payment scale to assure that families receiving child  
24 care services from the Department are paying no more than  
25 they can reasonably afford;

26 (3) recommendations for revising the child care

1 co-payment scale to provide at-risk children with complete  
2 access to Preschool for All and Head Start; and

3 (4) recommendations for changes in child care program  
4 policies that affect the affordability of child care.

5 (e) (Blank).

6 (f) The Illinois Department shall, by rule, set rates to be  
7 paid for the various types of child care. Child care may be  
8 provided through one of the following methods:

9 (1) arranging the child care through eligible  
10 providers by use of purchase of service contracts or  
11 vouchers;

12 (2) arranging with other agencies and community  
13 volunteer groups for non-reimbursed child care;

14 (3) (blank); or

15 (4) adopting such other arrangements as the Department  
16 determines appropriate.

17 (f-5) (Blank).

18 (g) Families eligible for assistance under this Section  
19 shall be given the following options:

20 (1) receiving a child care certificate issued by the  
21 Department or a subcontractor of the Department that may be  
22 used by the parents as payment for child care and  
23 development services only; or

24 (2) if space is available, enrolling the child with a  
25 child care provider that has a purchase of service contract  
26 with the Department or a subcontractor of the Department



1 for the provision of child care and development services.  
2 The Department may identify particular priority  
3 populations for whom they may request special  
4 consideration by a provider with purchase of service  
5 contracts, provided that the providers shall be permitted  
6 to maintain a balance of clients in terms of household  
7 incomes and families and children with special needs, as  
8 defined by rule.

9 (Source: P.A. 94-320, eff. 1-1-06; 95-206, eff. 8-16-07;  
10 95-322, eff. 1-1-08; revised 11-15-07.)

11 Section 260. The Elder Abuse and Neglect Act is amended by  
12 changing Section 2 as follows:

13 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

16 (a) "Abuse" means causing any physical, mental or sexual  
17 injury to an eligible adult, including exploitation of such  
18 adult's financial resources.

19 Nothing in this Act shall be construed to mean that an  
20 eligible adult is a victim of abuse, neglect, or self-neglect  
21 for the sole reason that he or she is being furnished with or  
22 relies upon treatment by spiritual means through prayer alone,  
23 in accordance with the tenets and practices of a recognized  
24 church or religious denomination.

1           Nothing in this Act shall be construed to mean that an  
2 eligible adult is a victim of abuse because of health care  
3 services provided or not provided by licensed health care  
4 professionals.

5           (a-5) "Abuser" means a person who abuses, neglects, or  
6 financially exploits an eligible adult.

7           (a-7) "Caregiver" means a person who either as a result of  
8 a family relationship, voluntarily, or in exchange for  
9 compensation has assumed responsibility for all or a portion of  
10 the care of an eligible adult who needs assistance with  
11 activities of daily living.

12           (b) "Department" means the Department on Aging of the State  
13 of Illinois.

14           (c) "Director" means the Director of the Department.

15           (d) "Domestic living situation" means a residence where the  
16 eligible adult lives alone or with his or her family or a  
17 caregiver, or others, or a board and care home or other  
18 community-based unlicensed facility, but is not:

19           (1) A licensed facility as defined in Section 1-113 of  
20 the Nursing Home Care Act;

21           (2) A "life care facility" as defined in the Life Care  
22 Facilities Act;

23           (3) A home, institution, or other place operated by the  
24 federal government or agency thereof or by the State of  
25 Illinois;

26           (4) A hospital, sanitarium, or other institution, the

1 principal activity or business of which is the diagnosis,  
2 care, and treatment of human illness through the  
3 maintenance and operation of organized facilities  
4 therefor, which is required to be licensed under the  
5 Hospital Licensing Act;

6 (5) A "community living facility" as defined in the  
7 Community Living Facilities Licensing Act;

8 (6) A "community residential alternative" as defined  
9 in the Community Residential Alternatives Licensing Act;

10 (7) A "community-integrated living arrangement" as  
11 defined in the Community-Integrated Living Arrangements  
12 Licensure and Certification Act;

13 (8) An assisted living or shared housing establishment  
14 as defined in the Assisted Living and Shared Housing Act;  
15 or

16 (9) A supportive living facility as described in  
17 Section 5-5.01a of the Illinois Public Aid Code.

18 (e) "Eligible adult" means a person 60 years of age or  
19 older who resides in a domestic living situation and is, or is  
20 alleged to be, abused, neglected, or financially exploited by  
21 another individual or who neglects himself or herself.

22 (f) "Emergency" means a situation in which an eligible  
23 adult is living in conditions presenting a risk of death or  
24 physical, mental or sexual injury and the provider agency has  
25 reason to believe the eligible adult is unable to consent to  
26 services which would alleviate that risk.

1 (f-5) "Mandated reporter" means any of the following  
2 persons while engaged in carrying out their professional  
3 duties:

4 (1) a professional or professional's delegate while  
5 engaged in: (i) social services, (ii) law enforcement,  
6 (iii) education, (iv) the care of an eligible adult or  
7 eligible adults, or (v) any of the occupations required to  
8 be licensed under the Clinical Psychologist Licensing Act,  
9 the Clinical Social Work and Social Work Practice Act, the  
10 Illinois Dental Practice Act, the Dietetic and Nutrition  
11 Services Practice Act, the Marriage and Family Therapy  
12 Licensing Act, the Medical Practice Act of 1987, the  
13 Naprapathic Practice Act, the Nurse Practice Act, the  
14 Nursing Home Administrators Licensing and Disciplinary  
15 Act, the Illinois Occupational Therapy Practice Act, the  
16 Illinois Optometric Practice Act of 1987, the Pharmacy  
17 Practice Act, the Illinois Physical Therapy Act, the  
18 Physician Assistant Practice Act of 1987, the Podiatric  
19 Medical Practice Act of 1987, the Respiratory Care Practice  
20 Act, the Professional Counselor and Clinical Professional  
21 Counselor Licensing Act, the Illinois Speech-Language  
22 Pathology and Audiology Practice Act, the Veterinary  
23 Medicine and Surgery Practice Act of 2004, and the Illinois  
24 Public Accounting Act;

25 (2) an employee of a vocational rehabilitation  
26 facility prescribed or supervised by the Department of

1 Human Services;

2 (3) an administrator, employee, or person providing  
3 services in or through an unlicensed community based  
4 facility;

5 (4) any religious practitioner who provides treatment  
6 by prayer or spiritual means alone in accordance with the  
7 tenets and practices of a recognized church or religious  
8 denomination, except as to information received in any  
9 confession or sacred communication enjoined by the  
10 discipline of the religious denomination to be held  
11 confidential;

12 (5) field personnel of the Department of Healthcare and  
13 Family Services, Department of Public Health, and  
14 Department of Human Services, and any county or municipal  
15 health department;

16 (6) personnel of the Department of Human Services, the  
17 Guardianship and Advocacy Commission, the State Fire  
18 Marshal, local fire departments, the Department on Aging  
19 and its subsidiary Area Agencies on Aging and provider  
20 agencies, and the Office of State Long Term Care Ombudsman;

21 (7) any employee of the State of Illinois not otherwise  
22 specified herein who is involved in providing services to  
23 eligible adults, including professionals providing medical  
24 or rehabilitation services and all other persons having  
25 direct contact with eligible adults;

26 (8) a person who performs the duties of a coroner or

1 medical examiner; or

2 (9) a person who performs the duties of a paramedic or  
3 an emergency medical technician.

4 (g) "Neglect" means another individual's failure to  
5 provide an eligible adult with or willful withholding from an  
6 eligible adult the necessities of life including, but not  
7 limited to, food, clothing, shelter or health care. This  
8 subsection does not create any new affirmative duty to provide  
9 support to eligible adults. Nothing in this Act shall be  
10 construed to mean that an eligible adult is a victim of neglect  
11 because of health care services provided or not provided by  
12 licensed health care professionals.

13 (h) "Provider agency" means any public or nonprofit agency  
14 in a planning and service area appointed by the regional  
15 administrative agency with prior approval by the Department on  
16 Aging to receive and assess reports of alleged or suspected  
17 abuse, neglect, or financial exploitation.

18 (i) "Regional administrative agency" means any public or  
19 nonprofit agency in a planning and service area so designated  
20 by the Department, provided that the designated Area Agency on  
21 Aging shall be designated the regional administrative agency if  
22 it so requests. The Department shall assume the functions of  
23 the regional administrative agency for any planning and service  
24 area where another agency is not so designated.

25 (i-5) "Self-neglect" means a condition that is the result  
26 of an eligible adult's inability, due to physical or mental

1 impairments, or both, or a diminished capacity, to perform  
2 essential self-care tasks that substantially threaten his or  
3 her own health, including: providing essential food, clothing,  
4 shelter, and health care; and obtaining goods and services  
5 necessary to maintain physical health, mental health,  
6 emotional well-being, and general safety.

7 (j) "Substantiated case" means a reported case of alleged  
8 or suspected abuse, neglect, financial exploitation, or  
9 self-neglect in which a provider agency, after assessment,  
10 determines that there is reason to believe abuse, neglect, or  
11 financial exploitation has occurred.

12 (Source: P.A. 94-1064, eff. 1-1-07; 95-639, eff. 10-5-07;  
13 95-689, eff. 10-29-07; revised 11-15-07.)

14 Section 265. The Senior Citizens and Disabled Persons  
15 Property Tax Relief and Pharmaceutical Assistance Act is  
16 amended by changing Section 4 as follows:

17 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

18 Sec. 4. Amount of Grant.

19 (a) In general. Any individual 65 years or older or any  
20 individual who will become 65 years old during the calendar  
21 year in which a claim is filed, and any surviving spouse of  
22 such a claimant, who at the time of death received or was  
23 entitled to receive a grant pursuant to this Section, which  
24 surviving spouse will become 65 years of age within the 24

1 months immediately following the death of such claimant and  
2 which surviving spouse but for his or her age is otherwise  
3 qualified to receive a grant pursuant to this Section, and any  
4 disabled person whose annual household income is less than the  
5 income eligibility limitation, as defined in subsection (a-5)  
6 and whose household is liable for payment of property taxes  
7 accrued or has paid rent constituting property taxes accrued  
8 and is domiciled in this State at the time he or she files his  
9 or her claim is entitled to claim a grant under this Act. With  
10 respect to claims filed by individuals who will become 65 years  
11 old during the calendar year in which a claim is filed, the  
12 amount of any grant to which that household is entitled shall  
13 be an amount equal to 1/12 of the amount to which the claimant  
14 would otherwise be entitled as provided in this Section,  
15 multiplied by the number of months in which the claimant was 65  
16 in the calendar year in which the claim is filed.

17 (a-5) Income eligibility limitation. For purposes of this  
18 Section, "income eligibility limitation" means an amount:

19 (i) for grant years before the 1998 grant year, less  
20 than \$14,000;

21 (ii) for the 1998 and 1999 grant year, less than  
22 \$16,000;

23 (iii) for grant years 2000 through 2007:

24 (A) less than \$21,218 for a household containing  
25 one person;

26 (B) less than \$28,480 for a household containing 2



1 persons; or

2 (C) less than \$35,740 for a household containing 3  
3 or more persons; or

4 (iv) for grant years 2008 and thereafter:

5 (A) less than \$22,218 for a household containing  
6 one person;

7 (B) less than \$29,480 for a household containing 2  
8 persons; or

9 (C) less than \$36,740 for a household containing 3  
10 or more persons.

11 (b) Limitation. Except as otherwise provided in  
12 subsections (a) and (f) of this Section, the maximum amount of  
13 grant which a claimant is entitled to claim is the amount by  
14 which the property taxes accrued which were paid or payable  
15 during the last preceding tax year or rent constituting  
16 property taxes accrued upon the claimant's residence for the  
17 last preceding taxable year exceeds 3 1/2% of the claimant's  
18 household income for that year but in no event is the grant to  
19 exceed (i) \$700 less 4.5% of household income for that year for  
20 those with a household income of \$14,000 or less or (ii) \$70 if  
21 household income for that year is more than \$14,000.

22 (c) Public aid recipients. If household income in one or  
23 more months during a year includes cash assistance in excess of  
24 \$55 per month from the Department of Healthcare and Family  
25 Services or the Department of Human Services (acting as  
26 successor to the Department of Public Aid under the Department

1 of Human Services Act) which was determined under regulations  
2 of that Department on a measure of need that included an  
3 allowance for actual rent or property taxes paid by the  
4 recipient of that assistance, the amount of grant to which that  
5 household is entitled, except as otherwise provided in  
6 subsection (a), shall be the product of (1) the maximum amount  
7 computed as specified in subsection (b) of this Section and (2)  
8 the ratio of the number of months in which household income did  
9 not include such cash assistance over \$55 to the number twelve.  
10 If household income did not include such cash assistance over  
11 \$55 for any months during the year, the amount of the grant to  
12 which the household is entitled shall be the maximum amount  
13 computed as specified in subsection (b) of this Section. For  
14 purposes of this paragraph (c), "cash assistance" does not  
15 include any amount received under the federal Supplemental  
16 Security Income (SSI) program.

17 (d) Joint ownership. If title to the residence is held  
18 jointly by the claimant with a person who is not a member of  
19 his or her household, the amount of property taxes accrued used  
20 in computing the amount of grant to which he or she is entitled  
21 shall be the same percentage of property taxes accrued as is  
22 the percentage of ownership held by the claimant in the  
23 residence.

24 (e) More than one residence. If a claimant has occupied  
25 more than one residence in the taxable year, he or she may  
26 claim only one residence for any part of a month. In the case

1 of property taxes accrued, he or she shall prorate 1/12 of the  
2 total property taxes accrued on his or her residence to each  
3 month that he or she owned and occupied that residence; and, in  
4 the case of rent constituting property taxes accrued, shall  
5 prorate each month's rent payments to the residence actually  
6 occupied during that month.

7 (f) There is hereby established a program of pharmaceutical  
8 assistance to the aged and disabled which shall be administered  
9 by the Department in accordance with this Act, to consist of  
10 payments to authorized pharmacies, on behalf of beneficiaries  
11 of the program, for the reasonable costs of covered  
12 prescription drugs. Each beneficiary who pays \$5 for an  
13 identification card shall pay no additional prescription  
14 costs. Each beneficiary who pays \$25 for an identification card  
15 shall pay \$3 per prescription. In addition, after a beneficiary  
16 receives \$2,000 in benefits during a State fiscal year, that  
17 beneficiary shall also be charged 20% of the cost of each  
18 prescription for which payments are made by the program during  
19 the remainder of the fiscal year. To become a beneficiary under  
20 this program a person must: (1) be (i) 65 years of age or  
21 older, or (ii) the surviving spouse of such a claimant, who at  
22 the time of death received or was entitled to receive benefits  
23 pursuant to this subsection, which surviving spouse will become  
24 65 years of age within the 24 months immediately following the  
25 death of such claimant and which surviving spouse but for his  
26 or her age is otherwise qualified to receive benefits pursuant

1 to this subsection, or (iii) disabled, and (2) be domiciled in  
2 this State at the time he or she files his or her claim, and (3)  
3 have a maximum household income of less than the income  
4 eligibility limitation, as defined in subsection (a-5). In  
5 addition, each eligible person must (1) obtain an  
6 identification card from the Department, (2) at the time the  
7 card is obtained, sign a statement assigning to the State of  
8 Illinois benefits which may be otherwise claimed under any  
9 private insurance plans, and (3) present the identification  
10 card to the dispensing pharmacist.

11 The Department may adopt rules specifying participation  
12 requirements for the pharmaceutical assistance program,  
13 including copayment amounts, identification card fees,  
14 expenditure limits, and the benefit threshold after which a 20%  
15 charge is imposed on the cost of each prescription, to be in  
16 effect on and after July 1, 2004. Notwithstanding any other  
17 provision of this paragraph, however, the Department may not  
18 increase the identification card fee above the amount in effect  
19 on May 1, 2003 without the express consent of the General  
20 Assembly. To the extent practicable, those requirements shall  
21 be commensurate with the requirements provided in rules adopted  
22 by the Department of Healthcare and Family Services to  
23 implement the pharmacy assistance program under Section  
24 5-5.12a of the Illinois Public Aid Code.

25 Whenever a generic equivalent for a covered prescription  
26 drug is available, the Department shall reimburse only for the

1 reasonable costs of the generic equivalent, less the co-pay  
2 established in this Section, unless (i) the covered  
3 prescription drug contains one or more ingredients defined as a  
4 narrow therapeutic index drug at 21 CFR 320.33, (ii) the  
5 prescriber indicates on the face of the prescription "brand  
6 medically necessary", and (iii) the prescriber specifies that a  
7 substitution is not permitted. When issuing an oral  
8 prescription for covered prescription medication described in  
9 item (i) of this paragraph, the prescriber shall stipulate  
10 "brand medically necessary" and that a substitution is not  
11 permitted. If the covered prescription drug and its authorizing  
12 prescription do not meet the criteria listed above, the  
13 beneficiary may purchase the non-generic equivalent of the  
14 covered prescription drug by paying the difference between the  
15 generic cost and the non-generic cost plus the beneficiary  
16 co-pay.

17 Any person otherwise eligible for pharmaceutical  
18 assistance under this Act whose covered drugs are covered by  
19 any public program for assistance in purchasing any covered  
20 prescription drugs shall be ineligible for assistance under  
21 this Act to the extent such costs are covered by such other  
22 plan.

23 The fee to be charged by the Department for the  
24 identification card shall be equal to \$5 per coverage year for  
25 persons below the official poverty line as defined by the  
26 United States Department of Health and Human Services and \$25

1 per coverage year for all other persons.

2 In the event that 2 or more persons are eligible for any  
3 benefit under this Act, and are members of the same household,  
4 (1) each such person shall be entitled to participate in the  
5 pharmaceutical assistance program, provided that he or she  
6 meets all other requirements imposed by this subsection and (2)  
7 each participating household member contributes the fee  
8 required for that person by the preceding paragraph for the  
9 purpose of obtaining an identification card.

10 The provisions of this subsection (f), other than this  
11 paragraph, are inoperative after December 31, 2005.  
12 Beneficiaries who received benefits under the program  
13 established by this subsection (f) are not entitled, at the  
14 termination of the program, to any refund of the identification  
15 card fee paid under this subsection.

16 (g) Effective January 1, 2006, there is hereby established  
17 a program of pharmaceutical assistance to the aged and  
18 disabled, entitled the Illinois Seniors and Disabled Drug  
19 Coverage Program, which shall be administered by the Department  
20 of Healthcare and Family Services and the Department on Aging  
21 in accordance with this subsection, to consist of coverage of  
22 specified prescription drugs on behalf of beneficiaries of the  
23 program as set forth in this subsection. The program under this  
24 subsection replaces and supersedes the program established  
25 under subsection (f), which shall end at midnight on December  
26 31, 2005.

1 To become a beneficiary under the program established under  
2 this subsection, a person must:

3 (1) be (i) 65 years of age or older or (ii) disabled;  
4 and

5 (2) be domiciled in this State; and

6 (3) enroll with a qualified Medicare Part D  
7 Prescription Drug Plan if eligible and apply for all  
8 available subsidies under Medicare Part D; and

9 (4) have a maximum household income of (i) less than  
10 \$21,218 for a household containing one person, (ii) less  
11 than \$28,480 for a household containing 2 persons, or (iii)  
12 less than \$35,740 for a household containing 3 or more  
13 persons. If any income eligibility limit set forth in items  
14 (i) through (iii) is less than 200% of the Federal Poverty  
15 Level for any year, the income eligibility limit for that  
16 year for households of that size shall be income equal to  
17 or less than 200% of the Federal Poverty Level.

18 All individuals enrolled as of December 31, 2005, in the  
19 pharmaceutical assistance program operated pursuant to  
20 subsection (f) of this Section and all individuals enrolled as  
21 of December 31, 2005, in the SeniorCare Medicaid waiver program  
22 operated pursuant to Section 5-5.12a of the Illinois Public Aid  
23 Code shall be automatically enrolled in the program established  
24 by this subsection for the first year of operation without the  
25 need for further application, except that they must apply for  
26 Medicare Part D and the Low Income Subsidy under Medicare Part

1 D. A person enrolled in the pharmaceutical assistance program  
2 operated pursuant to subsection (f) of this Section as of  
3 December 31, 2005, shall not lose eligibility in future years  
4 due only to the fact that they have not reached the age of 65.

5 To the extent permitted by federal law, the Department may  
6 act as an authorized representative of a beneficiary in order  
7 to enroll the beneficiary in a Medicare Part D Prescription  
8 Drug Plan if the beneficiary has failed to choose a plan and,  
9 where possible, to enroll beneficiaries in the low-income  
10 subsidy program under Medicare Part D or assist them in  
11 enrolling in that program.

12 Beneficiaries under the program established under this  
13 subsection shall be divided into the following 5 eligibility  
14 groups:

15 (A) Eligibility Group 1 shall consist of beneficiaries  
16 who are not eligible for Medicare Part D coverage and who  
17 are:

18 (i) disabled and under age 65; or

19 (ii) age 65 or older, with incomes over 200% of the  
20 Federal Poverty Level; or

21 (iii) age 65 or older, with incomes at or below  
22 200% of the Federal Poverty Level and not eligible for  
23 federally funded means-tested benefits due to  
24 immigration status.

25 (B) Eligibility Group 2 shall consist of beneficiaries  
26 otherwise described in Eligibility Group 1 but who are



1 eligible for Medicare Part D coverage.

2 (C) Eligibility Group 3 shall consist of beneficiaries  
3 age 65 or older, with incomes at or below 200% of the  
4 Federal Poverty Level, who are not barred from receiving  
5 federally funded means-tested benefits due to immigration  
6 status and are eligible for Medicare Part D coverage.

7 (D) Eligibility Group 4 shall consist of beneficiaries  
8 age 65 or older, with incomes at or below 200% of the  
9 Federal Poverty Level, who are not barred from receiving  
10 federally funded means-tested benefits due to immigration  
11 status and are not eligible for Medicare Part D coverage.

12 If the State applies and receives federal approval for  
13 a waiver under Title XIX of the Social Security Act,  
14 persons in Eligibility Group 4 shall continue to receive  
15 benefits through the approved waiver, and Eligibility  
16 Group 4 may be expanded to include disabled persons under  
17 age 65 with incomes under 200% of the Federal Poverty Level  
18 who are not eligible for Medicare and who are not barred  
19 from receiving federally funded means-tested benefits due  
20 to immigration status.

21 (E) On and after January 1, 2007, Eligibility Group 5  
22 shall consist of beneficiaries who are otherwise described  
23 in Eligibility Groups 2 and 3 who have a diagnosis of HIV  
24 or AIDS.

25 The program established under this subsection shall cover  
26 the cost of covered prescription drugs in excess of the

1 beneficiary cost-sharing amounts set forth in this paragraph  
2 that are not covered by Medicare. In 2006, beneficiaries shall  
3 pay a co-payment of \$2 for each prescription of a generic drug  
4 and \$5 for each prescription of a brand-name drug. In future  
5 years, beneficiaries shall pay co-payments equal to the  
6 co-payments required under Medicare Part D for "other  
7 low-income subsidy eligible individuals" pursuant to 42 CFR  
8 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and  
9 4, once the program established under this subsection and  
10 Medicare combined have paid \$1,750 in a year for covered  
11 prescription drugs, the beneficiary shall pay 20% of the cost  
12 of each prescription in addition to the co-payments set forth  
13 in this paragraph. For individuals in Eligibility Group 5, once  
14 the program established under this subsection and Medicare  
15 combined have paid \$1,750 in a year for covered prescription  
16 drugs, the beneficiary shall pay 20% of the cost of each  
17 prescription in addition to the co-payments set forth in this  
18 paragraph unless the drug is included in the formulary of the  
19 Illinois AIDS Drug Assistance Program operated by the Illinois  
20 Department of Public Health. If the drug is included in the  
21 formulary of the Illinois AIDS Drug Assistance Program,  
22 individuals in Eligibility Group 5 shall continue to pay the  
23 co-payments set forth in this paragraph after the program  
24 established under this subsection and Medicare combined have  
25 paid \$1,750 in a year for covered prescription drugs.

26 For beneficiaries eligible for Medicare Part D coverage,

1 the program established under this subsection shall pay 100% of  
2 the premiums charged by a qualified Medicare Part D  
3 Prescription Drug Plan for Medicare Part D basic prescription  
4 drug coverage, not including any late enrollment penalties.  
5 Qualified Medicare Part D Prescription Drug Plans may be  
6 limited by the Department of Healthcare and Family Services to  
7 those plans that sign a coordination agreement with the  
8 Department.

9 Notwithstanding Section 3.15, for purposes of the program  
10 established under this subsection, the term "covered  
11 prescription drug" has the following meanings:

12 For Eligibility Group 1, "covered prescription drug"  
13 means: (1) any cardiovascular agent or drug; (2) any  
14 insulin or other prescription drug used in the treatment of  
15 diabetes, including syringe and needles used to administer  
16 the insulin; (3) any prescription drug used in the  
17 treatment of arthritis; (4) any prescription drug used in  
18 the treatment of cancer; (5) any prescription drug used in  
19 the treatment of Alzheimer's disease; (6) any prescription  
20 drug used in the treatment of Parkinson's disease; (7) any  
21 prescription drug used in the treatment of glaucoma; (8)  
22 any prescription drug used in the treatment of lung disease  
23 and smoking-related illnesses; (9) any prescription drug  
24 used in the treatment of osteoporosis; and (10) any  
25 prescription drug used in the treatment of multiple  
26 sclerosis. The Department may add additional therapeutic

1 classes by rule. The Department may adopt a preferred drug  
2 list within any of the classes of drugs described in items  
3 (1) through (10) of this paragraph. The specific drugs or  
4 therapeutic classes of covered prescription drugs shall be  
5 indicated by rule.

6 For Eligibility Group 2, "covered prescription drug"  
7 means those drugs covered for Eligibility Group 1 that are  
8 also covered by the Medicare Part D Prescription Drug Plan  
9 in which the beneficiary is enrolled.

10 For Eligibility Group 3, "covered prescription drug"  
11 means those drugs covered by the Medicare Part D  
12 Prescription Drug Plan in which the beneficiary is  
13 enrolled.

14 For Eligibility Group 4, "covered prescription drug"  
15 means those drugs covered by the Medical Assistance Program  
16 under Article V of the Illinois Public Aid Code.

17 For Eligibility Group 5, for individuals otherwise  
18 described in Eligibility Group 2, "covered prescription  
19 drug" means: (1) those drugs covered for Eligibility Group  
20 2 that are also covered by the Medicare Part D Prescription  
21 Drug Plan in which the beneficiary is enrolled; and (2)  
22 those drugs included in the formulary of the Illinois AIDS  
23 Drug Assistance Program operated by the Illinois  
24 Department of Public Health that are also covered by the  
25 Medicare Part D Prescription Drug Plan in which the  
26 beneficiary is enrolled. For Eligibility Group 5, for

1 individuals otherwise described in Eligibility Group 3,  
2 "covered prescription drug" means those drugs covered by  
3 the Medicare Part D Prescription Drug Plan in which the  
4 beneficiary is enrolled.

5 An individual in Eligibility Group 1, 2, 3, 4, or 5 may opt  
6 to receive a \$25 monthly payment in lieu of the direct coverage  
7 described in this subsection.

8 Any person otherwise eligible for pharmaceutical  
9 assistance under this subsection whose covered drugs are  
10 covered by any public program is ineligible for assistance  
11 under this subsection to the extent that the cost of those  
12 drugs is covered by the other program.

13 The Department of Healthcare and Family Services shall  
14 establish by rule the methods by which it will provide for the  
15 coverage called for in this subsection. Those methods may  
16 include direct reimbursement to pharmacies or the payment of a  
17 capitated amount to Medicare Part D Prescription Drug Plans.

18 For a pharmacy to be reimbursed under the program  
19 established under this subsection, it must comply with rules  
20 adopted by the Department of Healthcare and Family Services  
21 regarding coordination of benefits with Medicare Part D  
22 Prescription Drug Plans. A pharmacy may not charge a  
23 Medicare-enrolled beneficiary of the program established under  
24 this subsection more for a covered prescription drug than the  
25 appropriate Medicare cost-sharing less any payment from or on  
26 behalf of the Department of Healthcare and Family Services.

1           The Department of Healthcare and Family Services or the  
2 Department on Aging, as appropriate, may adopt rules regarding  
3 applications, counting of income, proof of Medicare status,  
4 mandatory generic policies, and pharmacy reimbursement rates  
5 and any other rules necessary for the cost-efficient operation  
6 of the program established under this subsection.

7           (Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208,  
8 eff. 8-16-07; 95-644, eff. 10-12-07; revised 10-25-07.)

9           Section 270. The Abused and Neglected Child Reporting Act  
10 is amended by changing Section 4 as follows:

11           (325 ILCS 5/4) (from Ch. 23, par. 2054)

12           Sec. 4. Persons required to report; privileged  
13 communications; transmitting false report. Any physician,  
14 resident, intern, hospital, hospital administrator and  
15 personnel engaged in examination, care and treatment of  
16 persons, surgeon, dentist, dentist hygienist, osteopath,  
17 chiropractor, podiatrist, physician assistant, substance abuse  
18 treatment personnel, funeral home director or employee,  
19 coroner, medical examiner, emergency medical technician,  
20 acupuncturist, crisis line or hotline personnel, school  
21 personnel (including administrators and both certified and  
22 non-certified school employees), educational advocate assigned  
23 to a child pursuant to the School Code, member of a school  
24 board or the Chicago Board of Education or the governing body

1 of a private school (but only to the extent required in  
2 accordance with other provisions of this Section expressly  
3 concerning the duty of school board members to report suspected  
4 child abuse), truant officers, social worker, social services  
5 administrator, domestic violence program personnel, registered  
6 nurse, licensed practical nurse, genetic counselor,  
7 respiratory care practitioner, advanced practice nurse, home  
8 health aide, director or staff assistant of a nursery school or  
9 a child day care center, recreational program or facility  
10 personnel, law enforcement officer, licensed professional  
11 counselor, licensed clinical professional counselor,  
12 registered psychologist and assistants working under the  
13 direct supervision of a psychologist, psychiatrist, or field  
14 personnel of the Department of Healthcare and Family Services,  
15 Juvenile Justice, Public Health, Human Services (acting as  
16 successor to the Department of Mental Health and Developmental  
17 Disabilities, Rehabilitation Services, or Public Aid),  
18 Corrections, Human Rights, or Children and Family Services,  
19 supervisor and administrator of general assistance under the  
20 Illinois Public Aid Code, probation officer, or any other  
21 foster parent, homemaker or child care worker having reasonable  
22 cause to believe a child known to them in their professional or  
23 official capacity may be an abused child or a neglected child  
24 shall immediately report or cause a report to be made to the  
25 Department.

26 Any member of the clergy having reasonable cause to believe

1 that a child known to that member of the clergy in his or her  
2 professional capacity may be an abused child as defined in item  
3 (c) of the definition of "abused child" in Section 3 of this  
4 Act shall immediately report or cause a report to be made to  
5 the Department.

6 If an allegation is raised to a school board member during  
7 the course of an open or closed school board meeting that a  
8 child who is enrolled in the school district of which he or she  
9 is a board member is an abused child as defined in Section 3 of  
10 this Act, the member shall direct or cause the school board to  
11 direct the superintendent of the school district or other  
12 equivalent school administrator to comply with the  
13 requirements of this Act concerning the reporting of child  
14 abuse. For purposes of this paragraph, a school board member is  
15 granted the authority in his or her individual capacity to  
16 direct the superintendent of the school district or other  
17 equivalent school administrator to comply with the  
18 requirements of this Act concerning the reporting of child  
19 abuse.

20 Whenever such person is required to report under this Act  
21 in his capacity as a member of the staff of a medical or other  
22 public or private institution, school, facility or agency, or  
23 as a member of the clergy, he shall make report immediately to  
24 the Department in accordance with the provisions of this Act  
25 and may also notify the person in charge of such institution,  
26 school, facility or agency, or church, synagogue, temple,



1 mosque, or other religious institution, or his designated agent  
2 that such report has been made. Under no circumstances shall  
3 any person in charge of such institution, school, facility or  
4 agency, or church, synagogue, temple, mosque, or other  
5 religious institution, or his designated agent to whom such  
6 notification has been made, exercise any control, restraint,  
7 modification or other change in the report or the forwarding of  
8 such report to the Department.

9 The privileged quality of communication between any  
10 professional person required to report and his patient or  
11 client shall not apply to situations involving abused or  
12 neglected children and shall not constitute grounds for failure  
13 to report as required by this Act.

14 A member of the clergy may claim the privilege under  
15 Section 8-803 of the Code of Civil Procedure.

16 In addition to the above persons required to report  
17 suspected cases of abused or neglected children, any other  
18 person may make a report if such person has reasonable cause to  
19 believe a child may be an abused child or a neglected child.

20 Any person who enters into employment on and after July 1,  
21 1986 and is mandated by virtue of that employment to report  
22 under this Act, shall sign a statement on a form prescribed by  
23 the Department, to the effect that the employee has knowledge  
24 and understanding of the reporting requirements of this Act.  
25 The statement shall be signed prior to commencement of the  
26 employment. The signed statement shall be retained by the

1 employer. The cost of printing, distribution, and filing of the  
2 statement shall be borne by the employer.

3 The Department shall provide copies of this Act, upon  
4 request, to all employers employing persons who shall be  
5 required under the provisions of this Section to report under  
6 this Act.

7 Any person who knowingly transmits a false report to the  
8 Department commits the offense of disorderly conduct under  
9 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
10 1961". Any person who violates this provision a second or  
11 subsequent time shall be guilty of a Class 3 felony.

12 Any person who knowingly and willfully violates any  
13 provision of this Section other than a second or subsequent  
14 violation of transmitting a false report as described in the  
15 preceding paragraph, is guilty of a Class A misdemeanor for a  
16 first violation and a Class 4 felony for a second or subsequent  
17 violation; except that if the person acted as part of a plan or  
18 scheme having as its object the prevention of discovery of an  
19 abused or neglected child by lawful authorities for the purpose  
20 of protecting or insulating any person or entity from arrest or  
21 prosecution, the person is guilty of a Class 4 felony for a  
22 first offense and a Class 3 felony for a second or subsequent  
23 offense (regardless of whether the second or subsequent offense  
24 involves any of the same facts or persons as the first or other  
25 prior offense).

26 A child whose parent, guardian or custodian in good faith

1 selects and depends upon spiritual means through prayer alone  
2 for the treatment or cure of disease or remedial care may be  
3 considered neglected or abused, but not for the sole reason  
4 that his parent, guardian or custodian accepts and practices  
5 such beliefs.

6 A child shall not be considered neglected or abused solely  
7 because the child is not attending school in accordance with  
8 the requirements of Article 26 of the School Code, as amended.

9 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;  
10 95-461, eff. 8-27-07; revised 11-15-07.)

11 Section 275. The Developmental Disability and Mental  
12 Disability Services Act is amended by renumbering the heading  
13 of Article 10 as follows:

14 (405 ILCS 80/Art. X heading)

15 Article X ~~10~~. Workforce Task Force for  
16 Persons with Disabilities

17 Section 280. The Environmental Protection Act is amended by  
18 changing Sections 3.330 and 55.8 as follows:

19 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

20 Sec. 3.330. Pollution control facility.

21 (a) "Pollution control facility" is any waste storage site,  
22 sanitary landfill, waste disposal site, waste transfer

1 station, waste treatment facility, or waste incinerator. This  
2 includes sewers, sewage treatment plants, and any other  
3 facilities owned or operated by sanitary districts organized  
4 under the Metropolitan Water Reclamation District Act.

5 The following are not pollution control facilities:

6 (1) (blank);

7 (2) waste storage sites regulated under 40 CFR, Part  
8 761.42;

9 (3) sites or facilities used by any person conducting a  
10 waste storage, waste treatment, waste disposal, waste  
11 transfer or waste incineration operation, or a combination  
12 thereof, for wastes generated by such person's own  
13 activities, when such wastes are stored, treated, disposed  
14 of, transferred or incinerated within the site or facility  
15 owned, controlled or operated by such person, or when such  
16 wastes are transported within or between sites or  
17 facilities owned, controlled or operated by such person;

18 (4) sites or facilities at which the State is  
19 performing removal or remedial action pursuant to Section  
20 22.2 or 55.3;

21 (5) abandoned quarries used solely for the disposal of  
22 concrete, earth materials, gravel, or aggregate debris  
23 resulting from road construction activities conducted by a  
24 unit of government or construction activities due to the  
25 construction and installation of underground pipes, lines,  
26 conduit or wires off of the premises of a public utility

1 company which are conducted by a public utility;

2 (6) sites or facilities used by any person to  
3 specifically conduct a landscape composting operation;

4 (7) regional facilities as defined in the Central  
5 Midwest Interstate Low-Level Radioactive Waste Compact;

6 (8) the portion of a site or facility where coal  
7 combustion wastes are stored or disposed of in accordance  
8 with subdivision (r) (2) or (r) (3) of Section 21;

9 (9) the portion of a site or facility used for the  
10 collection, storage or processing of waste tires as defined  
11 in Title XIV;

12 (10) the portion of a site or facility used for  
13 treatment of petroleum contaminated materials by  
14 application onto or incorporation into the soil surface and  
15 any portion of that site or facility used for storage of  
16 petroleum contaminated materials before treatment. Only  
17 those categories of petroleum listed in Section 57.9(a) (3)  
18 are exempt under this subdivision (10);

19 (11) the portion of a site or facility where used oil  
20 is collected or stored prior to shipment to a recycling or  
21 energy recovery facility, provided that the used oil is  
22 generated by households or commercial establishments, and  
23 the site or facility is a recycling center or a business  
24 where oil or gasoline is sold at retail;

25 (11.5) processing sites or facilities that receive  
26 only on-specification used oil, as defined in 35 Ill.

1 Admin. Code 739, originating from used oil collectors for  
2 processing that is managed under 35 Ill. Admin. Code 739 to  
3 produce products for sale to off-site petroleum  
4 facilities, if these processing sites or facilities are:  
5 (i) located within a home rule unit of local government  
6 with a population of at least 30,000 according to the 2000  
7 federal census, that home rule unit of local government has  
8 been designated as an Urban Round II Empowerment Zone by  
9 the United States Department of Housing and Urban  
10 Development, and that home rule unit of local government  
11 has enacted an ordinance approving the location of the site  
12 or facility and provided funding for the site or facility;  
13 and (ii) in compliance with all applicable zoning  
14 requirements;

15 (12) the portion of a site or facility utilizing coal  
16 combustion waste for stabilization and treatment of only  
17 waste generated on that site or facility when used in  
18 connection with response actions pursuant to the federal  
19 Comprehensive Environmental Response, Compensation, and  
20 Liability Act of 1980, the federal Resource Conservation  
21 and Recovery Act of 1976, or the Illinois Environmental  
22 Protection Act or as authorized by the Agency;

23 (13) the portion of a site or facility accepting  
24 exclusively general construction or demolition debris,  
25 located in a county with a population over 700,000 as of  
26 January 1, 2000, and operated and located in accordance

1 with Section 22.38 of this Act;

2 (14) the portion of a site or facility, located within  
3 a unit of local government that has enacted local zoning  
4 requirements, used to accept, separate, and process  
5 uncontaminated broken concrete, with or without protruding  
6 metal bars, provided that the uncontaminated broken  
7 concrete and metal bars are not speculatively accumulated,  
8 are at the site or facility no longer than one year after  
9 their acceptance, and are returned to the economic  
10 mainstream in the form of raw materials or products;

11 (15) the portion of a site or facility located in a  
12 county with a population over 3,000,000 that has obtained  
13 local siting approval under Section 39.2 of this Act for a  
14 municipal waste incinerator on or before July 1, 2005 and  
15 that is used for a non-hazardous waste transfer station;  
16 ~~and~~

17 (16) a site or facility that temporarily holds in  
18 transit for 10 days or less, non-petruscible solid waste in  
19 original containers, no larger in capacity than 500  
20 gallons, provided that such waste is further transferred to  
21 a recycling, disposal, treatment, or storage facility on a  
22 non-contiguous site and provided such site or facility  
23 complies with the applicable 10-day transfer requirements  
24 of the federal Resource Conservation and Recovery Act of  
25 1976 and United States Department of Transportation  
26 hazardous material requirements. For purposes of this

1 Section only, "non-petruscible solid waste" means waste  
2 other than municipal garbage that does not rot or become  
3 putrid, including, but not limited to, paints, solvent,  
4 filters, and absorbents;~~;~~

5 (17) ~~(16)~~ the portion of a site or facility located in  
6 a county with a population greater than 3,000,000 that has  
7 obtained local siting approval, under Section 39.2 of this  
8 Act, for a municipal waste incinerator on or before July 1,  
9 2005 and that is used for wood combustion facilities for  
10 energy recovery that accept and burn only wood material, as  
11 included in a fuel specification approved by the Agency;~~;~~  
12 and~~;~~

13 (18) ~~(16)~~ a transfer station used exclusively for  
14 landscape waste, including a transfer station where  
15 landscape waste is ground to reduce its volume, where the  
16 landscape waste is held no longer than 24 hours from the  
17 time it was received.

18 (b) A new pollution control facility is:

19 (1) a pollution control facility initially permitted  
20 for development or construction after July 1, 1981; or

21 (2) the area of expansion beyond the boundary of a  
22 currently permitted pollution control facility; or

23 (3) a permitted pollution control facility requesting  
24 approval to store, dispose of, transfer or incinerate, for  
25 the first time, any special or hazardous waste.

26 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,



1 eff. 6-2-06; 95-131, eff. 8-13-07; 95-331, eff. 8-21-07;  
2 95-408, eff. 8-24-07; 95-177, eff. 1-1-08; revised 11-15-07.)

3 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

4 Sec. 55.8. Tire retailers.

5 (a) Any person selling new or used tires at retail or  
6 offering new or used tires for retail sale 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 used tire sold and delivered in this State,  
10 to be paid to the Department of Revenue and deposited into  
11 the Used Tire Management Fund, less a collection allowance  
12 of 10 cents per tire to be retained by the retail seller  
13 and a collection allowance of 10 cents per tire to be  
14 retained by the Department of Revenue and paid into the  
15 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~~;~~;

21 (2) accept for recycling used tires from customers, at  
22 the point of transfer, in a quantity equal to the number of  
23 new tires purchased; and

24 (3) post in a conspicuous place a written notice at  
25 least 8.5 by 11 inches in size that includes the universal

1 recycling symbol and the following statements: "DO NOT put  
2 used tires in the trash."; "Recycle your used tires."; and  
3 "State law requires us to accept used tires for recycling,  
4 in exchange for new tires purchased."

5 (b) A person who accepts used tires for recycling under  
6 subsection (a) shall not allow the tires to accumulate for  
7 periods of more than 90 days.

8 (c) The requirements of subsection (a) of this Section do  
9 not apply to mail order sales nor shall the retail sale of a  
10 motor vehicle be considered to be the sale of tires at retail  
11 or offering of tires for retail sale. Instead of filing  
12 returns, retailers of tires may remit the tire user fee of  
13 \$1.00 per tire to their suppliers of tires if the supplier of  
14 tires is a registered retailer of tires and agrees or otherwise  
15 arranges to collect and remit the tire fee to the Department of  
16 Revenue, notwithstanding the fact that the sale of the tire is  
17 a sale for resale and not a sale at retail. A tire supplier who  
18 enters into such an arrangement with a tire retailer shall be  
19 liable for the tax on all tires sold to the tire retailer and  
20 must (i) provide the tire retailer with a receipt that  
21 separately reflects the tire tax collected from the retailer on  
22 each transaction and (ii) accept used tires for recycling from  
23 the retailer's customers. The tire supplier shall be entitled  
24 to the collection allowance of 10 cents per tire.

25 The retailer of the tires must maintain in its books and  
26 records evidence that the appropriate fee was paid to the tire

1 supplier and that the tire supplier has agreed to remit the fee  
2 to the Department of Revenue for each tire sold by the  
3 retailer. Otherwise, the tire retailer shall be directly liable  
4 for the fee on all tires sold at retail. Tire retailers paying  
5 the fee to their suppliers are not entitled to the collection  
6 allowance of 10 cents per tire.

7 (d) The requirements of subsection (a) of this Section  
8 shall apply exclusively to tires to be used for vehicles  
9 defined in Section 1-217 of the Illinois Vehicle Code, aircraft  
10 tires, special mobile equipment, and implements of husbandry.

11 (e) The requirements of paragraph (1) of subsection (a) do  
12 not apply to the sale of reprocessed tires. For purposes of  
13 this Section, "reprocessed tire" means a used tire that has  
14 been recapped, retreaded, or regrooved and that has not been  
15 placed on a vehicle wheel rim.

16 (Source: P.A. 95-49, eff. 8-10-07; 95-331, eff. 8-21-07;  
17 revised 11-26-07.)

18 Section 285. The Fish and Aquatic Life Code is amended by  
19 changing Section 20-92 as follows:

20 (515 ILCS 5/20-92)

21 Sec. 20-92. Commercial roe dealer permit.

22 (a) Any resident wholesale aquatic life dealer who buys,  
23 sells, or ships roe from roe-bearing species, whether from the  
24 waters within or without the State, must annually procure a

1 commercial roe dealer permit from the Department in addition to  
2 an aquatic life dealers license ~~permit~~. The annual fee for a  
3 commercial roe dealer permit is \$500 for resident wholesale  
4 aquatic life dealers and \$1,500 for non-resident aquatic life  
5 dealers. All commercial roe dealer permits shall expire on May  
6 31 of each year.

7 (b) Legally licensed commercial roe dealer permit holders  
8 may designate up to 2 employees on their commercial roe dealer  
9 permit. Employees designated on a commercial roe dealer permit  
10 must retain a copy of this permit in their possession while  
11 transporting roe bearing fishes either whole or in part.

12 (c) A violation of this Section is a Class A misdemeanor  
13 with a minimum mandatory fine of \$500.

14 (Source: P.A. 95-147, eff. 8-14-07; revised 11-15-07.)

15 Section 290. The Wildlife Code is amended by changing  
16 Sections 2.25, 2.26, 2.33, and 3.5 as follows:

17 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

18 Sec. 2.25. It shall be unlawful for any person to take deer  
19 except (i) with a shotgun, handgun, or muzzleloading rifle or  
20 (ii) as provided by administrative rule, with a bow and arrow,  
21 or crossbow device for handicapped persons, as defined in  
22 Section 2.33, and persons age 62 or older during the open  
23 season of not more than 14 days which will be set annually by  
24 the Director between the dates of November 1st and December

1 31st, both inclusive, or a special 2-day, youth-only season  
2 between the dates of September 1 and October 31. For the  
3 purposes of this Section, legal handguns include any centerfire  
4 handguns of .30 caliber or larger with a minimum barrel length  
5 of 4 inches. The only legal ammunition for a centerfire handgun  
6 is a cartridge of .30 caliber or larger with a capability of at  
7 least 500 foot pounds of energy at the muzzle. Full metal  
8 jacket bullets may not be used to harvest deer.

9 The Department shall make administrative rules concerning  
10 management restrictions applicable to the firearm and bow and  
11 arrow season.

12 It shall be unlawful for any person to take deer except  
13 with a bow and arrow, or crossbow device for handicapped  
14 persons, as defined in Section 2.33, and persons age 62 or  
15 older during the open season for bow and arrow set annually by  
16 the Director between the dates of September 1st and January  
17 31st, both inclusive.

18 It shall be unlawful for any person to take deer except  
19 with (i) a muzzleloading rifle, or (ii) bow and arrow, or  
20 crossbow device for handicapped persons, as defined in Section  
21 2.33, and persons age 62 or older during the open season for  
22 muzzleloading rifles set annually by the Director.

23 The Director shall cause an administrative rule setting  
24 forth the prescribed rules and regulations, including bag and  
25 possession limits and those counties of the State where open  
26 seasons are established, to be published in accordance with

1 Sections 1.3 and 1.13 of this Act.

2 The Department may establish separate harvest periods for  
3 the purpose of managing or eradicating disease that has been  
4 found in the deer herd. This season shall be restricted to gun  
5 or bow and arrow hunting only. The Department shall publicly  
6 announce, via statewide news release, the season dates and  
7 shooting hours, the counties and sites open to hunting, permit  
8 requirements, application dates, hunting rules, legal weapons,  
9 and reporting requirements.

10 The Department is authorized to establish a separate  
11 harvest period at specific sites within the State for the  
12 purpose of harvesting surplus deer that cannot be taken during  
13 the regular season provided for the taking of deer. This season  
14 shall be restricted to gun or bow and arrow hunting only and  
15 shall be established during the period of September 1st to  
16 February 15th, both inclusive. The Department shall publish  
17 suitable prescribed rules and regulations established by  
18 administrative rule pertaining to management restrictions  
19 applicable to this special harvest program. The Department  
20 shall allow unused gun deer permits that are left over from a  
21 regular season for the taking of deer to be rolled over and  
22 used during any separate harvest period held within 6 months of  
23 the season for which those tags were issued at no additional  
24 cost to the permit holder subject to the management  
25 restrictions applicable to the special harvest program.

26 (Source: P.A. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,

1 eff. 8-21-07; revised 11-15-07.)

2 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

3 Sec. 2.26. Deer hunting permits. In this Section, "bona  
4 fide equity shareholder" means an individual who (1) purchased,  
5 for market price, publicly sold stock shares in a corporation,  
6 purchased shares of a privately-held corporation for a value  
7 equal to the percentage of the appraised value of the corporate  
8 assets represented by the ownership in the corporation, or is a  
9 member of a closely-held family-owned corporation and has  
10 purchased or been gifted with shares of stock in the  
11 corporation accurately reflecting his or her percentage of  
12 ownership and (2) intends to retain the ownership of the shares  
13 of stock for at least 5 years.

14 In this Section, "bona fide equity member" means an  
15 individual who (1) (i) became a member upon the formation of  
16 the limited liability company or (ii) has purchased a  
17 distributional interest in a limited liability company for a  
18 value equal to the percentage of the appraised value of the LLC  
19 assets represented by the distributional interest in the LLC  
20 and subsequently becomes a member of the company pursuant to  
21 Article 30 of the Limited Liability Company Act and who (2)  
22 intends to retain the membership for at least 5 years.

23 In this Section, "bona fide equity partner" means an  
24 individual who (1) (i) became a partner, either general or  
25 limited, upon the formation of a partnership or limited

1 partnership, or (ii) has purchased, acquired, or been gifted a  
2 partnership interest accurately representing his or her  
3 percentage distributional interest in the profits, losses, and  
4 assets of a partnership or limited partnership, (2) intends to  
5 retain ownership of the partnership interest for at least 5  
6 years, and (3) is a resident of Illinois.

7 Any person attempting to take deer shall first obtain a  
8 "Deer Hunting Permit" in accordance with prescribed  
9 regulations set forth in an Administrative Rule. Deer Hunting  
10 Permits shall be issued by the Department. The fee for a Deer  
11 Hunting Permit to take deer with either bow and arrow or gun  
12 shall not exceed \$15.00 for residents of the State. The  
13 Department may by administrative rule provide for non-resident  
14 deer hunting permits for which the fee will not exceed \$300 in  
15 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as  
16 provided below for non-resident landowners and non-resident  
17 archery hunters. The Department may by administrative rule  
18 provide for a non-resident archery deer permit consisting of  
19 not more than 2 harvest tags at a total cost not to exceed \$325  
20 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits  
21 shall be issued without charge to:

22 (a) Illinois landowners residing in Illinois who own at  
23 least 40 acres of Illinois land and wish to hunt their land  
24 only,

25 (b) resident tenants of at least 40 acres of commercial  
26 agricultural land where they will hunt, and



1           (c) Bona fide equity shareholders of a corporation,  
2           bona fide equity members of a limited liability company, or  
3           bona fide equity partners of a general or limited  
4           partnership which owns at least 40 acres of land in a  
5           county in Illinois who wish to hunt on the corporation's,  
6           company's, or partnership's land only. One permit shall be  
7           issued without charge to one bona fide equity shareholder,  
8           one bona fide equity member, or one bona fide equity  
9           partner for each 40 acres of land owned by the corporation,  
10          company, or partnership in a county; however, the number of  
11          permits issued without charge to bona fide equity  
12          shareholders of any corporation or bona fide equity members  
13          of a limited liability company in any county shall not  
14          exceed 15, and shall not exceed 3 in the case of bona fide  
15          equity partners of a partnership.

16          Bona fide landowners or tenants who do not wish to hunt  
17          only on the land they own, rent, or lease or bona fide equity  
18          shareholders, bona fide equity members, or bona fide equity  
19          partners who do not wish to hunt only on the land owned by the  
20          corporation, limited liability company, or partnership shall  
21          be charged the same fee as the applicant who is not a  
22          landowner, tenant, bona fide equity shareholder, bona fide  
23          equity member, or bona fide equity partner. Nonresidents of  
24          Illinois who own at least 40 acres of land and wish to hunt on  
25          their land only shall be charged a fee set by administrative  
26          rule. The method for obtaining these permits shall be

1 prescribed by administrative rule.

2 The deer hunting permit issued without fee shall be valid  
3 on all farm lands which the person to whom it is issued owns,  
4 leases or rents, except that in the case of a permit issued to  
5 a bona fide equity shareholder, bona fide equity member, or  
6 bona fide equity partner, the permit shall be valid on all  
7 lands owned by the corporation, limited liability company, or  
8 partnership in the county.

9 The standards and specifications for use of guns and bow  
10 and arrow for deer hunting shall be established by  
11 administrative rule.

12 No person may have in his possession any firearm not  
13 authorized by administrative rule for a specific hunting season  
14 when taking deer.

15 Persons having a firearm deer hunting permit shall be  
16 permitted to take deer only during the period from 1/2 hour  
17 before sunrise to 1/2 hour after sunset, and only during those  
18 days for which an open season is established for the taking of  
19 deer by use of shotgun, handgun, or muzzle loading rifle.

20 Persons having an archery deer hunting permit shall be  
21 permitted to take deer only during the period from 1/2 hour  
22 before sunrise to 1/2 hour after sunset, and only during those  
23 days for which an open season is established for the taking of  
24 deer by use of bow and arrow.

25 It shall be unlawful for any person to take deer by use of  
26 dogs, horses, automobiles, aircraft or other vehicles, or by

1 the use of salt or bait of any kind. An area is considered as  
2 baited during the presence of and for 10 consecutive days  
3 following the removal of bait. Nothing in this Section shall  
4 prohibit the use of a dog to track wounded deer. Any person  
5 using a dog for tracking wounded deer must maintain physical  
6 control of the dog at all times by means of a maximum 50 foot  
7 lead attached to the dog's collar or harness. Tracking wounded  
8 deer is permissible at night, but at no time outside of legal  
9 deer hunting hours or seasons shall any person handling or  
10 accompanying a dog being used for tracking wounded deer be in  
11 possession of any firearm or archery device. Persons tracking  
12 wounded deer with a dog during the firearm deer seasons shall  
13 wear blaze orange as required. Dog handlers tracking wounded  
14 deer with a dog are exempt from hunting license and deer permit  
15 requirements so long as they are accompanied by the licensed  
16 deer hunter who wounded the deer.

17 It shall be unlawful to possess or transport any wild deer  
18 which has been injured or killed in any manner upon a public  
19 highway or public right-of-way of this State unless exempted by  
20 administrative rule.

21 Persons hunting deer must have gun unloaded and no bow and  
22 arrow device shall be carried with the arrow in the nocked  
23 position during hours when deer hunting is unlawful.

24 It shall be unlawful for any person, having taken the legal  
25 limit of deer by gun, to further participate with gun in any  
26 deer hunting party.

1           It shall be unlawful for any person, having taken the legal  
2 limit of deer by bow and arrow, to further participate with bow  
3 and arrow in any deer hunting party.

4           The Department may prohibit upland game hunting during the  
5 gun deer season by administrative rule.

6           The Department shall not limit the number of non-resident  
7 either sex archery deer hunting permits to less than 20,000.

8           It shall be legal for handicapped persons, as defined in  
9 Section 2.33, and persons age 62 or older to utilize a crossbow  
10 device, as defined in Department rules, to take deer.

11           Any person who violates any of the provisions of this  
12 Section, including administrative rules, shall be guilty of a  
13 Class B misdemeanor.

14           (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,  
15 eff. 8-21-07; revised 11-15-07.)

16           (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

17           Sec. 2.33. Prohibitions.

18           (a) It is unlawful to carry or possess any gun in any State  
19 refuge unless otherwise permitted by administrative rule.

20           (b) It is unlawful to use or possess any snare or  
21 snare-like device, deadfall, net, or pit trap to take any  
22 species, except that snares not powered by springs or other  
23 mechanical devices may be used to trap fur-bearing mammals, in  
24 water sets only, if at least one-half of the snare noose is  
25 located underwater at all times.

1 (c) It is unlawful for any person at any time to take a  
2 wild mammal protected by this Act from its den by means of any  
3 mechanical device, spade, or digging device or to use smoke or  
4 other gases to dislodge or remove such mammal except as  
5 provided in Section 2.37.

6 (d) It is unlawful to use a ferret or any other small  
7 mammal which is used in the same or similar manner for which  
8 ferrets are used for the purpose of frightening or driving any  
9 mammals from their dens or hiding places.

10 (e) (Blank).

11 (f) It is unlawful to use spears, gigs, hooks or any like  
12 device to take any species protected by this Act.

13 (g) It is unlawful to use poisons, chemicals or explosives  
14 for the purpose of taking any species protected by this Act.

15 (h) It is unlawful to hunt adjacent to or near any peat,  
16 grass, brush or other inflammable substance when it is burning.

17 (i) It is unlawful to take, pursue or intentionally harass  
18 or disturb in any manner any wild birds or mammals by use or  
19 aid of any vehicle or conveyance, except as permitted by the  
20 Code of Federal Regulations for the taking of waterfowl. It is  
21 also unlawful to use the lights of any vehicle or conveyance or  
22 any light from or any light connected to the vehicle or  
23 conveyance in any area where wildlife may be found except in  
24 accordance with Section 2.37 of this Act; however, nothing in  
25 this Section shall prohibit the normal use of headlamps for the  
26 purpose of driving upon a roadway. Striped skunk, opossum, red

1 fox, gray fox, raccoon and coyote may be taken during the open  
2 season by use of a small light which is worn on the body or  
3 hand-held by a person on foot and not in any vehicle.

4 (j) It is unlawful to use any shotgun larger than 10 gauge  
5 while taking or attempting to take any of the species protected  
6 by this Act.

7 (k) It is unlawful to use or possess in the field any  
8 shotgun shell loaded with a shot size larger than lead BB or  
9 steel T (.20 diameter) when taking or attempting to take any  
10 species of wild game mammals (excluding white-tailed deer),  
11 wild game birds, migratory waterfowl or migratory game birds  
12 protected by this Act, except white-tailed deer as provided for  
13 in Section 2.26 and other species as provided for by subsection  
14 (l) or administrative rule.

15 (l) It is unlawful to take any species of wild game, except  
16 white-tailed deer, with a shotgun loaded with slugs unless  
17 otherwise provided for by administrative rule.

18 (m) It is unlawful to use any shotgun capable of holding  
19 more than 3 shells in the magazine or chamber combined, except  
20 on game breeding and hunting preserve areas licensed under  
21 Section 3.27 and except as permitted by the Code of Federal  
22 Regulations for the taking of waterfowl. If the shotgun is  
23 capable of holding more than 3 shells, it shall, while being  
24 used on an area other than a game breeding and shooting  
25 preserve area licensed pursuant to Section 3.27, be fitted with  
26 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding  
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who  
4 possess a permit to hunt from a vehicle as provided in this  
5 Section and persons otherwise permitted by law, to have or  
6 carry any gun in or on any vehicle, conveyance or aircraft,  
7 unless such gun is unloaded and enclosed in a case, except that  
8 at field trials authorized by Section 2.34 of this Act,  
9 unloaded guns or guns loaded with blank cartridges only, may be  
10 carried on horseback while not contained in a case, or to have  
11 or carry any bow or arrow device in or on any vehicle unless  
12 such bow or arrow device is unstrung or enclosed in a case, or  
13 otherwise made inoperable.

14 (o) It is unlawful to use any crossbow for the purpose of  
15 taking any wild birds or mammals, except as provided for in  
16 Section 2.33.

17 (p) It is unlawful to take game birds, migratory game birds  
18 or migratory waterfowl with a rifle, pistol, revolver or  
19 airgun.

20 (q) It is unlawful to fire a rifle, pistol, revolver or  
21 airgun on, over or into any waters of this State, including  
22 frozen waters.

23 (r) It is unlawful to discharge any gun or bow and arrow  
24 device along, upon, across, or from any public right-of-way or  
25 highway in this State.

26 (s) It is unlawful to use a silencer or other device to

1 muffle or mute the sound of the explosion or report resulting  
2 from the firing of any gun.

3 (t) It is unlawful for any person to trap or hunt, or  
4 intentionally or wantonly allow a dog to hunt, within or upon  
5 the land of another, or upon waters flowing over or standing on  
6 the land of another, without first obtaining permission from  
7 the owner or tenant. It shall be prima facie evidence that a  
8 person does not have permission of the owner or tenant if the  
9 person is unable to demonstrate to the law enforcement officer  
10 in the field that permission had been obtained. This provision  
11 may only be rebutted by testimony of the owner or tenant that  
12 permission had been given. Before enforcing this Section the  
13 law enforcement officer must have received notice from the  
14 owner or tenant of a violation of this Section. Statements made  
15 to the law enforcement officer regarding this notice shall not  
16 be rendered inadmissible by the hearsay rule when offered for  
17 the purpose of showing the required notice.

18 (u) It is unlawful for any person to discharge any firearm  
19 for the purpose of taking any of the species protected by this  
20 Act, or hunt with gun or dog, or intentionally or wantonly  
21 allow a dog to hunt, within 300 yards of an inhabited dwelling  
22 without first obtaining permission from the owner or tenant,  
23 except that while trapping, hunting with bow and arrow, hunting  
24 with dog and shotgun using shot shells only, or hunting with  
25 shotgun using shot shells only, or on licensed game breeding  
26 and hunting preserve areas, as defined in Section 3.27, on



1 property operated under a Migratory Waterfowl Hunting Area  
2 Permit, on federally owned and managed lands and on Department  
3 owned, managed, leased or controlled lands, a 100 yard  
4 restriction shall apply.

5 (v) It is unlawful for any person to remove fur-bearing  
6 mammals from, or to move or disturb in any manner, the traps  
7 owned by another person without written authorization of the  
8 owner to do so.

9 (w) It is unlawful for any owner of a dog to knowingly or  
10 wantonly allow his or her dog to pursue, harass or kill deer,  
11 except that nothing in this Section shall prohibit the tracking  
12 of wounded deer with a dog in accordance with the provisions of  
13 Section 2.26 of this Code.

14 (x) It is unlawful for any person to wantonly or carelessly  
15 injure or destroy, in any manner whatsoever, any real or  
16 personal property on the land of another while engaged in  
17 hunting or trapping thereon.

18 (y) It is unlawful to hunt wild game protected by this Act  
19 between one half hour after sunset and one half hour before  
20 sunrise, except that hunting hours between one half hour after  
21 sunset and one half hour before sunrise may be established by  
22 administrative rule for fur-bearing mammals.

23 (z) It is unlawful to take any game bird (excluding wild  
24 turkeys and crippled pheasants not capable of normal flight and  
25 otherwise irretrievable) protected by this Act when not flying.  
26 Nothing in this Section shall prohibit a person from carrying

1 an uncased, unloaded shotgun in a boat, while in pursuit of a  
2 crippled migratory waterfowl that is incapable of normal  
3 flight, for the purpose of attempting to reduce the migratory  
4 waterfowl to possession, provided that the attempt is made  
5 immediately upon downing the migratory waterfowl and is done  
6 within 400 yards of the blind from which the migratory  
7 waterfowl was downed. This exception shall apply only to  
8 migratory game birds that are not capable of normal flight.  
9 Migratory waterfowl that are crippled may be taken only with a  
10 shotgun as regulated by subsection (j) of this Section using  
11 shotgun shells as regulated in subsection (k) of this Section.

12 (aa) It is unlawful to use or possess any device that may  
13 be used for tree climbing or cutting, while hunting fur-bearing  
14 mammals.

15 (bb) It is unlawful for any person, except licensed game  
16 breeders, pursuant to Section 2.29 to import, carry into, or  
17 possess alive in this State any species of wildlife taken  
18 outside of this State, without obtaining permission to do so  
19 from the Director.

20 (cc) It is unlawful for any person to have in his or her  
21 possession any freshly killed species protected by this Act  
22 during the season closed for taking.

23 (dd) It is unlawful to take any species protected by this  
24 Act and retain it alive except as provided by administrative  
25 rule.

26 (ee) It is unlawful to possess any rifle while in the field

1 during gun deer season except as provided in Section 2.26 and  
2 administrative rules.

3 (ff) It is unlawful for any person to take any species  
4 protected by this Act, except migratory waterfowl, during the  
5 gun deer hunting season in those counties open to gun deer  
6 hunting, unless he or she wears, when in the field, a cap and  
7 upper outer garment of a solid blaze orange color, with such  
8 articles of clothing displaying a minimum of 400 square inches  
9 of blaze orange material.

10 (gg) It is unlawful during the upland game season for any  
11 person to take upland game with a firearm unless he or she  
12 wears, while in the field, a cap of solid blaze orange color.  
13 For purposes of this Act, upland game is defined as Bobwhite  
14 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
15 Cottontail and Swamp Rabbit.

16 (hh) It shall be unlawful to kill or cripple any species  
17 protected by this Act for which there is a daily bag limit  
18 without making a reasonable effort to retrieve such species and  
19 include such in the daily bag limit.

20 (ii) This Section shall apply only to those species  
21 protected by this Act taken within the State. Any species or  
22 any parts thereof, legally taken in and transported from other  
23 states or countries, may be possessed within the State, except  
24 as provided in this Section and Sections 2.35, 2.36 and 3.21.

25 (jj) Nothing contained in this Section shall prohibit the  
26 use of bow and arrow, prohibit the use of a crossbow by persons

1 age 62 or older, or prevent the Director from issuing permits  
2 to use a crossbow to handicapped persons as provided by  
3 administrative rule. As used herein, "handicapped persons"  
4 means those persons who have a permanent physical impairment  
5 due to injury or disease, congenital or acquired, which renders  
6 them so severely disabled as to be unable to use a conventional  
7 bow and arrow device. Permits will be issued only after the  
8 receipt of a physician's statement confirming the applicant is  
9 handicapped as defined above.

10 (kk) Nothing contained in this Section shall prohibit the  
11 Director from issuing permits to paraplegics or to other  
12 disabled persons who meet the requirements set forth in  
13 administrative rule to shoot or hunt from a vehicle as provided  
14 by that rule, provided that such is otherwise in accord with  
15 this Act.

16 (ll) Nothing contained in this Act shall prohibit the  
17 taking of aquatic life protected by the Fish and Aquatic Life  
18 Code or birds and mammals protected by this Act, except deer  
19 and fur-bearing mammals, from a boat not camouflaged or  
20 disguised to alter its identity or to further provide a place  
21 of concealment and not propelled by sail or mechanical power.  
22 However, only shotguns not larger than 10 gauge nor smaller  
23 than .410 bore loaded with not more than 3 shells of a shot  
24 size no larger than lead BB or steel T (.20 diameter) may be  
25 used to take species protected by this Act.

26 (mm) Nothing contained in this Act shall prohibit the use

1 of a shotgun, not larger than 10 gauge nor smaller than a 20  
2 gauge, with a rifled barrel.

3 (Source: P.A. 94-764, eff. 1-1-07; 95-196, eff. 1-1-08; 95-329,  
4 eff. 8-21-07; revised 10-25-07.)

5 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

6 Sec. 3.5. Penalties; probation.

7 (a) Any person who violates any of the provisions of  
8 Section 2.36a, including administrative rules, shall be guilty  
9 of a Class 3 felony, except as otherwise provided in subsection  
10 (b) of this Section and subsection (a) of Section 2.36a.

11 (b) Whenever any person who has not previously been  
12 convicted of, or placed on probation or court supervision for,  
13 any offense under Section 1.22, 2.36, or 2.36a or subsection  
14 (i) or (cc) of Section 2.33, the court may, without entering a  
15 judgment and with the person's consent, sentence the person to  
16 probation for a violation of Section 2.36a.

17 (1) When a person is placed on probation, the court  
18 shall enter an order specifying a period of probation of 24  
19 months and shall defer further proceedings in the case  
20 until the conclusion of the period or until the filing of a  
21 petition alleging violation of a term or condition of  
22 probation.

23 (2) The conditions of probation shall be that the  
24 person:

25 (A) Not violate any criminal statute of any

1 jurisdiction.

2 (B) Perform no less than 30 hours of community  
3 service, provided community service is available in  
4 the jurisdiction and is funded and approved by the  
5 county board.

6 (3) The court may, in addition to other conditions:

7 (A) Require that the person make a report to and  
8 appear in person before or participate with the court  
9 or courts, person, or social service agency as directed  
10 by the court in the order of probation.

11 (B) Require that the person pay a fine and costs.

12 (C) Require that the person refrain from  
13 possessing a firearm or other dangerous weapon.

14 (D) Prohibit the person from associating with any  
15 person who is actively engaged in any of the activities  
16 regulated by the permits issued or privileges granted  
17 by the Department of Natural Resources.

18 (4) Upon violation of a term or condition of probation,  
19 the court may enter a judgment on its original finding of  
20 guilt and proceed as otherwise provided.

21 (5) Upon fulfillment of the terms and conditions of  
22 probation, the court shall discharge the person and dismiss  
23 the proceedings against the person.

24 (6) A disposition of probation is considered to be a  
25 conviction for the purposes of imposing the conditions of  
26 probation, for appeal, and for administrative revocation

1 and suspension of licenses and privileges; however,  
2 discharge and dismissal under this Section is not a  
3 conviction for purposes of disqualification or  
4 disabilities imposed by law upon conviction of a crime.

5 (7) Discharge and dismissal under this Section may  
6 occur only once with respect to any person.

7 (8) If a person is convicted of an offense under this  
8 Act within 5 years subsequent to a discharge and dismissal  
9 under this Section, the discharge and dismissal under this  
10 Section shall be admissible in the sentencing proceeding  
11 for that conviction as a factor in aggravation.

12 (9) The Circuit Clerk shall notify the Department of  
13 State Police of all persons convicted of or placed under  
14 probation for violations of Section 2.36a.

15 (c) Any person who violates any of the provisions of  
16 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,  
17 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),  
18 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16 ~~3.11—~~  
19 ~~3.16, 3.19, 3.20, 3.21~~ ~~3.19—3.21~~ (except subsections (b),  
20 (c), (d), (e), (f), (f.5), (g), (h), and (i)), ~~and~~ 3.24, 3.25,  
21 and 3.26 (except subsection (f)), including administrative  
22 rules, shall be guilty of a Class B misdemeanor.

23 A person who violates Section 2.33b by using any computer  
24 software or service to remotely control a weapon that takes  
25 wildlife by remote operation is guilty of a Class B  
26 misdemeanor. A person who violates Section 2.33b by

1 facilitating a violation of Section 2.33b, including an owner  
2 of land in which remote control hunting occurs, a computer  
3 programmer who designs a program or software to facilitate  
4 remote control hunting, or a person who provides weapons or  
5 equipment to facilitate remote control hunting, is guilty of a  
6 Class A misdemeanor.

7 Any person who violates any of the provisions of Sections  
8 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall  
9 be guilty of a Class A misdemeanor. Any second or subsequent  
10 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

11 Any person who violates any of the provisions of this Act,  
12 including administrative rules, during such period when his  
13 license, privileges, or permit is revoked or denied by virtue  
14 of Section 3.36, shall be guilty of a Class A misdemeanor.

15 Any person who violates subsection (g), (i), (o), (p), (y),  
16 or (cc) of Section 2.33 shall be guilty of a Class A  
17 misdemeanor and subject to a fine of no less than \$500 and no  
18 more than \$5,000 in addition to other statutory penalties. In  
19 addition, the Department shall suspend the privileges, under  
20 this Act, of any person found guilty of violating Section  
21 2.33(cc) for a period of not less than one year.

22 Any person who violates any other of the provisions of this  
23 Act including administrative rules, unless otherwise stated,  
24 shall be guilty of a petty offense. Offenses committed by  
25 minors under the direct control or with the consent of a parent  
26 or guardian may subject the parent or guardian to the penalties



1 prescribed in this Section.

2 In addition to any fines imposed pursuant to the provisions  
3 of this Section or as otherwise provided in this Act, any  
4 person found guilty of unlawfully taking or possessing any  
5 species protected by this Act, shall be assessed a civil  
6 penalty for such species in accordance with the values  
7 prescribed in Section 2.36a of this Act. This civil penalty  
8 shall be imposed by the Circuit Court for the county within  
9 which the offense was committed at the time of the conviction.  
10 All penalties provided for in this Section shall be remitted to  
11 the Department in accordance with the same provisions provided  
12 for in Section 1.18 of this Act.

13 (Source: P.A. 94-222, eff. 7-14-05; 95-13, eff. 1-1-08; 95-196,  
14 eff. 1-1-08; 95-283, eff. 8-20-07; revised 11-15-07.)

15 Section 295. The Illinois Prescribed Burning Act is amended  
16 by changing Section 20 as follows:

17 (525 ILCS 37/20)

18 Sec. 20. Rules. The Department, in consultation with the  
19 Office of the State Fire Marshal ~~Marshall~~, shall promulgate  
20 rules to implement this Act, including but not limited to,  
21 rules governing prescribed burn manager certification and  
22 revocation and rules governing prescribed burn prescriptions.

23 (Source: P.A. 95-108, eff. 8-13-07; revised 11-15-07.)

1           Section 300. The Illinois Vehicle Code is amended by  
2 changing Sections 2-123, 3-609, 3-707, 3-806.1, 3-806.3,  
3 3-806.5, 3-806.6, 4-203, 6-103, 6-113, 6-201, 6-204, 6-205,  
4 6-206, 6-206.1, 6-206.2, 6-208, 6-208.1, 6-303, 6-510, 11-501,  
5 11-501.1, 11-501.8, 11-1301.3, 11-1426.1, and 12-610.1, by  
6 setting forth, renumbering, and changing multiple versions of  
7 Section 3-664, and by renumbering and changing multiple  
8 versions of Section 3-665 as follows:

9           (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

10          Sec. 2-123. Sale and Distribution of Information.

11          (a) Except as otherwise provided in this Section, the  
12 Secretary may make the driver's license, vehicle and title  
13 registration lists, in part or in whole, and any statistical  
14 information derived from these lists available to local  
15 governments, elected state officials, state educational  
16 institutions, and all other governmental units of the State and  
17 Federal Government requesting them for governmental purposes.  
18 The Secretary shall require any such applicant for services to  
19 pay for the costs of furnishing such services and the use of  
20 the equipment involved, and in addition is empowered to  
21 establish prices and charges for the services so furnished and  
22 for the use of the electronic equipment utilized.

23          (b) The Secretary is further empowered to and he may, in  
24 his discretion, furnish to any applicant, other than listed in  
25 subsection (a) of this Section, vehicle or driver data on a

1 computer tape, disk, other electronic format or computer  
2 processable medium, or printout at a fixed fee of \$250 for  
3 orders received before October 1, 2003 and \$500 for orders  
4 received on or after October 1, 2003, in advance, and require  
5 in addition a further sufficient deposit based upon the  
6 Secretary of State's estimate of the total cost of the  
7 information requested and a charge of \$25 for orders received  
8 before October 1, 2003 and \$50 for orders received on or after  
9 October 1, 2003, per 1,000 units or part thereof identified or  
10 the actual cost, whichever is greater. The Secretary is  
11 authorized to refund any difference between the additional  
12 deposit and the actual cost of the request. This service shall  
13 not be in lieu of an abstract of a driver's record nor of a  
14 title or registration search. This service may be limited to  
15 entities purchasing a minimum number of records as required by  
16 administrative rule. The information sold pursuant to this  
17 subsection shall be the entire vehicle or driver data list, or  
18 part thereof. The information sold pursuant to this subsection  
19 shall not contain personally identifying information unless  
20 the information is to be used for one of the purposes  
21 identified in subsection (f-5) of this Section. Commercial  
22 purchasers of driver and vehicle record databases shall enter  
23 into a written agreement with the Secretary of State that  
24 includes disclosure of the commercial use of the information to  
25 be purchased.

26 (b-1) The Secretary is further empowered to and may, in his

1 or her discretion, furnish vehicle or driver data on a computer  
2 tape, disk, or other electronic format or computer processible  
3 medium, at no fee, to any State or local governmental agency  
4 that uses the information provided by the Secretary to transmit  
5 data back to the Secretary that enables the Secretary to  
6 maintain accurate driving records, including dispositions of  
7 traffic cases. This information may be provided without fee not  
8 more often than once every 6 months.

9 (c) Secretary of State may issue registration lists. The  
10 Secretary of State may compile a list of all registered  
11 vehicles. Each list of registered vehicles shall be arranged  
12 serially according to the registration numbers assigned to  
13 registered vehicles and may contain in addition the names and  
14 addresses of registered owners and a brief description of each  
15 vehicle including the serial or other identifying number  
16 thereof. Such compilation may be in such form as in the  
17 discretion of the Secretary of State may seem best for the  
18 purposes intended.

19 (d) The Secretary of State shall furnish no more than 2  
20 current available lists of such registrations to the sheriffs  
21 of all counties and to the chiefs of police of all cities and  
22 villages and towns of 2,000 population and over in this State  
23 at no cost. Additional copies may be purchased by the sheriffs  
24 or chiefs of police at the fee of \$500 each or at the cost of  
25 producing the list as determined by the Secretary of State.  
26 Such lists are to be used for governmental purposes only.

1 (e) (Blank).

2 (e-1) (Blank).

3 (f) The Secretary of State shall make a title or  
4 registration search of the records of his office and a written  
5 report on the same for any person, upon written application of  
6 such person, accompanied by a fee of \$5 for each registration  
7 or title search. The written application shall set forth the  
8 intended use of the requested information. No fee shall be  
9 charged for a title or registration search, or for the  
10 certification thereof requested by a government agency. The  
11 report of the title or registration search shall not contain  
12 personally identifying information unless the request for a  
13 search was made for one of the purposes identified in  
14 subsection (f-5) of this Section. The report of the title or  
15 registration search shall not contain highly restricted  
16 personal information unless specifically authorized by this  
17 Code.

18 The Secretary of State shall certify a title or  
19 registration record upon written request. The fee for  
20 certification shall be \$5 in addition to the fee required for a  
21 title or registration search. Certification shall be made under  
22 the signature of the Secretary of State and shall be  
23 authenticated by Seal of the Secretary of State.

24 The Secretary of State may notify the vehicle owner or  
25 registrant of the request for purchase of his title or  
26 registration information as the Secretary deems appropriate.

1           No information shall be released to the requestor until  
2 expiration of a 10 day period. This 10 day period shall not  
3 apply to requests for information made by law enforcement  
4 officials, government agencies, financial institutions,  
5 attorneys, insurers, employers, automobile associated  
6 businesses, persons licensed as a private detective or firms  
7 licensed as a private detective agency under the Private  
8 Detective, Private Alarm, Private Security, Fingerprint  
9 Vendor, and Locksmith Act of 2004, who are employed by or are  
10 acting on behalf of law enforcement officials, government  
11 agencies, financial institutions, attorneys, insurers,  
12 employers, automobile associated businesses, and other  
13 business entities for purposes consistent with the Illinois  
14 Vehicle Code, the vehicle owner or registrant or other entities  
15 as the Secretary may exempt by rule and regulation.

16           Any misrepresentation made by a requestor of title or  
17 vehicle information shall be punishable as a petty offense,  
18 except in the case of persons licensed as a private detective  
19 or firms licensed as a private detective agency which shall be  
20 subject to disciplinary sanctions under Section 40-10 of the  
21 Private Detective, Private Alarm, Private Security,  
22 Fingerprint Vendor, and Locksmith Act of 2004.

23           (f-5) The Secretary of State shall not disclose or  
24 otherwise make available to any person or entity any personally  
25 identifying information obtained by the Secretary of State in  
26 connection with a driver's license, vehicle, or title

1 registration record unless the information is disclosed for one  
2 of the following purposes:

3 (1) For use by any government agency, including any  
4 court or law enforcement agency, in carrying out its  
5 functions, or any private person or entity acting on behalf  
6 of a federal, State, or local agency in carrying out its  
7 functions.

8 (2) For use in connection with matters of motor vehicle  
9 or driver safety and theft; motor vehicle emissions; motor  
10 vehicle product alterations, recalls, or advisories;  
11 performance monitoring of motor vehicles, motor vehicle  
12 parts, and dealers; and removal of non-owner records from  
13 the original owner records of motor vehicle manufacturers.

14 (3) For use in the normal course of business by a  
15 legitimate business or its agents, employees, or  
16 contractors, but only:

17 (A) to verify the accuracy of personal information  
18 submitted by an individual to the business or its  
19 agents, employees, or contractors; and

20 (B) if such information as so submitted is not  
21 correct or is no longer correct, to obtain the correct  
22 information, but only for the purposes of preventing  
23 fraud by, pursuing legal remedies against, or  
24 recovering on a debt or security interest against, the  
25 individual.

26 (4) For use in research activities and for use in

1 producing statistical reports, if the personally  
2 identifying information is not published, redisclosed, or  
3 used to contact individuals.

4 (5) For use in connection with any civil, criminal,  
5 administrative, or arbitral proceeding in any federal,  
6 State, or local court or agency or before any  
7 self-regulatory body, including the service of process,  
8 investigation in anticipation of litigation, and the  
9 execution or enforcement of judgments and orders, or  
10 pursuant to an order of a federal, State, or local court.

11 (6) For use by any insurer or insurance support  
12 organization or by a self-insured entity or its agents,  
13 employees, or contractors in connection with claims  
14 investigation activities, antifraud activities, rating, or  
15 underwriting.

16 (7) For use in providing notice to the owners of towed  
17 or impounded vehicles.

18 (8) For use by any person licensed as a private  
19 detective or firm licensed as a private detective agency  
20 under the Private Detective, Private Alarm, Private  
21 Security, Fingerprint Vendor, and Locksmith Act of 2004,  
22 private investigative agency or security service licensed  
23 in Illinois for any purpose permitted under this  
24 subsection.

25 (9) For use by an employer or its agent or insurer to  
26 obtain or verify information relating to a holder of a



1 commercial driver's license that is required under chapter  
2 313 of title 49 of the United States Code.

3 (10) For use in connection with the operation of  
4 private toll transportation facilities.

5 (11) For use by any requester, if the requester  
6 demonstrates it has obtained the written consent of the  
7 individual to whom the information pertains.

8 (12) For use by members of the news media, as defined  
9 in Section 1-148.5, for the purpose of newsgathering when  
10 the request relates to the operation of a motor vehicle or  
11 public safety.

12 (13) For any other use specifically authorized by law,  
13 if that use is related to the operation of a motor vehicle  
14 or public safety.

15 (f-6) The Secretary of State shall not disclose or  
16 otherwise make available to any person or entity any highly  
17 restricted personal information obtained by the Secretary of  
18 State in connection with a driver's license, vehicle, or title  
19 registration record unless specifically authorized by this  
20 Code.

21 (g) 1. The Secretary of State may, upon receipt of a  
22 written request and a fee of \$6 before October 1, 2003 and  
23 a fee of \$12 on and after October 1, 2003, furnish to the  
24 person or agency so requesting a driver's record. Such  
25 document may include a record of: current driver's license  
26 issuance information, except that the information on

1       judicial driving permits shall be available only as  
2       otherwise provided by this Code; convictions; orders  
3       entered revoking, suspending or cancelling a driver's  
4       license or privilege; and notations of accident  
5       involvement. All other information, unless otherwise  
6       permitted by this Code, shall remain confidential.  
7       Information released pursuant to a request for a driver's  
8       record shall not contain personally identifying  
9       information, unless the request for the driver's record was  
10      made for one of the purposes set forth in subsection (f-5)  
11      of this Section. The Secretary of State may, without fee,  
12      allow a parent or guardian of a person under the age of 18  
13      years, who holds an instruction permit or graduated  
14      driver's license, to view that person's driving record  
15      online, through a computer connection. The parent or  
16      guardian's online access to the driving record will  
17      terminate when the instruction permit or graduated  
18      driver's license holder reaches the age of 18.

19           2. The Secretary of State shall not disclose or  
20      otherwise make available to any person or entity any highly  
21      restricted personal information obtained by the Secretary  
22      of State in connection with a driver's license, vehicle, or  
23      title registration record unless specifically authorized  
24      by this Code. The Secretary of State may certify an  
25      abstract of a driver's record upon written request  
26      therefor. Such certification shall be made under the

1 signature of the Secretary of State and shall be  
2 authenticated by the Seal of his office.

3 3. All requests for driving record information shall be  
4 made in a manner prescribed by the Secretary and shall set  
5 forth the intended use of the requested information.

6 The Secretary of State may notify the affected driver  
7 of the request for purchase of his driver's record as the  
8 Secretary deems appropriate.

9 No information shall be released to the requester until  
10 expiration of a 10 day period. This 10 day period shall not  
11 apply to requests for information made by law enforcement  
12 officials, government agencies, financial institutions,  
13 attorneys, insurers, employers, automobile associated  
14 businesses, persons licensed as a private detective or  
15 firms licensed as a private detective agency under the  
16 Private Detective, Private Alarm, Private Security,  
17 Fingerprint Vendor, and Locksmith Act of 2004, who are  
18 employed by or are acting on behalf of law enforcement  
19 officials, government agencies, financial institutions,  
20 attorneys, insurers, employers, automobile associated  
21 businesses, and other business entities for purposes  
22 consistent with the Illinois Vehicle Code, the affected  
23 driver or other entities as the Secretary may exempt by  
24 rule and regulation.

25 Any misrepresentation made by a requestor of driver  
26 information shall be punishable as a petty offense, except

1 in the case of persons licensed as a private detective or  
2 firms licensed as a private detective agency which shall be  
3 subject to disciplinary sanctions under Section 40-10 of  
4 the Private Detective, Private Alarm, Private Security,  
5 Fingerprint Vendor, and Locksmith Act of 2004.

6 4. The Secretary of State may furnish without fee, upon  
7 the written request of a law enforcement agency, any  
8 information from a driver's record on file with the  
9 Secretary of State when such information is required in the  
10 enforcement of this Code or any other law relating to the  
11 operation of motor vehicles, including records of  
12 dispositions; documented information involving the use of  
13 a motor vehicle; whether such individual has, or previously  
14 had, a driver's license; and the address and personal  
15 description as reflected on said driver's record.

16 5. Except as otherwise provided in this Section, the  
17 Secretary of State may furnish, without fee, information  
18 from an individual driver's record on file, if a written  
19 request therefor is submitted by any public transit system  
20 or authority, public defender, law enforcement agency, a  
21 state or federal agency, or an Illinois local  
22 intergovernmental association, if the request is for the  
23 purpose of a background check of applicants for employment  
24 with the requesting agency, or for the purpose of an  
25 official investigation conducted by the agency, or to  
26 determine a current address for the driver so public funds

1 can be recovered or paid to the driver, or for any other  
2 purpose set forth in subsection (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of an  
4 abstract of a driver's record, without fee, subsequent to  
5 an arrest for a violation of Section 11-501 or a similar  
6 provision of a local ordinance. Such abstract may include  
7 records of dispositions; documented information involving  
8 the use of a motor vehicle as contained in the current  
9 file; whether such individual has, or previously had, a  
10 driver's license; and the address and personal description  
11 as reflected on said driver's record.

12 6. Any certified abstract issued by the Secretary of  
13 State or transmitted electronically by the Secretary of  
14 State pursuant to this Section, to a court or on request of  
15 a law enforcement agency, for the record of a named person  
16 as to the status of the person's driver's license shall be  
17 prima facie evidence of the facts therein stated and if the  
18 name appearing in such abstract is the same as that of a  
19 person named in an information or warrant, such abstract  
20 shall be prima facie evidence that the person named in such  
21 information or warrant is the same person as the person  
22 named in such abstract and shall be admissible for any  
23 prosecution under this Code and be admitted as proof of any  
24 prior conviction or proof of records, notices, or orders  
25 recorded on individual driving records maintained by the  
26 Secretary of State.

1           7. Subject to any restrictions contained in the  
2 Juvenile Court Act of 1987, and upon receipt of a proper  
3 request and a fee of \$6 before October 1, 2003 and a fee of  
4 \$12 on or after October 1, 2003, the Secretary of State  
5 shall provide a driver's record to the affected driver, or  
6 the affected driver's attorney, upon verification. Such  
7 record shall contain all the information referred to in  
8 paragraph 1 of this subsection (g) plus: any recorded  
9 accident involvement as a driver; information recorded  
10 pursuant to subsection (e) of Section 6-117 and paragraph  
11 (4) of subsection (a) of Section 6-204 of this Code. All  
12 other information, unless otherwise permitted by this  
13 Code, shall remain confidential.

14           (h) The Secretary shall not disclose social security  
15 numbers or any associated information obtained from the Social  
16 Security Administration except pursuant to a written request  
17 by, or with the prior written consent of, the individual  
18 except: (1) to officers and employees of the Secretary who have  
19 a need to know the social security numbers in performance of  
20 their official duties, (2) to law enforcement officials for a  
21 lawful, civil or criminal law enforcement investigation, and if  
22 the head of the law enforcement agency has made a written  
23 request to the Secretary specifying the law enforcement  
24 investigation for which the social security numbers are being  
25 sought, (3) to the United States Department of Transportation,  
26 or any other State, pursuant to the administration and

1 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
2 (4) pursuant to the order of a court of competent jurisdiction,  
3 or (5) to the Department of Healthcare and Family Services  
4 (formerly Department of Public Aid) for utilization in the  
5 child support enforcement duties assigned to that Department  
6 under provisions of the Illinois Public Aid Code after the  
7 individual has received advanced meaningful notification of  
8 what redisclosure is sought by the Secretary in accordance with  
9 the federal Privacy Act.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the  
12 Secretary of State's Office shall be confidential. No  
13 confidential information may be open to public inspection or  
14 the contents disclosed to anyone, except officers and employees  
15 of the Secretary who have a need to know the information  
16 contained in the medical reports and the Driver License Medical  
17 Advisory Board, unless so directed by an order of a court of  
18 competent jurisdiction.

19 (k) All fees collected under this Section shall be paid  
20 into the Road Fund of the State Treasury, except that (i) for  
21 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
22 driver's record shall be paid into the Secretary of State  
23 Special Services Fund, (ii) for fees collected on and after  
24 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
25 be paid into the Secretary of State Special Services Fund and  
26 \$6 shall be paid into the General Revenue Fund, and (iii) for

1 fees collected on and after October 1, 2003, 50% of the amounts  
2 collected pursuant to subsection (b) shall be paid into the  
3 General Revenue Fund.

4 (l) (Blank).

5 (m) Notations of accident involvement that may be disclosed  
6 under this Section shall not include notations relating to  
7 damage to a vehicle or other property being transported by a  
8 tow truck. This information shall remain confidential,  
9 provided that nothing in this subsection (m) shall limit  
10 disclosure of any notification of accident involvement to any  
11 law enforcement agency or official.

12 (n) Requests made by the news media for driver's license,  
13 vehicle, or title registration information may be furnished  
14 without charge or at a reduced charge, as determined by the  
15 Secretary, when the specific purpose for requesting the  
16 documents is deemed to be in the public interest. Waiver or  
17 reduction of the fee is in the public interest if the principal  
18 purpose of the request is to access and disseminate information  
19 regarding the health, safety, and welfare or the legal rights  
20 of the general public and is not for the principal purpose of  
21 gaining a personal or commercial benefit. The information  
22 provided pursuant to this subsection shall not contain  
23 personally identifying information unless the information is  
24 to be used for one of the purposes identified in subsection  
25 (f-5) of this Section.

26 (o) The redisclosure of personally identifying information



1 obtained pursuant to this Section is prohibited, except to the  
2 extent necessary to effectuate the purpose for which the  
3 original disclosure of the information was permitted.

4 (p) The Secretary of State is empowered to adopt rules to  
5 effectuate this Section.

6 (Source: P.A. 94-56, eff. 6-17-05; 95-201, eff. 1-1-08; 95-287,  
7 eff. 1-1-08; 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
8 revised 11-16-07.)

9 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

10 Sec. 3-609. Disabled Veterans' Plates. Any disabled  
11 veteran whose degree of disability has been declared to be 100%  
12 by the United States Department of Veterans Affairs and who has  
13 been or declared eligible for funds for the purchase of a motor  
14 vehicle of the first division or for a motor vehicle of the  
15 second division weighing not more than 8,000 pounds by the  
16 United States Federal Government because of his disability, may  
17 make application for the registration of one such vehicle, to  
18 the Secretary of State without the payment of any registration  
19 fee. The Secretary may, in his or her discretion, allow the  
20 plates to be issued as vanity or personalized plates in  
21 accordance with Section 3-405.1 of this Code. Registration  
22 shall be for a multi-year period effective in 1980 and may be  
23 issued staggered registration.

24 Any disabled veteran of World War I, of World War II, of  
25 the National Emergency between June 25, 1950 and January 31,

1 1955 or of the period beginning February 1, 1955 and ending on  
2 the day before the first day thereafter in which individuals  
3 (other than individuals liable for induction by reason of prior  
4 deferment) are no longer liable for induction for training and  
5 service into the armed forces under the Military Selective  
6 Service Act of 1967, or of any armed conflict involving the  
7 armed forces of the United States, who has a service-connected  
8 disability of such a nature that it would, if it had been  
9 incurred in World War II, have entitled him to be awarded an  
10 automobile by the United States Federal Government, or who is  
11 receiving compensation from the Veterans Administration for  
12 total service-connected disability, may make application to  
13 the Secretary of State for the registration of one motor  
14 vehicle of the first division without accompanying such  
15 application with the payment of any fee.

16 Renewal of such registration must be accompanied with  
17 documentation for eligibility of registration without fee  
18 unless the applicant has a permanent qualifying disability, and  
19 such registration plates may not be issued to any person not  
20 eligible therefor.

21 The Illinois Veterans Commission may assist in providing  
22 the documentation of disability.

23 Commencing with the 2009 registration year, any person  
24 eligible to receive license plates under this Section who has  
25 been approved for benefits under the Senior Citizens and  
26 Disabled Persons Property Tax Relief and Pharmaceutical

1 Assistance Act, or who has claimed and received a grant under  
2 that Act, shall pay a fee of \$24 instead of the fee otherwise  
3 provided in this Code for passenger cars displaying standard  
4 multi-year registration plates issued under Section 3-414.1,  
5 for motor vehicles registered at 8,000 pounds or less under  
6 Section 3-815(a), or for recreational vehicles registered at  
7 8,000 pounds or less under Section 3-815(b), for a second set  
8 of plates under this Section.

9 (Source: P.A. 95-157, eff. 1-1-08; 95-167, eff. 1-1-08; 95-353,  
10 eff. 1-1-08; revised 11-16-07.)

11 (625 ILCS 5/3-664)

12 Sec. 3-664. Gold Star license plates. Upon proper  
13 application, the Secretary of State shall issue registration  
14 plates designated as Gold Star license plates to any Illinois  
15 resident who is the surviving widow, widower, or parent of a  
16 person who served in the Armed Forces of the United States and  
17 lost his or her life while in service whether in peacetime or  
18 war. The surviving widow or widower and each surviving parent,  
19 or in the absence of a surviving parent, only one surviving  
20 sibling shall be issued one set of registration plates.  
21 Registration plates issued under this Section shall be for  
22 first division vehicles and second division vehicles of 8,000  
23 pounds or less. The Secretary may, in his or her discretion,  
24 allow the plates to be issued as vanity or personalized plates  
25 in accordance with Section 3-405.1 of this Code. An applicant

1 shall be charged only the appropriate registration fee.

2 (Source: P.A. 94-311, eff. 1-1-06; 94-343, eff. 1-1-06; 95-34,  
3 eff. 1-1-08; 95-331, eff. 8-21-07; 95-353, eff. 1-1-08; revised  
4 12-10-07.)

5 (625 ILCS 5/3-665)

6 Sec. 3-665 ~~3-664~~. Agriculture in the Classroom plates.

7 (a) The Secretary, upon receipt of all applicable fees and  
8 applications made in the form prescribed by the Secretary, may  
9 issue special registration plates designated as Agriculture in  
10 the Classroom license plates.

11 The special plates issued under this Section shall be  
12 affixed only to passenger vehicles of the first division or  
13 motor vehicles of the second division weighing not more than  
14 8,000 pounds.

15 Plates issued under this Section shall expire according to  
16 the multi-year procedure established by Section 3-414.1 of this  
17 Code.

18 (b) The design and color of the special plates shall be  
19 wholly within the discretion of the Secretary.

20 (c) An applicant for the special plate shall be charged a  
21 \$40 fee for original issuance in addition to the appropriate  
22 registration fee. Of this fee, \$25 shall be deposited into the  
23 Agriculture in the Classroom Fund and \$15 shall be deposited  
24 into the Secretary of State Special License Plate Fund, to be  
25 used by the Secretary to help defray the administrative

1 processing costs.

2 For each registration renewal period, a \$27 fee, in  
3 addition to the appropriate registration fee, shall be charged.  
4 Of this fee, \$25 shall be deposited into the Agriculture in the  
5 Classroom Fund and \$2 shall be deposited into the Secretary of  
6 State Special License Plate Fund.

7 (d) The Agriculture in the Classroom Fund is created as a  
8 special fund in the State treasury. All moneys in the  
9 Agriculture in the Classroom Fund shall be paid, subject to  
10 appropriation by the General Assembly and approval by the  
11 Secretary, to the Illinois Agricultural Association  
12 Foundation, a charitable organization that meets the  
13 requirements of Title 26, Section 501(c)(3) of the United  
14 States Code, to be used as grants to support Agriculture in the  
15 Classroom programming for public and private schools within  
16 Illinois.

17 (Source: P.A. 95-94, eff. 8-13-07; revised 12-10-07.)

18 (625 ILCS 5/3-667)

19 Sec. 3-667 ~~3-664~~. Korean Service license plates.

20 (a) In addition to any other special license plate, the  
21 Secretary, upon receipt of all applicable fees and applications  
22 made in the form prescribed by the Secretary of State, may  
23 issue special registration plates designated as Korean Service  
24 license plates to residents of Illinois who, on or after July  
25 27, 1954, participated in the United States Armed Forces in

1 Korea. The special plate issued under this Section shall be  
2 affixed only to passenger vehicles of the first division,  
3 motorcycles, motor vehicles of the second division weighing not  
4 more than 8,000 pounds, and recreational vehicles as defined by  
5 Section 1-169 of this Code. Plates issued under this Section  
6 shall expire according to the staggered multi-year procedure  
7 established by Section 3-414.1 of this Code.

8 (b) The design, color, and format of the plates shall be  
9 wholly within the discretion of the Secretary of State. The  
10 Secretary may, in his or her discretion, allow the plates to be  
11 issued as vanity or personalized plates in accordance with  
12 Section 3-405.1 of this Code. The plates are not required to  
13 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)  
14 of Section 3-412 of this Code. The Secretary shall prescribe  
15 the eligibility requirements and, in his or her discretion,  
16 shall approve and prescribe stickers or decals as provided  
17 under Section 3-412.

18 (c) An applicant shall be charged a \$15 fee for original  
19 issuance in addition to the applicable registration fee. Of  
20 this additional fee, \$13 shall be deposited into the Secretary  
21 of State Special License Plate Fund and \$2 shall be deposited  
22 into the Korean War Memorial Construction Fund a special fund  
23 in the State treasury.

24 (d) An individual who has been issued Korean Service  
25 license plates for a vehicle and who has been approved for  
26 benefits under the Senior Citizens and Disabled Persons

1 Property Tax Relief and Pharmaceutical Assistance Act shall pay  
2 the original issuance and the regular annual fee for the  
3 registration of the vehicle as provided in Section 3-806.3 of  
4 this Code in addition to the fees specified in subsection (c)  
5 of this Section.

6 (Source: P.A. 95-162, eff. 1-1-08; revised 12-10-07.)

7 (625 ILCS 5/3-668)

8 Sec. 3-668 ~~3-664~~. Iraq Campaign license plates.

9 (a) In addition to any other special license plate, the  
10 Secretary, upon receipt of all applicable fees and applications  
11 made in the form prescribed by the Secretary of State, may  
12 issue Iraq Campaign license plates to residents of Illinois who  
13 have earned the Iraq Campaign Medal from the United States  
14 Armed Forces. The special Iraq Campaign plates issued under  
15 this Section shall be affixed only to passenger vehicles of the  
16 first division, motorcycles, and motor vehicles of the second  
17 division weighing not more than 8,000 pounds. Plates issued  
18 under this Section shall expire according to the staggered  
19 multi-year procedure established by Section 3-414.1 of this  
20 Code.

21 (b) The design, color, and format of the plates shall be  
22 wholly within the discretion of the Secretary of State. The  
23 Secretary may, in his or her discretion, allow the plates to be  
24 issued as vanity plates or personalized in accordance with  
25 Section 3-405.1 of this Code. The plates are not required to

1 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)  
2 of Section 3-412 of this Code. The Secretary shall, in his or  
3 her discretion, approve and prescribe stickers or decals as  
4 provided under Section 3-412.

5 (c) An applicant for the special plate shall be charged a  
6 \$40 fee for original issuance in addition to the appropriate  
7 registration fee. Of this fee, \$25 shall be deposited into the  
8 Illinois Military Family Relief Fund and \$15 shall be deposited  
9 into the Secretary of State Special License Plate Fund, to be  
10 used by the Secretary to help defray the administrative  
11 processing costs. For each registration renewal period, a \$27  
12 fee, in addition to the appropriate registration fee, shall be  
13 charged. Of this fee, \$25 shall be deposited into the Illinois  
14 Military Family Relief Fund and \$2 shall be deposited into the  
15 Secretary of State Special License Plate Fund.

16 (Source: P.A. 95-190, eff. 8-16-07; revised 12-10-07.)

17 (625 ILCS 5/3-669)

18 Sec. 3-669 ~~3-665~~. Afghanistan Campaign license plates.

19 (a) In addition to any other special license plate, the  
20 Secretary, upon receipt of all applicable fees and applications  
21 made in the form prescribed by the Secretary of State, may  
22 issue Afghanistan Campaign license plates to residents of  
23 Illinois who have earned the Afghanistan Campaign Medal from  
24 the United States Armed Forces. The special Afghanistan  
25 Campaign plates issued under this Section shall be affixed only



1 to passenger vehicles of the first division, motorcycles, and  
2 motor vehicles of the second division weighing not more than  
3 8,000 pounds. Plates issued under this Section shall expire  
4 according to the staggered multi-year procedure established by  
5 Section 3-414.1 of this Code.

6 (b) The design, color, and format of the plates shall be  
7 wholly within the discretion of the Secretary of State. The  
8 Secretary may, in his or her discretion, allow the plates to be  
9 issued as vanity plates or personalized in accordance with  
10 Section 3-405.1 of this Code. The plates are not required to  
11 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)  
12 of Section 3-412 of this Code. The Secretary shall, in his or  
13 her discretion, approve and prescribe stickers or decals as  
14 provided under Section 3-412.

15 (c) An applicant for the special plate shall be charged a  
16 \$40 fee for original issuance in addition to the appropriate  
17 registration fee. Of this fee, \$25 shall be deposited into the  
18 Illinois Military Family Relief Fund and \$15 shall be deposited  
19 into the Secretary of State Special License Plate Fund, to be  
20 used by the Secretary to help defray the administrative  
21 processing costs. For each registration renewal period, a \$27  
22 fee, in addition to the appropriate registration fee, shall be  
23 charged. Of this fee, \$25 shall be deposited into the Illinois  
24 Military Family Relief Fund and \$2 shall be deposited into the  
25 Secretary of State Special License Plate Fund.

26 (Source: P.A. 95-190, eff. 8-16-07; revised 12-10-07.)

1 (625 ILCS 5/3-670)

2 Sec. 3-670 ~~3-664~~. Autism Awareness license plates.

3 (a) The Secretary, upon receipt of an application made in  
4 the form prescribed by the Secretary, may issue special  
5 registration plates designated as Autism Awareness license  
6 plates. The special plates issued under this Section shall be  
7 affixed only to passenger vehicles of the first division and  
8 motor vehicles of the second division weighing not more than  
9 8,000 pounds. Plates issued under this Section shall expire  
10 according to the multi-year procedure established by Section  
11 3-414.1 of this Code.

12 (b) The design and color of the plates is wholly within the  
13 discretion of the Secretary of State. The Secretary, in his or  
14 her discretion, may allow the plates to be issued as vanity or  
15 personalized plates under Section 3-405.1 of this Code. The  
16 Secretary shall prescribe stickers or decals as provided under  
17 Section 3-412 of this Code.

18 (c) An applicant for the special plate shall be charged a  
19 \$40 fee for original issuance in addition to the appropriate  
20 registration fee. Of this fee, \$25 shall be deposited into the  
21 Autism Awareness Fund and \$15 shall be deposited into the  
22 Secretary of State Special License Plate Fund, to be used by  
23 the Secretary to help defray the administrative processing  
24 costs.

25 For each registration renewal period, a \$27 fee, in

1 addition to the appropriate registration fee, shall be charged.  
2 Of this fee, \$25 shall be deposited into the Autism Awareness  
3 Fund and \$2 shall be deposited into the Secretary of State  
4 Special License Plate Fund.

5 (d) The Autism Awareness Fund is created as a special fund  
6 in the State treasury. All moneys in the Autism Awareness Fund  
7 shall be paid, subject to appropriation by the General Assembly  
8 and approval by the Secretary, to the Illinois Department of  
9 Human Services for the purpose of grants for research,  
10 education, and awareness regarding autism and autism spectrum  
11 disorders.

12 (Source: P.A. 95-226, eff. 1-1-08; revised 12-10-07.)

13 (625 ILCS 5/3-671)

14 Sec. 3-671 ~~3-664~~. Boy Scout and Girl Scout license plates.

15 (a) The Secretary, upon receipt of an application made in  
16 the form prescribed by the Secretary, may issue special  
17 registration plates designated to be Boy Scout and Girl Scout  
18 plates. The special plates issued under this Section shall be  
19 affixed only to passenger vehicles of the first division or  
20 motor vehicles of the second division weighing not more than  
21 8,000 pounds. Plates issued under this Section shall expire  
22 according to the multi-year procedure established by Section  
23 3-414.1 of this Code.

24 (b) Except as provided in subsections (c) and (d), the  
25 design and color of the plates shall be wholly within the

1 discretion of the Secretary. Appropriate documentation, as  
2 determined by the Secretary, shall accompany the application.

3 (c) The Secretary may issue Boy Scout plates bearing the  
4 Eagle Scout badge only to an applicant who provides written  
5 proof of Eagle Scout rank, in the form of appropriate  
6 documentation from the National Boy Scout Council. The  
7 Secretary shall make these plates available to qualified  
8 applicants.

9 (d) The Secretary may issue Girl Scout plates bearing the  
10 symbol of the Gold Award only to an applicant who provides  
11 written proof of Gold Award status, in the form of appropriate  
12 documentation from the National Office of the Girl Scouts of  
13 the U.S.A. The Secretary shall make these plates available to  
14 qualified applicants.

15 (e) An applicant shall be charged a \$40 fee for original  
16 issuance in addition to the appropriate registration fee, if  
17 applicable. Of this fee, \$25 shall be deposited into the Boy  
18 Scout and Girl Scout Fund as created by this Section and \$15  
19 shall be deposited into the Secretary of State Special License  
20 Plate Fund to be used by the Secretary to help defray the  
21 administrative processing costs. For each registration renewal  
22 period a \$27 fee, in addition to the appropriate registration  
23 fee, shall be charged. Of this fee, \$25 shall be deposited into  
24 the Boy Scout and Girl Scout Fund and \$2 shall be deposited  
25 into the Secretary of State Special License Plate Fund.

26 (f) The Boy Scout and Girl Scout Fund is created as a

1 special fund in the State treasury. All moneys in the Boy Scout  
2 and Girl Scout Fund shall, subject to appropriation by the  
3 General Assembly and approval by the Secretary, be paid as  
4 grants, to be divided between the Illinois divisions of the  
5 Boys Scouts of America and the Girl Scouts of the U.S.A. on a  
6 pro rata basis, according to the number of each type of plate  
7 sold. Grants shall be made to the county division in which the  
8 plates are sold.

9 (Source: P.A. 95-320, eff. 1-1-08; revised 12-10-07.)

10 (625 ILCS 5/3-672)

11 Sec. 3-672 ~~3-664~~. Illinois Professional Golfers  
12 Association Foundation Junior Golf license plates.

13 (a) The Secretary, upon receipt of all applicable fees and  
14 applications made in the form prescribed by the Secretary, may  
15 issue special registration plates designated as Illinois  
16 Professional Golfers Association Foundation Junior Golf  
17 license plates.

18 The special plates issued under this Section shall be  
19 affixed only to passenger vehicles of the first division or  
20 motor vehicles of the second division weighing not more than  
21 8,000 pounds.

22 Plates issued under this Section shall expire according to  
23 the multi-year procedure established by Section 3-414.1 of this  
24 Code.

25 (b) The design and color of the special plates shall be

1 wholly within the discretion of the Secretary. Appropriate  
2 documentation, as determined by the Secretary, shall accompany  
3 each application.

4 (c) An applicant for the special plate shall be charged a  
5 \$40 fee for original issuance in addition to the appropriate  
6 registration fee. Of this fee, \$25 shall be deposited into the  
7 Illinois Professional Golfers Association Foundation Junior  
8 Golf Fund and \$15 shall be deposited into the Secretary of  
9 State Special License Plate Fund, to be used by the Secretary  
10 to help defray the administrative processing costs.

11 For each registration renewal period, a \$40 fee, in  
12 addition to the appropriate registration fee, shall be charged.  
13 Of this fee, \$38 shall be deposited into the Illinois  
14 Professional Golfers Association Foundation Junior Golf Fund  
15 and \$2 shall be deposited into the Secretary of State Special  
16 License Plate Fund.

17 (d) The Illinois Professional Golfers Association  
18 Foundation Junior Golf Fund is created as a special fund in the  
19 State treasury. All moneys in the Illinois Professional Golfers  
20 Association Foundation Junior Golf Fund shall be paid, subject  
21 to appropriation by the General Assembly and approval by the  
22 Secretary, as grants to the Illinois Professional Golfers  
23 Association Foundation to help Association members expose  
24 Illinois youngsters to the game of golf.

25 (Source: P.A. 95-444, eff. 8-27-07; revised 12-10-07.)

1 (625 ILCS 5/3-673)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 3-673 ~~3-664~~. Rotary Club plates.

5 (a) The Secretary, upon receipt of all applicable fees and  
6 applications made in the form prescribed by the Secretary, may  
7 issue special registration plates designated as Rotary Club  
8 license plates.

9 The special plates issued under this Section shall be  
10 affixed only to passenger vehicles of the first division or  
11 motor vehicles of the second division weighing not more than  
12 8,000 pounds.

13 Plates issued under this Section shall expire according to  
14 the multi-year procedure established by Section 3-414.1 of this  
15 Code.

16 (b) The design and color of the special plates shall be  
17 wholly within the discretion of the Secretary. Appropriate  
18 documentation, as determined by the Secretary, shall accompany  
19 each application.

20 (c) An applicant for the special plate shall be charged a  
21 \$25 fee for original issuance in addition to the appropriate  
22 registration fee. Of this fee, \$10 shall be deposited into the  
23 Rotary Club Fund and \$15 shall be deposited into the Secretary  
24 of State Special License Plate Fund, to be used by the  
25 Secretary to help defray the administrative processing costs.

26 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 Rotary Club Fund  
3 and \$2 shall be deposited into the Secretary of State Special  
4 License Plate Fund.

5 (d) The Rotary Club Fund is created as a special fund in  
6 the State treasury. All moneys in the Rotary Club Fund shall be  
7 paid, subject to appropriation by the General Assembly and  
8 approval by the Secretary, as grants for charitable purposes  
9 sponsored by the Rotary Club.

10 (Source: P.A. 95-523, eff. 6-1-08; revised 12-10-07.)

11 (625 ILCS 5/3-674)

12 Sec. 3-674 ~~3-664~~. Sheet Metal Workers International  
13 Association license plates.

14 (a) The Secretary, upon receipt of all applicable fees and  
15 applications made in the form prescribed by the Secretary, may  
16 issue special registration plates designated as Sheet Metal  
17 Workers International Association license plates. The special  
18 plates issued under this Section shall be affixed only to  
19 passenger vehicles of the first division or motor vehicles of  
20 the second division weighing not more than 8,000 pounds. Plates  
21 issued under this Section shall expire according to the  
22 multi-year procedure established by Section 3-414.1 of this  
23 Code.

24 (b) The design and color of the special plates shall be  
25 wholly within the discretion of the Secretary. Appropriate



1 documentation, as determined by the Secretary, shall accompany  
2 each application. The Secretary may allow the plates to be  
3 issued as vanity plates or personalized plates under Section  
4 3-405.1 of this Code. The Secretary shall prescribe stickers or  
5 decals as provided under Section 3-412 of this Code.

6 (c) An applicant for the special plate shall be charged a  
7 \$25 fee for original issuance in addition to the appropriate  
8 registration fee. Of this fee, \$10 shall be deposited into the  
9 Sheet Metal Workers International Association of Illinois Fund  
10 and \$15 shall be deposited into the Secretary of State Special  
11 License Plate Fund, to be used by the Secretary to help defray  
12 the administrative processing costs.

13 For each registration renewal period, a \$25 fee, in  
14 addition to the appropriate registration fee, shall be charged.  
15 Of this fee, \$23 shall be deposited into the Sheet Metal  
16 Workers International Association of Illinois Fund and \$2 shall  
17 be deposited into the Secretary of State Special License Plate  
18 Fund.

19 (d) The Sheet Metal Workers International Association of  
20 Illinois Fund is created as a special fund in the State  
21 treasury. All moneys in the Sheet Metal Workers International  
22 Association of Illinois Fund shall be paid, subject to  
23 appropriation by the General Assembly and approval by the  
24 Secretary, as grants for charitable purposes sponsored by  
25 Illinois local chapters of the Sheet Metal Workers  
26 International Association.

1 (Source: P.A. 95-531, eff. 1-1-08; revised 12-10-07.)

2 (625 ILCS 5/3-675)

3 Sec. 3-675 ~~3-664~~. Support Our Troops license plates.

4 (a) The Secretary, upon receipt of all applicable fees and  
5 applications made in the form prescribed by the Secretary, may  
6 issue special registration plates designated as Support Our  
7 Troops license plates. The special plates issued under this  
8 Section shall be affixed only to passenger vehicles of the  
9 first division or motor vehicles of the second division  
10 weighing not more than 8,000 pounds. Plates issued under this  
11 Section shall expire according to the multi-year procedure  
12 established by Section 3-414.1 of this Code.

13 (b) The design and color of the special plates shall be  
14 wholly within the discretion of the Secretary, except that the  
15 emblem of the organization Illinois Support Our Troops, Inc.,  
16 and its "Support Our Troops!" mark shall appear on the plate.  
17 The address of the organization's Internet web site may appear  
18 on the plate, and the organization may alternate the mark to  
19 "Salute our Heroes!" in a manner that respects inventory. The  
20 field of the plate may be colored. The Secretary may, in his or  
21 her discretion, allow the plates to be issued as vanity or  
22 personalized plates in accordance with Section 3-405.1 of this  
23 Code. The plates are not required to designate "Land of  
24 Lincoln", as prescribed in subsection (b) of Section 3-412 of  
25 this Code. The Secretary, in his or her discretion, shall

1 approve and prescribe stickers or decals as provided under  
2 Section 3-412.

3 (c) An applicant for the special plate shall be charged a  
4 \$40 fee for original issuance in addition to the appropriate  
5 registration fee. Of this fee, \$25 shall be deposited into the  
6 Support Our Troops Fund and \$15 shall be deposited into the  
7 Secretary of State Special License Plate Fund to be used by the  
8 Secretary to help defray the administrative processing costs.  
9 For each registration renewal period, a \$27 fee, in addition to  
10 the appropriate registration fee, shall be charged. Of this  
11 fee, \$25 shall be deposited into the Support Our Troops Fund  
12 and \$2 shall be deposited into the Secretary of State Special  
13 License Plate Fund.

14 (d) The Support Our Troops Fund is created as a special  
15 fund in the State treasury. All moneys in the Support Our  
16 Troops Fund shall be paid, subject to appropriation by the  
17 General Assembly and approval by the Secretary, as grants to  
18 Illinois Support Our Troops, Inc., a not-for-profit public  
19 purpose charity under Internal Revenue Code Section 501(c)(3),  
20 for charitable assistance to the troops and their families in  
21 accordance with its Articles of Incorporation.

22 (Source: P.A. 95-534, eff. 8-28-07; revised 12-10-07.)

23 (625 ILCS 5/3-676)

24 Sec. 3-676 ~~3-664~~. Iraq Campaign license plates.

25 (a) In addition to any other special license plate, the

1 Secretary, upon receipt of all applicable fees and applications  
2 made in the form prescribed by the Secretary of State, may  
3 issue Iraq Campaign license plates to residents of Illinois who  
4 have earned the Iraq Campaign Medal from the United States  
5 Armed Forces. The special Iraq Campaign plates issued under  
6 this Section shall be affixed only to passenger vehicles of the  
7 first division, motorcycles, and motor vehicles of the second  
8 division weighing not more than 8,000 pounds. Plates issued  
9 under this Section shall expire according to the staggered  
10 multi-year procedure established by Section 3-414.1 of this  
11 Code.

12 (b) The design, color, and format of the plates shall be  
13 wholly within the discretion of the Secretary of State. The  
14 Secretary may, in his or her discretion, allow the plates to be  
15 issued as vanity plates or personalized in accordance with  
16 Section 3-405.1 of this Code. The plates are not required to  
17 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)  
18 of Section 3-412 of this Code. The Secretary shall, in his or  
19 her discretion, approve and prescribe stickers or decals as  
20 provided under Section 3-412.

21 (c) An applicant shall be charged a \$15 fee for original  
22 issuance in addition to the applicable registration fee. This  
23 additional fee shall be deposited into the Secretary of State  
24 Special License Plate Fund.

25 (Source: P.A. 95-542, eff. 8-28-07; revised 12-10-07.)

1 (625 ILCS 5/3-677)

2 Sec. 3-677 ~~3-665~~. Afghanistan Campaign license plates.

3 (a) In addition to any other special license plate, the  
4 Secretary, upon receipt of all applicable fees and applications  
5 made in the form prescribed by the Secretary of State, may  
6 issue Afghanistan Campaign license plates to residents of  
7 Illinois who have earned the Afghanistan Campaign Medal from  
8 the United States Armed Forces. The special Afghanistan  
9 Campaign plates issued under this Section shall be affixed only  
10 to passenger vehicles of the first division, motorcycles, and  
11 motor vehicles of the second division weighing not more than  
12 8,000 pounds. Plates issued under this Section shall expire  
13 according to the staggered multi-year procedure established by  
14 Section 3-414.1 of this Code.

15 (b) The design, color, and format of the plates shall be  
16 wholly within the discretion of the Secretary of State. The  
17 Secretary may, in his or her discretion, allow the plates to be  
18 issued as vanity plates or personalized in accordance with  
19 Section 3-405.1 of this Code. The plates are not required to  
20 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)  
21 of Section 3-412 of this Code. The Secretary shall, in his or  
22 her discretion, approve and prescribe stickers or decals as  
23 provided under Section 3-412.

24 (c) An applicant shall be charged a \$15 fee for original  
25 issuance in addition to the applicable registration fee. This  
26 additional fee shall be deposited into the Secretary of State

1 Special License Plate Fund.

2 (Source: P.A. 95-542, eff. 8-28-07; revised 12-10-07.)

3 (625 ILCS 5/3-678)

4 Sec. 3-678 ~~3-664~~. Ovarian Cancer Awareness license plates.

5 (a) The Secretary, upon receipt of an application made in  
6 the form prescribed by the Secretary, may issue special  
7 registration plates designated as Ovarian Cancer Awareness  
8 license plates. The special plates issued under this Section  
9 shall be affixed only to passenger vehicles of the first  
10 division and motor vehicles of the second division weighing not  
11 more than 8,000 pounds. Plates issued under this Section shall  
12 expire according to the multi-year procedure established by  
13 Section 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the  
15 discretion of the Secretary. The Secretary may allow the plates  
16 to be issued as vanity or personalized plates under Section  
17 3-405.1 of this Code. The Secretary shall prescribe stickers or  
18 decals as provided under Section 3-412 of this Code.

19 (c) An applicant for the special plate shall be charged a  
20 \$25 fee for original issuance in addition to the appropriate  
21 registration fee. Of this fee, \$10 shall be deposited into the  
22 Ovarian Cancer Awareness Fund and \$15 shall be deposited into  
23 the Secretary of State Special License Plate Fund, to be used  
24 by the Secretary to help defray the administrative processing  
25 costs.

1 For each registration renewal period, a \$25 fee, in  
2 addition to the appropriate registration fee, shall be charged.  
3 Of this fee, \$23 shall be deposited into the Ovarian Cancer  
4 Awareness Fund and \$2 shall be deposited into the Secretary of  
5 State Special License Plate Fund.

6 (d) The Ovarian Cancer Awareness Fund is created as a  
7 special fund in the State treasury. All moneys in the Ovarian  
8 Cancer Awareness Fund shall be paid, subject to appropriation  
9 by the General Assembly and approval by the Secretary, as  
10 grants to the National Ovarian Cancer Coalition, Inc. for  
11 ovarian cancer research, education, screening, and treatment.  
12 (Source: P.A. 95-552, eff. 8-30-07; revised 12-10-07.)

13 (625 ILCS 5/3-679)

14 (This Section may contain text from a Public Act with a  
15 delayed effective date)

16 Sec. 3-679 ~~3-665~~. Law Enforcement Torch Run For Special  
17 Olympics license plates.

18 (a) The Secretary, upon receipt of an application made in  
19 the form prescribed by the Secretary of State, may issue  
20 special registration plates designated to be Law Enforcement  
21 Torch Run For Special Olympics license plates. The special  
22 plates issued under this Section shall be affixed only to  
23 passenger vehicles of the first division, motor vehicles of the  
24 second division weighing not more than 8,000 pounds, and  
25 recreational vehicles as defined by Section 1-169 of this Code.

1 Plates issued under this Section shall expire according to the  
2 multi-year procedure established by Section 3-414.1 of this  
3 Code.

4 (b) The design and color of the plates shall be wholly  
5 within the discretion of the Secretary of State. Appropriate  
6 documentation, as determined by the Secretary, shall accompany  
7 the application. The Secretary may, in his or her discretion,  
8 allow the plates to be issued as vanity or personalized plates  
9 in accordance with Section 3-405.1 of this Code.

10 (c) An applicant shall be charged a \$45 fee for original  
11 issuance in addition to the appropriate registration fee, if  
12 applicable. Of this fee, \$30 shall be deposited into the  
13 Special Olympics Illinois Fund and \$15 shall be deposited into  
14 the Secretary of State Special License Plate Fund. For each  
15 registration renewal period, a \$27 fee, in addition to the  
16 appropriate registration fee, shall be charged. Of this fee,  
17 \$25 shall be deposited into the Special Olympics Illinois Fund  
18 and \$2 shall be deposited into the Secretary of State Special  
19 License Plate Fund.

20 (Source: P.A. 95-523, eff. 6-1-08; revised 12-10-07.)

21 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

22 (Text of Section before amendment by P.A. 95-686)

23 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

24 (a) No person shall operate a motor vehicle unless the  
25 motor vehicle is covered by a liability insurance policy in



1 accordance with Section 7-601 of this Code.

2 (b) Any person who fails to comply with a request by a law  
3 enforcement officer for display of evidence of insurance, as  
4 required under Section 7-602 of this Code, shall be deemed to  
5 be operating an uninsured motor vehicle.

6 (c) Any operator of a motor vehicle subject to registration  
7 under this Code who is convicted of violating this Section is  
8 guilty of a business offense and shall be required to pay a  
9 fine in excess of \$500, but not more than \$1,000. However, no  
10 person charged with violating this Section shall be convicted  
11 if such person produces in court satisfactory evidence that at  
12 the time of the arrest the motor vehicle was covered by a  
13 liability insurance policy in accordance with Section 7-601 of  
14 this Code. The chief judge of each circuit may designate an  
15 officer of the court to review the documentation demonstrating  
16 that at the time of arrest the motor vehicle was covered by a  
17 liability insurance policy in accordance with Section 7-601 of  
18 this Code.

19 (c-1) A person convicted of violating this Section shall  
20 also have his or her driver's license, permit, or privileges  
21 suspended for 3 months. After the expiration of the 3 months,  
22 the person's driver's license, permit, or privileges shall not  
23 be reinstated until he or she has paid a reinstatement fee of  
24 \$100. If a person violates this Section while his or her  
25 driver's license, permit, or privileges are suspended under  
26 this subsection (c-1), his or her driver's license, permit, or

1 privileges shall be suspended for an additional 6 months and  
2 until he or she pays the reinstatement fee.

3 (d) A person convicted a third or subsequent time of  
4 violating this Section or a similar provision of a local  
5 ordinance must give proof to the Secretary of State of the  
6 person's financial responsibility as defined in Section 7-315.  
7 The person must maintain the proof in a manner satisfactory to  
8 the Secretary for a minimum period of 3 years after the date  
9 the proof is first filed. The Secretary must suspend the  
10 driver's license of any person determined by the Secretary not  
11 to have provided adequate proof of financial responsibility as  
12 required by this subsection.

13 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08.)

14 (Text of Section after amendment by P.A. 95-686)

15 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

16 (a) No person shall operate a motor vehicle unless the  
17 motor vehicle is covered by a liability insurance policy in  
18 accordance with Section 7-601 of this Code.

19 (b) Any person who fails to comply with a request by a law  
20 enforcement officer for display of evidence of insurance, as  
21 required under Section 7-602 of this Code, shall be deemed to  
22 be operating an uninsured motor vehicle.

23 (c) Except as provided in subsection (c-5), any operator of  
24 a motor vehicle subject to registration under this Code who is  
25 convicted of violating this Section is guilty of a business

1 offense and shall be required to pay a fine in excess of \$500,  
2 but not more than \$1,000. However, no person charged with  
3 violating this Section shall be convicted if such person  
4 produces in court satisfactory evidence that at the time of the  
5 arrest the motor vehicle was covered by a liability insurance  
6 policy in accordance with Section 7-601 of this Code. The chief  
7 judge of each circuit may designate an officer of the court to  
8 review the documentation demonstrating that at the time of  
9 arrest the motor vehicle was covered by a liability insurance  
10 policy in accordance with Section 7-601 of this Code.

11 (c-1) A person convicted of violating this Section shall  
12 also have his or her driver's license, permit, or privileges  
13 suspended for 3 months. After the expiration of the 3 months,  
14 the person's driver's license, permit, or privileges shall not  
15 be reinstated until he or she has paid a reinstatement fee of  
16 \$100. If a person violates this Section while his or her  
17 driver's license, permit, or privileges are suspended under  
18 this subsection (c-1), his or her driver's license, permit, or  
19 privileges shall be suspended for an additional 6 months and  
20 until he or she pays the reinstatement fee.

21 (c-5) A person who (i) has not previously been convicted of  
22 or received a disposition of court supervision for violating  
23 this Section and (ii) produces at his or her court appearance  
24 satisfactory evidence that the motor vehicle is covered, as of  
25 the date of the court appearance, by a liability insurance  
26 policy in accordance with Section 7-601 of this Code shall, for

1 a violation of this Section, pay a fine of \$100 and receive a  
2 disposition of court supervision. The person must, on the date  
3 that the period of court supervision is scheduled to terminate,  
4 produce satisfactory evidence that the vehicle was covered by  
5 the required liability insurance policy during the entire  
6 period of court supervision.

7 An officer of the court designated under subsection (c) may  
8 also review liability insurance documentation under this  
9 subsection (c-5) to determine if the motor vehicle is, as of  
10 the date of the court appearance, covered by a liability  
11 insurance policy in accordance with Section 7-601 of this Code.  
12 The officer of the court shall also determine, on the date the  
13 period of court supervision is scheduled to terminate, whether  
14 the vehicle was covered by the required policy during the  
15 entire period of court supervision.

16 (d) A person convicted a third or subsequent time of  
17 violating this Section or a similar provision of a local  
18 ordinance must give proof to the Secretary of State of the  
19 person's financial responsibility as defined in Section 7-315.  
20 The person must maintain the proof in a manner satisfactory to  
21 the Secretary for a minimum period of 3 years after the date  
22 the proof is first filed. The Secretary must suspend the  
23 driver's license of any person determined by the Secretary not  
24 to have provided adequate proof of financial responsibility as  
25 required by this subsection.

26 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08;

1 95-686, eff. 6-1-08; revised 11-16-07.)

2 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

3 Sec. 3-806.1. Additional fees for vanity license plates. In  
4 addition to the regular registration fee, an applicant for a  
5 vanity license plate, other than a vanity plate in any military  
6 series or a vanity plate issued under Section 3-664 ~~3-806.4~~,  
7 shall be charged \$94 for each set of vanity license plates  
8 issued to a vehicle of the first division or a vehicle of the  
9 second division registered at not more than 8,000 pounds or to  
10 a recreational vehicle and \$50 for each set of vanity plates  
11 issued to a motorcycle. In addition to the regular renewal fee,  
12 an applicant for a vanity plate, other than a vanity plate in  
13 any military series or a vanity plate issued under Section  
14 3-664 ~~3-806.4~~, shall be charged \$13 for the renewal of each set  
15 of vanity license plates. There shall be no additional fees for  
16 a vanity license plate in any military series of plates or a  
17 vanity plate issued under Section 3-664 ~~3-806.4~~.

18 (Source: P.A. 95-287, eff. 1-1-08; 95-353, eff. 1-1-08; revised  
19 11-16-07.)

20 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

21 Sec. 3-806.3. Senior Citizens. Commencing with the 2006  
22 registration year and through the 2008 registration year, the  
23 registration fee paid by any vehicle owner who has been  
24 approved for benefits under the Senior Citizens and Disabled

1 Persons Property Tax Relief and Pharmaceutical Assistance Act  
2 or who is the spouse of such a person shall be \$24 instead of  
3 the fee otherwise provided in this Code for passenger cars  
4 displaying standard multi-year registration plates issued  
5 under Section 3-414.1, motor vehicles displaying special  
6 registration plates issued under Section 3-616, 3-621, 3-622,  
7 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,  
8 3-650, or 3-651, motor vehicles registered at 8,000 pounds or  
9 less under Section 3-815(a), and recreational vehicles  
10 registered at 8,000 pounds or less under Section 3-815(b).  
11 Widows and widowers of claimants shall also be entitled to this  
12 reduced registration fee for the registration year in which the  
13 claimant was eligible.

14 Commencing with the 2006 registration year and through the  
15 2008 registration year, the registration fee paid by any  
16 vehicle owner who has claimed and received a grant under the  
17 Senior Citizens and Disabled Persons Property Tax Relief and  
18 Pharmaceutical Assistance Act or who is the spouse of such a  
19 person shall be \$24 instead of the fee otherwise provided in  
20 this Code for passenger cars displaying standard multi-year  
21 registration plates issued under Section 3-414.1, motor  
22 vehicles displaying special registration plates issued under  
23 Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,  
24 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-664  
25 ~~3-806.4~~, motor vehicles registered at 8,000 pounds or less  
26 under Section 3-815(a), and recreational vehicles registered

1 at 8,000 pounds or less under Section 3-815(b). Widows and  
2 widowers of claimants shall also be entitled to this reduced  
3 registration fee for the registration year in which the  
4 claimant was eligible.

5 Commencing with the 2009 registration year, the  
6 registration fee paid by any vehicle owner who has been  
7 approved for benefits under the Senior Citizens and Disabled  
8 Persons Property Tax Relief and Pharmaceutical Assistance Act  
9 or who is the spouse of such a person shall be \$24 instead of  
10 the fee otherwise provided in this Code for passenger cars  
11 displaying standard multi-year registration plates issued  
12 under Section 3-414.1, motor vehicles displaying special  
13 registration plates issued under Section 3-609, 3-616, 3-621,  
14 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,  
15 3-647, 3-650, or 3-651, motor vehicles registered at 8,000  
16 pounds or less under Section 3-815(a), and recreational  
17 vehicles registered at 8,000 pounds or less under Section  
18 3-815(b). Widows and widowers of claimants shall also be  
19 entitled to this reduced registration fee for the registration  
20 year in which the claimant was eligible.

21 Commencing with the 2009 registration year, the  
22 registration fee paid by any vehicle owner who has claimed and  
23 received a grant under the Senior Citizens and Disabled Persons  
24 Property Tax Relief and Pharmaceutical Assistance Act or who is  
25 the spouse of such a person shall be \$24 instead of the fee  
26 otherwise provided in this Code for passenger cars displaying

1 standard multi-year registration plates issued under Section  
2 3-414.1, motor vehicles displaying special registration plates  
3 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,  
4 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,  
5 ~~or~~ 3-651, or 3-664 ~~3-806.4~~, motor vehicles registered at 8,000  
6 pounds or less under Section 3-815(a), and recreational  
7 vehicles registered at 8,000 pounds or less under Section  
8 3-815(b). Widows and widowers of claimants shall also be  
9 entitled to this reduced registration fee for the registration  
10 year in which the claimant was eligible.

11 No more than one reduced registration fee under this  
12 Section shall be allowed during any 12 month period based on  
13 the primary eligibility of any individual, whether such reduced  
14 registration fee is allowed to the individual or to the spouse,  
15 widow or widower of such individual. This Section does not  
16 apply to the fee paid in addition to the registration fee for  
17 motor vehicles displaying vanity or special license plates.

18 (Source: P.A. 95-157, eff. 1-1-08; 95-331, eff. 8-21-07;  
19 revised 12-10-07.)

20 (625 ILCS 5/3-806.5)

21 Sec. 3-806.5. Additional fees for personalized license  
22 plates. For registration periods commencing after December 31,  
23 2003, in addition to the regular registration fee, an applicant  
24 for a personalized license plate, other than a personalized  
25 plate in any military series or a personalized plate issued



1 under Section 3-664 ~~3-806.4~~, shall be charged \$47 for each set  
2 of personalized license plates issued to a vehicle of the first  
3 division or a vehicle of the second division registered at not  
4 more than 8,000 pounds or to a recreational vehicle and \$25 for  
5 each set of personalized plates issued to a motorcycle. In  
6 addition to the regular renewal fee, an applicant for a  
7 personalized plate other than a personalized plate in any  
8 military series or a personalized plate issued under Section  
9 3-664 ~~3-806.4~~, shall be charged \$7 for the renewal of each set  
10 of personalized license plates. There shall be no additional  
11 fees charged for a personalized plate in any military series of  
12 plates or a personalized plate issued under Section 3-664  
13 ~~3-806.4~~. Of the money received by the Secretary of State as  
14 additional fees for personalized license plates, 50% shall be  
15 deposited into the Secretary of State Special License Plate  
16 Fund and 50% shall be deposited into the General Revenue Fund.  
17 (Source: P.A. 95-287, eff. 1-1-08; 95-353, eff. 1-1-08; revised  
18 11-16-07.)

19 (625 ILCS 5/3-806.6)

20 Sec. 3-806.6. Victims of domestic violence.

21 (a) The Secretary shall issue new and different license  
22 plates immediately upon request to the registered owner of a  
23 vehicle who appears in person and submits a completed  
24 application, if all of the following are provided:

25 (1) proof of ownership of the vehicle that is

1 acceptable to the Secretary;

2 (2) a driver's license or identification card  
3 containing a picture of the licensee or cardholder issued  
4 to the registered owner by the Secretary under Section  
5 6-110 or 6-107 of this Code or Section 4 of the Illinois  
6 Identification Card Act. The Office of the Secretary shall  
7 conduct a search of its records to verify the authenticity  
8 of any document submitted under this paragraph (2);

9 (3) the previously issued license plates from the  
10 vehicle;

11 (4) payment of the required fee for the issuance of  
12 duplicate license plates under Section 3-417; and

13 (5) one of the following:

14 (A) a copy of a police report, court documentation,  
15 or other law enforcement documentation identifying the  
16 registered owner of the vehicle as the victim of an  
17 incident of abuse, as defined in Section 103 of the  
18 Illinois Domestic Violence Act of 1986, or the subject  
19 of stalking, as defined in Section 12-7.3 of the  
20 Criminal Code of 1961;

21 (B) a written acknowledgment, dated within 30 days  
22 of submission, on the letterhead of a domestic violence  
23 agency, that the registered owner is actively seeking  
24 assistance or has sought assistance from that agency  
25 within the past year; or

26 (C) an order of protection issued under Section 214

1 of the Illinois Domestic Violence Act of 1986 that  
2 names the registered owner as a protected party.

3 (b) This Section does not apply to license plates issued  
4 under Section 3-664 ~~3-806.4~~ or to special license plates issued  
5 under Article VI of this Chapter.

6 (Source: P.A. 94-503, eff. 1-1-06; revised 12-10-07.)

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 (Text of Section before amendment by P.A. 95-562 and  
9 95-621)

10 Sec. 4-203. Removal of motor vehicles or other vehicles;  
11 Towing or hauling away.

12 (a) When a vehicle is abandoned, or left unattended, on a  
13 toll highway, interstate highway, or expressway for 2 hours or  
14 more, its removal by a towing service may be authorized by a  
15 law enforcement agency having jurisdiction.

16 (b) When a vehicle is abandoned on a highway in an urban  
17 district 10 hours or more, its removal by a towing service may  
18 be authorized by a law enforcement agency having jurisdiction.

19 (c) When a vehicle is abandoned or left unattended on a  
20 highway other than a toll highway, interstate highway, or  
21 expressway, outside of an urban district for 24 hours or more,  
22 its removal by a towing service may be authorized by a law  
23 enforcement agency having jurisdiction.

24 (d) When an abandoned, unattended, wrecked, burned or  
25 partially dismantled vehicle is creating a traffic hazard

1 because of its position in relation to the highway or its  
2 physical appearance is causing the impeding of traffic, its  
3 immediate removal from the highway or private property adjacent  
4 to the highway by a towing service may be authorized by a law  
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a  
7 person under arrest for a violation of Section 11-501 of this  
8 Code or a similar provision of a local ordinance is likely,  
9 upon release, to commit a subsequent violation of Section  
10 11-501, or a similar provision of a local ordinance, the  
11 arresting officer shall have the vehicle which the person was  
12 operating at the time of the arrest impounded for a period of  
13 not more than 12 hours after the time of arrest. However, such  
14 vehicle may be released by the arresting law enforcement agency  
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under  
17 arrest, and the lawful owner requesting such release  
18 possesses a valid operator's license, proof of ownership,  
19 and would not, as determined by the arresting law  
20 enforcement agency, indicate a lack of ability to operate a  
21 motor vehicle in a safe manner, or who would otherwise, by  
22 operating such motor vehicle, be in violation of this Code;  
23 or

24 (2) the vehicle is owned by the person under arrest,  
25 and the person under arrest gives permission to another  
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would  
2 not, as determined by the arresting law enforcement agency,  
3 indicate a lack of ability to operate a motor vehicle in a  
4 safe manner or who would otherwise, by operating such motor  
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken  
7 into custody for operating the vehicle in violation of Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or Section 6-303 of this Code, a law enforcement officer may  
10 have the vehicle immediately impounded for a period not less  
11 than:

12 (1) 24 hours for a second violation of Section 11-501  
13 of this Code or a similar provision of a local ordinance or  
14 Section 6-303 of this Code or a combination of these  
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of  
17 this Code or a similar provision of a local ordinance or  
18 Section 6-303 of this Code or a combination of these  
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned  
21 by the person under arrest and the person under arrest gives  
22 permission to another person to operate the vehicle and that  
23 other person possesses a valid operator's license and would  
24 not, as determined by the arresting law enforcement agency,  
25 indicate a lack of ability to operate a motor vehicle in a safe  
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the  
3 owner or lessor of privately owned real property within this  
4 State, or any person authorized by such owner or lessor, or any  
5 law enforcement agency in the case of publicly owned real  
6 property may cause any motor vehicle abandoned or left  
7 unattended upon such property without permission to be removed  
8 by a towing service without liability for the costs of removal,  
9 transportation or storage or damage caused by such removal,  
10 transportation or storage. The towing or removal of any vehicle  
11 from private property without the consent of the registered  
12 owner or other legally authorized person in control of the  
13 vehicle is subject to compliance with the following conditions  
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the  
16 site of the towing service's place of business. The site  
17 must be open during business hours, and for the purpose of  
18 redemption of vehicles, during the time that the person or  
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of  
21 completion of such towing or removal, notify the law  
22 enforcement agency having jurisdiction of such towing or  
23 removal, and the make, model, color and license plate  
24 number of the vehicle, and shall obtain and record the name  
25 of the person at the law enforcement agency to whom such  
26 information was reported.

1           3. If the registered owner or legally authorized person  
2 entitled to possession of the vehicle shall arrive at the  
3 scene prior to actual removal or towing of the vehicle, the  
4 vehicle shall be disconnected from the tow truck and that  
5 person shall be allowed to remove the vehicle without  
6 interference, upon the payment of a reasonable service fee  
7 of not more than one half the posted rate of the towing  
8 service as provided in paragraph 6 of this subsection, for  
9 which a receipt shall be given.

10           4. The rebate or payment of money or any other valuable  
11 consideration from the towing service or its owners,  
12 managers or employees to the owners or operators of the  
13 premises from which the vehicles are towed or removed, for  
14 the privilege of removing or towing those vehicles, is  
15 prohibited. Any individual who violates this paragraph  
16 shall be guilty of a Class A misdemeanor.

17           5. Except for property appurtenant to and obviously a  
18 part of a single family residence, and except for instances  
19 where notice is personally given to the owner or other  
20 legally authorized person in control of the vehicle that  
21 the area in which that vehicle is parked is reserved or  
22 otherwise unavailable to unauthorized vehicles and they  
23 are subject to being removed at the owner or operator's  
24 expense, any property owner or lessor, prior to towing or  
25 removing any vehicle from private property without the  
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the  
2 following requirements:

3 a. Except as otherwise provided in subparagraph  
4 a.1 of this subdivision (f)5, the notice must be  
5 prominently placed at each driveway access or curb cut  
6 allowing vehicular access to the property within 5 feet  
7 from the public right-of-way line. If there are no  
8 curbs or access barriers, the sign must be posted not  
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less  
11 than 250,000, as an alternative to the requirement of  
12 subparagraph a of this subdivision (f)5, the notice for  
13 a parking lot contained within property used solely for  
14 a 2-family, 3-family, or 4-family residence may be  
15 prominently placed at the perimeter of the parking lot,  
16 in a position where the notice is visible to the  
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less  
19 than 2 inch high light-reflective letters on a  
20 contrasting background, that unauthorized vehicles  
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and  
23 current telephone number of the towing service towing  
24 or removing the vehicle.

25 d. The sign structure containing the required  
26 notices must be permanently installed with the bottom



1 of the sign not less than 4 feet above ground level,  
2 and must be continuously maintained on the property for  
3 not less than 24 hours prior to the towing or removing  
4 of any vehicle.

5 6. Any towing service that tows or removes vehicles and  
6 proposes to require the owner, operator, or person in  
7 control of the vehicle to pay the costs of towing and  
8 storage prior to redemption of the vehicle must file and  
9 keep on record with the local law enforcement agency a  
10 complete copy of the current rates to be charged for such  
11 services, and post at the storage site an identical rate  
12 schedule and any written contracts with property owners,  
13 lessors, or persons in control of property which authorize  
14 them to remove vehicles as provided in this Section.

15 7. No person shall engage in the removal of vehicles  
16 from private property as described in this Section without  
17 filing a notice of intent in each community where he  
18 intends to do such removal, and such notice shall be filed  
19 at least 7 days before commencing such towing.

20 8. No removal of a vehicle from private property shall  
21 be done except upon express written instructions of the  
22 owners or persons in charge of the private property upon  
23 which the vehicle is said to be trespassing.

24 9. Vehicle entry for the purpose of removal shall be  
25 allowed with reasonable care on the part of the person or  
26 firm towing the vehicle. Such person or firm shall be

1           liable for any damages occasioned to the vehicle if such  
2           entry is not in accordance with the standards of reasonable  
3           care.

4           10. When a vehicle has been towed or removed pursuant  
5           to this Section, it must be released to its owner or  
6           custodian within one half hour after requested, if such  
7           request is made during business hours. Any vehicle owner or  
8           custodian or agent shall have the right to inspect the  
9           vehicle before accepting its return, and no release or  
10          waiver of any kind which would release the towing service  
11          from liability for damages incurred during the towing and  
12          storage may be required from any vehicle owner or other  
13          legally authorized person as a condition of release of the  
14          vehicle. A detailed, signed receipt showing the legal name  
15          of the towing service must be given to the person paying  
16          towing or storage charges at the time of payment, whether  
17          requested or not.

18          This Section shall not apply to law enforcement,  
19          firefighting, rescue, ambulance, or other emergency vehicles  
20          which are marked as such or to property owned by any  
21          governmental entity.

22          When an authorized person improperly causes a motor vehicle  
23          to be removed, such person shall be liable to the owner or  
24          lessee of the vehicle for the cost or removal, transportation  
25          and storage, any damages resulting from the removal,  
26          transportation and storage, attorney's fee and court costs.

1 Any towing or storage charges accrued shall be payable by  
2 the use of any major credit card, in addition to being payable  
3 in cash.

4 11. Towing companies shall also provide insurance  
5 coverage for areas where vehicles towed under the  
6 provisions of this Chapter will be impounded or otherwise  
7 stored, and shall adequately cover loss by fire, theft or  
8 other risks.

9 Any person who fails to comply with the conditions and  
10 restrictions of this subsection shall be guilty of a Class C  
11 misdemeanor and shall be fined not less than \$100 nor more than  
12 \$500.

13 (g) When a vehicle is determined to be a hazardous  
14 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
15 Illinois Municipal Code, its removal and impoundment by a  
16 towing service may be authorized by a law enforcement agency  
17 with appropriate jurisdiction.

18 When a vehicle removal from either public or private  
19 property is authorized by a law enforcement agency, the owner  
20 of the vehicle shall be responsible for all towing and storage  
21 charges.

22 Vehicles removed from public or private property and stored  
23 by a commercial vehicle relocater or any other towing service  
24 in compliance with this Section and Sections 4-201 and 4-202 of  
25 this Code, or at the request of the vehicle owner or operator,  
26 shall be subject to a possessor lien for services pursuant to

1 the Labor and Storage Lien (Small Amount) Act. The provisions  
2 of Section 1 of that Act relating to notice and implied consent  
3 shall be deemed satisfied by compliance with Section 18a-302  
4 and subsection (6) of Section 18a-300. In no event shall such  
5 lien be greater than the rate or rates established in  
6 accordance with subsection (6) of Section 18a-200 of this Code.  
7 In no event shall such lien be increased or altered to reflect  
8 any charge for services or materials rendered in addition to  
9 those authorized by this Act. Every such lien shall be payable  
10 by use of any major credit card, in addition to being payable  
11 in cash.

12 Any personal property belonging to the vehicle owner in a  
13 vehicle subject to a lien under this subsection (g) shall  
14 likewise be subject to that lien, excepting only: food;  
15 medicine; perishable property; any operator's licenses; any  
16 cash, credit cards, or checks or checkbooks; and any wallet,  
17 purse, or other property containing any operator's license or  
18 other identifying documents or materials, cash, credit cards,  
19 checks, or checkbooks.

20 No lien under this subsection (g) shall: exceed \$2,000 in  
21 its total amount; or be increased or altered to reflect any  
22 charge for services or materials rendered in addition to those  
23 authorized by this Act.

24 (h) Whenever a peace officer issues a citation to a driver  
25 for a violation of subsection (a) of Section 11-506 of this  
26 Code, the arresting officer may have the vehicle which the

1 person was operating at the time of the arrest impounded for a  
2 period of 5 days after the time of arrest. An impounding agency  
3 shall release a motor vehicle impounded under this subsection  
4 (h) to the registered owner of the vehicle under any of the  
5 following circumstances:

6 (1) If the vehicle is a stolen vehicle; or

7 (2) If the person ticketed for a violation of  
8 subsection (a) of Section 11-506 of this Code was not  
9 authorized by the registered owner of the vehicle to  
10 operate the vehicle at the time of the violation; or

11 (3) If the registered owner of the vehicle was neither  
12 the driver nor a passenger in the vehicle at the time of  
13 the violation or was unaware that the driver was using the  
14 vehicle to engage in street racing; or

15 (4) If the legal owner or registered owner of the  
16 vehicle is a rental car agency; or

17 (5) If, prior to the expiration of the impoundment  
18 period specified above, the citation is dismissed or the  
19 defendant is found not guilty of the offense.

20 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;  
21 95-310, eff. 1-1-08.)

22 (Text of Section after amendment by P.A. 95-621)

23 Sec. 4-203. Removal of motor vehicles or other vehicles;  
24 Towing or hauling away.

25 (a) When a vehicle is abandoned, or left unattended, on a

1 toll highway, interstate highway, or expressway for 2 hours or  
2 more, its removal by a towing service may be authorized by a  
3 law enforcement agency having jurisdiction.

4 (b) When a vehicle is abandoned on a highway in an urban  
5 district 10 hours or more, its removal by a towing service may  
6 be authorized by a law enforcement agency having jurisdiction.

7 (c) When a vehicle is abandoned or left unattended on a  
8 highway other than a toll highway, interstate highway, or  
9 expressway, outside of an urban district for 24 hours or more,  
10 its removal by a towing service may be authorized by a law  
11 enforcement agency having jurisdiction.

12 (d) When an abandoned, unattended, wrecked, burned or  
13 partially dismantled vehicle is creating a traffic hazard  
14 because of its position in relation to the highway or its  
15 physical appearance is causing the impeding of traffic, its  
16 immediate removal from the highway or private property adjacent  
17 to the highway by a towing service may be authorized by a law  
18 enforcement agency having jurisdiction.

19 (e) Whenever a peace officer reasonably believes that a  
20 person under arrest for a violation of Section 11-501 of this  
21 Code or a similar provision of a local ordinance is likely,  
22 upon release, to commit a subsequent violation of Section  
23 11-501, or a similar provision of a local ordinance, the  
24 arresting officer shall have the vehicle which the person was  
25 operating at the time of the arrest impounded for a period of  
26 not more than 12 hours after the time of arrest. However, such

1 vehicle may be released by the arresting law enforcement agency  
2 prior to the end of the impoundment period if:

3 (1) the vehicle was not owned by the person under  
4 arrest, and the lawful owner requesting such release  
5 possesses a valid operator's license, proof of ownership,  
6 and would not, as determined by the arresting law  
7 enforcement agency, indicate a lack of ability to operate a  
8 motor vehicle in a safe manner, or who would otherwise, by  
9 operating such motor vehicle, be in violation of this Code;

10 or

11 (2) the vehicle is owned by the person under arrest,  
12 and the person under arrest gives permission to another  
13 person to operate such vehicle, provided however, that the  
14 other person possesses a valid operator's license and would  
15 not, as determined by the arresting law enforcement agency,  
16 indicate a lack of ability to operate a motor vehicle in a  
17 safe manner or who would otherwise, by operating such motor  
18 vehicle, be in violation of this Code.

19 (e-5) Whenever a registered owner of a vehicle is taken  
20 into custody for operating the vehicle in violation of Section  
21 11-501 of this Code or a similar provision of a local ordinance  
22 or Section 6-303 of this Code, a law enforcement officer may  
23 have the vehicle immediately impounded for a period not less  
24 than:

25 (1) 24 hours for a second violation of Section 11-501  
26 of this Code or a similar provision of a local ordinance or

1 Section 6-303 of this Code or a combination of these  
2 offenses; or

3 (2) 48 hours for a third violation of Section 11-501 of  
4 this Code or a similar provision of a local ordinance or  
5 Section 6-303 of this Code or a combination of these  
6 offenses.

7 The vehicle may be released sooner if the vehicle is owned  
8 by the person under arrest and the person under arrest gives  
9 permission to another person to operate the vehicle and that  
10 other person possesses a valid operator's license and would  
11 not, as determined by the arresting law enforcement agency,  
12 indicate a lack of ability to operate a motor vehicle in a safe  
13 manner or would otherwise, by operating the motor vehicle, be  
14 in violation of this Code.

15 (f) Except as provided in Chapter 18a of this Code, the  
16 owner or lessor of privately owned real property within this  
17 State, or any person authorized by such owner or lessor, or any  
18 law enforcement agency in the case of publicly owned real  
19 property may cause any motor vehicle abandoned or left  
20 unattended upon such property without permission to be removed  
21 by a towing service without liability for the costs of removal,  
22 transportation or storage or damage caused by such removal,  
23 transportation or storage. The towing or removal of any vehicle  
24 from private property without the consent of the registered  
25 owner or other legally authorized person in control of the  
26 vehicle is subject to compliance with the following conditions



1 and restrictions:

2 1. Any towed or removed vehicle must be stored at the  
3 site of the towing service's place of business. The site  
4 must be open during business hours, and for the purpose of  
5 redemption of vehicles, during the time that the person or  
6 firm towing such vehicle is open for towing purposes.

7 2. The towing service shall within 30 minutes of  
8 completion of such towing or removal, notify the law  
9 enforcement agency having jurisdiction of such towing or  
10 removal, and the make, model, color and license plate  
11 number of the vehicle, and shall obtain and record the name  
12 of the person at the law enforcement agency to whom such  
13 information was reported.

14 3. If the registered owner or legally authorized person  
15 entitled to possession of the vehicle shall arrive at the  
16 scene prior to actual removal or towing of the vehicle, the  
17 vehicle shall be disconnected from the tow truck and that  
18 person shall be allowed to remove the vehicle without  
19 interference, upon the payment of a reasonable service fee  
20 of not more than one half the posted rate of the towing  
21 service as provided in paragraph 6 of this subsection, for  
22 which a receipt shall be given.

23 4. The rebate or payment of money or any other valuable  
24 consideration from the towing service or its owners,  
25 managers or employees to the owners or operators of the  
26 premises from which the vehicles are towed or removed, for

1 the privilege of removing or towing those vehicles, is  
2 prohibited. Any individual who violates this paragraph  
3 shall be guilty of a Class A misdemeanor.

4 5. Except for property appurtenant to and obviously a  
5 part of a single family residence, and except for instances  
6 where notice is personally given to the owner or other  
7 legally authorized person in control of the vehicle that  
8 the area in which that vehicle is parked is reserved or  
9 otherwise unavailable to unauthorized vehicles and they  
10 are subject to being removed at the owner or operator's  
11 expense, any property owner or lessor, prior to towing or  
12 removing any vehicle from private property without the  
13 consent of the owner or other legally authorized person in  
14 control of that vehicle, must post a notice meeting the  
15 following requirements:

16 a. Except as otherwise provided in subparagraph  
17 a.1 of this subdivision (f)5, the notice must be  
18 prominently placed at each driveway access or curb cut  
19 allowing vehicular access to the property within 5 feet  
20 from the public right-of-way line. If there are no  
21 curbs or access barriers, the sign must be posted not  
22 less than one sign each 100 feet of lot frontage.

23 a.1. In a municipality with a population of less  
24 than 250,000, as an alternative to the requirement of  
25 subparagraph a of this subdivision (f)5, the notice for  
26 a parking lot contained within property used solely for

1 a 2-family, 3-family, or 4-family residence may be  
2 prominently placed at the perimeter of the parking lot,  
3 in a position where the notice is visible to the  
4 occupants of vehicles entering the lot.

5 b. The notice must indicate clearly, in not less  
6 than 2 inch high light-reflective letters on a  
7 contrasting background, that unauthorized vehicles  
8 will be towed away at the owner's expense.

9 c. The notice must also provide the name and  
10 current telephone number of the towing service towing  
11 or removing the vehicle.

12 d. The sign structure containing the required  
13 notices must be permanently installed with the bottom  
14 of the sign not less than 4 feet above ground level,  
15 and must be continuously maintained on the property for  
16 not less than 24 hours prior to the towing or removing  
17 of any vehicle.

18 6. Any towing service that tows or removes vehicles and  
19 proposes to require the owner, operator, or person in  
20 control of the vehicle to pay the costs of towing and  
21 storage prior to redemption of the vehicle must file and  
22 keep on record with the local law enforcement agency a  
23 complete copy of the current rates to be charged for such  
24 services, and post at the storage site an identical rate  
25 schedule and any written contracts with property owners,  
26 lessors, or persons in control of property which authorize

1           them to remove vehicles as provided in this Section.

2           7. No person shall engage in the removal of vehicles  
3           from private property as described in this Section without  
4           filing a notice of intent in each community where he  
5           intends to do such removal, and such notice shall be filed  
6           at least 7 days before commencing such towing.

7           8. No removal of a vehicle from private property shall  
8           be done except upon express written instructions of the  
9           owners or persons in charge of the private property upon  
10          which the vehicle is said to be trespassing.

11          9. Vehicle entry for the purpose of removal shall be  
12          allowed with reasonable care on the part of the person or  
13          firm towing the vehicle. Such person or firm shall be  
14          liable for any damages occasioned to the vehicle if such  
15          entry is not in accordance with the standards of reasonable  
16          care.

17          10. When a vehicle has been towed or removed pursuant  
18          to this Section, it must be released to its owner or  
19          custodian within one half hour after requested, if such  
20          request is made during business hours. Any vehicle owner or  
21          custodian or agent shall have the right to inspect the  
22          vehicle before accepting its return, and no release or  
23          waiver of any kind which would release the towing service  
24          from liability for damages incurred during the towing and  
25          storage may be required from any vehicle owner or other  
26          legally authorized person as a condition of release of the

1 vehicle. A detailed, signed receipt showing the legal name  
2 of the towing service must be given to the person paying  
3 towing or storage charges at the time of payment, whether  
4 requested or not.

5 This Section shall not apply to law enforcement,  
6 firefighting, rescue, ambulance, or other emergency vehicles  
7 which are marked as such or to property owned by any  
8 governmental entity.

9 When an authorized person improperly causes a motor vehicle  
10 to be removed, such person shall be liable to the owner or  
11 lessee of the vehicle for the cost or removal, transportation  
12 and storage, any damages resulting from the removal,  
13 transportation and storage, attorney's fee and court costs.

14 Any towing or storage charges accrued shall be payable by  
15 the use of any major credit card, in addition to being payable  
16 in cash.

17 11. Towing companies shall also provide insurance  
18 coverage for areas where vehicles towed under the  
19 provisions of this Chapter will be impounded or otherwise  
20 stored, and shall adequately cover loss by fire, theft or  
21 other risks.

22 Any person who fails to comply with the conditions and  
23 restrictions of this subsection shall be guilty of a Class C  
24 misdemeanor and shall be fined not less than \$100 nor more than  
25 \$500.

26 (g) When a vehicle is determined to be a hazardous

1 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
2 Illinois Municipal Code, its removal and impoundment by a  
3 towing service may be authorized by a law enforcement agency  
4 with appropriate jurisdiction.

5 When a vehicle removal from either public or private  
6 property is authorized by a law enforcement agency, the owner  
7 of the vehicle shall be responsible for all towing and storage  
8 charges.

9 Vehicles removed from public or private property and stored  
10 by a commercial vehicle relocator or any other towing service  
11 authorized by a law enforcement agency in compliance with this  
12 Section and Sections 4-201 and 4-202 of this Code, or at the  
13 request of the vehicle owner or operator, shall be subject to a  
14 possessor lien for services pursuant to the Labor and Storage  
15 Lien (Small Amount) Act. The provisions of Section 1 of that  
16 Act relating to notice and implied consent shall be deemed  
17 satisfied by compliance with Section 18a-302 and subsection (6)  
18 of Section 18a-300. In no event shall such lien be greater than  
19 the rate or rates established in accordance with subsection (6)  
20 of Section 18a-200 of this Code. In no event shall such lien be  
21 increased or altered to reflect any charge for services or  
22 materials rendered in addition to those authorized by this Act.  
23 Every such lien shall be payable by use of any major credit  
24 card, in addition to being payable in cash.

25 Any personal property belonging to the vehicle owner in a  
26 vehicle subject to a lien under this subsection (g) shall

1 likewise be subject to that lien, excepting only: food;  
2 medicine; perishable property; any operator's licenses; any  
3 cash, credit cards, or checks or checkbooks; and any wallet,  
4 purse, or other property containing any operator's license or  
5 other identifying documents or materials, cash, credit cards,  
6 checks, or checkbooks.

7 No lien under this subsection (g) shall: exceed \$2,000 in  
8 its total amount; or be increased or altered to reflect any  
9 charge for services or materials rendered in addition to those  
10 authorized by this Act.

11 (h) Whenever a peace officer issues a citation to a driver  
12 for a violation of subsection (a) of Section 11-506 of this  
13 Code, the arresting officer may have the vehicle which the  
14 person was operating at the time of the arrest impounded for a  
15 period of 5 days after the time of arrest. An impounding agency  
16 shall release a motor vehicle impounded under this subsection  
17 (h) to the registered owner of the vehicle under any of the  
18 following circumstances:

19 (1) If the vehicle is a stolen vehicle; or

20 (2) If the person ticketed for a violation of  
21 subsection (a) of Section 11-506 of this Code was not  
22 authorized by the registered owner of the vehicle to  
23 operate the vehicle at the time of the violation; or

24 (3) If the registered owner of the vehicle was neither  
25 the driver nor a passenger in the vehicle at the time of  
26 the violation or was unaware that the driver was using the

1 vehicle to engage in street racing; or

2 (4) If the legal owner or registered owner of the  
3 vehicle is a rental car agency; or

4 (5) If, prior to the expiration of the impoundment  
5 period specified above, the citation is dismissed or the  
6 defendant is found not guilty of the offense.

7 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;  
8 95-310, eff. 1-1-08; 95-621, eff. 6-1-08; revised 11-16-07.)

9 (Text of Section after amendment by P.A. 95-562)

10 Sec. 4-203. Removal of motor vehicles or other vehicles;  
11 Towing or hauling away.

12 (a) When a vehicle is abandoned, or left unattended, on a  
13 toll highway, interstate highway, or expressway for 2 hours or  
14 more, its removal by a towing service may be authorized by a  
15 law enforcement agency having jurisdiction.

16 (b) When a vehicle is abandoned on a highway in an urban  
17 district 10 hours or more, its removal by a towing service may  
18 be authorized by a law enforcement agency having jurisdiction.

19 (c) When a vehicle is abandoned or left unattended on a  
20 highway other than a toll highway, interstate highway, or  
21 expressway, outside of an urban district for 24 hours or more,  
22 its removal by a towing service may be authorized by a law  
23 enforcement agency having jurisdiction.

24 (d) When an abandoned, unattended, wrecked, burned or  
25 partially dismantled vehicle is creating a traffic hazard



1 because of its position in relation to the highway or its  
2 physical appearance is causing the impeding of traffic, its  
3 immediate removal from the highway or private property adjacent  
4 to the highway by a towing service may be authorized by a law  
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a  
7 person under arrest for a violation of Section 11-501 of this  
8 Code or a similar provision of a local ordinance is likely,  
9 upon release, to commit a subsequent violation of Section  
10 11-501, or a similar provision of a local ordinance, the  
11 arresting officer shall have the vehicle which the person was  
12 operating at the time of the arrest impounded for a period of  
13 not more than 12 hours after the time of arrest. However, such  
14 vehicle may be released by the arresting law enforcement agency  
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under  
17 arrest, and the lawful owner requesting such release  
18 possesses a valid operator's license, proof of ownership,  
19 and would not, as determined by the arresting law  
20 enforcement agency, indicate a lack of ability to operate a  
21 motor vehicle in a safe manner, or who would otherwise, by  
22 operating such motor vehicle, be in violation of this Code;  
23 or

24 (2) the vehicle is owned by the person under arrest,  
25 and the person under arrest gives permission to another  
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would  
2 not, as determined by the arresting law enforcement agency,  
3 indicate a lack of ability to operate a motor vehicle in a  
4 safe manner or who would otherwise, by operating such motor  
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken  
7 into custody for operating the vehicle in violation of Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or Section 6-303 of this Code, a law enforcement officer may  
10 have the vehicle immediately impounded for a period not less  
11 than:

12 (1) 24 hours for a second violation of Section 11-501  
13 of this Code or a similar provision of a local ordinance or  
14 Section 6-303 of this Code or a combination of these  
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of  
17 this Code or a similar provision of a local ordinance or  
18 Section 6-303 of this Code or a combination of these  
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned  
21 by the person under arrest and the person under arrest gives  
22 permission to another person to operate the vehicle and that  
23 other person possesses a valid operator's license and would  
24 not, as determined by the arresting law enforcement agency,  
25 indicate a lack of ability to operate a motor vehicle in a safe  
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the  
3 owner or lessor of privately owned real property within this  
4 State, or any person authorized by such owner or lessor, or any  
5 law enforcement agency in the case of publicly owned real  
6 property may cause any motor vehicle abandoned or left  
7 unattended upon such property without permission to be removed  
8 by a towing service without liability for the costs of removal,  
9 transportation or storage or damage caused by such removal,  
10 transportation or storage. The towing or removal of any vehicle  
11 from private property without the consent of the registered  
12 owner or other legally authorized person in control of the  
13 vehicle is subject to compliance with the following conditions  
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the  
16 site of the towing service's place of business. The site  
17 must be open during business hours, and for the purpose of  
18 redemption of vehicles, during the time that the person or  
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of  
21 completion of such towing or removal, notify the law  
22 enforcement agency having jurisdiction of such towing or  
23 removal, and the make, model, color and license plate  
24 number of the vehicle, and shall obtain and record the name  
25 of the person at the law enforcement agency to whom such  
26 information was reported.

1           3. If the registered owner or legally authorized person  
2 entitled to possession of the vehicle shall arrive at the  
3 scene prior to actual removal or towing of the vehicle, the  
4 vehicle shall be disconnected from the tow truck and that  
5 person shall be allowed to remove the vehicle without  
6 interference, upon the payment of a reasonable service fee  
7 of not more than one half the posted rate of the towing  
8 service as provided in paragraph 6 of this subsection, for  
9 which a receipt shall be given.

10           4. The rebate or payment of money or any other valuable  
11 consideration from the towing service or its owners,  
12 managers or employees to the owners or operators of the  
13 premises from which the vehicles are towed or removed, for  
14 the privilege of removing or towing those vehicles, is  
15 prohibited. Any individual who violates this paragraph  
16 shall be guilty of a Class A misdemeanor.

17           5. Except for property appurtenant to and obviously a  
18 part of a single family residence, and except for instances  
19 where notice is personally given to the owner or other  
20 legally authorized person in control of the vehicle that  
21 the area in which that vehicle is parked is reserved or  
22 otherwise unavailable to unauthorized vehicles and they  
23 are subject to being removed at the owner or operator's  
24 expense, any property owner or lessor, prior to towing or  
25 removing any vehicle from private property without the  
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the  
2 following requirements:

3 a. Except as otherwise provided in subparagraph  
4 a.1 of this subdivision (f)5, the notice must be  
5 prominently placed at each driveway access or curb cut  
6 allowing vehicular access to the property within 5 feet  
7 from the public right-of-way line. If there are no  
8 curbs or access barriers, the sign must be posted not  
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less  
11 than 250,000, as an alternative to the requirement of  
12 subparagraph a of this subdivision (f)5, the notice for  
13 a parking lot contained within property used solely for  
14 a 2-family, 3-family, or 4-family residence may be  
15 prominently placed at the perimeter of the parking lot,  
16 in a position where the notice is visible to the  
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less  
19 than 2 inch high light-reflective letters on a  
20 contrasting background, that unauthorized vehicles  
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and  
23 current telephone number of the towing service towing  
24 or removing the vehicle.

25 d. The sign structure containing the required  
26 notices must be permanently installed with the bottom

1           of the sign not less than 4 feet above ground level,  
2           and must be continuously maintained on the property for  
3           not less than 24 hours prior to the towing or removing  
4           of any vehicle.

5           6. Any towing service that tows or removes vehicles and  
6           proposes to require the owner, operator, or person in  
7           control of the vehicle to pay the costs of towing and  
8           storage prior to redemption of the vehicle must file and  
9           keep on record with the local law enforcement agency a  
10          complete copy of the current rates to be charged for such  
11          services, and post at the storage site an identical rate  
12          schedule and any written contracts with property owners,  
13          lessors, or persons in control of property which authorize  
14          them to remove vehicles as provided in this Section. The  
15          towing and storage charges, however, shall not exceed the  
16          maximum allowed by the Illinois Commerce Commission under  
17          Section 18a-200.

18          7. No person shall engage in the removal of vehicles  
19          from private property as described in this Section without  
20          filing a notice of intent in each community where he  
21          intends to do such removal, and such notice shall be filed  
22          at least 7 days before commencing such towing.

23          8. No removal of a vehicle from private property shall  
24          be done except upon express written instructions of the  
25          owners or persons in charge of the private property upon  
26          which the vehicle is said to be trespassing.

1           9. Vehicle entry for the purpose of removal shall be  
2 allowed with reasonable care on the part of the person or  
3 firm towing the vehicle. Such person or firm shall be  
4 liable for any damages occasioned to the vehicle if such  
5 entry is not in accordance with the standards of reasonable  
6 care.

7           10. When a vehicle has been towed or removed pursuant  
8 to this Section, it must be released to its owner or  
9 custodian within one half hour after requested, if such  
10 request is made during business hours. Any vehicle owner or  
11 custodian or agent shall have the right to inspect the  
12 vehicle before accepting its return, and no release or  
13 waiver of any kind which would release the towing service  
14 from liability for damages incurred during the towing and  
15 storage may be required from any vehicle owner or other  
16 legally authorized person as a condition of release of the  
17 vehicle. A detailed, signed receipt showing the legal name  
18 of the towing service must be given to the person paying  
19 towing or storage charges at the time of payment, whether  
20 requested or not.

21           This Section shall not apply to law enforcement,  
22 firefighting, rescue, ambulance, or other emergency vehicles  
23 which are marked as such or to property owned by any  
24 governmental entity.

25           When an authorized person improperly causes a motor vehicle  
26 to be removed, such person shall be liable to the owner or

1 lessee of the vehicle for the cost or removal, transportation  
2 and storage, any damages resulting from the removal,  
3 transportation and storage, attorney's fee and court costs.

4 Any towing or storage charges accrued shall be payable by  
5 the use of any major credit card, in addition to being payable  
6 in cash.

7 11. Towing companies shall also provide insurance  
8 coverage for areas where vehicles towed under the  
9 provisions of this Chapter will be impounded or otherwise  
10 stored, and shall adequately cover loss by fire, theft or  
11 other risks.

12 Any person who fails to comply with the conditions and  
13 restrictions of this subsection shall be guilty of a Class C  
14 misdemeanor and shall be fined not less than \$100 nor more than  
15 \$500.

16 (g) When a vehicle is determined to be a hazardous  
17 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
18 Illinois Municipal Code, its removal and impoundment by a  
19 towing service may be authorized by a law enforcement agency  
20 with appropriate jurisdiction.

21 When a vehicle removal from either public or private  
22 property is authorized by a law enforcement agency, the owner  
23 of the vehicle shall be responsible for all towing and storage  
24 charges.

25 Vehicles removed from public or private property and stored  
26 by a commercial vehicle relocater or any other towing service



1 authorized by a law enforcement agency in compliance with this  
2 Section and Sections 4-201 and 4-202 of this Code, or at the  
3 request of the vehicle owner or operator, shall be subject to a  
4 possessor lien for services pursuant to the Labor and Storage  
5 Lien (Small Amount) Act. The provisions of Section 1 of that  
6 Act relating to notice and implied consent shall be deemed  
7 satisfied by compliance with Section 18a-302 and subsection (6)  
8 of Section 18a-300. In no event shall such lien be greater than  
9 the rate or rates established in accordance with subsection (6)  
10 of Section 18a-200 of this Code. In no event shall such lien be  
11 increased or altered to reflect any charge for services or  
12 materials rendered in addition to those authorized by this Act.  
13 Every such lien shall be payable by use of any major credit  
14 card, in addition to being payable in cash.

15 Any personal property belonging to the vehicle owner in a  
16 vehicle subject to a lien under this subsection (g) shall  
17 likewise be subject to that lien, excepting only: food;  
18 medicine; perishable property; any operator's licenses; any  
19 cash, credit cards, or checks or checkbooks; and any wallet,  
20 purse, or other property containing any operator's license or  
21 other identifying documents or materials, cash, credit cards,  
22 checks, or checkbooks.

23 No lien under this subsection (g) shall: exceed \$2,000 in  
24 its total amount; or be increased or altered to reflect any  
25 charge for services or materials rendered in addition to those  
26 authorized by this Act.

1 (h) Whenever a peace officer issues a citation to a driver  
2 for a violation of subsection (a) of Section 11-506 of this  
3 Code, the arresting officer may have the vehicle which the  
4 person was operating at the time of the arrest impounded for a  
5 period of 5 days after the time of arrest. An impounding agency  
6 shall release a motor vehicle impounded under this subsection  
7 (h) to the registered owner of the vehicle under any of the  
8 following circumstances:

9 (1) If the vehicle is a stolen vehicle; or

10 (2) If the person ticketed for a violation of  
11 subsection (a) of Section 11-506 of this Code was not  
12 authorized by the registered owner of the vehicle to  
13 operate the vehicle at the time of the violation; or

14 (3) If the registered owner of the vehicle was neither  
15 the driver nor a passenger in the vehicle at the time of  
16 the violation or was unaware that the driver was using the  
17 vehicle to engage in street racing; or

18 (4) If the legal owner or registered owner of the  
19 vehicle is a rental car agency; or

20 (5) If, prior to the expiration of the impoundment  
21 period specified above, the citation is dismissed or the  
22 defendant is found not guilty of the offense.

23 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;  
24 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621, eff. 6-1-08;  
25 revised 11-16-07.)

1 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

2 (Text of Section before amendment by P.A. 95-337)

3 Sec. 6-103. What persons shall not be licensed as drivers  
4 or granted permits. The Secretary of State shall not issue,  
5 renew, or allow the retention of any driver's license nor issue  
6 any permit under this Code:

7 1. To any person, as a driver, who is under the age of  
8 18 years except as provided in Section 6-107, and except  
9 that an instruction permit may be issued under Section  
10 6-107.1 to a child who is not less than 15 years of age if  
11 the child is enrolled in an approved driver education  
12 course as defined in Section 1-103 of this Code and  
13 requires an instruction permit to participate therein,  
14 except that an instruction permit may be issued under the  
15 provisions of Section 6-107.1 to a child who is 17 years  
16 and 3 months of age without the child having enrolled in an  
17 approved driver education course and except that an  
18 instruction permit may be issued to a child who is at least  
19 15 years and 6 months of age, is enrolled in school, meets  
20 the educational requirements of the Driver Education Act,  
21 and has passed examinations the Secretary of State in his  
22 or her discretion may prescribe;

23 2. To any person who is under the age of 18 as an  
24 operator of a motorcycle other than a motor driven cycle  
25 unless the person has, in addition to meeting the  
26 provisions of Section 6-107 of this Code, successfully

1 completed a motorcycle training course approved by the  
2 Illinois Department of Transportation and successfully  
3 completes the required Secretary of State's motorcycle  
4 driver's examination;

5 3. To any person, as a driver, whose driver's license  
6 or permit has been suspended, during the suspension, nor to  
7 any person whose driver's license or permit has been  
8 revoked, except as provided in Sections 6-205, 6-206, and  
9 6-208;

10 4. To any person, as a driver, who is a user of alcohol  
11 or any other drug to a degree that renders the person  
12 incapable of safely driving a motor vehicle;

13 5. To any person, as a driver, who has previously been  
14 adjudged to be afflicted with or suffering from any mental  
15 or physical disability or disease and who has not at the  
16 time of application been restored to competency by the  
17 methods provided by law;

18 6. To any person, as a driver, who is required by the  
19 Secretary of State to submit an alcohol and drug evaluation  
20 or take an examination provided for in this Code unless the  
21 person has successfully passed the examination and  
22 submitted any required evaluation;

23 7. To any person who is required under the provisions  
24 of the laws of this State to deposit security or proof of  
25 financial responsibility and who has not deposited the  
26 security or proof;

1           8. To any person when the Secretary of State has good  
2           cause to believe that the person by reason of physical or  
3           mental disability would not be able to safely operate a  
4           motor vehicle upon the highways, unless the person shall  
5           furnish to the Secretary of State a verified written  
6           statement, acceptable to the Secretary of State, from a  
7           competent medical specialist to the effect that the  
8           operation of a motor vehicle by the person would not be  
9           inimical to the public safety;

10          9. To any person, as a driver, who is 69 years of age  
11          or older, unless the person has successfully complied with  
12          the provisions of Section 6-109;

13          10. To any person convicted, within 12 months of  
14          application for a license, of any of the sexual offenses  
15          enumerated in paragraph 2 of subsection (b) of Section  
16          6-205;

17          11. To any person who is under the age of 21 years with  
18          a classification prohibited in paragraph (b) of Section  
19          6-104 and to any person who is under the age of 18 years  
20          with a classification prohibited in paragraph (c) of  
21          Section 6-104;

22          12. To any person who has been either convicted of or  
23          adjudicated under the Juvenile Court Act of 1987 based upon  
24          a violation of the Cannabis Control Act, the Illinois  
25          Controlled Substances Act, or the Methamphetamine Control  
26          and Community Protection Act while that person was in

1 actual physical control of a motor vehicle. For purposes of  
2 this Section, any person placed on probation under Section  
3 10 of the Cannabis Control Act, Section 410 of the Illinois  
4 Controlled Substances Act, or Section 70 of the  
5 Methamphetamine Control and Community Protection Act shall  
6 not be considered convicted. Any person found guilty of  
7 this offense, while in actual physical control of a motor  
8 vehicle, shall have an entry made in the court record by  
9 the judge that this offense did occur while the person was  
10 in actual physical control of a motor vehicle and order the  
11 clerk of the court to report the violation to the Secretary  
12 of State as such. The Secretary of State shall not issue a  
13 new license or permit for a period of one year;

14 13. To any person who is under the age of 18 years and  
15 who has committed the offense of operating a motor vehicle  
16 without a valid license or permit in violation of Section  
17 6-101;

18 14. To any person who is 90 days or more delinquent in  
19 court ordered child support payments or has been  
20 adjudicated in arrears in an amount equal to 90 days'  
21 obligation or more and who has been found in contempt of  
22 court for failure to pay the support, subject to the  
23 requirements and procedures of Article VII of Chapter 7 of  
24 the Illinois Vehicle Code;

25 14.5. To any person certified by the Illinois  
26 Department of Healthcare and Family Services as being 90

1 days or more delinquent in payment of support under an  
2 order of support entered by a court or administrative body  
3 of this or any other State, subject to the requirements and  
4 procedures of Article VII of Chapter 7 of this Code  
5 regarding those certifications;

6 15. To any person released from a term of imprisonment  
7 for violating Section 9-3 of the Criminal Code of 1961 or a  
8 similar provision of a law of another state relating to  
9 reckless homicide or for violating subparagraph (F) of  
10 paragraph (1) of subsection (d) of Section 11-501 of this  
11 Code relating to aggravated driving under the influence of  
12 alcohol, other drug or drugs, intoxicating compound or  
13 compounds, or any combination thereof, if the violation was  
14 the proximate cause of a death, within 24 months of release  
15 from a term of imprisonment;

16 16. To any person who, with intent to influence any act  
17 related to the issuance of any driver's license or permit,  
18 by an employee of the Secretary of State's Office, or the  
19 owner or employee of any commercial driver training school  
20 licensed by the Secretary of State, or any other individual  
21 authorized by the laws of this State to give driving  
22 instructions or administer all or part of a driver's  
23 license examination, promises or tenders to that person any  
24 property or personal advantage which that person is not  
25 authorized by law to accept. Any persons promising or  
26 tendering such property or personal advantage shall be

1           disqualified from holding any class of driver's license or  
2           permit for 120 consecutive days. The Secretary of State  
3           shall establish by rule the procedures for implementing  
4           this period of disqualification and the procedures by which  
5           persons so disqualified may obtain administrative review  
6           of the decision to disqualify; or

7           17. To any person for whom the Secretary of State  
8           cannot verify the accuracy of any information or  
9           documentation submitted in application for a driver's  
10          license.

11          The Secretary of State shall retain all conviction  
12          information, if the information is required to be held  
13          confidential under the Juvenile Court Act of 1987.

14          (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;  
15          95-685, eff. 6-23-07; revised 11-16-07.)

16          (Text of Section after amendment by P.A. 95-337)

17          Sec. 6-103. What persons shall not be licensed as drivers  
18          or granted permits. The Secretary of State shall not issue,  
19          renew, or allow the retention of any driver's license nor issue  
20          any permit under this Code:

21                 1. To any person, as a driver, who is under the age of  
22                 18 years except as provided in Section 6-107, and except  
23                 that an instruction permit may be issued under Section  
24                 6-107.1 to a child who is not less than 15 years of age if  
25                 the child is enrolled in an approved driver education



1 course as defined in Section 1-103 of this Code and  
2 requires an instruction permit to participate therein,  
3 except that an instruction permit may be issued under the  
4 provisions of Section 6-107.1 to a child who is 17 years  
5 and 3 months of age without the child having enrolled in an  
6 approved driver education course and except that an  
7 instruction permit may be issued to a child who is at least  
8 15 years and 6 months of age, is enrolled in school, meets  
9 the educational requirements of the Driver Education Act,  
10 and has passed examinations the Secretary of State in his  
11 or her discretion may prescribe;

12 2. To any person who is under the age of 18 as an  
13 operator of a motorcycle other than a motor driven cycle  
14 unless the person has, in addition to meeting the  
15 provisions of Section 6-107 of this Code, successfully  
16 completed a motorcycle training course approved by the  
17 Illinois Department of Transportation and successfully  
18 completes the required Secretary of State's motorcycle  
19 driver's examination;

20 3. To any person, as a driver, whose driver's license  
21 or permit has been suspended, during the suspension, nor to  
22 any person whose driver's license or permit has been  
23 revoked, except as provided in Sections 6-205, 6-206, and  
24 6-208;

25 4. To any person, as a driver, who is a user of alcohol  
26 or any other drug to a degree that renders the person

1 incapable of safely driving a motor vehicle;

2 5. To any person, as a driver, who has previously been  
3 adjudged to be afflicted with or suffering from any mental  
4 or physical disability or disease and who has not at the  
5 time of application been restored to competency by the  
6 methods provided by law;

7 6. To any person, as a driver, who is required by the  
8 Secretary of State to submit an alcohol and drug evaluation  
9 or take an examination provided for in this Code unless the  
10 person has successfully passed the examination and  
11 submitted any required evaluation;

12 7. To any person who is required under the provisions  
13 of the laws of this State to deposit security or proof of  
14 financial responsibility and who has not deposited the  
15 security or proof;

16 8. To any person when the Secretary of State has good  
17 cause to believe that the person by reason of physical or  
18 mental disability would not be able to safely operate a  
19 motor vehicle upon the highways, unless the person shall  
20 furnish to the Secretary of State a verified written  
21 statement, acceptable to the Secretary of State, from a  
22 competent medical specialist to the effect that the  
23 operation of a motor vehicle by the person would not be  
24 inimical to the public safety;

25 9. To any person, as a driver, who is 69 years of age  
26 or older, unless the person has successfully complied with

1 the provisions of Section 6-109;

2 10. To any person convicted, within 12 months of  
3 application for a license, of any of the sexual offenses  
4 enumerated in paragraph 2 of subsection (b) of Section  
5 6-205;

6 11. To any person who is under the age of 21 years with  
7 a classification prohibited in paragraph (b) of Section  
8 6-104 and to any person who is under the age of 18 years  
9 with a classification prohibited in paragraph (c) of  
10 Section 6-104;

11 12. To any person who has been either convicted of or  
12 adjudicated under the Juvenile Court Act of 1987 based upon  
13 a violation of the Cannabis Control Act, the Illinois  
14 Controlled Substances Act, or the Methamphetamine Control  
15 and Community Protection Act while that person was in  
16 actual physical control of a motor vehicle. For purposes of  
17 this Section, any person placed on probation under Section  
18 10 of the Cannabis Control Act, Section 410 of the Illinois  
19 Controlled Substances Act, or Section 70 of the  
20 Methamphetamine Control and Community Protection Act shall  
21 not be considered convicted. Any person found guilty of  
22 this offense, while in actual physical control of a motor  
23 vehicle, shall have an entry made in the court record by  
24 the judge that this offense did occur while the person was  
25 in actual physical control of a motor vehicle and order the  
26 clerk of the court to report the violation to the Secretary

1 of State as such. The Secretary of State shall not issue a  
2 new license or permit for a period of one year;

3 13. To any person who is under the age of 18 years and  
4 who has committed the offense of operating a motor vehicle  
5 without a valid license or permit in violation of Section  
6 6-101;

7 14. To any person who is 90 days or more delinquent in  
8 court ordered child support payments or has been  
9 adjudicated in arrears in an amount equal to 90 days'  
10 obligation or more and who has been found in contempt of  
11 court for failure to pay the support, subject to the  
12 requirements and procedures of Article VII of Chapter 7 of  
13 the Illinois Vehicle Code;

14 14.5. To any person certified by the Illinois  
15 Department of Healthcare and Family Services as being 90  
16 days or more delinquent in payment of support under an  
17 order of support entered by a court or administrative body  
18 of this or any other State, subject to the requirements and  
19 procedures of Article VII of Chapter 7 of this Code  
20 regarding those certifications;

21 15. To any person released from a term of imprisonment  
22 for violating Section 9-3 of the Criminal Code of 1961 or a  
23 similar provision of a law of another state relating to  
24 reckless homicide or for violating subparagraph (F) of  
25 paragraph (1) of subsection (d) of Section 11-501 of this  
26 Code relating to aggravated driving under the influence of

1 alcohol, other drug or drugs, intoxicating compound or  
2 compounds, or any combination thereof, if the violation was  
3 the proximate cause of a death, within 24 months of release  
4 from a term of imprisonment;

5 16. To any person who, with intent to influence any act  
6 related to the issuance of any driver's license or permit,  
7 by an employee of the Secretary of State's Office, or the  
8 owner or employee of any commercial driver training school  
9 licensed by the Secretary of State, or any other individual  
10 authorized by the laws of this State to give driving  
11 instructions or administer all or part of a driver's  
12 license examination, promises or tenders to that person any  
13 property or personal advantage which that person is not  
14 authorized by law to accept. Any persons promising or  
15 tendering such property or personal advantage shall be  
16 disqualified from holding any class of driver's license or  
17 permit for 120 consecutive days. The Secretary of State  
18 shall establish by rule the procedures for implementing  
19 this period of disqualification and the procedures by which  
20 persons so disqualified may obtain administrative review  
21 of the decision to disqualify;

22 17. To any person for whom the Secretary of State  
23 cannot verify the accuracy of any information or  
24 documentation submitted in application for a driver's  
25 license; or

26 18. To any person who has been adjudicated under the

1 Juvenile Court Act of 1987 based upon an offense that is  
2 determined by the court to have been committed in  
3 furtherance of the criminal activities of an organized  
4 gang, as provided in Section 5-710 of that Act, and that  
5 involved the operation or use of a motor vehicle or the use  
6 of a driver's license or permit. The person shall be denied  
7 a license or permit for the period determined by the court.

8 The Secretary of State shall retain all conviction  
9 information, if the information is required to be held  
10 confidential under the Juvenile Court Act of 1987.

11 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;  
12 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; revised 11-16-07.)

13 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

14 Sec. 6-113. Restricted licenses and permits.

15 (a) The Secretary of State upon issuing a drivers license  
16 or permit shall have the authority whenever good cause appears  
17 to impose restrictions suitable to the licensee's driving  
18 ability with respect to the type of, or special mechanical  
19 control devices required on, a motor vehicle which the licensee  
20 may operate or such other restrictions applicable to the  
21 licensee as the Secretary of State may determine to be  
22 appropriate to assure the safe operation of a motor vehicle by  
23 the licensee.

24 (b) The Secretary of State may either issue a special  
25 restricted license or permit or may set forth such restrictions

1 upon the usual license or permit form.

2 (c) The Secretary of State may issue a probationary license  
3 to a person whose driving privileges have been suspended  
4 pursuant to subsection (d) of this Section or subsections  
5 (a) (2), (a) (19) and (a) (20) of Section 6-206 of this Code. This  
6 subsection (c) does not apply to any driver required to possess  
7 a CDL for the purpose of operating a commercial motor vehicle.  
8 The Secretary of State shall promulgate rules pursuant to the  
9 Illinois Administrative Procedure Act, setting forth the  
10 conditions and criteria for the issuance and cancellation of  
11 probationary licenses.

12 (d) The Secretary of State may upon receiving satisfactory  
13 evidence of any violation of the restrictions of such license  
14 or permit suspend, revoke or cancel the same without  
15 preliminary hearing, but the licensee or permittee shall be  
16 entitled to a hearing as in the case of a suspension or  
17 revocation.

18 (e) It is unlawful for any person to operate a motor  
19 vehicle in any manner in violation of the restrictions imposed  
20 on a restricted license or permit issued to him.

21 (f) Whenever the holder of a restricted driving permit is  
22 issued a citation for any of the following offenses including  
23 similar local ordinances, the restricted driving permit is  
24 immediately invalidated:

25 1. Reckless homicide resulting from the operation of a  
26 motor vehicle;

1           2. Violation of Section 11-501 of this Act relating to  
2           the operation of a motor vehicle while under the influence  
3           of intoxicating liquor or narcotic drugs;

4           3. Violation of Section 11-401 of this Act relating to  
5           the offense of leaving the scene of a traffic accident  
6           involving death or injury;

7           4. Violation of Section 11-504 of this Act relating to  
8           the offense of drag racing; or

9           5. Violation of Section 11-506 of this Act relating to  
10          the offense of street racing.

11          The police officer issuing the citation shall confiscate  
12          the restricted driving permit and forward it, along with the  
13          citation, to the Clerk of the Circuit Court of the county in  
14          which the citation was issued.

15          (g) The Secretary of State may issue a special restricted  
16          license for a period of 12 months to individuals using vision  
17          aid arrangements other than standard eyeglasses or contact  
18          lenses, allowing the operation of a motor vehicle during  
19          nighttime hours. The Secretary of State shall adopt rules  
20          defining the terms and conditions by which the individual may  
21          obtain and renew this special restricted license. At a minimum,  
22          all drivers must meet the following requirements:

23               1. Possess a valid driver's license and have operated a  
24               motor vehicle during daylight hours for a period of 12  
25               months using vision aid arrangements other than standard  
26               eyeglasses or contact lenses.



1           2. Have a driving record that does not include any  
2 traffic accidents that occurred during nighttime hours,  
3 for which the driver has been found to be at fault, during  
4 the 12 months before he or she applied for the special  
5 restricted license.

6           3. Successfully complete a road test administered  
7 during nighttime hours.

8           At a minimum, all drivers renewing this license must meet  
9 the following requirements:

10           1. Successfully complete a road test administered  
11 during nighttime hours.

12           2. Have a driving record that does not include any  
13 traffic accidents that occurred during nighttime hours,  
14 for which the driver has been found to be at fault, during  
15 the 12 months before he or she applied for the special  
16 restricted license.

17           (h) Any driver issued a special restricted license as  
18 defined in subsection (g) whose privilege to drive during  
19 nighttime hours has been suspended due to an accident occurring  
20 during nighttime hours may request a hearing as provided in  
21 Section 2-118 of this Code to contest that suspension. If it is  
22 determined that the accident for which the driver was at fault  
23 was not influenced by the driver's use of vision aid  
24 arrangements other than standard eyeglasses or contact lenses,  
25 the Secretary may reinstate that driver's privilege to drive  
26 during nighttime hours.

1 (Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;  
2 revised 11-16-07.)

3 (625 ILCS 5/6-201)

4 (Text of Section before amendment by P.A. 95-627)

5 Sec. 6-201. Authority to cancel licenses and permits.

6 (a) The Secretary of State is authorized to cancel any  
7 license or permit upon determining that the holder thereof:

8 1. was not entitled to the issuance thereof hereunder;

9 or

10 2. failed to give the required or correct information  
11 in his application; or

12 3. failed to pay any fees, civil penalties owed to the  
13 Illinois Commerce Commission, or taxes due under this Act  
14 and upon reasonable notice and demand; or

15 4. committed any fraud in the making of such  
16 application; or

17 5. is ineligible therefor under the provisions of  
18 Section 6-103 of this Act, as amended; or

19 6. has refused or neglected to submit an alcohol, drug,  
20 and intoxicating compound evaluation or to submit to  
21 examination or re-examination as required under this Act;

22 or

23 7. has been convicted of violating the Cannabis Control  
24 Act, the Illinois Controlled Substances Act, the  
25 Methamphetamine Control and Community Protection Act, or

1 the Use of Intoxicating Compounds Act while that individual  
2 was in actual physical control of a motor vehicle. For  
3 purposes of this Section, any person placed on probation  
4 under Section 10 of the Cannabis Control Act, Section 410  
5 of the Illinois Controlled Substances Act, or Section 70 of  
6 the Methamphetamine Control and Community Protection Act  
7 shall not be considered convicted. Any person found guilty  
8 of this offense, while in actual physical control of a  
9 motor vehicle, shall have an entry made in the court record  
10 by the judge that this offense did occur while the person  
11 was in actual physical control of a motor vehicle and order  
12 the clerk of the court to report the violation to the  
13 Secretary of State as such. After the cancellation, the  
14 Secretary of State shall not issue a new license or permit  
15 for a period of one year after the date of cancellation.  
16 However, upon application, the Secretary of State may, if  
17 satisfied that the person applying will not endanger the  
18 public safety, or welfare, issue a restricted driving  
19 permit granting the privilege of driving a motor vehicle  
20 between the person's residence and person's place of  
21 employment or within the scope of the person's employment  
22 related duties, or to allow transportation for the person  
23 or a household member of the person's family for the  
24 receipt of necessary medical care or, if the professional  
25 evaluation indicates, provide transportation for the  
26 petitioner for alcohol remedial or rehabilitative

1 activity, or for the person to attend classes, as a  
2 student, in an accredited educational institution; if the  
3 person is able to demonstrate that no alternative means of  
4 transportation is reasonably available; provided that the  
5 Secretary's discretion shall be limited to cases where  
6 undue hardship would result from a failure to issue such  
7 restricted driving permit. In each case the Secretary of  
8 State may issue such restricted driving permit for such  
9 period as he deems appropriate, except that such permit  
10 shall expire within one year from the date of issuance. A  
11 restricted driving permit issued hereunder shall be  
12 subject to cancellation, revocation and suspension by the  
13 Secretary of State in like manner and for like cause as a  
14 driver's license issued hereunder may be cancelled,  
15 revoked or suspended; except that a conviction upon one or  
16 more offenses against laws or ordinances regulating the  
17 movement of traffic shall be deemed sufficient cause for  
18 the revocation, suspension or cancellation of a restricted  
19 driving permit. The Secretary of State may, as a condition  
20 to the issuance of a restricted driving permit, require the  
21 applicant to participate in a driver remedial or  
22 rehabilitative program. In accordance with 49 C.F.R. 384,  
23 the Secretary of State may not issue a restricted driving  
24 permit for the operation of a commercial motor vehicle to a  
25 person holding a CDL whose driving privileges have been  
26 revoked, suspended, cancelled, or disqualified under this

1 Code; or

2 8. failed to submit a report as required by Section  
3 6-116.5 of this Code; or

4 9. has been convicted of a sex offense as defined in  
5 the Sex Offender Registration Act. The driver's license  
6 shall remain cancelled until the driver registers as a sex  
7 offender as required by the Sex Offender Registration Act,  
8 proof of the registration is furnished to the Secretary of  
9 State and the sex offender provides proof of current  
10 address to the Secretary; or

11 10. is ineligible for a license or permit under Section  
12 6-107, 6-107.1, or 6-108 of this Code; or

13 11. refused or neglected to appear at a Driver Services  
14 facility to have the license or permit corrected and a new  
15 license or permit issued.

16 (b) Upon such cancellation the licensee or permittee must  
17 surrender the license or permit so cancelled to the Secretary  
18 of State.

19 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
20 Secretary of State shall have exclusive authority to grant,  
21 issue, deny, cancel, suspend and revoke driving privileges,  
22 drivers' licenses and restricted driving permits.

23 (d) The Secretary of State may adopt rules to implement  
24 this Section.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
26 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.

1 8-23-07.)

2 (Text of Section after amendment by P.A. 95-627)

3 Sec. 6-201. Authority to cancel licenses and permits.

4 (a) The Secretary of State is authorized to cancel any  
5 license or permit upon determining that the holder thereof:

6 1. was not entitled to the issuance thereof hereunder;

7 or

8 2. failed to give the required or correct information  
9 in his application; or

10 3. failed to pay any fees, civil penalties owed to the  
11 Illinois Commerce Commission, or taxes due under this Act  
12 and upon reasonable notice and demand; or

13 4. committed any fraud in the making of such  
14 application; or

15 5. is ineligible therefor under the provisions of  
16 Section 6-103 of this Act, as amended; or

17 6. has refused or neglected to submit an alcohol, drug,  
18 and intoxicating compound evaluation or to submit to  
19 examination or re-examination as required under this Act;  
20 or

21 7. has been convicted of violating the Cannabis Control  
22 Act, the Illinois Controlled Substances Act, the  
23 Methamphetamine Control and Community Protection Act, or  
24 the Use of Intoxicating Compounds Act while that individual  
25 was in actual physical control of a motor vehicle. For

1 purposes of this Section, any person placed on probation  
2 under Section 10 of the Cannabis Control Act, Section 410  
3 of the Illinois Controlled Substances Act, or Section 70 of  
4 the Methamphetamine Control and Community Protection Act  
5 shall not be considered convicted. Any person found guilty  
6 of this offense, while in actual physical control of a  
7 motor vehicle, shall have an entry made in the court record  
8 by the judge that this offense did occur while the person  
9 was in actual physical control of a motor vehicle and order  
10 the clerk of the court to report the violation to the  
11 Secretary of State as such. After the cancellation, the  
12 Secretary of State shall not issue a new license or permit  
13 for a period of one year after the date of cancellation.  
14 However, upon application, the Secretary of State may, if  
15 satisfied that the person applying will not endanger the  
16 public safety, or welfare, issue a restricted driving  
17 permit granting the privilege of driving a motor vehicle  
18 between the petitioner's residence and petitioner's place  
19 of employment or within the scope of the petitioner's  
20 employment related duties, or to allow transportation for  
21 the petitioner or a household member of the petitioner's  
22 family for the receipt of necessary medical care, or  
23 provide transportation for the petitioner to and from  
24 alcohol or drug remedial or rehabilitative activity  
25 recommended by a licensed service provider, or for the  
26 petitioner to attend classes, as a student, in an

1 accredited educational institution. The petitioner must  
2 demonstrate that no alternative means of transportation is  
3 reasonably available; provided that the Secretary's  
4 discretion shall be limited to cases where undue hardship,  
5 as defined by the rules of the Secretary of State, would  
6 result from a failure to issue such restricted driving  
7 permit. In each case the Secretary of State may issue such  
8 restricted driving permit for such period as he deems  
9 appropriate, except that such permit shall expire within  
10 one year from the date of issuance. A restricted driving  
11 permit issued hereunder shall be subject to cancellation,  
12 revocation and suspension by the Secretary of State in like  
13 manner and for like cause as a driver's license issued  
14 hereunder may be cancelled, revoked or suspended; except  
15 that a conviction upon one or more offenses against laws or  
16 ordinances regulating the movement of traffic shall be  
17 deemed sufficient cause for the revocation, suspension or  
18 cancellation of a restricted driving permit. The Secretary  
19 of State may, as a condition to the issuance of a  
20 restricted driving permit, require the applicant to  
21 participate in a driver remedial or rehabilitative  
22 program. In accordance with 49 C.F.R. 384, the Secretary of  
23 State may not issue a restricted driving permit for the  
24 operation of a commercial motor vehicle to a person holding  
25 a CDL whose driving privileges have been revoked,  
26 suspended, cancelled, or disqualified under this Code; or



1           8. failed to submit a report as required by Section  
2           6-116.5 of this Code; or

3           9. has been convicted of a sex offense as defined in  
4           the Sex Offender Registration Act. The driver's license  
5           shall remain cancelled until the driver registers as a sex  
6           offender as required by the Sex Offender Registration Act,  
7           proof of the registration is furnished to the Secretary of  
8           State and the sex offender provides proof of current  
9           address to the Secretary; or

10          10. is ineligible for a license or permit under Section  
11          6-107, 6-107.1, or 6-108 of this Code; or

12          11. refused or neglected to appear at a Driver Services  
13          facility to have the license or permit corrected and a new  
14          license or permit issued.

15          (b) Upon such cancellation the licensee or permittee must  
16          surrender the license or permit so cancelled to the Secretary  
17          of State.

18          (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
19          Secretary of State shall have exclusive authority to grant,  
20          issue, deny, cancel, suspend and revoke driving privileges,  
21          drivers' licenses and restricted driving permits.

22          (d) The Secretary of State may adopt rules to implement  
23          this Section.

24          (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
25          94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.  
26          8-23-07; 95-627, eff. 6-1-08; revised 11-16-07.)

1 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

2 (Text of Section before amendment by P.A. 95-337)

3 Sec. 6-204. When Court to forward License and Reports.

4 (a) For the purpose of providing to the Secretary of State  
5 the records essential to the performance of the Secretary's  
6 duties under this Code to cancel, revoke or suspend the  
7 driver's license and privilege to drive motor vehicles of  
8 certain minors adjudicated truant minors in need of  
9 supervision, addicted, or delinquent and of persons found  
10 guilty of the criminal offenses or traffic violations which  
11 this Code recognizes as evidence relating to unfitness to  
12 safely operate motor vehicles, the following duties are imposed  
13 upon public officials:

14 (1) Whenever any person is convicted of any offense for  
15 which this Code makes mandatory the cancellation or  
16 revocation of the driver's license or permit of such person  
17 by the Secretary of State, the judge of the court in which  
18 such conviction is had shall require the surrender to the  
19 clerk of the court of all driver's licenses or permits then  
20 held by the person so convicted, and the clerk of the court  
21 shall, within 5 days thereafter, forward the same, together  
22 with a report of such conviction, to the Secretary.

23 (2) Whenever any person is convicted of any offense  
24 under this Code or similar offenses under a municipal  
25 ordinance, other than regulations governing standing,

1 parking or weights of vehicles, and excepting the following  
2 enumerated Sections of this Code: Sections 11-1406  
3 (obstruction to driver's view or control), 11-1407  
4 (improper opening of door into traffic), 11-1410 (coasting  
5 on downgrade), 11-1411 (following fire apparatus),  
6 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
7 vehicle which is in unsafe condition or improperly  
8 equipped), 12-201(a) (daytime lights on motorcycles),  
9 12-202 (clearance, identification and side marker lamps),  
10 12-204 (lamp or flag on projecting load), 12-205 (failure  
11 to display the safety lights required), 12-401  
12 (restrictions as to tire equipment), 12-502 (mirrors),  
13 12-503 (windshields must be unobstructed and equipped with  
14 wipers), 12-601 (horns and warning devices), 12-602  
15 (mufflers, prevention of noise or smoke), 12-603 (seat  
16 safety belts), 12-702 (certain vehicles to carry flares or  
17 other warning devices), 12-703 (vehicles for oiling roads  
18 operated on highways), 12-710 (splash guards and  
19 replacements), 13-101 (safety tests), 15-101 (size, weight  
20 and load), 15-102 (width), 15-103 (height), 15-104 (name  
21 and address on second division vehicles), 15-107 (length of  
22 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
23 15-112 (weights), 15-301 (weights), 15-316 (weights),  
24 15-318 (weights), and also excepting the following  
25 enumerated Sections of the Chicago Municipal Code:  
26 Sections 27-245 (following fire apparatus), 27-254

1 (obstruction of traffic), 27-258 (driving vehicle which is  
2 in unsafe condition), 27-259 (coasting on downgrade),  
3 27-264 (use of horns and signal devices), 27-265  
4 (obstruction to driver's view or driver mechanism), 27-267  
5 (dimming of headlights), 27-268 (unattended motor  
6 vehicle), 27-272 (illegal funeral procession), 27-273  
7 (funeral procession on boulevard), 27-275 (driving freight  
8 hauling vehicles on boulevard), 27-276 (stopping and  
9 standing of buses or taxicabs), 27-277 (cruising of public  
10 passenger vehicles), 27-305 (parallel parking), 27-306  
11 (diagonal parking), 27-307 (parking not to obstruct  
12 traffic), 27-308 (stopping, standing or parking  
13 regulated), 27-311 (parking regulations), 27-312 (parking  
14 regulations), 27-313 (parking regulations), 27-314  
15 (parking regulations), 27-315 (parking regulations),  
16 27-316 (parking regulations), 27-317 (parking  
17 regulations), 27-318 (parking regulations), 27-319  
18 (parking regulations), 27-320 (parking regulations),  
19 27-321 (parking regulations), 27-322 (parking  
20 regulations), 27-324 (loading and unloading at an angle),  
21 27-333 (wheel and axle loads), 27-334 (load restrictions in  
22 the downtown district), 27-335 (load restrictions in  
23 residential areas), 27-338 (width of vehicles), 27-339  
24 (height of vehicles), 27-340 (length of vehicles), 27-352  
25 (reflectors on trailers), 27-353 (mufflers), 27-354  
26 (display of plates), 27-355 (display of city vehicle tax

1 sticker), 27-357 (identification of vehicles), 27-358  
2 (projecting of loads), and also excepting the following  
3 enumerated paragraphs of Section 2-201 of the Rules and  
4 Regulations of the Illinois State Toll Highway Authority:  
5 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
6 transporting dangerous cargo not properly indicated), it  
7 shall be the duty of the clerk of the court in which such  
8 conviction is had within 5 days thereafter to forward to  
9 the Secretary of State a report of the conviction and the  
10 court may recommend the suspension of the driver's license  
11 or permit of the person so convicted.

12 The reporting requirements of this subsection shall apply  
13 to all violations stated in paragraphs (1) and (2) of this  
14 subsection when the individual has been adjudicated under the  
15 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
16 reporting requirements shall also apply to individuals  
17 adjudicated under the Juvenile Court Act or the Juvenile Court  
18 Act of 1987 who have committed a violation of Section 11-501 of  
19 this Code, or similar provision of a local ordinance, or  
20 Section 9-3 of the Criminal Code of 1961, as amended, relating  
21 to the offense of reckless homicide. The reporting requirements  
22 of this subsection shall also apply to a truant minor in need  
23 of supervision, an addicted minor, or a delinquent minor and  
24 whose driver's license and privilege to drive a motor vehicle  
25 has been ordered suspended for such times as determined by the  
26 Court, but only until he or she attains 18 years of age. It

1 shall be the duty of the clerk of the court in which  
2 adjudication is had within 5 days thereafter to forward to the  
3 Secretary of State a report of the adjudication and the court  
4 order requiring the Secretary of State to suspend the minor's  
5 driver's license and driving privilege for such time as  
6 determined by the Court, but only until he or she attains the  
7 age of 18 years. All juvenile court dispositions reported to  
8 the Secretary of State under this provision shall be processed  
9 by the Secretary of State as if the cases had been adjudicated  
10 in traffic or criminal court. However, information reported  
11 relative to the offense of reckless homicide, or Section 11-501  
12 of this Code, or a similar provision of a local ordinance,  
13 shall be privileged and available only to the Secretary of  
14 State, courts, and police officers.

15       The reporting requirements of this subsection (a)  
16 apply to all violations listed in paragraphs (1) and (2) of  
17 this subsection (a), excluding parking violations, when  
18 the driver holds a CDL, regardless of the type of vehicle  
19 in which the violation occurred, or when any driver  
20 committed the violation in a commercial motor vehicle as  
21 defined in Section 6-500 of this Code.

22       (3) Whenever an order is entered vacating the  
23 forfeiture of any bail, security or bond given to secure  
24 appearance for any offense under this Code or similar  
25 offenses under municipal ordinance, it shall be the duty of  
26 the clerk of the court in which such vacation was had or

1 the judge of such court if such court has no clerk, within  
2 5 days thereafter to forward to the Secretary of State a  
3 report of the vacation.

4 (4) A report of any disposition of court supervision  
5 for a violation of Sections 6-303, 11-401, 11-501 or a  
6 similar provision of a local ordinance, 11-503, 11-504, and  
7 11-506 shall be forwarded to the Secretary of State. A  
8 report of any disposition of court supervision for a  
9 violation of an offense defined as a serious traffic  
10 violation in this Code or a similar provision of a local  
11 ordinance committed by a person under the age of 21 years  
12 shall be forwarded to the Secretary of State.

13 (5) Reports of conviction under this Code and  
14 sentencing hearings under the Juvenile Court Act of 1987 in  
15 an electronic format or a computer processible medium shall  
16 be forwarded to the Secretary of State via the Supreme  
17 Court in the form and format required by the Illinois  
18 Supreme Court and established by a written agreement  
19 between the Supreme Court and the Secretary of State. In  
20 counties with a population over 300,000, instead of  
21 forwarding reports to the Supreme Court, reports of  
22 conviction under this Code and sentencing hearings under  
23 the Juvenile Court Act of 1987 in an electronic format or a  
24 computer processible medium may be forwarded to the  
25 Secretary of State by the Circuit Court Clerk in a form and  
26 format required by the Secretary of State and established

1 by written agreement between the Circuit Court Clerk and  
2 the Secretary of State. Failure to forward the reports of  
3 conviction or sentencing hearing under the Juvenile Court  
4 Act of 1987 as required by this Section shall be deemed an  
5 omission of duty and it shall be the duty of the several  
6 State's Attorneys to enforce the requirements of this  
7 Section.

8 (b) Whenever a restricted driving permit is forwarded to a  
9 court, as a result of confiscation by a police officer pursuant  
10 to the authority in Section 6-113(f), it shall be the duty of  
11 the clerk, or judge, if the court has no clerk, to forward such  
12 restricted driving permit and a facsimile of the officer's  
13 citation to the Secretary of State as expeditiously as  
14 practicable.

15 (c) For the purposes of this Code, a forfeiture of bail or  
16 collateral deposited to secure a defendant's appearance in  
17 court when forfeiture has not been vacated, or the failure of a  
18 defendant to appear for trial after depositing his driver's  
19 license in lieu of other bail, shall be equivalent to a  
20 conviction.

21 (d) For the purpose of providing the Secretary of State  
22 with records necessary to properly monitor and assess driver  
23 performance and assist the courts in the proper disposition of  
24 repeat traffic law offenders, the clerk of the court shall  
25 forward to the Secretary of State, on a form prescribed by the  
26 Secretary, records of a driver's participation in a driver



1 remedial or rehabilitative program which was required, through  
2 a court order or court supervision, in relation to the driver's  
3 arrest for a violation of Section 11-501 of this Code or a  
4 similar provision of a local ordinance. The clerk of the court  
5 shall also forward to the Secretary, either on paper or in an  
6 electronic format or a computer processible medium as required  
7 under paragraph (5) of subsection (a) of this Section, any  
8 disposition of court supervision for any traffic violation,  
9 excluding those offenses listed in paragraph (2) of subsection  
10 (a) of this Section. These reports shall be sent within 5 days  
11 after disposition, or, if the driver is referred to a driver  
12 remedial or rehabilitative program, within 5 days of the  
13 driver's referral to that program. These reports received by  
14 the Secretary of State, including those required to be  
15 forwarded under paragraph (a)(4), shall be privileged  
16 information, available only (i) to the affected driver, (ii) to  
17 the parent or guardian of a person under the age of 18 years  
18 holding an instruction permit or a graduated driver's license,  
19 and (iii) for use by the courts, police officers, prosecuting  
20 authorities, the Secretary of State, and the driver licensing  
21 administrator of any other state. In accordance with 49 C.F.R.  
22 Part 384, all reports of court supervision, except violations  
23 related to parking, shall be forwarded to the Secretary of  
24 State for all holders of a CDL or any driver who commits an  
25 offense while driving a commercial motor vehicle. These reports  
26 shall be recorded to the driver's record as a conviction for

1 use in the disqualification of the driver's commercial motor  
2 vehicle privileges and shall not be privileged information.

3 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;  
4 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;  
5 revised 11-16-07.)

6 (Text of Section after amendment by P.A. 95-337)

7 Sec. 6-204. When Court to forward License and Reports.

8 (a) For the purpose of providing to the Secretary of State  
9 the records essential to the performance of the Secretary's  
10 duties under this Code to cancel, revoke or suspend the  
11 driver's license and privilege to drive motor vehicles of  
12 certain minors adjudicated truant minors in need of  
13 supervision, addicted, or delinquent and of persons found  
14 guilty of the criminal offenses or traffic violations which  
15 this Code recognizes as evidence relating to unfitness to  
16 safely operate motor vehicles, the following duties are imposed  
17 upon public officials:

18 (1) Whenever any person is convicted of any offense for  
19 which this Code makes mandatory the cancellation or  
20 revocation of the driver's license or permit of such person  
21 by the Secretary of State, the judge of the court in which  
22 such conviction is had shall require the surrender to the  
23 clerk of the court of all driver's licenses or permits then  
24 held by the person so convicted, and the clerk of the court  
25 shall, within 5 days thereafter, forward the same, together

1 with a report of such conviction, to the Secretary.

2 (2) Whenever any person is convicted of any offense  
3 under this Code or similar offenses under a municipal  
4 ordinance, other than regulations governing standing,  
5 parking or weights of vehicles, and excepting the following  
6 enumerated Sections of this Code: Sections 11-1406  
7 (obstruction to driver's view or control), 11-1407  
8 (improper opening of door into traffic), 11-1410 (coasting  
9 on downgrade), 11-1411 (following fire apparatus),  
10 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
11 vehicle which is in unsafe condition or improperly  
12 equipped), 12-201(a) (daytime lights on motorcycles),  
13 12-202 (clearance, identification and side marker lamps),  
14 12-204 (lamp or flag on projecting load), 12-205 (failure  
15 to display the safety lights required), 12-401  
16 (restrictions as to tire equipment), 12-502 (mirrors),  
17 12-503 (windshields must be unobstructed and equipped with  
18 wipers), 12-601 (horns and warning devices), 12-602  
19 (mufflers, prevention of noise or smoke), 12-603 (seat  
20 safety belts), 12-702 (certain vehicles to carry flares or  
21 other warning devices), 12-703 (vehicles for oiling roads  
22 operated on highways), 12-710 (splash guards and  
23 replacements), 13-101 (safety tests), 15-101 (size, weight  
24 and load), 15-102 (width), 15-103 (height), 15-104 (name  
25 and address on second division vehicles), 15-107 (length of  
26 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),

1 15-112 (weights), 15-301 (weights), 15-316 (weights),  
2 15-318 (weights), and also excepting the following  
3 enumerated Sections of the Chicago Municipal Code:  
4 Sections 27-245 (following fire apparatus), 27-254  
5 (obstruction of traffic), 27-258 (driving vehicle which is  
6 in unsafe condition), 27-259 (coasting on downgrade),  
7 27-264 (use of horns and signal devices), 27-265  
8 (obstruction to driver's view or driver mechanism), 27-267  
9 (dimming of headlights), 27-268 (unattended motor  
10 vehicle), 27-272 (illegal funeral procession), 27-273  
11 (funeral procession on boulevard), 27-275 (driving freight  
12 hauling vehicles on boulevard), 27-276 (stopping and  
13 standing of buses or taxicabs), 27-277 (cruising of public  
14 passenger vehicles), 27-305 (parallel parking), 27-306  
15 (diagonal parking), 27-307 (parking not to obstruct  
16 traffic), 27-308 (stopping, standing or parking  
17 regulated), 27-311 (parking regulations), 27-312 (parking  
18 regulations), 27-313 (parking regulations), 27-314  
19 (parking regulations), 27-315 (parking regulations),  
20 27-316 (parking regulations), 27-317 (parking  
21 regulations), 27-318 (parking regulations), 27-319  
22 (parking regulations), 27-320 (parking regulations),  
23 27-321 (parking regulations), 27-322 (parking  
24 regulations), 27-324 (loading and unloading at an angle),  
25 27-333 (wheel and axle loads), 27-334 (load restrictions in  
26 the downtown district), 27-335 (load restrictions in

1 residential areas), 27-338 (width of vehicles), 27-339  
2 (height of vehicles), 27-340 (length of vehicles), 27-352  
3 (reflectors on trailers), 27-353 (mufflers), 27-354  
4 (display of plates), 27-355 (display of city vehicle tax  
5 sticker), 27-357 (identification of vehicles), 27-358  
6 (projecting of loads), and also excepting the following  
7 enumerated paragraphs of Section 2-201 of the Rules and  
8 Regulations of the Illinois State Toll Highway Authority:  
9 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
10 transporting dangerous cargo not properly indicated), it  
11 shall be the duty of the clerk of the court in which such  
12 conviction is had within 5 days thereafter to forward to  
13 the Secretary of State a report of the conviction and the  
14 court may recommend the suspension of the driver's license  
15 or permit of the person so convicted.

16 The reporting requirements of this subsection shall apply  
17 to all violations stated in paragraphs (1) and (2) of this  
18 subsection when the individual has been adjudicated under the  
19 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
20 reporting requirements shall also apply to individuals  
21 adjudicated under the Juvenile Court Act or the Juvenile Court  
22 Act of 1987 who have committed a violation of Section 11-501 of  
23 this Code, or similar provision of a local ordinance, or  
24 Section 9-3 of the Criminal Code of 1961, as amended, relating  
25 to the offense of reckless homicide. These reporting  
26 requirements also apply to individuals adjudicated under the

1 Juvenile Court Act of 1987 based on any offense determined to  
2 have been committed in furtherance of the criminal activities  
3 of an organized gang, as provided in Section 5-710 of that Act,  
4 and that involved the operation or use of a motor vehicle or  
5 the use of a driver's license or permit. The reporting  
6 requirements of this subsection shall also apply to a truant  
7 minor in need of supervision, an addicted minor, or a  
8 delinquent minor and whose driver's license and privilege to  
9 drive a motor vehicle has been ordered suspended for such times  
10 as determined by the Court, but only until he or she attains 18  
11 years of age. It shall be the duty of the clerk of the court in  
12 which adjudication is had within 5 days thereafter to forward  
13 to the Secretary of State a report of the adjudication and the  
14 court order requiring the Secretary of State to suspend the  
15 minor's driver's license and driving privilege for such time as  
16 determined by the Court, but only until he or she attains the  
17 age of 18 years. All juvenile court dispositions reported to  
18 the Secretary of State under this provision shall be processed  
19 by the Secretary of State as if the cases had been adjudicated  
20 in traffic or criminal court. However, information reported  
21 relative to the offense of reckless homicide, or Section 11-501  
22 of this Code, or a similar provision of a local ordinance,  
23 shall be privileged and available only to the Secretary of  
24 State, courts, and police officers.

25 The reporting requirements of this subsection (a)  
26 apply to all violations listed in paragraphs (1) and (2) of

1           this subsection (a), excluding parking violations, when  
2           the driver holds a CDL, regardless of the type of vehicle  
3           in which the violation occurred, or when any driver  
4           committed the violation in a commercial motor vehicle as  
5           defined in Section 6-500 of this Code.

6           (3) Whenever an order is entered vacating the  
7           forfeiture of any bail, security or bond given to secure  
8           appearance for any offense under this Code or similar  
9           offenses under municipal ordinance, it shall be the duty of  
10          the clerk of the court in which such vacation was had or  
11          the judge of such court if such court has no clerk, within  
12          5 days thereafter to forward to the Secretary of State a  
13          report of the vacation.

14          (4) A report of any disposition of court supervision  
15          for a violation of Sections 6-303, 11-401, 11-501 or a  
16          similar provision of a local ordinance, 11-503, 11-504, and  
17          11-506 shall be forwarded to the Secretary of State. A  
18          report of any disposition of court supervision for a  
19          violation of an offense defined as a serious traffic  
20          violation in this Code or a similar provision of a local  
21          ordinance committed by a person under the age of 21 years  
22          shall be forwarded to the Secretary of State.

23          (5) Reports of conviction under this Code and  
24          sentencing hearings under the Juvenile Court Act of 1987 in  
25          an electronic format or a computer processible medium shall  
26          be forwarded to the Secretary of State via the Supreme

1 Court in the form and format required by the Illinois  
2 Supreme Court and established by a written agreement  
3 between the Supreme Court and the Secretary of State. In  
4 counties with a population over 300,000, instead of  
5 forwarding reports to the Supreme Court, reports of  
6 conviction under this Code and sentencing hearings under  
7 the Juvenile Court Act of 1987 in an electronic format or a  
8 computer processible medium may be forwarded to the  
9 Secretary of State by the Circuit Court Clerk in a form and  
10 format required by the Secretary of State and established  
11 by written agreement between the Circuit Court Clerk and  
12 the Secretary of State. Failure to forward the reports of  
13 conviction or sentencing hearing under the Juvenile Court  
14 Act of 1987 as required by this Section shall be deemed an  
15 omission of duty and it shall be the duty of the several  
16 State's Attorneys to enforce the requirements of this  
17 Section.

18 (b) Whenever a restricted driving permit is forwarded to a  
19 court, as a result of confiscation by a police officer pursuant  
20 to the authority in Section 6-113(f), it shall be the duty of  
21 the clerk, or judge, if the court has no clerk, to forward such  
22 restricted driving permit and a facsimile of the officer's  
23 citation to the Secretary of State as expeditiously as  
24 practicable.

25 (c) For the purposes of this Code, a forfeiture of bail or  
26 collateral deposited to secure a defendant's appearance in



1 court when forfeiture has not been vacated, or the failure of a  
2 defendant to appear for trial after depositing his driver's  
3 license in lieu of other bail, shall be equivalent to a  
4 conviction.

5 (d) For the purpose of providing the Secretary of State  
6 with records necessary to properly monitor and assess driver  
7 performance and assist the courts in the proper disposition of  
8 repeat traffic law offenders, the clerk of the court shall  
9 forward to the Secretary of State, on a form prescribed by the  
10 Secretary, records of a driver's participation in a driver  
11 remedial or rehabilitative program which was required, through  
12 a court order or court supervision, in relation to the driver's  
13 arrest for a violation of Section 11-501 of this Code or a  
14 similar provision of a local ordinance. The clerk of the court  
15 shall also forward to the Secretary, either on paper or in an  
16 electronic format or a computer processible medium as required  
17 under paragraph (5) of subsection (a) of this Section, any  
18 disposition of court supervision for any traffic violation,  
19 excluding those offenses listed in paragraph (2) of subsection  
20 (a) of this Section. These reports shall be sent within 5 days  
21 after disposition, or, if the driver is referred to a driver  
22 remedial or rehabilitative program, within 5 days of the  
23 driver's referral to that program. These reports received by  
24 the Secretary of State, including those required to be  
25 forwarded under paragraph (a)(4), shall be privileged  
26 information, available only (i) to the affected driver, (ii) to

1 the parent or guardian of a person under the age of 18 years  
2 holding an instruction permit or a graduated driver's license,  
3 and (iii) for use by the courts, police officers, prosecuting  
4 authorities, the Secretary of State, and the driver licensing  
5 administrator of any other state. In accordance with 49 C.F.R.  
6 Part 384, all reports of court supervision, except violations  
7 related to parking, shall be forwarded to the Secretary of  
8 State for all holders of a CDL or any driver who commits an  
9 offense while driving a commercial motor vehicle. These reports  
10 shall be recorded to the driver's record as a conviction for  
11 use in the disqualification of the driver's commercial motor  
12 vehicle privileges and shall not be privileged information.

13 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;  
14 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;  
15 95-382, eff. 8-23-07; revised 11-16-07.)

16 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

17 (Text of Section before amendment by P.A. 95-337 and  
18 95-627)

19 Sec. 6-205. Mandatory revocation of license or permit;  
20 Hardship cases.

21 (a) Except as provided in this Section, the Secretary of  
22 State shall immediately revoke the license, permit, or driving  
23 privileges of any driver upon receiving a report of the  
24 driver's conviction of any of the following offenses:

25 1. Reckless homicide resulting from the operation of a

1 motor vehicle;

2 2. Violation of Section 11-501 of this Code or a  
3 similar provision of a local ordinance relating to the  
4 offense of operating or being in physical control of a  
5 vehicle while under the influence of alcohol, other drug or  
6 drugs, intoxicating compound or compounds, or any  
7 combination thereof;

8 3. Any felony under the laws of any State or the  
9 federal government in the commission of which a motor  
10 vehicle was used;

11 4. Violation of Section 11-401 of this Code relating to  
12 the offense of leaving the scene of a traffic accident  
13 involving death or personal injury;

14 5. Perjury or the making of a false affidavit or  
15 statement under oath to the Secretary of State under this  
16 Code or under any other law relating to the ownership or  
17 operation of motor vehicles;

18 6. Conviction upon 3 charges of violation of Section  
19 11-503 of this Code relating to the offense of reckless  
20 driving committed within a period of 12 months;

21 7. Conviction of any offense defined in Section 4-102  
22 of this Code;

23 8. Violation of Section 11-504 of this Code relating to  
24 the offense of drag racing;

25 9. Violation of Chapters 8 and 9 of this Code;

26 10. Violation of Section 12-5 of the Criminal Code of

1 1961 arising from the use of a motor vehicle;

2 11. Violation of Section 11-204.1 of this Code relating  
3 to aggravated fleeing or attempting to elude a peace  
4 officer;

5 12. Violation of paragraph (1) of subsection (b) of  
6 Section 6-507, or a similar law of any other state,  
7 relating to the unlawful operation of a commercial motor  
8 vehicle;

9 13. Violation of paragraph (a) of Section 11-502 of  
10 this Code or a similar provision of a local ordinance if  
11 the driver has been previously convicted of a violation of  
12 that Section or a similar provision of a local ordinance  
13 and the driver was less than 21 years of age at the time of  
14 the offense;

15 14. Violation of Section 11-506 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of street racing.

18 (b) The Secretary of State shall also immediately revoke  
19 the license or permit of any driver in the following  
20 situations:

21 1. Of any minor upon receiving the notice provided for  
22 in Section 5-901 of the Juvenile Court Act of 1987 that the  
23 minor has been adjudicated under that Act as having  
24 committed an offense relating to motor vehicles prescribed  
25 in Section 4-103 of this Code;

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license  
2 or permit.

3 (c) Except as provided in subsection (c-5), whenever a  
4 person is convicted of any of the offenses enumerated in this  
5 Section, the court may recommend and the Secretary of State in  
6 his discretion, without regard to whether the recommendation is  
7 made by the court may, upon application, issue to the person a  
8 restricted driving permit granting the privilege of driving a  
9 motor vehicle between the petitioner's residence and  
10 petitioner's place of employment or within the scope of the  
11 petitioner's employment related duties, or to allow  
12 transportation for the petitioner or a household member of the  
13 petitioner's family for the receipt of necessary medical care  
14 or, if the professional evaluation indicates, provide  
15 transportation for the petitioner for alcohol remedial or  
16 rehabilitative activity, or for the petitioner to attend  
17 classes, as a student, in an accredited educational  
18 institution; if the petitioner is able to demonstrate that no  
19 alternative means of transportation is reasonably available  
20 and the petitioner will not endanger the public safety or  
21 welfare; provided that the Secretary's discretion shall be  
22 limited to cases where undue hardship would result from a  
23 failure to issue the restricted driving permit.

24 If a person's license or permit has been revoked or  
25 suspended due to 2 or more convictions of violating Section  
26 11-501 of this Code or a similar provision of a local ordinance

1 or a similar out-of-state offense, arising out of separate  
2 occurrences, that person, if issued a restricted driving  
3 permit, may not operate a vehicle unless it has been equipped  
4 with an ignition interlock device as defined in Section  
5 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 or a  
9 similar provision of a local ordinance or a similar  
10 out-of-state offense, and a statutory summary suspension under  
11 Section 11-501.1, or 2 or more statutory summary suspensions,  
12 or combination of 2 offenses, or of an offense and a statutory  
13 summary suspension, arising out of separate occurrences, or if  
14 a person has been convicted of one violation of Section 6-303  
15 of this Code committed while his or her driver's license,  
16 permit, or privilege was revoked because of a violation of  
17 Section 9-3 of the Criminal Code of 1961, relating to the  
18 offense of reckless homicide, or a similar provision of a law  
19 of another state, that person, if issued a restricted driving  
20 permit, may not operate a vehicle unless it has been equipped  
21 with an ignition interlock device as defined in Section  
22 1-129.1. The person must pay to the Secretary of State DUI  
23 Administration Fund an amount not to exceed \$20 per month. The  
24 Secretary shall establish by rule the amount and the  
25 procedures, terms, and conditions relating to these fees. If  
26 the restricted driving permit was issued for employment

1 purposes, then this provision does not apply to the operation  
2 of an occupational vehicle owned or leased by that person's  
3 employer. In each case the Secretary of State may issue a  
4 restricted driving permit for a period he deems appropriate,  
5 except that the permit shall expire within one year from the  
6 date of issuance. The Secretary may not, however, issue a  
7 restricted driving permit to any person whose current  
8 revocation is the result of a second or subsequent conviction  
9 for a violation of Section 11-501 of this Code or a similar  
10 provision of a local ordinance relating to the offense of  
11 operating or being in physical control of a motor vehicle while  
12 under the influence of alcohol, other drug or drugs,  
13 intoxicating compound or compounds, or any similar  
14 out-of-state offense, or any combination thereof, until the  
15 expiration of at least one year from the date of the  
16 revocation. A restricted driving permit issued under this  
17 Section shall be subject to cancellation, revocation, and  
18 suspension by the Secretary of State in like manner and for  
19 like cause as a driver's license issued under this Code may be  
20 cancelled, revoked, or suspended; except that a conviction upon  
21 one or more offenses against laws or ordinances regulating the  
22 movement of traffic shall be deemed sufficient cause for the  
23 revocation, suspension, or cancellation of a restricted  
24 driving permit. The Secretary of State may, as a condition to  
25 the issuance of a restricted driving permit, require the  
26 applicant to participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is authorized to  
2 cancel a restricted driving permit if the permit holder does  
3 not successfully complete the program. However, if an  
4 individual's driving privileges have been revoked in  
5 accordance with paragraph 13 of subsection (a) of this Section,  
6 no restricted driving permit shall be issued until the  
7 individual has served 6 months of the revocation period.

8 (c-5) The Secretary may not issue a restricted driving  
9 permit to any person who has been convicted of a second or  
10 subsequent violation of Section 6-303 of this Code committed  
11 while his or her driver's license, permit, or privilege was  
12 revoked because of a violation of Section 9-3 of the Criminal  
13 Code of 1961, relating to the offense of reckless homicide, or  
14 a similar provision of a law of another state.

15 (d) Whenever a person under the age of 21 is convicted  
16 under Section 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense, the  
18 Secretary of State shall revoke the driving privileges of that  
19 person. One year after the date of revocation, and upon  
20 application, the Secretary of State may, if satisfied that the  
21 person applying will not endanger the public safety or welfare,  
22 issue a restricted driving permit granting the privilege of  
23 driving a motor vehicle only between the hours of 5 a.m. and 9  
24 p.m. or as otherwise provided by this Section for a period of  
25 one year. After this one year period, and upon reapplication  
26 for a license as provided in Section 6-106, upon payment of the



1 appropriate reinstatement fee provided under paragraph (b) of  
2 Section 6-118, the Secretary of State, in his discretion, may  
3 issue the applicant a license, or extend the restricted driving  
4 permit as many times as the Secretary of State deems  
5 appropriate, by additional periods of not more than 12 months  
6 each, until the applicant attains 21 years of age.

7 If a person's license or permit has been revoked or  
8 suspended due to 2 or more convictions of violating Section  
9 11-501 of this Code or a similar provision of a local ordinance  
10 or a similar out-of-state offense, arising out of separate  
11 occurrences, that person, if issued a restricted driving  
12 permit, may not operate a vehicle unless it has been equipped  
13 with an ignition interlock device as defined in Section  
14 1-129.1.

15 If a person's license or permit has been revoked or  
16 suspended 2 or more times within a 10 year period due to a  
17 single conviction of violating Section 11-501 of this Code or a  
18 similar provision of a local ordinance or a similar  
19 out-of-state offense, and a statutory summary suspension under  
20 Section 11-501.1, or 2 or more statutory summary suspensions,  
21 or combination of 2 offenses, or of an offense and a statutory  
22 summary suspension, arising out of separate occurrences, that  
23 person, if issued a restricted driving permit, may not operate  
24 a vehicle unless it has been equipped with an ignition  
25 interlock device as defined in Section 1-129.1. The person must  
26 pay to the Secretary of State DUI Administration Fund an amount

1 not to exceed \$20 per month. The Secretary shall establish by  
2 rule the amount and the procedures, terms, and conditions  
3 relating to these fees. If the restricted driving permit was  
4 issued for employment purposes, then this provision does not  
5 apply to the operation of an occupational vehicle owned or  
6 leased by that person's employer. A restricted driving permit  
7 issued under this Section shall be subject to cancellation,  
8 revocation, and suspension by the Secretary of State in like  
9 manner and for like cause as a driver's license issued under  
10 this Code may be cancelled, revoked, or suspended; except that  
11 a conviction upon one or more offenses against laws or  
12 ordinances regulating the movement of traffic shall be deemed  
13 sufficient cause for the revocation, suspension, or  
14 cancellation of a restricted driving permit.

15 (d-5) The revocation of the license, permit, or driving  
16 privileges of a person convicted of a third or subsequent  
17 violation of Section 6-303 of this Code committed while his or  
18 her driver's license, permit, or privilege was revoked because  
19 of a violation of Section 9-3 of the Criminal Code of 1961,  
20 relating to the offense of reckless homicide, or a similar  
21 provision of a law of another state, is permanent. The  
22 Secretary may not, at any time, issue a license or permit to  
23 that person.

24 (e) This Section is subject to the provisions of the Driver  
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on  
2 December 31, 1988 shall be converted to a suspension for a like  
3 period of time.

4 (g) The Secretary of State shall not issue a restricted  
5 driving permit to a person under the age of 16 years whose  
6 driving privileges have been revoked under any provisions of  
7 this Code.

8 (h) The Secretary of State shall require the use of  
9 ignition interlock devices on all vehicles owned by an  
10 individual who has been convicted of a second or subsequent  
11 offense under Section 11-501 of this Code or a similar  
12 provision of a local ordinance. The Secretary shall establish  
13 by rule and regulation the procedures for certification and use  
14 of the interlock system.

15 (i) (Blank).

16 (j) In accordance with 49 C.F.R. 384, the Secretary of  
17 State may not issue a restricted driving permit for the  
18 operation of a commercial motor vehicle to a person holding a  
19 CDL whose driving privileges have been revoked, suspended,  
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;  
22 95-377, eff. 1-1-08; 95-382, eff. 8-23-07; revised 11-16-07.)

23 (Text of Section after amendment by P.A. 95-337 and 95-627)  
24 Sec. 6-205. Mandatory revocation of license or permit;  
25 Hardship cases.

1           (a) Except as provided in this Section, the Secretary of  
2 State shall immediately revoke the license, permit, or driving  
3 privileges of any driver upon receiving a report of the  
4 driver's conviction of any of the following offenses:

5           1. Reckless homicide resulting from the operation of a  
6 motor vehicle;

7           2. Violation of Section 11-501 of this Code or a  
8 similar provision of a local ordinance relating to the  
9 offense of operating or being in physical control of a  
10 vehicle while under the influence of alcohol, other drug or  
11 drugs, intoxicating compound or compounds, or any  
12 combination thereof;

13           3. Any felony under the laws of any State or the  
14 federal government in the commission of which a motor  
15 vehicle was used;

16           4. Violation of Section 11-401 of this Code relating to  
17 the offense of leaving the scene of a traffic accident  
18 involving death or personal injury;

19           5. Perjury or the making of a false affidavit or  
20 statement under oath to the Secretary of State under this  
21 Code or under any other law relating to the ownership or  
22 operation of motor vehicles;

23           6. Conviction upon 3 charges of violation of Section  
24 11-503 of this Code relating to the offense of reckless  
25 driving committed within a period of 12 months;

26           7. Conviction of any offense defined in Section 4-102

1 of this Code;

2 8. Violation of Section 11-504 of this Code relating to  
3 the offense of drag racing;

4 9. Violation of Chapters 8 and 9 of this Code;

5 10. Violation of Section 12-5 of the Criminal Code of  
6 1961 arising from the use of a motor vehicle;

7 11. Violation of Section 11-204.1 of this Code relating  
8 to aggravated fleeing or attempting to elude a peace  
9 officer;

10 12. Violation of paragraph (1) of subsection (b) of  
11 Section 6-507, or a similar law of any other state,  
12 relating to the unlawful operation of a commercial motor  
13 vehicle;

14 13. Violation of paragraph (a) of Section 11-502 of  
15 this Code or a similar provision of a local ordinance if  
16 the driver has been previously convicted of a violation of  
17 that Section or a similar provision of a local ordinance  
18 and the driver was less than 21 years of age at the time of  
19 the offense;

20 14. Violation of Section 11-506 of this Code or a  
21 similar provision of a local ordinance relating to the  
22 offense of street racing.

23 (b) The Secretary of State shall also immediately revoke  
24 the license or permit of any driver in the following  
25 situations:

26 1. Of any minor upon receiving the notice provided for

1 in Section 5-901 of the Juvenile Court Act of 1987 that the  
2 minor has been adjudicated under that Act as having  
3 committed an offense relating to motor vehicles prescribed  
4 in Section 4-103 of this Code;

5 2. Of any person when any other law of this State  
6 requires either the revocation or suspension of a license  
7 or permit;

8 3. Of any person adjudicated under the Juvenile Court  
9 Act of 1987 based on an offense determined to have been  
10 committed in furtherance of the criminal activities of an  
11 organized gang as provided in Section 5-710 of that Act,  
12 and that involved the operation or use of a motor vehicle  
13 or the use of a driver's license or permit. The revocation  
14 shall remain in effect for the period determined by the  
15 court. Upon the direction of the court, the Secretary shall  
16 issue the person a judicial driving permit, also known as a  
17 JDP. The JDP shall be subject to the same terms as a JDP  
18 issued under Section 6-206.1, except that the court may  
19 direct that a JDP issued under this subdivision (b)(3) be  
20 effective immediately.

21 (c) (1) Except as provided in subsection (c-5),  
22 whenever a person is convicted of any of the offenses  
23 enumerated in this Section, the court may recommend and the  
24 Secretary of State in his discretion, without regard to  
25 whether the recommendation is made by the court may, upon  
26 application, issue to the person a restricted driving

1 permit granting the privilege of driving a motor vehicle  
2 between the petitioner's residence and petitioner's place  
3 of employment or within the scope of the petitioner's  
4 employment related duties, or to allow transportation for  
5 the petitioner or a household member of the petitioner's  
6 family for the receipt of necessary medical care or  
7 provide transportation for the petitioner to and from  
8 alcohol or drug remedial or rehabilitative activity  
9 recommended by a licensed service provider, or for the  
10 petitioner to attend classes, as a student, in an  
11 accredited educational institution; if the petitioner is  
12 able to demonstrate that no alternative means of  
13 transportation is reasonably available and that the  
14 petitioner will not endanger the public safety or welfare;  
15 provided that the Secretary's discretion shall be limited  
16 to cases where undue hardship, as defined by the rules of  
17 the Secretary of State, would result from a failure to  
18 issue the restricted driving permit. Those multiple  
19 offenders identified in subdivision (b)4 of Section 6-208  
20 of this Code, however, shall not be eligible for the  
21 issuance of a restricted driving permit.

22 (2) If a person's license or permit is revoked or  
23 suspended due to 2 or more convictions of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or Section 9-3  
26 of the Criminal Code of 1961, where the use of alcohol or

1 other drugs is recited as an element of the offense, or a  
2 similar out-of-state offense, or a combination of these  
3 offenses, arising out of separate occurrences, that  
4 person, if issued a restricted driving permit, may not  
5 operate a vehicle unless it has been equipped with an  
6 ignition interlock device as defined in Section 1-129.1.

7 (3) If:

8 (A) a person's license or permit is revoked or  
9 suspended 2 or more times within a 10 year period due  
10 to any combination of:

11 (i) ~~(A)~~ a single conviction of violating  
12 Section 11-501 of this Code or a similar provision  
13 of a local ordinance or a similar out-of-state  
14 offense, or Section 9-3 of the Criminal Code of  
15 1961, where the use of alcohol or other drugs is  
16 recited as an element of the offense, or a similar  
17 out-of-state offense; or

18 (ii) ~~(B)~~ a statutory summary suspension under  
19 Section 11-501.1; or

20 (iii) ~~(C)~~ a suspension pursuant to Section  
21 6-203.1~~;~~

22 arising out of separate occurrences~~;~~ or

23 (B) ~~if~~ a person has been convicted of one violation  
24 of Section 6-303 of this Code committed while his or  
25 her driver's license, permit, or privilege was revoked  
26 because of a violation of Section 9-3 of the Criminal



1 Code of 1961, relating to the offense of reckless  
2 homicide, or a similar provision of a law of another  
3 state,

4 that person, if issued a restricted driving permit, may not  
5 operate a vehicle unless it has been equipped with an  
6 ignition interlock device as defined in Section 1-129.1.

7 ~~(4)~~ The person must pay to the Secretary of State DUI  
8 Administration Fund an amount not to exceed \$20 per month.  
9 The Secretary shall establish by rule the amount and the  
10 procedures, terms, and conditions relating to these fees.

11 ~~(5)~~ If the restricted driving permit is issued for  
12 employment purposes, then the prohibition against  
13 operating a motor vehicle that is not equipped with an  
14 ignition interlock device does not apply to the operation  
15 of an occupational vehicle owned or leased by that person's  
16 employer when used solely for employment purposes. ~~(6)~~ In  
17 each case the Secretary of State may issue a restricted  
18 driving permit for a period he deems appropriate, except  
19 that the permit shall expire within one year from the date  
20 of issuance. The Secretary may not, however, issue a  
21 restricted driving permit to any person whose current  
22 revocation is the result of a second or subsequent  
23 conviction for a violation of Section 11-501 of this Code  
24 or a similar provision of a local ordinance or any similar  
25 out-of-state offense, or Section 9-3 of the Criminal Code  
26 of 1961, where the use of alcohol or other drugs is recited

1 as an element of the offense, or any similar out-of-state  
2 offense, or any combination of these offenses, until the  
3 expiration of at least one year from the date of the  
4 revocation. A restricted driving permit issued under this  
5 Section shall be subject to cancellation, revocation, and  
6 suspension by the Secretary of State in like manner and for  
7 like cause as a driver's license issued under this Code may  
8 be cancelled, revoked, or suspended; except that a  
9 conviction upon one or more offenses against laws or  
10 ordinances regulating the movement of traffic shall be  
11 deemed sufficient cause for the revocation, suspension, or  
12 cancellation of a restricted driving permit. The Secretary  
13 of State may, as a condition to the issuance of a  
14 restricted driving permit, require the petitioner to  
15 participate in a designated driver remedial or  
16 rehabilitative program. The Secretary of State is  
17 authorized to cancel a restricted driving permit if the  
18 permit holder does not successfully complete the program.  
19 However, if an individual's driving privileges have been  
20 revoked in accordance with paragraph 13 of subsection (a)  
21 of this Section, no restricted driving permit shall be  
22 issued until the individual has served 6 months of the  
23 revocation period.

24 (c-5) The Secretary may not issue a restricted driving  
25 permit to any person who has been convicted of a second or  
26 subsequent violation of Section 6-303 of this Code committed

1 while his or her driver's license, permit, or privilege was  
2 revoked because of a violation of Section 9-3 of the Criminal  
3 Code of 1961, relating to the offense of reckless homicide, or  
4 a similar provision of a law of another state.

5 (d) (1) Whenever a person under the age of 21 is convicted  
6 under Section 11-501 of this Code or a similar provision of a  
7 local ordinance<sup>7</sup> or a similar out-of-state offense, the  
8 Secretary of State shall revoke the driving privileges of that  
9 person. One year after the date of revocation, and upon  
10 application, the Secretary of State may, if satisfied that the  
11 person applying will not endanger the public safety or welfare,  
12 issue a restricted driving permit granting the privilege of  
13 driving a motor vehicle only between the hours of 5 a.m. and 9  
14 p.m. or as otherwise provided by this Section for a period of  
15 one year. After this one year period, and upon reapplication  
16 for a license as provided in Section 6-106, upon payment of the  
17 appropriate reinstatement fee provided under paragraph (b) of  
18 Section 6-118, the Secretary of State, in his discretion, may  
19 reinstate the petitioner's driver's license and driving  
20 privileges, or extend the restricted driving permit as many  
21 times as the Secretary of State deems appropriate, by  
22 additional periods of not more than 12 months each.

23 (2) If a person's license or permit is revoked or  
24 suspended due to 2 or more convictions of violating Section  
25 11-501 of this Code or a similar provision of a local  
26 ordinance or a similar out-of-state offense, or Section 9-3

1 of the Criminal Code of 1961, where the use of alcohol or  
2 other drugs is recited as an element of the offense, or a  
3 similar out-of-state offense, or a combination of these  
4 offenses, arising out of separate occurrences, that  
5 person, if issued a restricted driving permit, may not  
6 operate a vehicle unless it has been equipped with an  
7 ignition interlock device as defined in Section 1-129.1.

8 (3) If a person's license or permit is revoked or  
9 suspended 2 or more times within a 10 year period due to  
10 any combination of:

11 (A) a single conviction of violating Section  
12 11-501 of this Code or a similar provision of a local  
13 ordinance or a similar out-of-state offense, or  
14 Section 9-3 of the Criminal Code of 1961, where the use  
15 of alcohol or other drugs is recited as an element of  
16 the offense, or a similar out-of-state offense; or

17 (B) a statutory summary suspension under Section  
18 11-501.1; or

19 (C) a suspension pursuant to Section 6-203.1,  
20 arising out of separate occurrences, that person, if  
21 issued a restricted driving permit, may not operate a  
22 vehicle unless it has been equipped with an ignition  
23 interlock device as defined in Section 1-129.1.

24 (4) The person must pay to the Secretary of State DUI  
25 Administration Fund an amount not to exceed \$20 per month.  
26 The Secretary shall establish by rule the amount and the

1 procedures, terms, and conditions relating to these fees.

2 (5) If the restricted driving permit is issued for  
3 employment purposes, then the prohibition against driving  
4 a vehicle that is not equipped with an ignition interlock  
5 device does not apply to the operation of an occupational  
6 vehicle owned or leased by that person's employer when used  
7 solely for employment purposes.

8 (6) A restricted driving permit issued under this  
9 Section shall be subject to cancellation, revocation, and  
10 suspension by the Secretary of State in like manner and for  
11 like cause as a driver's license issued under this Code may  
12 be cancelled, revoked, or suspended; except that a  
13 conviction upon one or more offenses against laws or  
14 ordinances regulating the movement of traffic shall be  
15 deemed sufficient cause for the revocation, suspension, or  
16 cancellation of a restricted driving permit.

17 (d-5) The revocation of the license, permit, or driving  
18 privileges of a person convicted of a third or subsequent  
19 violation of Section 6-303 of this Code committed while his or  
20 her driver's license, permit, or privilege was revoked because  
21 of a violation of Section 9-3 of the Criminal Code of 1961,  
22 relating to the offense of reckless homicide, or a similar  
23 provision of a law of another state, is permanent. The  
24 Secretary may not, at any time, issue a license or permit to  
25 that person.

26 (e) This Section is subject to the provisions of the Driver

1 License Compact.

2 (f) Any revocation imposed upon any person under  
3 subsections 2 and 3 of paragraph (b) that is in effect on  
4 December 31, 1988 shall be converted to a suspension for a like  
5 period of time.

6 (g) The Secretary of State shall not issue a restricted  
7 driving permit to a person under the age of 16 years whose  
8 driving privileges have been revoked under any provisions of  
9 this Code.

10 (h) The Secretary of State shall require the use of  
11 ignition interlock devices on all vehicles owned by an  
12 individual who has been convicted of a second or subsequent  
13 offense under Section 11-501 of this Code or a similar  
14 provision of a local ordinance. The Secretary shall establish  
15 by rule and regulation the procedures for certification and use  
16 of the interlock system.

17 (i) (Blank).

18 (j) In accordance with 49 C.F.R. 384, the Secretary of  
19 State may not issue a restricted driving permit for the  
20 operation of a commercial motor vehicle to a person holding a  
21 CDL whose driving privileges have been revoked, suspended,  
22 cancelled, or disqualified under any provisions of this Code.

23 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;  
24 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;  
25 95-627, eff. 6-1-08; revised 11-16-07.)

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

2 (Text of Section before amendment by P.A. 95-400 and  
3 95-627)

4 Sec. 6-206. Discretionary authority to suspend or revoke  
5 license or permit; Right to a hearing.

6 (a) The Secretary of State is authorized to suspend or  
7 revoke the driving privileges of any person without preliminary  
8 hearing upon a showing of the person's records or other  
9 sufficient evidence that the person:

10 1. Has committed an offense for which mandatory  
11 revocation of a driver's license or permit is required upon  
12 conviction;

13 2. Has been convicted of not less than 3 offenses  
14 against traffic regulations governing the movement of  
15 vehicles committed within any 12 month period. No  
16 revocation or suspension shall be entered more than 6  
17 months after the date of last conviction;

18 3. Has been repeatedly involved as a driver in motor  
19 vehicle collisions or has been repeatedly convicted of  
20 offenses against laws and ordinances regulating the  
21 movement of traffic, to a degree that indicates lack of  
22 ability to exercise ordinary and reasonable care in the  
23 safe operation of a motor vehicle or disrespect for the  
24 traffic laws and the safety of other persons upon the  
25 highway;

26 4. Has by the unlawful operation of a motor vehicle

1           caused or contributed to an accident resulting in death or  
2           injury requiring immediate professional treatment in a  
3           medical facility or doctor's office to any person, except  
4           that any suspension or revocation imposed by the Secretary  
5           of State under the provisions of this subsection shall  
6           start no later than 6 months after being convicted of  
7           violating a law or ordinance regulating the movement of  
8           traffic, which violation is related to the accident, or  
9           shall start not more than one year after the date of the  
10          accident, whichever date occurs later;

11           5. Has permitted an unlawful or fraudulent use of a  
12          driver's license, identification card, or permit;

13           6. Has been lawfully convicted of an offense or  
14          offenses in another state, including the authorization  
15          contained in Section 6-203.1, which if committed within  
16          this State would be grounds for suspension or revocation;

17           7. Has refused or failed to submit to an examination  
18          provided for by Section 6-207 or has failed to pass the  
19          examination;

20           8. Is ineligible for a driver's license or permit under  
21          the provisions of Section 6-103;

22           9. Has made a false statement or knowingly concealed a  
23          material fact or has used false information or  
24          identification in any application for a license,  
25          identification card, or permit;

26           10. Has possessed, displayed, or attempted to



1 fraudulently use any license, identification card, or  
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this  
4 State when the person's driving privilege or privilege to  
5 obtain a driver's license or permit was revoked or  
6 suspended unless the operation was authorized by a judicial  
7 driving permit, probationary license to drive, or a  
8 restricted driving permit issued under this Code;

9 12. Has submitted to any portion of the application  
10 process for another person or has obtained the services of  
11 another person to submit to any portion of the application  
12 process for the purpose of obtaining a license,  
13 identification card, or permit for some other person;

14 13. Has operated a motor vehicle upon a highway of this  
15 State when the person's driver's license or permit was  
16 invalid under the provisions of Sections 6-107.1 and 6-110;

17 14. Has committed a violation of Section 6-301,  
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
19 of the Illinois Identification Card Act;

20 15. Has been convicted of violating Section 21-2 of the  
21 Criminal Code of 1961 relating to criminal trespass to  
22 vehicles in which case, the suspension shall be for one  
23 year;

24 16. Has been convicted of violating Section 11-204 of  
25 this Code relating to fleeing from a peace officer;

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person  
2 has not sought a hearing as provided for in Section  
3 11-501.1;

4 18. Has, since issuance of a driver's license or  
5 permit, been adjudged to be afflicted with or suffering  
6 from any mental disability or disease;

7 19. Has committed a violation of paragraph (a) or (b)  
8 of Section 6-101 relating to driving without a driver's  
9 license;

10 20. Has been convicted of violating Section 6-104  
11 relating to classification of driver's license;

12 21. Has been convicted of violating Section 11-402 of  
13 this Code relating to leaving the scene of an accident  
14 resulting in damage to a vehicle in excess of \$1,000, in  
15 which case the suspension shall be for one year;

16 22. Has used a motor vehicle in violating paragraph  
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
18 the Criminal Code of 1961 relating to unlawful use of  
19 weapons, in which case the suspension shall be for one  
20 year;

21 23. Has, as a driver, been convicted of committing a  
22 violation of paragraph (a) of Section 11-502 of this Code  
23 for a second or subsequent time within one year of a  
24 similar violation;

25 24. Has been convicted by a court-martial or punished  
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or  
2 for a traffic related offense that is the same as or  
3 similar to an offense specified under Section 6-205 or  
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used  
6 by another in the application process in order to obtain or  
7 attempt to obtain a license, identification card, or  
8 permit;

9 26. Has altered or attempted to alter a license or has  
10 possessed an altered license, identification card, or  
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control Act  
13 of 1934;

14 28. Has been convicted of the illegal possession, while  
15 operating or in actual physical control, as a driver, of a  
16 motor vehicle, of any controlled substance prohibited  
17 under the Illinois Controlled Substances Act, any cannabis  
18 prohibited under the Cannabis Control Act, or any  
19 methamphetamine prohibited under the Methamphetamine  
20 Control and Community Protection Act, in which case the  
21 person's driving privileges shall be suspended for one  
22 year, and any driver who is convicted of a second or  
23 subsequent offense, within 5 years of a previous  
24 conviction, for the illegal possession, while operating or  
25 in actual physical control, as a driver, of a motor  
26 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis  
2 prohibited under the Cannabis Control Act, or any  
3 methamphetamine prohibited under the Methamphetamine  
4 Control and Community Protection Act shall be suspended for  
5 5 years. Any defendant found guilty of this offense while  
6 operating a motor vehicle, shall have an entry made in the  
7 court record by the presiding judge that this offense did  
8 occur while the defendant was operating a motor vehicle and  
9 order the clerk of the court to report the violation to the  
10 Secretary of State;

11 29. Has been convicted of the following offenses that  
12 were committed while the person was operating or in actual  
13 physical control, as a driver, of a motor vehicle: criminal  
14 sexual assault, predatory criminal sexual assault of a  
15 child, aggravated criminal sexual assault, criminal sexual  
16 abuse, aggravated criminal sexual abuse, juvenile pimping,  
17 soliciting for a juvenile prostitute and the manufacture,  
18 sale or delivery of controlled substances or instruments  
19 used for illegal drug use or abuse in which case the  
20 driver's driving privileges shall be suspended for one  
21 year;

22 30. Has been convicted a second or subsequent time for  
23 any combination of the offenses named in paragraph 29 of  
24 this subsection, in which case the person's driving  
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an  
2 alcohol concentration of 0.08 or more or any amount of a  
3 drug, substance, or compound resulting from the unlawful  
4 use or consumption of cannabis as listed in the Cannabis  
5 Control Act, a controlled substance as listed in the  
6 Illinois Controlled Substances Act, an intoxicating  
7 compound as listed in the Use of Intoxicating Compounds  
8 Act, or methamphetamine as listed in the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the  
12 Criminal Code of 1961 relating to the aggravated discharge  
13 of a firearm if the offender was located in a motor vehicle  
14 at the time the firearm was discharged, in which case the  
15 suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of age  
17 on the date of the offense, been convicted a first time of  
18 a violation of paragraph (a) of Section 11-502 of this Code  
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of  
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of  
5 Section 11-907 of this Code;

6 38. Has been convicted of a violation of Section 6-20  
7 of the Liquor Control Act of 1934 or a similar provision of  
8 a local ordinance;

9 39. Has committed a second or subsequent violation of  
10 Section 11-1201 of this Code;

11 40. Has committed a violation of subsection (a-1) of  
12 Section 11-908 of this Code;

13 41. Has committed a second or subsequent violation of  
14 Section 11-605.1 of this Code within 2 years of the date of  
15 the previous violation, in which case the suspension shall  
16 be for 90 days;

17 42. Has committed a violation of subsection (a-1) of  
18 Section 11-1301.3 of this Code; ~~or~~

19 43. Has received a disposition of court supervision for  
20 a violation of subsection (a), (d), or (e) of Section 6-20  
21 of the Liquor Control Act of 1934 or a similar provision of  
22 a local ordinance, in which case the suspension shall be  
23 for a period of 3 months; or ~~or~~

24 44. ~~43.~~ Is under the age of 21 years at the time of  
25 arrest and has been convicted of an offense against traffic  
26 regulations governing the movement of vehicles after

1           having previously had his or her driving privileges ~~been~~  
2           suspended or revoked pursuant to subparagraph 36 of this  
3           Section.

4           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
5           and 27 of this subsection, license means any driver's license,  
6           any traffic ticket issued when the person's driver's license is  
7           deposited in lieu of bail, a suspension notice issued by the  
8           Secretary of State, a duplicate or corrected driver's license,  
9           a probationary driver's license or a temporary driver's  
10          license.

11          (b) If any conviction forming the basis of a suspension or  
12          revocation authorized under this Section is appealed, the  
13          Secretary of State may rescind or withhold the entry of the  
14          order of suspension or revocation, as the case may be, provided  
15          that a certified copy of a stay order of a court is filed with  
16          the Secretary of State. If the conviction is affirmed on  
17          appeal, the date of the conviction shall relate back to the  
18          time the original judgment of conviction was entered and the 6  
19          month limitation prescribed shall not apply.

20          (c) 1. Upon suspending or revoking the driver's license or  
21          permit of any person as authorized in this Section, the  
22          Secretary of State shall immediately notify the person in  
23          writing of the revocation or suspension. The notice to be  
24          deposited in the United States mail, postage prepaid, to  
25          the last known address of the person.

26          2. If the Secretary of State suspends the driver's

1 license of a person under subsection 2 of paragraph (a) of  
2 this Section, a person's privilege to operate a vehicle as  
3 an occupation shall not be suspended, provided an affidavit  
4 is properly completed, the appropriate fee received, and a  
5 permit issued prior to the effective date of the  
6 suspension, unless 5 offenses were committed, at least 2 of  
7 which occurred while operating a commercial vehicle in  
8 connection with the driver's regular occupation. All other  
9 driving privileges shall be suspended by the Secretary of  
10 State. Any driver prior to operating a vehicle for  
11 occupational purposes only must submit the affidavit on  
12 forms to be provided by the Secretary of State setting  
13 forth the facts of the person's occupation. The affidavit  
14 shall also state the number of offenses committed while  
15 operating a vehicle in connection with the driver's regular  
16 occupation. The affidavit shall be accompanied by the  
17 driver's license. Upon receipt of a properly completed  
18 affidavit, the Secretary of State shall issue the driver a  
19 permit to operate a vehicle in connection with the driver's  
20 regular occupation only. Unless the permit is issued by the  
21 Secretary of State prior to the date of suspension, the  
22 privilege to drive any motor vehicle shall be suspended as  
23 set forth in the notice that was mailed under this Section.  
24 If an affidavit is received subsequent to the effective  
25 date of this suspension, a permit may be issued for the  
26 remainder of the suspension period.



1           The provisions of this subparagraph shall not apply to  
2 any driver required to possess a CDL for the purpose of  
3 operating a commercial motor vehicle.

4           Any person who falsely states any fact in the affidavit  
5 required herein shall be guilty of perjury under Section  
6 6-302 and upon conviction thereof shall have all driving  
7 privileges revoked without further rights.

8           3. At the conclusion of a hearing under Section 2-118  
9 of this Code, the Secretary of State shall either rescind  
10 or continue an order of revocation or shall substitute an  
11 order of suspension; or, good cause appearing therefor,  
12 rescind, continue, change, or extend the order of  
13 suspension. If the Secretary of State does not rescind the  
14 order, the Secretary may upon application, to relieve undue  
15 hardship, issue a restricted driving permit granting the  
16 privilege of driving a motor vehicle between the  
17 petitioner's residence and petitioner's place of  
18 employment or within the scope of his employment related  
19 duties, or to allow transportation for the petitioner, or a  
20 household member of the petitioner's family, to receive  
21 necessary medical care and if the professional evaluation  
22 indicates, provide transportation for alcohol remedial or  
23 rehabilitative activity, or for the petitioner to attend  
24 classes, as a student, in an accredited educational  
25 institution; if the petitioner is able to demonstrate that  
26 no alternative means of transportation is reasonably

1 available and the petitioner will not endanger the public  
2 safety or welfare.

3 If a person's license or permit has been revoked or  
4 suspended due to 2 or more convictions of violating Section  
5 11-501 of this Code or a similar provision of a local  
6 ordinance or a similar out-of-state offense, arising out of  
7 separate occurrences, that person, if issued a restricted  
8 driving permit, may not operate a vehicle unless it has  
9 been equipped with an ignition interlock device as defined  
10 in Section 1-129.1.

11 If a person's license or permit has been revoked or  
12 suspended 2 or more times within a 10 year period due to a  
13 single conviction of violating Section 11-501 of this Code  
14 or a similar provision of a local ordinance or a similar  
15 out-of-state offense, and a statutory summary suspension  
16 under Section 11-501.1, or 2 or more statutory summary  
17 suspensions, or combination of 2 offenses, or of an offense  
18 and a statutory summary suspension, arising out of separate  
19 occurrences, that person, if issued a restricted driving  
20 permit, may not operate a vehicle unless it has been  
21 equipped with an ignition interlock device as defined in  
22 Section 1-129.1. The person must pay to the Secretary of  
23 State DUI Administration Fund an amount not to exceed \$20  
24 per month. The Secretary shall establish by rule the amount  
25 and the procedures, terms, and conditions relating to these  
26 fees. If the restricted driving permit was issued for

1 employment purposes, then this provision does not apply to  
2 the operation of an occupational vehicle owned or leased by  
3 that person's employer. In each case the Secretary may  
4 issue a restricted driving permit for a period deemed  
5 appropriate, except that all permits shall expire within  
6 one year from the date of issuance. The Secretary may not,  
7 however, issue a restricted driving permit to any person  
8 whose current revocation is the result of a second or  
9 subsequent conviction for a violation of Section 11-501 of  
10 this Code or a similar provision of a local ordinance  
11 relating to the offense of operating or being in physical  
12 control of a motor vehicle while under the influence of  
13 alcohol, other drug or drugs, intoxicating compound or  
14 compounds, or any similar out-of-state offense, or any  
15 combination of those offenses, until the expiration of at  
16 least one year from the date of the revocation. A  
17 restricted driving permit issued under this Section shall  
18 be subject to cancellation, revocation, and suspension by  
19 the Secretary of State in like manner and for like cause as  
20 a driver's license issued under this Code may be cancelled,  
21 revoked, or suspended; except that a conviction upon one or  
22 more offenses against laws or ordinances regulating the  
23 movement of traffic shall be deemed sufficient cause for  
24 the revocation, suspension, or cancellation of a  
25 restricted driving permit. The Secretary of State may, as a  
26 condition to the issuance of a restricted driving permit,

1           require the applicant to participate in a designated driver  
2           remedial or rehabilitative program. The Secretary of State  
3           is authorized to cancel a restricted driving permit if the  
4           permit holder does not successfully complete the program.

5           (c-3) In the case of a suspension under paragraph 43 of  
6           subsection (a), reports received by the Secretary of State  
7           under this Section shall, except during the actual time the  
8           suspension is in effect, be privileged information and for use  
9           only by the courts, police officers, prosecuting authorities,  
10          the driver licensing administrator of any other state, or the  
11          Secretary of State. However, beginning January 1, 2008, if the  
12          person is a CDL holder, the suspension shall also be made  
13          available to the driver licensing administrator of any other  
14          state, the U.S. Department of Transportation, and the affected  
15          driver or motor carrier or prospective motor carrier upon  
16          request.

17          (c-4) In the case of a suspension under paragraph 43 of  
18          subsection (a), the Secretary of State shall notify the person  
19          by mail that his or her driving privileges and driver's license  
20          will be suspended one month after the date of the mailing of  
21          the notice.

22          (c-5) The Secretary of State may, as a condition of the  
23          reissuance of a driver's license or permit to an applicant  
24          whose driver's license or permit has been suspended before he  
25          or she reached the age of 18 years pursuant to any of the  
26          provisions of this Section, require the applicant to

1 participate in a driver remedial education course and be  
2 retested under Section 6-109 of this Code.

3 (d) This Section is subject to the provisions of the  
4 Drivers License Compact.

5 (e) The Secretary of State shall not issue a restricted  
6 driving permit to a person under the age of 16 years whose  
7 driving privileges have been suspended or revoked under any  
8 provisions of this Code.

9 (f) In accordance with 49 C.F.R. 384, the Secretary of  
10 State may not issue a restricted driving permit for the  
11 operation of a commercial motor vehicle to a person holding a  
12 CDL whose driving privileges have been suspended, revoked,  
13 cancelled, or disqualified under any provisions of this Code.

14 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
15 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;  
16 95-382, eff. 8-23-07; revised 11-16-07.)

17 (Text of Section after amendment by P.A. 95-627)

18 Sec. 6-206. Discretionary authority to suspend or revoke  
19 license or permit; Right to a hearing.

20 (a) The Secretary of State is authorized to suspend or  
21 revoke the driving privileges of any person without preliminary  
22 hearing upon a showing of the person's records or other  
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory  
25 revocation of a driver's license or permit is required upon

1 conviction;

2 2. Has been convicted of not less than 3 offenses  
3 against traffic regulations governing the movement of  
4 vehicles committed within any 12 month period. No  
5 revocation or suspension shall be entered more than 6  
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor  
8 vehicle collisions or has been repeatedly convicted of  
9 offenses against laws and ordinances regulating the  
10 movement of traffic, to a degree that indicates lack of  
11 ability to exercise ordinary and reasonable care in the  
12 safe operation of a motor vehicle or disrespect for the  
13 traffic laws and the safety of other persons upon the  
14 highway;

15 4. Has by the unlawful operation of a motor vehicle  
16 caused or contributed to an accident resulting in death or  
17 injury requiring immediate professional treatment in a  
18 medical facility or doctor's office to any person, except  
19 that any suspension or revocation imposed by the Secretary  
20 of State under the provisions of this subsection shall  
21 start no later than 6 months after being convicted of  
22 violating a law or ordinance regulating the movement of  
23 traffic, which violation is related to the accident, or  
24 shall start not more than one year after the date of the  
25 accident, whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

2 6. Has been lawfully convicted of an offense or  
3 offenses in another state, including the authorization  
4 contained in Section 6-203.1, which if committed within  
5 this State would be grounds for suspension or revocation;

6 7. Has refused or failed to submit to an examination  
7 provided for by Section 6-207 or has failed to pass the  
8 examination;

9 8. Is ineligible for a driver's license or permit under  
10 the provisions of Section 6-103;

11 9. Has made a false statement or knowingly concealed a  
12 material fact or has used false information or  
13 identification in any application for a license,  
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to  
16 fraudulently use any license, identification card, or  
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this  
19 State when the person's driving privilege or privilege to  
20 obtain a driver's license or permit was revoked or  
21 suspended unless the operation was authorized by a judicial  
22 driving permit, probationary license to drive, or a  
23 restricted driving permit issued under this Code;

24 12. Has submitted to any portion of the application  
25 process for another person or has obtained the services of  
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,  
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this  
4 State when the person's driver's license or permit was  
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,  
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the  
10 Criminal Code of 1961 relating to criminal trespass to  
11 vehicles in which case, the suspension shall be for one  
12 year;

13 16. Has been convicted of violating Section 11-204 of  
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as  
16 required under Section 11-501.1 of this Code and the person  
17 has not sought a hearing as provided for in Section  
18 11-501.1;

19 18. Has, since issuance of a driver's license or  
20 permit, been adjudged to be afflicted with or suffering  
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)  
23 of Section 6-101 relating to driving without a driver's  
24 license;

25 20. Has been convicted of violating Section 6-104  
26 relating to classification of driver's license;



1           21. Has been convicted of violating Section 11-402 of  
2 this Code relating to leaving the scene of an accident  
3 resulting in damage to a vehicle in excess of \$1,000, in  
4 which case the suspension shall be for one year;

5           22. Has used a motor vehicle in violating paragraph  
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
7 the Criminal Code of 1961 relating to unlawful use of  
8 weapons, in which case the suspension shall be for one  
9 year;

10          23. Has, as a driver, been convicted of committing a  
11 violation of paragraph (a) of Section 11-502 of this Code  
12 for a second or subsequent time within one year of a  
13 similar violation;

14          24. Has been convicted by a court-martial or punished  
15 by non-judicial punishment by military authorities of the  
16 United States at a military installation in Illinois of or  
17 for a traffic related offense that is the same as or  
18 similar to an offense specified under Section 6-205 or  
19 6-206 of this Code;

20          25. Has permitted any form of identification to be used  
21 by another in the application process in order to obtain or  
22 attempt to obtain a license, identification card, or  
23 permit;

24          26. Has altered or attempted to alter a license or has  
25 possessed an altered license, identification card, or  
26 permit;

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

3           28. Has been convicted of the illegal possession, while  
4 operating or in actual physical control, as a driver, of a  
5 motor vehicle, of any controlled substance prohibited  
6 under the Illinois Controlled Substances Act, any cannabis  
7 prohibited under the Cannabis Control Act, or any  
8 methamphetamine prohibited under the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 person's driving privileges shall be suspended for one  
11 year, and any driver who is convicted of a second or  
12 subsequent offense, within 5 years of a previous  
13 conviction, for the illegal possession, while operating or  
14 in actual physical control, as a driver, of a motor  
15 vehicle, of any controlled substance prohibited under the  
16 Illinois Controlled Substances Act, any cannabis  
17 prohibited under the Cannabis Control Act, or any  
18 methamphetamine prohibited under the Methamphetamine  
19 Control and Community Protection Act shall be suspended for  
20 5 years. Any defendant found guilty of this offense while  
21 operating a motor vehicle, shall have an entry made in the  
22 court record by the presiding judge that this offense did  
23 occur while the defendant was operating a motor vehicle and  
24 order the clerk of the court to report the violation to the  
25 Secretary of State;

26           29. Has been convicted of the following offenses that

1           were committed while the person was operating or in actual  
2           physical control, as a driver, of a motor vehicle: criminal  
3           sexual assault, predatory criminal sexual assault of a  
4           child, aggravated criminal sexual assault, criminal sexual  
5           abuse, aggravated criminal sexual abuse, juvenile pimping,  
6           soliciting for a juvenile prostitute and the manufacture,  
7           sale or delivery of controlled substances or instruments  
8           used for illegal drug use or abuse in which case the  
9           driver's driving privileges shall be suspended for one  
10          year;

11           30. Has been convicted a second or subsequent time for  
12          any combination of the offenses named in paragraph 29 of  
13          this subsection, in which case the person's driving  
14          privileges shall be suspended for 5 years;

15           31. Has refused to submit to a test as required by  
16          Section 11-501.6 or has submitted to a test resulting in an  
17          alcohol concentration of 0.08 or more or any amount of a  
18          drug, substance, or compound resulting from the unlawful  
19          use or consumption of cannabis as listed in the Cannabis  
20          Control Act, a controlled substance as listed in the  
21          Illinois Controlled Substances Act, an intoxicating  
22          compound as listed in the Use of Intoxicating Compounds  
23          Act, or methamphetamine as listed in the Methamphetamine  
24          Control and Community Protection Act, in which case the  
25          penalty shall be as prescribed in Section 6-208.1;

26           32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge  
2 of a firearm if the offender was located in a motor vehicle  
3 at the time the firearm was discharged, in which case the  
4 suspension shall be for 3 years;

5 33. Has as a driver, who was less than 21 years of age  
6 on the date of the offense, been convicted a first time of  
7 a violation of paragraph (a) of Section 11-502 of this Code  
8 or a similar provision of a local ordinance;

9 34. Has committed a violation of Section 11-1301.5 of  
10 this Code;

11 35. Has committed a violation of Section 11-1301.6 of  
12 this Code;

13 36. Is under the age of 21 years at the time of arrest  
14 and has been convicted of not less than 2 offenses against  
15 traffic regulations governing the movement of vehicles  
16 committed within any 24 month period. No revocation or  
17 suspension shall be entered more than 6 months after the  
18 date of last conviction;

19 37. Has committed a violation of subsection (c) of  
20 Section 11-907 of this Code;

21 38. Has been convicted of a violation of Section 6-20  
22 of the Liquor Control Act of 1934 or a similar provision of  
23 a local ordinance;

24 39. Has committed a second or subsequent violation of  
25 Section 11-1201 of this Code;

26 40. Has committed a violation of subsection (a-1) of

1 Section 11-908 of this Code;

2 41. Has committed a second or subsequent violation of  
3 Section 11-605.1 of this Code within 2 years of the date of  
4 the previous violation, in which case the suspension shall  
5 be for 90 days;

6 42. Has committed a violation of subsection (a-1) of  
7 Section 11-1301.3 of this Code; ~~or~~

8 43. Has received a disposition of court supervision for  
9 a violation of subsection (a), (d), or (e) of Section 6-20  
10 of the Liquor Control Act of 1934 or a similar provision of  
11 a local ordinance, in which case the suspension shall be  
12 for a period of 3 months; ~~or~~

13 44. ~~43.~~ Is under the age of 21 years at the time of  
14 arrest and has been convicted of an offense against traffic  
15 regulations governing the movement of vehicles after  
16 having previously had his or her driving privileges ~~been~~  
17 suspended or revoked pursuant to subparagraph 36 of this  
18 Section; ~~or~~

19 45. ~~43.~~ Has, in connection with or during the course of  
20 a formal hearing conducted under Section 2-118 of this  
21 Code: (i) committed perjury; (ii) submitted fraudulent or  
22 falsified documents; (iii) submitted documents that have  
23 been materially altered; or (iv) ~~or~~ submitted as his or her  
24 own, documents that were in fact prepared or composed for  
25 another person.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,  
2 any traffic ticket issued when the person's driver's license is  
3 deposited in lieu of bail, a suspension notice issued by the  
4 Secretary of State, a duplicate or corrected driver's license,  
5 a probationary driver's license or a temporary driver's  
6 license.

7 (b) If any conviction forming the basis of a suspension or  
8 revocation authorized under this Section is appealed, the  
9 Secretary of State may rescind or withhold the entry of the  
10 order of suspension or revocation, as the case may be, provided  
11 that a certified copy of a stay order of a court is filed with  
12 the Secretary of State. If the conviction is affirmed on  
13 appeal, the date of the conviction shall relate back to the  
14 time the original judgment of conviction was entered and the 6  
15 month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or  
17 permit of any person as authorized in this Section, the  
18 Secretary of State shall immediately notify the person in  
19 writing of the revocation or suspension. The notice to be  
20 deposited in the United States mail, postage prepaid, to  
21 the last known address of the person.

22 2. If the Secretary of State suspends the driver's  
23 license of a person under subsection 2 of paragraph (a) of  
24 this Section, a person's privilege to operate a vehicle as  
25 an occupation shall not be suspended, provided an affidavit  
26 is properly completed, the appropriate fee received, and a

1 permit issued prior to the effective date of the  
2 suspension, unless 5 offenses were committed, at least 2 of  
3 which occurred while operating a commercial vehicle in  
4 connection with the driver's regular occupation. All other  
5 driving privileges shall be suspended by the Secretary of  
6 State. Any driver prior to operating a vehicle for  
7 occupational purposes only must submit the affidavit on  
8 forms to be provided by the Secretary of State setting  
9 forth the facts of the person's occupation. The affidavit  
10 shall also state the number of offenses committed while  
11 operating a vehicle in connection with the driver's regular  
12 occupation. The affidavit shall be accompanied by the  
13 driver's license. Upon receipt of a properly completed  
14 affidavit, the Secretary of State shall issue the driver a  
15 permit to operate a vehicle in connection with the driver's  
16 regular occupation only. Unless the permit is issued by the  
17 Secretary of State prior to the date of suspension, the  
18 privilege to drive any motor vehicle shall be suspended as  
19 set forth in the notice that was mailed under this Section.  
20 If an affidavit is received subsequent to the effective  
21 date of this suspension, a permit may be issued for the  
22 remainder of the suspension period.

23 The provisions of this subparagraph shall not apply to  
24 any driver required to possess a CDL for the purpose of  
25 operating a commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section  
2 6-302 and upon conviction thereof shall have all driving  
3 privileges revoked without further rights.

4 3. At the conclusion of a hearing under Section 2-118  
5 of this Code, the Secretary of State shall either rescind  
6 or continue an order of revocation or shall substitute an  
7 order of suspension; or, good cause appearing therefor,  
8 rescind, continue, change, or extend the order of  
9 suspension. If the Secretary of State does not rescind the  
10 order, the Secretary may upon application, to relieve undue  
11 hardship (as defined by the rules of the Secretary of  
12 State), issue a restricted driving permit granting the  
13 privilege of driving a motor vehicle between the  
14 petitioner's residence and petitioner's place of  
15 employment or within the scope of the petitioner's  
16 employment related duties, or to allow transportation for  
17 the petitioner, or a household member of the petitioner's  
18 family, to receive necessary medical care, provide  
19 transportation to and from alcohol or drug remedial or  
20 rehabilitative activity recommended by a licensed service  
21 provider, or for the petitioner to attend classes, as a  
22 student, in an accredited educational institution. The  
23 petitioner must demonstrate that no alternative means of  
24 transportation is reasonably available and that the  
25 petitioner will not endanger the public safety or welfare.  
26 Those multiple offenders identified in subdivision (b)4 of



1 Section 6-208 of this Code, however, shall not be eligible  
2 for the issuance of a restricted driving permit.

3 (A) If a person's license or permit is revoked or  
4 suspended due to 2 or more convictions of violating Section  
5 11-501 of this Code or a similar provision of a local  
6 ordinance or a similar out-of-state offense, or Section 9-3  
7 of the Criminal Code of 1961, where the use of alcohol or  
8 other drugs is recited as an element of the offense, or a  
9 similar out-of-state offense, or a combination of these  
10 offenses, arising out of separate occurrences, that  
11 person, if issued a restricted driving permit, may not  
12 operate a vehicle unless it has been equipped with an  
13 ignition interlock device as defined in Section 1-129.1.

14 (B) If a person's license or permit is revoked or  
15 suspended 2 or more times within a 10 year period due to  
16 any combination of:

17 (i) a single conviction of violating Section  
18 11-501 of this Code or a similar provision of a local  
19 ordinance or a similar out-of-state offense or Section  
20 9-3 of the Criminal Code of 1961, where the use of  
21 alcohol or other drugs is recited as an element of the  
22 offense, or a similar out-of-state offense; or

23 (ii) a statutory summary suspension under Section  
24 11-501.1; or

25 (iii) a suspension under Section 6-203.1, arising  
26 out of separate occurrences, that person, if issued a

1           restricted driving permit, may not operate a vehicle  
2           unless it has been equipped with an ignition interlock  
3           device as defined in Section 1-129.1.

4           (C) The person must pay to the Secretary of State DUI  
5           Administration Fund an amount not to exceed \$20 per month.  
6           The Secretary shall establish by rule the amount and the  
7           procedures, terms, and conditions relating to these fees.

8           (D) If the restricted driving permit is issued for  
9           employment purposes, then the prohibition against  
10          operating a motor vehicle that is not equipped with an  
11          ignition interlock device does not apply to the operation  
12          of an occupational vehicle owned or leased by that person's  
13          employer when used solely for employment purposes.

14          (E) In each case the Secretary may issue a restricted  
15          driving permit for a period deemed appropriate, except that  
16          all permits shall expire within one year from the date of  
17          issuance. The Secretary may not, however, issue a  
18          restricted driving permit to any person whose current  
19          revocation is the result of a second or subsequent  
20          conviction for a violation of Section 11-501 of this Code  
21          or a similar provision of a local ordinance or any similar  
22          out-of-state offense, or Section 9-3 of the Criminal Code  
23          of 1961, where the use of alcohol or other drugs is recited  
24          as an element of the offense, or any similar out-of-state  
25          offense, or any combination of those offenses, until the  
26          expiration of at least one year from the date of the

1 revocation. A restricted driving permit issued under this  
2 Section shall be subject to cancellation, revocation, and  
3 suspension by the Secretary of State in like manner and for  
4 like cause as a driver's license issued under this Code may  
5 be cancelled, revoked, or suspended; except that a  
6 conviction upon one or more offenses against laws or  
7 ordinances regulating the movement of traffic shall be  
8 deemed sufficient cause for the revocation, suspension, or  
9 cancellation of a restricted driving permit. The Secretary  
10 of State may, as a condition to the issuance of a  
11 restricted driving permit, require the applicant to  
12 participate in a designated driver remedial or  
13 rehabilitative program. The Secretary of State is  
14 authorized to cancel a restricted driving permit if the  
15 permit holder does not successfully complete the program.

16 (c-3) In the case of a suspension under paragraph 43 of  
17 subsection (a), reports received by the Secretary of State  
18 under this Section shall, except during the actual time the  
19 suspension is in effect, be privileged information and for use  
20 only by the courts, police officers, prosecuting authorities,  
21 the driver licensing administrator of any other state, or the  
22 Secretary of State. However, beginning January 1, 2008, if the  
23 person is a CDL holder, the suspension shall also be made  
24 available to the driver licensing administrator of any other  
25 state, the U.S. Department of Transportation, and the affected  
26 driver or motor carrier or prospective motor carrier upon

1 request.

2 (c-4) In the case of a suspension under paragraph 43 of  
3 subsection (a), the Secretary of State shall notify the person  
4 by mail that his or her driving privileges and driver's license  
5 will be suspended one month after the date of the mailing of  
6 the notice.

7 (c-5) The Secretary of State may, as a condition of the  
8 reissuance of a driver's license or permit to an applicant  
9 whose driver's license or permit has been suspended before he  
10 or she reached the age of 18 years pursuant to any of the  
11 provisions of this Section, require the applicant to  
12 participate in a driver remedial education course and be  
13 retested under Section 6-109 of this Code.

14 (d) This Section is subject to the provisions of the  
15 Drivers License Compact.

16 (e) The Secretary of State shall not issue a restricted  
17 driving permit to a person under the age of 16 years whose  
18 driving privileges have been suspended or revoked under any  
19 provisions of this Code.

20 (f) In accordance with 49 C.F.R. 384, the Secretary of  
21 State may not issue a restricted driving permit for the  
22 operation of a commercial motor vehicle to a person holding a  
23 CDL whose driving privileges have been suspended, revoked,  
24 cancelled, or disqualified under any provisions of this Code.

25 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
26 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;

1 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; revised 11-16-07.)

2 (Text of Section after amendment by P.A. 95-400)

3 Sec. 6-206. Discretionary authority to suspend or revoke  
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or  
6 revoke the driving privileges of any person without preliminary  
7 hearing upon a showing of the person's records or other  
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory  
10 revocation of a driver's license or permit is required upon  
11 conviction;

12 2. Has been convicted of not less than 3 offenses  
13 against traffic regulations governing the movement of  
14 vehicles committed within any 12 month period. No  
15 revocation or suspension shall be entered more than 6  
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor  
18 vehicle collisions or has been repeatedly convicted of  
19 offenses against laws and ordinances regulating the  
20 movement of traffic, to a degree that indicates lack of  
21 ability to exercise ordinary and reasonable care in the  
22 safe operation of a motor vehicle or disrespect for the  
23 traffic laws and the safety of other persons upon the  
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1           caused or contributed to an accident resulting in death or  
2           injury requiring immediate professional treatment in a  
3           medical facility or doctor's office to any person, except  
4           that any suspension or revocation imposed by the Secretary  
5           of State under the provisions of this subsection shall  
6           start no later than 6 months after being convicted of  
7           violating a law or ordinance regulating the movement of  
8           traffic, which violation is related to the accident, or  
9           shall start not more than one year after the date of the  
10          accident, whichever date occurs later;

11           5. Has permitted an unlawful or fraudulent use of a  
12          driver's license, identification card, or permit;

13           6. Has been lawfully convicted of an offense or  
14          offenses in another state, including the authorization  
15          contained in Section 6-203.1, which if committed within  
16          this State would be grounds for suspension or revocation;

17           7. Has refused or failed to submit to an examination  
18          provided for by Section 6-207 or has failed to pass the  
19          examination;

20           8. Is ineligible for a driver's license or permit under  
21          the provisions of Section 6-103;

22           9. Has made a false statement or knowingly concealed a  
23          material fact or has used false information or  
24          identification in any application for a license,  
25          identification card, or permit;

26           10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or  
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this  
4 State when the person's driving privilege or privilege to  
5 obtain a driver's license or permit was revoked or  
6 suspended unless the operation was authorized by a  
7 monitoring device driving permit, judicial driving permit  
8 issued prior to January 1, 2009 ~~the effective date of this~~  
9 ~~amendatory Act of the 95th General Assembly~~, probationary  
10 license to drive, or a restricted driving permit issued  
11 under this Code;

12 12. Has submitted to any portion of the application  
13 process for another person or has obtained the services of  
14 another person to submit to any portion of the application  
15 process for the purpose of obtaining a license,  
16 identification card, or permit for some other person;

17 13. Has operated a motor vehicle upon a highway of this  
18 State when the person's driver's license or permit was  
19 invalid under the provisions of Sections 6-107.1 and 6-110;

20 14. Has committed a violation of Section 6-301,  
21 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
22 of the Illinois Identification Card Act;

23 15. Has been convicted of violating Section 21-2 of the  
24 Criminal Code of 1961 relating to criminal trespass to  
25 vehicles in which case, the suspension shall be for one  
26 year;

1           16. Has been convicted of violating Section 11-204 of  
2 this Code relating to fleeing from a peace officer;

3           17. Has refused to submit to a test, or tests, as  
4 required under Section 11-501.1 of this Code and the person  
5 has not sought a hearing as provided for in Section  
6 11-501.1;

7           18. Has, since issuance of a driver's license or  
8 permit, been adjudged to be afflicted with or suffering  
9 from any mental disability or disease;

10           19. Has committed a violation of paragraph (a) or (b)  
11 of Section 6-101 relating to driving without a driver's  
12 license;

13           20. Has been convicted of violating Section 6-104  
14 relating to classification of driver's license;

15           21. Has been convicted of violating Section 11-402 of  
16 this Code relating to leaving the scene of an accident  
17 resulting in damage to a vehicle in excess of \$1,000, in  
18 which case the suspension shall be for one year;

19           22. Has used a motor vehicle in violating paragraph  
20 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
21 the Criminal Code of 1961 relating to unlawful use of  
22 weapons, in which case the suspension shall be for one  
23 year;

24           23. Has, as a driver, been convicted of committing a  
25 violation of paragraph (a) of Section 11-502 of this Code  
26 for a second or subsequent time within one year of a



1 similar violation;

2 24. Has been convicted by a court-martial or punished  
3 by non-judicial punishment by military authorities of the  
4 United States at a military installation in Illinois of or  
5 for a traffic related offense that is the same as or  
6 similar to an offense specified under Section 6-205 or  
7 6-206 of this Code;

8 25. Has permitted any form of identification to be used  
9 by another in the application process in order to obtain or  
10 attempt to obtain a license, identification card, or  
11 permit;

12 26. Has altered or attempted to alter a license or has  
13 possessed an altered license, identification card, or  
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control Act  
16 of 1934;

17 28. Has been convicted of the illegal possession, while  
18 operating or in actual physical control, as a driver, of a  
19 motor vehicle, of any controlled substance prohibited  
20 under the Illinois Controlled Substances Act, any cannabis  
21 prohibited under the Cannabis Control Act, or any  
22 methamphetamine prohibited under the Methamphetamine  
23 Control and Community Protection Act, in which case the  
24 person's driving privileges shall be suspended for one  
25 year, and any driver who is convicted of a second or  
26 subsequent offense, within 5 years of a previous

1 conviction, for the illegal possession, while operating or  
2 in actual physical control, as a driver, of a motor  
3 vehicle, of any controlled substance prohibited under the  
4 Illinois Controlled Substances Act, any cannabis  
5 prohibited under the Cannabis Control Act, or any  
6 methamphetamine prohibited under the Methamphetamine  
7 Control and Community Protection Act shall be suspended for  
8 5 years. Any defendant found guilty of this offense while  
9 operating a motor vehicle, shall have an entry made in the  
10 court record by the presiding judge that this offense did  
11 occur while the defendant was operating a motor vehicle and  
12 order the clerk of the court to report the violation to the  
13 Secretary of State;

14 29. Has been convicted of the following offenses that  
15 were committed while the person was operating or in actual  
16 physical control, as a driver, of a motor vehicle: criminal  
17 sexual assault, predatory criminal sexual assault of a  
18 child, aggravated criminal sexual assault, criminal sexual  
19 abuse, aggravated criminal sexual abuse, juvenile pimping,  
20 soliciting for a juvenile prostitute and the manufacture,  
21 sale or delivery of controlled substances or instruments  
22 used for illegal drug use or abuse in which case the  
23 driver's driving privileges shall be suspended for one  
24 year;

25 30. Has been convicted a second or subsequent time for  
26 any combination of the offenses named in paragraph 29 of

1           this subsection, in which case the person's driving  
2           privileges shall be suspended for 5 years;

3           31. Has refused to submit to a test as required by  
4           Section 11-501.6 or has submitted to a test resulting in an  
5           alcohol concentration of 0.08 or more or any amount of a  
6           drug, substance, or compound resulting from the unlawful  
7           use or consumption of cannabis as listed in the Cannabis  
8           Control Act, a controlled substance as listed in the  
9           Illinois Controlled Substances Act, an intoxicating  
10          compound as listed in the Use of Intoxicating Compounds  
11          Act, or methamphetamine as listed in the Methamphetamine  
12          Control and Community Protection Act, in which case the  
13          penalty shall be as prescribed in Section 6-208.1;

14          32. Has been convicted of Section 24-1.2 of the  
15          Criminal Code of 1961 relating to the aggravated discharge  
16          of a firearm if the offender was located in a motor vehicle  
17          at the time the firearm was discharged, in which case the  
18          suspension shall be for 3 years;

19          33. Has as a driver, who was less than 21 years of age  
20          on the date of the offense, been convicted a first time of  
21          a violation of paragraph (a) of Section 11-502 of this Code  
22          or a similar provision of a local ordinance;

23          34. Has committed a violation of Section 11-1301.5 of  
24          this Code;

25          35. Has committed a violation of Section 11-1301.6 of  
26          this Code;

1           36. Is under the age of 21 years at the time of arrest  
2           and has been convicted of not less than 2 offenses against  
3           traffic regulations governing the movement of vehicles  
4           committed within any 24 month period. No revocation or  
5           suspension shall be entered more than 6 months after the  
6           date of last conviction;

7           37. Has committed a violation of subsection (c) of  
8           Section 11-907 of this Code;

9           38. Has been convicted of a violation of Section 6-20  
10          of the Liquor Control Act of 1934 or a similar provision of  
11          a local ordinance;

12          39. Has committed a second or subsequent violation of  
13          Section 11-1201 of this Code;

14          40. Has committed a violation of subsection (a-1) of  
15          Section 11-908 of this Code;

16          41. Has committed a second or subsequent violation of  
17          Section 11-605.1 of this Code within 2 years of the date of  
18          the previous violation, in which case the suspension shall  
19          be for 90 days;

20          42. Has committed a violation of subsection (a-1) of  
21          Section 11-1301.3 of this Code; ~~or~~

22          43. Has received a disposition of court supervision for  
23          a violation of subsection (a), (d), or (e) of Section 6-20  
24          of the Liquor Control Act of 1934 or a similar provision of  
25          a local ordinance, in which case the suspension shall be  
26          for a period of 3 months;~~;~~

1           44. ~~43.~~ Is under the age of 21 years at the time of  
2           arrest and has been convicted of an offense against traffic  
3           regulations governing the movement of vehicles after  
4           having previously had his or her driving privileges ~~been~~  
5           suspended or revoked pursuant to subparagraph 36 of this  
6           Section; or.

7           45. ~~43.~~ Has, in connection with or during the course of  
8           a formal hearing conducted under Section 2-118 of this  
9           Code: (i) committed perjury; (ii) submitted fraudulent or  
10          falsified documents; (iii) submitted documents that have  
11          been materially altered; or (iv) submitted, as his or her  
12          own, documents that were in fact prepared or composed for  
13          another person.

14          For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
15          and 27 of this subsection, license means any driver's license,  
16          any traffic ticket issued when the person's driver's license is  
17          deposited in lieu of bail, a suspension notice issued by the  
18          Secretary of State, a duplicate or corrected driver's license,  
19          a probationary driver's license or a temporary driver's  
20          license.

21          (b) If any conviction forming the basis of a suspension or  
22          revocation authorized under this Section is appealed, the  
23          Secretary of State may rescind or withhold the entry of the  
24          order of suspension or revocation, as the case may be, provided  
25          that a certified copy of a stay order of a court is filed with  
26          the Secretary of State. If the conviction is affirmed on

1 appeal, the date of the conviction shall relate back to the  
2 time the original judgment of conviction was entered and the 6  
3 month limitation prescribed shall not apply.

4 (c) 1. Upon suspending or revoking the driver's license or  
5 permit of any person as authorized in this Section, the  
6 Secretary of State shall immediately notify the person in  
7 writing of the revocation or suspension. The notice to be  
8 deposited in the United States mail, postage prepaid, to  
9 the last known address of the person.

10 2. If the Secretary of State suspends the driver's  
11 license of a person under subsection 2 of paragraph (a) of  
12 this Section, a person's privilege to operate a vehicle as  
13 an occupation shall not be suspended, provided an affidavit  
14 is properly completed, the appropriate fee received, and a  
15 permit issued prior to the effective date of the  
16 suspension, unless 5 offenses were committed, at least 2 of  
17 which occurred while operating a commercial vehicle in  
18 connection with the driver's regular occupation. All other  
19 driving privileges shall be suspended by the Secretary of  
20 State. Any driver prior to operating a vehicle for  
21 occupational purposes only must submit the affidavit on  
22 forms to be provided by the Secretary of State setting  
23 forth the facts of the person's occupation. The affidavit  
24 shall also state the number of offenses committed while  
25 operating a vehicle in connection with the driver's regular  
26 occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed  
2 affidavit, the Secretary of State shall issue the driver a  
3 permit to operate a vehicle in connection with the driver's  
4 regular occupation only. Unless the permit is issued by the  
5 Secretary of State prior to the date of suspension, the  
6 privilege to drive any motor vehicle shall be suspended as  
7 set forth in the notice that was mailed under this Section.  
8 If an affidavit is received subsequent to the effective  
9 date of this suspension, a permit may be issued for the  
10 remainder of the suspension period.

11 The provisions of this subparagraph shall not apply to  
12 any driver required to possess a CDL for the purpose of  
13 operating a commercial motor vehicle.

14 Any person who falsely states any fact in the affidavit  
15 required herein shall be guilty of perjury under Section  
16 6-302 and upon conviction thereof shall have all driving  
17 privileges revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118  
19 of this Code, the Secretary of State shall either rescind  
20 or continue an order of revocation or shall substitute an  
21 order of suspension; or, good cause appearing therefor,  
22 rescind, continue, change, or extend the order of  
23 suspension. If the Secretary of State does not rescind the  
24 order, the Secretary may upon application, to relieve undue  
25 hardship (as defined by the rules of the Secretary of  
26 State), issue a restricted driving permit granting the

1 privilege of driving a motor vehicle between the  
2 petitioner's residence and petitioner's place of  
3 employment or within the scope of the petitioner's  
4 employment related duties, or to allow transportation for  
5 the petitioner, or a household member of the petitioner's  
6 family, to receive necessary medical care, provide  
7 transportation to and from alcohol or drug remedial or  
8 rehabilitative activity recommended by a licensed service  
9 provider, or for the petitioner to attend classes, as a  
10 student, in an accredited educational institution. The  
11 petitioner must demonstrate that no alternative means of  
12 transportation is reasonably available and that the  
13 petitioner will not endanger the public safety or welfare.  
14 Those multiple offenders identified in subdivision (b)4 of  
15 Section 6-208 of this Code, however, shall not be eligible  
16 for the issuance of a restricted driving permit.

17 (A) If a person's license or permit is revoked or  
18 suspended due to 2 or more convictions of violating Section  
19 11-501 of this Code or a similar provision of a local  
20 ordinance or a similar out-of-state offense, or Section 9-3  
21 of the Criminal Code of 1961, where the use of alcohol or  
22 other drugs is recited as an element of the offense, or a  
23 similar out-of-state offense, or a combination of these  
24 offenses, arising out of separate occurrences, that  
25 person, if issued a restricted driving permit, may not  
26 operate a vehicle unless it has been equipped with an



1 ignition interlock device as defined in Section 1-129.1.

2 (B) If a person's license or permit is revoked or  
3 suspended 2 or more times within a 10 year period due to  
4 any combination of:

5 (i) a single conviction of violating Section  
6 11-501 of this Code or a similar provision of a local  
7 ordinance or a similar out-of-state offense or Section  
8 9-3 of the Criminal Code of 1961, where the use of  
9 alcohol or other drugs is recited as an element of the  
10 offense, or a similar out-of-state offense; or

11 (ii) a statutory summary suspension under Section  
12 11-501.1; or

13 (iii) a suspension under Section 6-203.1, arising  
14 out of separate occurrences, that person, if issued a  
15 restricted driving permit, may not operate a vehicle  
16 unless it has been equipped with an ignition interlock  
17 device as defined in Section 1-129.1.

18 (C) The person must pay to the Secretary of State DUI  
19 Administration Fund an amount not to exceed \$20 per month.  
20 The Secretary shall establish by rule the amount and the  
21 procedures, terms, and conditions relating to these fees.

22 (D) If the restricted driving permit is issued for  
23 employment purposes, then the prohibition against  
24 operating a motor vehicle that is not equipped with an  
25 ignition interlock device does not apply to the operation  
26 of an occupational vehicle owned or leased by that person's

1 employer when used solely for employment purposes.

2 (E) In each case the Secretary may issue a restricted  
3 driving permit for a period deemed appropriate, except that  
4 all permits shall expire within one year from the date of  
5 issuance. The Secretary may not, however, issue a  
6 restricted driving permit to any person whose current  
7 revocation is the result of a second or subsequent  
8 conviction for a violation of Section 11-501 of this Code  
9 or a similar provision of a local ordinance or any similar  
10 out-of-state offense, or Section 9-3 of the Criminal Code  
11 of 1961, where the use of alcohol or other drugs is recited  
12 as an element of the offense, or any similar out-of-state  
13 offense, or any combination of those offenses, until the  
14 expiration of at least one year from the date of the  
15 revocation. A restricted driving permit issued under this  
16 Section shall be subject to cancellation, revocation, and  
17 suspension by the Secretary of State in like manner and for  
18 like cause as a driver's license issued under this Code may  
19 be cancelled, revoked, or suspended; except that a  
20 conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be  
22 deemed sufficient cause for the revocation, suspension, or  
23 cancellation of a restricted driving permit. The Secretary  
24 of State may, as a condition to the issuance of a  
25 restricted driving permit, require the applicant to  
26 participate in a designated driver remedial or

1           rehabilitative program. The Secretary of State is  
2           authorized to cancel a restricted driving permit if the  
3           permit holder does not successfully complete the program.

4           (c-3) In the case of a suspension under paragraph 43 of  
5           subsection (a), reports received by the Secretary of State  
6           under this Section shall, except during the actual time the  
7           suspension is in effect, be privileged information and for use  
8           only by the courts, police officers, prosecuting authorities,  
9           the driver licensing administrator of any other state, or the  
10          Secretary of State. However, beginning January 1, 2008, if the  
11          person is a CDL holder, the suspension shall also be made  
12          available to the driver licensing administrator of any other  
13          state, the U.S. Department of Transportation, and the affected  
14          driver or motor carrier or prospective motor carrier upon  
15          request.

16          (c-4) In the case of a suspension under paragraph 43 of  
17          subsection (a), the Secretary of State shall notify the person  
18          by mail that his or her driving privileges and driver's license  
19          will be suspended one month after the date of the mailing of  
20          the notice.

21          (c-5) The Secretary of State may, as a condition of the  
22          reissuance of a driver's license or permit to an applicant  
23          whose driver's license or permit has been suspended before he  
24          or she reached the age of 18 years pursuant to any of the  
25          provisions of this Section, require the applicant to  
26          participate in a driver remedial education course and be

1       retested under Section 6-109 of this Code.

2           (d) This Section is subject to the provisions of the  
3 Drivers License Compact.

4           (e) The Secretary of State shall not issue a restricted  
5 driving permit to a person under the age of 16 years whose  
6 driving privileges have been suspended or revoked under any  
7 provisions of this Code.

8           (f) In accordance with 49 C.F.R. 384, the Secretary of  
9 State may not issue a restricted driving permit for the  
10 operation of a commercial motor vehicle to a person holding a  
11 CDL whose driving privileges have been suspended, revoked,  
12 cancelled, or disqualified under any provisions of this Code.

13       (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
14 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;  
15 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;  
16 revised 11-16-07.)

17           (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

18           (Text of Section before amendment by P.A. 95-400 and  
19 95-578)

20       Sec. 6-206.1. Judicial Driving Permit. Declaration of  
21 Policy. It is hereby declared a policy of the State of Illinois  
22 that the driver who is impaired by alcohol, other drug or  
23 drugs, or intoxicating compound or compounds is a threat to the  
24 public safety and welfare. Therefore, to provide a deterrent to  
25 such practice and to remove problem drivers from the highway, a

1 statutory summary driver's license suspension is appropriate.  
2 It is also recognized that driving is a privilege and  
3 therefore, that in some cases the granting of limited driving  
4 privileges, where consistent with public safety, is warranted  
5 during the period of suspension in the form of a judicial  
6 driving permit to drive for the purpose of employment,  
7 receiving drug treatment or medical care, and educational  
8 pursuits, where no alternative means of transportation is  
9 available.

10 The following procedures shall apply whenever a first  
11 offender is arrested for any offense as defined in Section  
12 11-501 or a similar provision of a local ordinance:

13 (a) Subsequent to a notification of a statutory summary  
14 suspension of driving privileges as provided in Section  
15 11-501.1, the first offender as defined in Section 11-500 may  
16 petition the circuit court of venue for a Judicial Driving  
17 Permit, hereinafter referred as a JDP, to relieve undue  
18 hardship. The court may issue a court order, pursuant to the  
19 criteria contained in this Section, directing the Secretary of  
20 State to issue such a JDP to the petitioner. A JDP shall not  
21 become effective prior to the 31st day of the original  
22 statutory summary suspension and shall always be subject to the  
23 following criteria:

24 1. If ordered for the purposes of employment, the JDP  
25 shall be only for the purpose of providing the petitioner  
26 the privilege of driving a motor vehicle between the

1 petitioner's residence and the petitioner's place of  
2 employment and return; or within the scope of the  
3 petitioner's employment related duties, shall be effective  
4 only during and limited to those specific times and routes  
5 actually required to commute or perform the petitioner's  
6 employment related duties.

7 2. The court, by a court order, may also direct the  
8 Secretary of State to issue a JDP to allow transportation  
9 for the petitioner, or a household member of the  
10 petitioner's family, to receive alcohol, drug, or  
11 intoxicating compound treatment or medical care, if the  
12 petitioner is able to demonstrate that no alternative means  
13 of transportation is reasonably available. Such JDP shall  
14 be effective only during the specific times actually  
15 required to commute.

16 3. The court, by a court order, may also direct the  
17 Secretary of State to issue a JDP to allow transportation  
18 by the petitioner for educational purposes upon  
19 demonstrating that there are no alternative means of  
20 transportation reasonably available to accomplish those  
21 educational purposes. Such JDP shall be only for the  
22 purpose of providing transportation to and from the  
23 petitioner's residence and the petitioner's place of  
24 educational activity, and only during the specific times  
25 and routes actually required to commute or perform the  
26 petitioner's educational requirement.

1           4. The Court shall not issue an order granting a JDP  
2           to:

3                   (i) Any person unless and until the court, after  
4                   considering the results of a current professional  
5                   evaluation of the person's alcohol or other drug use by  
6                   an agency pursuant to Section 15-10 of the Alcoholism  
7                   and Other Drug Abuse and Dependency Act and other  
8                   appropriate investigation of the person, is satisfied  
9                   that granting the privilege of driving a motor vehicle  
10                  on the highways will not endanger the public safety or  
11                  welfare.

12                  (ii) Any person who has been convicted of reckless  
13                  homicide within the previous 5 years.

14                  (iii) Any person whose privilege to operate a motor  
15                  vehicle was invalid at the time of arrest for the  
16                  current violation of Section 11-501, or a similar  
17                  provision of a local ordinance, except in cases where  
18                  the cause for a driver's license suspension has been  
19                  removed at the time a JDP is effective. In any case,  
20                  should the Secretary of State enter a suspension or  
21                  revocation of driving privileges pursuant to the  
22                  provisions of this Code while the JDP is in effect or  
23                  pending, the Secretary shall take the prescribed  
24                  action and provide a notice to the person and the court  
25                  ordering the issuance of the JDP that all driving  
26                  privileges, including those provided by the issuance

1 of the JDP, have been withdrawn.

2 (iv) Any person under the age of 18 years.

3 (v) Any person for the operation of a commercial  
4 motor vehicle if the person's driving privileges have  
5 been suspended under any provision of this Code in  
6 accordance with 49 C.F.R. Part 384.

7 (b) Prior to ordering the issuance of a JDP the Court  
8 should consider at least, but not be limited to, the following  
9 issues:

10 1. Whether the person is employed and no other means of  
11 commuting to the place of employment is available or that  
12 the person must drive as a condition of employment. The  
13 employer shall certify the hours of employment and the need  
14 and parameters necessary for driving as a condition to  
15 employment.

16 2. Whether the person must drive to secure alcohol or  
17 other medical treatment for himself or a family member.

18 3. Whether the person must drive for educational  
19 purposes. The educational institution shall certify the  
20 person's enrollment in and academic schedule at the  
21 institution.

22 4. Whether the person has been repeatedly convicted of  
23 traffic violations or involved in motor vehicle accidents  
24 to a degree which indicates disrespect for public safety.

25 5. Whether the person has been convicted of a traffic  
26 violation in connection with a traffic accident resulting



1 in the death of any person within the last 5 years.

2 6. Whether the person is likely to obey the limited  
3 provisions of the JDP.

4 7. Whether the person has any additional traffic  
5 violations pending in any court.

6 For purposes of this Section, programs conducting  
7 professional evaluations of a person's alcohol, other drug, or  
8 intoxicating compound use must report, to the court of venue,  
9 using a form prescribed by the Secretary of State. A copy of  
10 such evaluations shall be sent to the Secretary of State by the  
11 court. However, the evaluation information shall be privileged  
12 and only available to courts and to the Secretary of State, but  
13 shall not be admissible in the subsequent trial on the  
14 underlying charge.

15 (c) The scope of any court order issued for a JDP under  
16 this Section shall be limited to the operation of a motor  
17 vehicle as provided for in subsection (a) of this Section and  
18 shall specify the petitioner's residence, place of employment  
19 or location of educational institution, and the scope of job  
20 related duties, if relevant. The JDP shall also specify days of  
21 the week and specific hours of the day when the petitioner is  
22 able to exercise the limited privilege of operating a motor  
23 vehicle.

24 (c-1) If the petitioner is issued a citation for a  
25 violation of Section 6-303 during the period of a statutory  
26 summary suspension entered under Section 11-501.1 of this Code,

1 or if the petitioner is charged with a violation of Section  
2 11-501 or a similar provision of a local ordinance or a similar  
3 out of state offense which occurs after the current violation  
4 of Section 11-501 or a similar provision of a local ordinance,  
5 the court may not grant the petitioner a JDP unless the  
6 petitioner is acquitted or the citation or complaint is  
7 otherwise dismissed.

8 If the petitioner is issued a citation for a violation of  
9 Section 6-303 or a violation of Section 11-501 or a similar  
10 provision of a local ordinance or a similar out of state  
11 offense during the term of the JDP, the officer issuing the  
12 citation, or the law enforcement agency employing that officer,  
13 shall confiscate the JDP and immediately send the JDP and  
14 notice of the citation to the court that ordered the issuance  
15 of the JDP. Within 10 days of receipt, the issuing court, upon  
16 notice to the petitioner, shall conduct a hearing to consider  
17 cancellation of the JDP. If the court enters an order of  
18 cancellation, the court shall forward the order to the  
19 Secretary of State, and the Secretary shall cancel the JDP and  
20 notify the petitioner of the cancellation. If, however, the  
21 petitioner is convicted of the offense before the JDP has been  
22 cancelled, the court of venue shall send notice of conviction  
23 to the court that ordered issuance of the JDP. The court  
24 receiving the notice shall immediately enter an order of  
25 cancellation and forward the order to the Secretary of State.  
26 The Secretary shall cancel the JDP and notify the petitioner of

1 the cancellation.

2 If the petitioner is issued a citation for any other  
3 traffic related offense during the term of the JDP, the officer  
4 issuing the citation, or the law enforcement agency employing  
5 that officer, shall send notice of the citation to the court  
6 that ordered issuance of the JDP. Upon receipt and notice to  
7 the petitioner and an opportunity for a hearing, the court  
8 shall determine whether the violation constitutes grounds for  
9 cancellation of the JDP. If the court enters an order of  
10 cancellation, the court shall forward the order to the  
11 Secretary of State, and the Secretary shall cancel the JDP and  
12 shall notify the petitioner of the cancellation.

13 (d) The Secretary of State shall, upon receiving a court  
14 order from the court of venue, issue a JDP to a successful  
15 Petitioner under this Section. Such court order form shall also  
16 contain a notification, which shall be sent to the Secretary of  
17 State, providing the name, driver's license number and legal  
18 address of the successful petitioner, and the full and detailed  
19 description of the limitations of the JDP. This information  
20 shall be available only to the courts, police officers, and the  
21 Secretary of State, except during the actual period the JDP is  
22 valid, during which time it shall be a public record. The  
23 Secretary of State shall design and furnish to the courts an  
24 official court order form to be used by the courts when  
25 directing the Secretary of State to issue a JDP.

26 Any submitted court order that contains insufficient data

1 or fails to comply with this Code shall not be utilized for JDP  
2 issuance or entered to the driver record but shall be returned  
3 to the issuing court indicating why the JDP cannot be so  
4 entered. A notice of this action shall also be sent to the JDP  
5 petitioner by the Secretary of State.

6 (e) The circuit court of venue may conduct the judicial  
7 hearing, as provided in Section 2-118.1, and the JDP hearing  
8 provided in this Section, concurrently. Such concurrent  
9 hearing shall proceed in the court in the same manner as in  
10 other civil proceedings.

11 (f) The circuit court of venue may, as a condition of the  
12 issuance of a JDP, prohibit the person from operating a motor  
13 vehicle not equipped with an ignition interlock device.

14 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
15 94-930, eff. 6-26-06.)

16 (Text of Section after amendment by P.A. 95-400 and 95-578)  
17 Sec. 6-206.1. Monitoring Device Driving Permit.  
18 Declaration of Policy. It is hereby declared a policy of the  
19 State of Illinois that the driver who is impaired by alcohol,  
20 other drug or drugs, or intoxicating compound or compounds is a  
21 threat to the public safety and welfare. Therefore, to provide  
22 a deterrent to such practice and to remove problem drivers from  
23 the highway, a statutory summary driver's license suspension is  
24 appropriate. It is also recognized that driving is a privilege  
25 and therefore, that the granting of driving privileges, in a

1 manner consistent with public safety, is warranted during the  
2 period of suspension in the form of a monitoring device driving  
3 permit. A person who drives and fails to comply with the  
4 requirements of the monitoring device driving permit commits a  
5 violation of Section 6-303 of this Code.

6 The following procedures shall apply whenever a first  
7 offender is arrested for any offense as defined in Section  
8 11-501 or a similar provision of a local ordinance:

9 (a) Subsequent to a notification of a statutory summary  
10 suspension of driving privileges as provided in Section  
11 11-501.1, the court, after informing the first offender, as  
12 defined in Section 11-500, of his or her right to a monitoring  
13 device driving permit, hereinafter referred to as a MDDP, and  
14 of the obligations of the MDDP, shall enter an order directing  
15 the Secretary of State to issue a MDDP to the offender, unless  
16 the offender has opted, in writing, not to have a MDDP issued.  
17 However, the court shall not enter the order directing the  
18 Secretary of State to issue the MDDP, if the court finds:

19 (1) The offender's driver's license is otherwise  
20 invalid;

21 (2) Death or great bodily harm resulted from the arrest  
22 for Section 11-501;

23 (3) That the offender has been previously convicted of  
24 reckless homicide; or

25 (4) That the offender is less than 18 years of age.

26 Any court order for a MDDP shall order the person to pay

1 the Secretary of State a MDDP Administration Fee in an amount  
2 not to exceed \$30 per month. The Secretary shall establish by  
3 rule the amount and the procedures, terms, and conditions  
4 relating to these fees. The order shall further specify that  
5 the offender must have an ignition interlock device installed  
6 within 14 days of the date the Secretary issues the MDDP, and  
7 shall specify the vehicle in which the device is to be  
8 installed. The ignition interlock device provider must notify  
9 the Secretary, in a manner and form prescribed by the  
10 Secretary, of the installation. If the Secretary does not  
11 receive notice of installation, the Secretary shall cancel the  
12 MDDP.

13 A MDDP shall not become effective prior to the 31st day of the  
14 original statutory summary suspension.

15 (a-1) A person issued a MDDP may drive for any purpose and  
16 at any time, subject to the rules adopted by the Secretary of  
17 State under subsection (g). The person must, at his or her own  
18 expense, drive only vehicles equipped with an ignition  
19 interlock device as defined in Section 1-129.1, but in no event  
20 shall such person drive a commercial motor vehicle.

21 (a-2) Persons who are issued a MDDP and must drive  
22 employer-owned vehicles in the course of their employment  
23 duties may seek permission from the court to drive an  
24 employer-owned vehicle that does not have an ignition interlock  
25 device. The employee shall provide to the court a form,  
26 prescribed by the Secretary of State, completed by the employer

1 verifying that the employee must drive an employer-owned  
2 vehicle in the course of employment. If approved by the court,  
3 the form must be file stamped and must be in the driver's  
4 possession while operating an employer-owner vehicle not  
5 equipped with an ignition interlock device. No person may use  
6 this exemption to drive a school bus, school vehicle, or a  
7 vehicle designed to transport more than 15 passengers. No  
8 person may use this exemption to drive an employer-owned motor  
9 vehicle that is owned by an entity that is wholly or partially  
10 owned by the person holding the MDDP, or by a family member of  
11 the person holding the MDDP. No person may use this exemption  
12 to drive an employer-owned vehicle that is made available to  
13 the employee for personal use. No person may drive the exempted  
14 vehicle more than 12 hours per day, 6 days per week.

15 (b) (Blank).

16 (c) (Blank).

17 (c-1) If the person is issued a citation for a violation of  
18 Section 6-303 or a violation of Section 11-501 or a similar  
19 provision of a local ordinance or a similar out of state  
20 offense during the term of the MDDP, the officer issuing the  
21 citation, or the law enforcement agency employing that officer,  
22 shall confiscate the MDDP and immediately send the MDDP and  
23 notice of the citation to the court that ordered the issuance  
24 of the MDDP. Within 10 days of receipt, the issuing court, upon  
25 notice to the person, shall conduct a hearing to consider  
26 cancellation of the MDDP. If the court enters an order of

1 cancellation, the court shall forward the order to the  
2 Secretary of State, and the Secretary shall cancel the MDDP and  
3 notify the person of the cancellation. If, however, the person  
4 is convicted of the offense before the MDDP has been cancelled,  
5 the court of venue shall send notice of conviction to the court  
6 that ordered issuance of the MDDP. The court receiving the  
7 notice shall immediately enter an order of cancellation and  
8 forward the order to the Secretary of State. The Secretary  
9 shall cancel the MDDP and notify the person of the  
10 cancellation.

11 If the person is issued a citation for any other traffic  
12 related offense during the term of the MDDP, the officer  
13 issuing the citation, or the law enforcement agency employing  
14 that officer, shall send notice of the citation to the court  
15 that ordered issuance of the MDDP. Upon receipt and notice to  
16 the person and an opportunity for a hearing, the court shall  
17 determine whether the violation constitutes grounds for  
18 cancellation of the MDDP. If the court enters an order of  
19 cancellation, the court shall forward the order to the  
20 Secretary of State, and the Secretary shall cancel the MDDP and  
21 shall notify the person of the cancellation.

22 (c-5) If the court determines that the person seeking the  
23 MDDP is indigent, the court shall provide the person with a  
24 written document, in a form prescribed by the Secretary of  
25 State, as evidence of that determination, and the person shall  
26 provide that written document to an ignition interlock device



1 provider. The provider shall install an ignition interlock  
2 device on that person's vehicle without charge to the person,  
3 and seek reimbursement from the Indigent BAIID Fund.

4 (d) The Secretary of State shall, upon receiving a court  
5 order from the court of venue, issue a MDDP to a person who  
6 applies under this Section. Such court order form shall also  
7 contain a notification, which shall be sent to the Secretary of  
8 State, providing the name, driver's license number and legal  
9 address of the applicant. This information shall be available  
10 only to the courts, police officers, and the Secretary of  
11 State, except during the actual period the MDDP is valid,  
12 during which time it shall be a public record. The Secretary of  
13 State shall design and furnish to the courts an official court  
14 order form to be used by the courts when directing the  
15 Secretary of State to issue a MDDP.

16 Any submitted court order that contains insufficient data  
17 or fails to comply with this Code shall not be utilized for  
18 MDDP issuance or entered to the driver record but shall be  
19 returned to the issuing court indicating why the MDDP cannot be  
20 so entered. A notice of this action shall also be sent to the  
21 MDDP applicant by the Secretary of State.

22 (e) (Blank).

23 (f) (Blank).

24 (g) The Secretary of State shall adopt rules for  
25 implementing this Section. The rules adopted shall address  
26 issues including, but not limited to: compliance with the

1 requirements of the MDDP; methods for determining compliance  
2 with those requirements; the consequences of noncompliance  
3 with those requirements; what constitutes a violation of the  
4 MDDP; and the duties of a person or entity that supplies the  
5 ignition interlock device.

6 (h) The rules adopted under subsection (g) shall provide,  
7 at a minimum, that the person is not in compliance with the  
8 requirements of the MDDP if he or she:

9 (1) tampers or attempts to tamper with or circumvent  
10 the proper operation of the ignition interlock device;

11 (2) provides valid breath samples that register blood  
12 alcohol levels in excess of the number of times allowed  
13 under the rules;

14 (3) fails to provide evidence sufficient to satisfy the  
15 Secretary that the ignition interlock device has been  
16 installed in the designated vehicle or vehicles; or

17 (4) fails to follow any other applicable rules adopted  
18 by the Secretary.

19 (i) Any person or entity that supplies an ignition  
20 interlock device as provided under this Section shall, in  
21 addition to supplying only those devices which fully comply  
22 with all the rules adopted under subsection (g), provide the  
23 Secretary, within 7 days of inspection, all monitoring reports  
24 of each person who has had an ignition interlock device  
25 installed. These reports shall be furnished in a manner or form  
26 as prescribed by the Secretary.

1           (j) Upon making a determination that a violation of the  
2 requirements of the MDDP has occurred, the Secretary shall  
3 extend the summary suspension period for an additional 3 months  
4 beyond the originally imposed summary suspension period,  
5 during which time the person shall only be allowed to drive  
6 vehicles equipped with an ignition interlock device; provided  
7 further there are no limitations on the number of times the  
8 summary suspension may be extended. Any person whose summary  
9 suspension is extended pursuant to this Section shall have the  
10 right to contest the extension through an administrative  
11 hearing with the Secretary. If the summary suspension has  
12 already terminated prior to the Secretary receiving the  
13 monitoring report that shows a violation, the Secretary shall  
14 be authorized to suspend the person's driving privileges for 3  
15 months. The only permit the person shall be eligible for during  
16 this new suspension period is a MDDP.

17           (k) A person who has had his or her summary suspension  
18 extended for the third time shall have his or her vehicle  
19 impounded for a period of 30 days, at the person's own expense.  
20 A person who has his or her summary suspension extended for the  
21 fourth time shall have his or her vehicle subject to seizure  
22 and forfeiture. The Secretary shall notify the prosecuting  
23 authority of any third or fourth extensions. Upon receipt of  
24 the notification, the prosecuting authority shall impound or  
25 forfeit the vehicle.

26           (l) A person whose driving privileges have been suspended

1 under Section 11-501.1 of this Code and who had a MDDP that was  
2 cancelled pursuant to subsection (c-1) of this Section, shall  
3 not be eligible for reinstatement when the summary suspension  
4 is scheduled to terminate, but instead shall be eligible only  
5 to apply for a restricted driving permit. If a restricted  
6 driving permit is granted, the offender may only operate  
7 vehicles equipped with an ignition interlock device, for a  
8 period of not less than twice the original summary suspension  
9 period.

10 (m) Any person or entity that supplies an ignition  
11 interlock device under this Section shall, for each ignition  
12 interlock device installed, pay 5% of the total gross revenue  
13 received for the device into the Indigent BAIID Fund. This 5%  
14 shall be clearly indicated as a separate surcharge on each  
15 invoice that is issued. The Secretary shall conduct an annual  
16 review of the fund to determine whether the surcharge is  
17 sufficient to provide for indigent users. The Secretary may  
18 increase or decrease this surcharge requirement as needed.

19 (n) Any person or entity that supplies an ignition  
20 interlock device under this Section that is requested to  
21 provide an ignition interlock device to a person who presents  
22 written documentation of indigency from the court, as provided  
23 in subsection (c-5) of this Section, shall install the device  
24 on the person's vehicle without charge to the person and shall  
25 seek reimbursement from the Indigent BAIID Fund.

26 (o) The Indigent BAIID Fund is created as a special fund in

1 the State treasury. The Secretary of State shall, subject to  
2 appropriation by the General Assembly, use all money in the  
3 Indigent BAIID Fund to reimburse ignition interlock device  
4 providers who have installed devices in vehicles of indigent  
5 persons pursuant to court orders issued under this Section. The  
6 Secretary shall make payments to such providers every 3 months.  
7 If the amount of money in the fund at the time payments are  
8 made is not sufficient to pay all requests for reimbursement  
9 submitted during that 3 month period, the Secretary shall make  
10 payments on a pro-rata basis, and those payments shall be  
11 considered payment in full for the requests submitted.

12 (p) The Monitoring Device Driving Permit Administration  
13 Fee Fund is created as a special fund in the State treasury.  
14 The Secretary of State shall, subject to appropriation by the  
15 General Assembly, use the money paid into this fund to offset  
16 its administrative costs for administering MDDPs.

17 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
18 94-930, eff. 6-26-06; 95-400, eff. 1-1-09; 95-578, eff. 1-1-09;  
19 revised 11-16-07.)

20 (625 ILCS 5/6-206.2)

21 (Text of Section before amendment by P.A. 95-578)

22 Sec. 6-206.2. Violations relating to an ignition interlock  
23 device.

24 (a) It is unlawful for any person whose driving privilege  
25 is restricted by being prohibited from operating a motor

1 vehicle not equipped with an ignition interlock device to  
2 operate a motor vehicle not equipped with an ignition interlock  
3 device.

4 (a-5) It is unlawful for any person whose driving privilege  
5 is restricted by being prohibited from operating a motor  
6 vehicle not equipped with an ignition interlock device to  
7 request or solicit any other person to blow into an ignition  
8 interlock device or to start a motor vehicle equipped with the  
9 device for the purpose of providing the person so restricted  
10 with an operable motor vehicle.

11 (b) It is unlawful to blow into an ignition interlock  
12 device or to start a motor vehicle equipped with the device for  
13 the purpose of providing an operable motor vehicle to a person  
14 whose driving privilege is restricted by being prohibited from  
15 operating a motor vehicle not equipped with an ignition  
16 interlock device.

17 (c) It is unlawful to tamper with, or circumvent the  
18 operation of, an ignition interlock device.

19 (d) Except as provided in subsection (c)(17) of Section  
20 5-6-3.1 of the Unified Code of Corrections or by rule, no  
21 person shall knowingly rent, lease, or lend a motor vehicle to  
22 a person known to have his or her driving privilege restricted  
23 by being prohibited from operating a vehicle not equipped with  
24 an ignition interlock device, unless the vehicle is equipped  
25 with a functioning ignition interlock device. Any person whose  
26 driving privilege is so restricted shall notify any person

1 intending to rent, lease, or loan a motor vehicle to the  
2 restricted person of the driving restriction imposed upon him  
3 or her.

4 (d-5) A person convicted of a violation of this Section is  
5 guilty of a Class A misdemeanor.

6 (e) (Blank).

7 (Source: P.A. 95-27, eff. 1-1-08.)

8 (Text of Section after amendment by P.A. 95-578)

9 Sec. 6-206.2. Violations relating to an ignition interlock  
10 device.

11 (a) It is unlawful for any person whose driving privilege  
12 is restricted by being prohibited from operating a motor  
13 vehicle not equipped with an ignition interlock device to  
14 operate a motor vehicle not equipped with an ignition interlock  
15 device.

16 (a-5) It is unlawful for any person whose driving privilege  
17 is restricted by being prohibited from operating a motor  
18 vehicle not equipped with an ignition interlock device to  
19 request or solicit any other person to blow into an ignition  
20 interlock device or to start a motor vehicle equipped with the  
21 device for the purpose of providing the person so restricted  
22 with an operable motor vehicle.

23 (b) It is unlawful to blow into an ignition interlock  
24 device or to start a motor vehicle equipped with the device for  
25 the purpose of providing an operable motor vehicle to a person

1 whose driving privilege is restricted by being prohibited from  
2 operating a motor vehicle not equipped with an ignition  
3 interlock device.

4 (c) It is unlawful to tamper with, or circumvent the  
5 operation of, an ignition interlock device.

6 (d) Except as provided in subsection (c) (17) of Section  
7 5-6-3.1 of the Unified Code of Corrections or by rule, no  
8 person shall knowingly rent, lease, or lend a motor vehicle to  
9 a person known to have his or her driving privilege restricted  
10 by being prohibited from operating a vehicle not equipped with  
11 an ignition interlock device, unless the vehicle is equipped  
12 with a functioning ignition interlock device. Any person whose  
13 driving privilege is so restricted shall notify any person  
14 intending to rent, lease, or loan a motor vehicle to the  
15 restricted person of the driving restriction imposed upon him  
16 or her.

17 (d-5) A person convicted of a violation of this Section is  
18 guilty of a Class A misdemeanor.

19 (e) (Blank). ~~Section 11-501.01~~

20 (Source: P.A. 95-27, eff. 1-1-08; 95-578, eff. 6-1-08; revised  
21 11-19-07.)

22 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

23 Sec. 6-208. Period of Suspension - Application After  
24 Revocation.

25 (a) Except as otherwise provided by this Code or any other



1 law of this State, the Secretary of State shall not suspend a  
2 driver's license, permit, or privilege to drive a motor vehicle  
3 on the highways for a period of more than one year.

4 (b) Any person whose license, permit, or privilege to drive  
5 a motor vehicle on the highways has been revoked shall not be  
6 entitled to have such license, permit, or privilege renewed or  
7 restored. However, such person may, except as provided under  
8 subsections (d) and (d-5) of Section 6-205, make application  
9 for a license pursuant to Section 6-106 (i) if the revocation  
10 was for a cause that ~~which~~ has been removed or (ii) as provided  
11 in the following subparagraphs:

12 1. Except as provided in subparagraphs 1.5, 2, 3, 4,  
13 and 5, the person may make application for a license (A)  
14 after the expiration of one year from the effective date of  
15 the revocation ~~or~~, (B) in the case of a violation of  
16 paragraph (b) of Section 11-401 of this Code or a similar  
17 provision of a local ordinance, after the expiration of 3  
18 years from the effective date of the revocation, or, (C) in  
19 the case of a violation of Section 9-3 of the Criminal Code  
20 of 1961 or a similar provision of a law of another state  
21 relating to the offense of reckless homicide or a violation  
22 of subparagraph (F) of paragraph 1 of subsection (d) of  
23 Section 11-501 of this Code relating to aggravated driving  
24 under the influence of alcohol, other drug or drugs,  
25 intoxicating compound or compounds, or any combination  
26 thereof, if the violation was the proximate cause of a

1 death, after the expiration of 2 years from the effective  
2 date of the revocation or after the expiration of 24 months  
3 from the date of release from a period of imprisonment as  
4 provided in Section 6-103 of this Code, whichever is later.

5 1.5. If the person is convicted of a violation of  
6 Section 6-303 of this Code committed while his or her  
7 driver's license, permit, or privilege was revoked because  
8 of a violation of Section 9-3 of the Criminal Code of 1961,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state, the person may not  
11 make application for a license or permit until the  
12 expiration of 3 years from the effective date of the most  
13 recent revocation.

14 2. If such person is convicted of committing a second  
15 violation within a 20-year ~~20-year~~ period of:

16 (A) Section 11-501 of this Code~~7~~ or a similar  
17 provision of a local ordinance; ~~or~~

18 (B) Paragraph (b) of Section 11-401 of this Code~~7~~  
19 or a similar provision of a local ordinance; ~~or~~

20 (C) Section 9-3 of the Criminal Code of 1961~~7~~~~as~~  
21 ~~amended~~, relating to the offense of reckless homicide;  
22 or

23 (D) any combination of the above offenses  
24 committed at different instances;

25 then such person may not make application for a license  
26 until after the expiration of 5 years from the effective

1 date of the most recent revocation. The 20-year ~~20-year~~  
2 period shall be computed by using the dates the offenses  
3 were committed and shall also include similar out-of-state  
4 offenses and similar offenses committed on a military  
5 installation.

6 3. However, except as provided in subparagraph 4, if  
7 such person is convicted of committing a third~~7~~ or  
8 subsequent~~7~~ violation or any combination of the above  
9 offenses, including similar out-of-state offenses and  
10 similar offenses committed on a military installation,  
11 contained in subparagraph 2, then such person may not make  
12 application for a license until after the expiration of 10  
13 years from the effective date of the most recent  
14 revocation.

15 4. The person may not make application for a license if  
16 the person is convicted of committing a fourth or  
17 subsequent violation of Section 11-501 of this Code or a  
18 similar provision of a local ordinance, Section 11-401 of  
19 this Code, Section 9-3 of the Criminal Code of 1961, or a  
20 combination of these offenses~~4~~ ~~or~~ similar provisions of  
21 local ordinances~~4~~ ~~or~~ similar out-of-state offenses~~4~~ or  
22 similar offenses committed on a military installation.

23 5. The person may not make application for a license or  
24 permit if the person is convicted of a third or subsequent  
25 violation of Section 6-303 of this Code committed while his  
26 or her driver's license, permit, or privilege was revoked

1           because of a violation of Section 9-3 of the Criminal Code  
2           of 1961, relating to the offense of reckless homicide, or a  
3           similar provision of a law of another state.

4           Notwithstanding any other provision of this Code, all  
5           persons referred to in this paragraph (b) may not have their  
6           privileges restored until the Secretary receives payment of the  
7           required reinstatement fee pursuant to subsection (b) of  
8           Section 6-118.

9           In no event shall the Secretary issue such license unless  
10          and until such person has had a hearing pursuant to this Code  
11          and the appropriate administrative rules and the Secretary is  
12          satisfied, after a review or investigation of such person, that  
13          to grant the privilege of driving a motor vehicle on the  
14          highways will not endanger the public safety or welfare.

15          (c) (Blank).

16          (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;  
17          95-377, eff. 1-1-08; revised 11-19-07.)

18          (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

19          (Text of Section before amendment by P.A. 95-400)

20          Sec. 6-208.1. Period of statutory summary alcohol, other  
21          drug, or intoxicating compound related suspension.

22          (a) Unless the statutory summary suspension has been  
23          rescinded, any person whose privilege to drive a motor vehicle  
24          on the public highways has been summarily suspended, pursuant  
25          to Section 11-501.1, shall not be eligible for restoration of

1 the privilege until the expiration of:

2 1. Six months from the effective date of the statutory  
3 summary suspension for a refusal or failure to complete a  
4 test or tests to determine the alcohol, drug, or  
5 intoxicating compound concentration, pursuant to Section  
6 11-501.1; or

7 2. Three months from the effective date of the  
8 statutory summary suspension imposed following the  
9 person's submission to a chemical test which disclosed an  
10 alcohol concentration of 0.08 or more, or any amount of a  
11 drug, substance, or intoxicating compound in such person's  
12 breath, blood, or urine resulting from the unlawful use or  
13 consumption of cannabis listed in the Cannabis Control Act,  
14 a controlled substance listed in the Illinois Controlled  
15 Substances Act, an intoxicating compound listed in the Use  
16 of Intoxicating Compounds Act, or methamphetamine as  
17 listed in the Methamphetamine Control and Community  
18 Protection Act, pursuant to Section 11-501.1; or

19 3. Three years from the effective date of the statutory  
20 summary suspension for any person other than a first  
21 offender who refuses or fails to complete a test or tests  
22 to determine the alcohol, drug, or intoxicating compound  
23 concentration pursuant to Section 11-501.1; or

24 4. One year from the effective date of the summary  
25 suspension imposed for any person other than a first  
26 offender following submission to a chemical test which

1 disclosed an alcohol concentration of 0.08 or more pursuant  
2 to Section 11-501.1 or any amount of a drug, substance or  
3 compound in such person's blood or urine resulting from the  
4 unlawful use or consumption of cannabis listed in the  
5 Cannabis Control Act, a controlled substance listed in the  
6 Illinois Controlled Substances Act, an intoxicating  
7 compound listed in the Use of Intoxicating Compounds Act,  
8 or methamphetamine as listed in the Methamphetamine  
9 Control and Community Protection Act.

10 (b) Following a statutory summary suspension of the  
11 privilege to drive a motor vehicle under Section 11-501.1,  
12 driving privileges shall be restored unless the person is  
13 otherwise suspended, revoked, or cancelled by this Code. If the  
14 court has reason to believe that the person's driving privilege  
15 should not be restored, the court shall notify the Secretary of  
16 State prior to the expiration of the statutory summary  
17 suspension so appropriate action may be taken pursuant to this  
18 Code.

19 (c) Driving privileges may not be restored until all  
20 applicable reinstatement fees, as provided by this Code, have  
21 been paid to the Secretary of State and the appropriate entry  
22 made to the driver's record.

23 (d) Where a driving privilege has been summarily suspended  
24 under Section 11-501.1 and the person is subsequently convicted  
25 of violating Section 11-501, or a similar provision of a local  
26 ordinance, for the same incident, any period served on

1 statutory summary suspension shall be credited toward the  
2 minimum period of revocation of driving privileges imposed  
3 pursuant to Section 6-205.

4 (e) Following a statutory summary suspension of driving  
5 privileges pursuant to Section 11-501.1, for a first offender,  
6 the circuit court may, after at least 30 days from the  
7 effective date of the statutory summary suspension, issue a  
8 judicial driving permit as provided in Section 6-206.1.

9 (f) Subsequent to an arrest of a first offender, for any  
10 offense as defined in Section 11-501 or a similar provision of  
11 a local ordinance, following a statutory summary suspension of  
12 driving privileges pursuant to Section 11-501.1, for a first  
13 offender, the circuit court may issue a court order directing  
14 the Secretary of State to issue a judicial driving permit as  
15 provided in Section 6-206.1. However, this JDP shall not be  
16 effective prior to the 31st day of the statutory summary  
17 suspension.

18 (g) Following a statutory summary suspension of driving  
19 privileges pursuant to Section 11-501.1 where the person was  
20 not a first offender, as defined in Section 11-500, the  
21 Secretary of State may not issue a restricted driving permit.

22 (h) (Blank).

23 (Source: P.A. 95-355, eff. 1-1-08.)

24 (Text of Section after amendment by P.A. 95-400)

25 Sec. 6-208.1. Period of statutory summary alcohol, other

1 drug, or intoxicating compound related suspension.

2 (a) Unless the statutory summary suspension has been  
3 rescinded, any person whose privilege to drive a motor vehicle  
4 on the public highways has been summarily suspended, pursuant  
5 to Section 11-501.1, shall not be eligible for restoration of  
6 the privilege until the expiration of:

7 1. Twelve months from the effective date of the  
8 statutory summary suspension for a refusal or failure to  
9 complete a test or tests to determine the alcohol, drug, or  
10 intoxicating compound concentration, pursuant to Section  
11 11-501.1; or

12 2. Six months from the effective date of the statutory  
13 summary suspension imposed following the person's  
14 submission to a chemical test which disclosed an alcohol  
15 concentration of 0.08 or more, or any amount of a drug,  
16 substance, or intoxicating compound in such person's  
17 breath, blood, or urine resulting from the unlawful use or  
18 consumption of cannabis listed in the Cannabis Control Act,  
19 a controlled substance listed in the Illinois Controlled  
20 Substances Act, an intoxicating compound listed in the Use  
21 of Intoxicating Compounds Act, or methamphetamine as  
22 listed in the Methamphetamine Control and Community  
23 Protection Act, pursuant to Section 11-501.1; or

24 3. Three years from the effective date of the statutory  
25 summary suspension for any person other than a first  
26 offender who refuses or fails to complete a test or tests



1 to determine the alcohol, drug, or intoxicating compound  
2 concentration pursuant to Section 11-501.1; or

3 4. One year from the effective date of the summary  
4 suspension imposed for any person other than a first  
5 offender following submission to a chemical test which  
6 disclosed an alcohol concentration of 0.08 or more pursuant  
7 to Section 11-501.1 or any amount of a drug, substance or  
8 compound in such person's blood or urine resulting from the  
9 unlawful use or consumption of cannabis listed in the  
10 Cannabis Control Act, a controlled substance listed in the  
11 Illinois Controlled Substances Act, an intoxicating  
12 compound listed in the Use of Intoxicating Compounds Act,  
13 or methamphetamine as listed in the Methamphetamine  
14 Control and Community Protection Act.

15 (b) Following a statutory summary suspension of the  
16 privilege to drive a motor vehicle under Section 11-501.1,  
17 driving privileges shall be restored unless the person is  
18 otherwise suspended, revoked, or cancelled by this Code. If the  
19 court has reason to believe that the person's driving privilege  
20 should not be restored, the court shall notify the Secretary of  
21 State prior to the expiration of the statutory summary  
22 suspension so appropriate action may be taken pursuant to this  
23 Code.

24 (c) Driving privileges may not be restored until all  
25 applicable reinstatement fees, as provided by this Code, have  
26 been paid to the Secretary of State and the appropriate entry

1 made to the driver's record.

2 (d) Where a driving privilege has been summarily suspended  
3 under Section 11-501.1 and the person is subsequently convicted  
4 of violating Section 11-501, or a similar provision of a local  
5 ordinance, for the same incident, any period served on  
6 statutory summary suspension shall be credited toward the  
7 minimum period of revocation of driving privileges imposed  
8 pursuant to Section 6-205.

9 (e) Following a statutory summary suspension of driving  
10 privileges pursuant to Section 11-501.1, for a first offender,  
11 the circuit court shall, unless the offender has opted in  
12 writing not to have a monitoring device driving permit issued,  
13 order the Secretary of State to issue a monitoring device  
14 driving permit as provided in Section 6-206.1. A monitoring  
15 device driving permit shall not be effective prior to the 31st  
16 day of the statutory summary suspension.

17 (f) (Blank).

18 (g) Following a statutory summary suspension of driving  
19 privileges pursuant to Section 11-501.1 where the person was  
20 not a first offender, as defined in Section 11-500, the  
21 Secretary of State may not issue a restricted driving permit.

22 (h) (Blank).

23 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; revised  
24 12-21-07.)

25 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

1 (Text of Section before amendment by P.A. 95-400)

2 Sec. 6-303. Driving while driver's license, permit or  
3 privilege to operate a motor vehicle is suspended or revoked.

4 (a) Except as otherwise provided in subsection (a-5), any  
5 person who drives or is in actual physical control of a motor  
6 vehicle on any highway of this State at a time when such  
7 person's driver's license, permit or privilege to do so or the  
8 privilege to obtain a driver's license or permit is revoked or  
9 suspended as provided by this Code or the law of another state,  
10 except as may be specifically allowed by a judicial driving  
11 permit, family financial responsibility driving permit,  
12 probationary license to drive, or a restricted driving permit  
13 issued pursuant to this Code or under the law of another state,  
14 shall be guilty of a Class A misdemeanor.

15 (a-5) Any person who violates this Section as provided in  
16 subsection (a) while his or her driver's license, permit or  
17 privilege is revoked because of a violation of Section 9-3 of  
18 the Criminal Code of 1961, relating to the offense of reckless  
19 homicide or a similar provision of a law of another state, is  
20 guilty of a Class 4 felony. The person shall be required to  
21 undergo a professional evaluation, as provided in Section  
22 11-501 of this Code, to determine if an alcohol, drug, or  
23 intoxicating compound problem exists and the extent of the  
24 problem, and to undergo the imposition of treatment as  
25 appropriate.

26 (b) The Secretary of State upon receiving a report of the

1 conviction of any violation indicating a person was operating a  
2 motor vehicle during the time when said person's driver's  
3 license, permit or privilege was suspended by the Secretary, by  
4 the appropriate authority of another state, or pursuant to  
5 Section 11-501.1; except as may be specifically allowed by a  
6 probationary license to drive, judicial driving permit or  
7 restricted driving permit issued pursuant to this Code or the  
8 law of another state; shall extend the suspension for the same  
9 period of time as the originally imposed suspension; however,  
10 if the period of suspension has then expired, the Secretary  
11 shall be authorized to suspend said person's driving privileges  
12 for the same period of time as the originally imposed  
13 suspension.

14 (b-3) When the Secretary of State receives a report of a  
15 conviction of any violation indicating that a vehicle was  
16 operated during the time when the person's driver's license,  
17 permit or privilege was revoked, except as may be allowed by a  
18 restricted driving permit issued pursuant to this Code or the  
19 law of another state, the Secretary shall not issue a driver's  
20 license to that person for an additional period of one year  
21 from the date of such conviction.

22 (b-4) ~~(b-5)~~ When the Secretary of State receives a report  
23 of a conviction of any violation indicating a person was  
24 operating a motor vehicle that was not equipped with an  
25 ignition interlock device during a time when the person was  
26 prohibited from operating a motor vehicle not equipped with

1 such a device, the Secretary shall not issue a driver's license  
2 to that person for an additional period of one year from the  
3 date of the conviction.

4 (b-5) Any person convicted of violating this Section shall  
5 serve a minimum term of imprisonment of 30 consecutive days or  
6 300 hours of community service when the person's driving  
7 privilege was revoked or suspended as a result of a violation  
8 of Section 9-3 of the Criminal Code of 1961, as amended,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state.

11 (c) Any person convicted of violating this Section shall  
12 serve a minimum term of imprisonment of 10 consecutive days or  
13 30 days of community service when the person's driving  
14 privilege was revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of operating or being in physical control of a  
18 vehicle while under the influence of alcohol, any other  
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of  
21 this Code or a similar provision of a local ordinance  
22 relating to the offense of leaving the scene of a motor  
23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension under Section  
25 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

1 not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any  
3 person convicted of a second violation of this Section shall be  
4 ordered by the court to serve a minimum of 100 hours of  
5 community service.

6 (c-2) In addition to other penalties imposed under this  
7 Section, the court may impose on any person convicted a fourth  
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's  
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period  
12 of time to be determined by the court.

13 (c-5) Any person convicted of a second violation of this  
14 Section is guilty of a Class 2 felony, is not eligible for  
15 probation or conditional discharge, and shall serve a mandatory  
16 term of imprisonment, if the revocation or suspension was for a  
17 violation of Section 9-3 of the Criminal Code of 1961, relating  
18 to the offense of reckless homicide, or a similar out-of-state  
19 offense.

20 (d) Any person convicted of a second violation of this  
21 Section shall be guilty of a Class 4 felony and shall serve a  
22 minimum term of imprisonment of 30 days or 300 hours of  
23 community service, as determined by the court, if the  
24 revocation or suspension was for a violation of Section 11-401  
25 or 11-501 of this Code, or a similar out-of-state offense, or a  
26 similar provision of a local ordinance, or a statutory summary

1 suspension under Section 11-501.1 of this Code.

2 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
3 (d-3), any person convicted of a third or subsequent violation  
4 of this Section shall serve a minimum term of imprisonment of  
5 30 days or 300 hours of community service, as determined by the  
6 court.

7 (d-2) Any person convicted of a third violation of this  
8 Section is guilty of a Class 4 felony and must serve a minimum  
9 term of imprisonment of 30 days if the revocation or suspension  
10 was for a violation of Section 11-401 or 11-501 of this Code,  
11 or a similar out-of-state offense, or a similar provision of a  
12 local ordinance, or a statutory summary suspension under  
13 Section 11-501.1 of this Code.

14 (d-2.5) Any person convicted of a third violation of this  
15 Section is guilty of a Class 1 felony, is not eligible for  
16 probation or conditional discharge, and must serve a mandatory  
17 term of imprisonment if the revocation or suspension was for a  
18 violation of Section 9-3 of the Criminal Code of 1961, relating  
19 to the offense of reckless homicide, or a similar out-of-state  
20 offense.

21 (d-3) Any person convicted of a fourth, fifth, sixth,  
22 seventh, eighth, or ninth violation of this Section is guilty  
23 of a Class 4 felony and must serve a minimum term of  
24 imprisonment of 180 days if the revocation or suspension was  
25 for a violation of Section 11-401 or 11-501 of this Code, or a  
26 similar out-of-state offense, or a similar provision of a local

1 ordinance, or a statutory summary suspension under Section  
2 11-501.1 of this Code.

3 (d-3.5) Any person convicted of a fourth or subsequent  
4 violation of this Section is guilty of a Class 1 felony, is not  
5 eligible for probation or conditional discharge, and must serve  
6 a mandatory term of imprisonment, and is eligible for an  
7 extended term, if the revocation or suspension was for a  
8 violation of Section 9-3 of the Criminal Code of 1961, relating  
9 to the offense of reckless homicide, or a similar out-of-state  
10 offense.

11 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
12 thirteenth, or fourteenth violation of this Section is guilty  
13 of a Class 3 felony, and is not eligible for probation or  
14 conditional discharge, if the revocation or suspension was for  
15 a violation of Section 11-401 or 11-501 of this Code, or a  
16 similar out-of-state offense, or a similar provision of a local  
17 ordinance, or a statutory summary suspension under Section  
18 11-501.1 of this Code.

19 (d-5) Any person convicted of a fifteenth or subsequent  
20 violation of this Section is guilty of a Class 2 felony, and is  
21 not eligible for probation or conditional discharge, if the  
22 revocation or suspension was for a violation of Section 11-401  
23 or 11-501 of this Code, or a similar out-of-state offense, or a  
24 similar provision of a local ordinance, or a statutory summary  
25 suspension under Section 11-501.1 of this Code.

26 (e) Any person in violation of this Section who is also in



1 violation of Section 7-601 of this Code relating to mandatory  
2 insurance requirements, in addition to other penalties imposed  
3 under this Section, shall have his or her motor vehicle  
4 immediately impounded by the arresting law enforcement  
5 officer. The motor vehicle may be released to any licensed  
6 driver upon a showing of proof of insurance for the vehicle  
7 that was impounded and the notarized written consent for the  
8 release by the vehicle owner.

9 (f) For any prosecution under this Section, a certified  
10 copy of the driving abstract of the defendant shall be admitted  
11 as proof of any prior conviction.

12 (g) The motor vehicle used in a violation of this Section  
13 is subject to seizure and forfeiture as provided in Sections  
14 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
15 driving privilege was revoked or suspended as a result of a  
16 violation listed in paragraph (1), (2), or (3) of subsection  
17 (c) of this Section or as a result of a summary suspension as  
18 provided in paragraph (4) of subsection (c) of this Section.

19 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and  
20 95-377, eff. 1-1-08; revised 11-19-07.)

21 (Text of Section after amendment by P.A. 95-400)

22 Sec. 6-303. Driving while driver's license, permit or  
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5), any  
25 person who drives or is in actual physical control of a motor

1 vehicle on any highway of this State at a time when such  
2 person's driver's license, permit or privilege to do so or the  
3 privilege to obtain a driver's license or permit is revoked or  
4 suspended as provided by this Code or the law of another state,  
5 except as may be specifically allowed by a judicial driving  
6 permit issued prior to January 1, 2009 ~~the effective date of~~  
7 ~~this amendatory Act of the 95th General Assembly~~, monitoring  
8 device driving permit, family financial responsibility driving  
9 permit, probationary license to drive, or a restricted driving  
10 permit issued pursuant to this Code or under the law of another  
11 state, shall be guilty of a Class A misdemeanor.

12 (a-5) Any person who violates this Section as provided in  
13 subsection (a) while his or her driver's license, permit or  
14 privilege is revoked because of a violation of Section 9-3 of  
15 the Criminal Code of 1961, relating to the offense of reckless  
16 homicide or a similar provision of a law of another state, is  
17 guilty of a Class 4 felony. The person shall be required to  
18 undergo a professional evaluation, as provided in Section  
19 11-501 of this Code, to determine if an alcohol, drug, or  
20 intoxicating compound problem exists and the extent of the  
21 problem, and to undergo the imposition of treatment as  
22 appropriate.

23 (b) The Secretary of State upon receiving a report of the  
24 conviction of any violation indicating a person was operating a  
25 motor vehicle during the time when said person's driver's  
26 license, permit or privilege was suspended by the Secretary, by

1 the appropriate authority of another state, or pursuant to  
2 Section 11-501.1; except as may be specifically allowed by a  
3 probationary license to drive, judicial driving permit issued  
4 prior to January 1, 2009 ~~the effective date of this amendatory~~  
5 ~~Act of the 95th General Assembly~~, monitoring device driving  
6 permit, or restricted driving permit issued pursuant to this  
7 Code or the law of another state; shall extend the suspension  
8 for the same period of time as the originally imposed  
9 suspension; however, if the period of suspension has then  
10 expired, the Secretary shall be authorized to suspend said  
11 person's driving privileges for the same period of time as the  
12 originally imposed suspension.

13 (b-3) When the Secretary of State receives a report of a  
14 conviction of any violation indicating that a vehicle was  
15 operated during the time when the person's driver's license,  
16 permit or privilege was revoked, except as may be allowed by a  
17 restricted driving permit issued pursuant to this Code or the  
18 law of another state, the Secretary shall not issue a driver's  
19 license to that person for an additional period of one year  
20 from the date of such conviction.

21 (b-4) ~~(b-5)~~ When the Secretary of State receives a report  
22 of a conviction of any violation indicating a person was  
23 operating a motor vehicle that was not equipped with an  
24 ignition interlock device during a time when the person was  
25 prohibited from operating a motor vehicle not equipped with  
26 such a device, the Secretary shall not issue a driver's license

1 to that person for an additional period of one year from the  
2 date of the conviction.

3 (b-5) Any person convicted of violating this Section shall  
4 serve a minimum term of imprisonment of 30 consecutive days or  
5 300 hours of community service when the person's driving  
6 privilege was revoked or suspended as a result of a violation  
7 of Section 9-3 of the Criminal Code of 1961, as amended,  
8 relating to the offense of reckless homicide, or a similar  
9 provision of a law of another state.

10 (c) Except as provided in subsections (c-3) and (c-4), any  
11 person convicted of violating this Section shall serve a  
12 minimum term of imprisonment of 10 consecutive days or 30 days  
13 of community service when the person's driving privilege was  
14 revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of operating or being in physical control of a  
18 vehicle while under the influence of alcohol, any other  
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of  
21 this Code or a similar provision of a local ordinance  
22 relating to the offense of leaving the scene of a motor  
23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension under Section  
25 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

1 not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any  
3 person convicted of a second violation of this Section shall be  
4 ordered by the court to serve a minimum of 100 hours of  
5 community service.

6 (c-2) In addition to other penalties imposed under this  
7 Section, the court may impose on any person convicted a fourth  
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's  
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period  
12 of time to be determined by the court.

13 (c-3) Any person convicted of a violation of this Section  
14 during a period of summary suspension imposed pursuant to  
15 Section 11-501.1 when the person was eligible for a MDDP shall  
16 be guilty of a Class 4 felony and shall serve a minimum term of  
17 imprisonment of 30 days.

18 (c-4) Any person who has been issued a MDDP and who is  
19 convicted of a violation of this Section as a result of  
20 operating or being in actual physical control of a motor  
21 vehicle not equipped with an ignition interlock device at the  
22 time of the offense shall be guilty of a Class 4 felony and  
23 shall serve a minimum term of imprisonment of 30 days.

24 (c-5) Any person convicted of a second violation of this  
25 Section is guilty of a Class 2 felony, is not eligible for  
26 probation or conditional discharge, and shall serve a mandatory

1 term of imprisonment, if the revocation or suspension was for a  
2 violation of Section 9-3 of the Criminal Code of 1961, relating  
3 to the offense of reckless homicide, or a similar out-of-state  
4 offense.

5 (d) Any person convicted of a second violation of this  
6 Section shall be guilty of a Class 4 felony and shall serve a  
7 minimum term of imprisonment of 30 days or 300 hours of  
8 community service, as determined by the court, if the  
9 revocation or suspension was for a violation of Section 11-401  
10 or 11-501 of this Code, or a similar out-of-state offense, or a  
11 similar provision of a local ordinance, or a statutory summary  
12 suspension under Section 11-501.1 of this Code.

13 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
14 (d-3), any person convicted of a third or subsequent violation  
15 of this Section shall serve a minimum term of imprisonment of  
16 30 days or 300 hours of community service, as determined by the  
17 court.

18 (d-2) Any person convicted of a third violation of this  
19 Section is guilty of a Class 4 felony and must serve a minimum  
20 term of imprisonment of 30 days if the revocation or suspension  
21 was for a violation of Section 11-401 or 11-501 of this Code,  
22 or a similar out-of-state offense, or a similar provision of a  
23 local ordinance, or a statutory summary suspension under  
24 Section 11-501.1 of this Code.

25 (d-2.5) Any person convicted of a third violation of this  
26 Section is guilty of a Class 1 felony, is not eligible for

1 probation or conditional discharge, and must serve a mandatory  
2 term of imprisonment if the revocation or suspension was for a  
3 violation of Section 9-3 of the Criminal Code of 1961, relating  
4 to the offense of reckless homicide, or a similar out-of-state  
5 offense.

6 (d-3) Any person convicted of a fourth, fifth, sixth,  
7 seventh, eighth, or ninth violation of this Section is guilty  
8 of a Class 4 felony and must serve a minimum term of  
9 imprisonment of 180 days if the revocation or suspension was  
10 for a violation of Section 11-401 or 11-501 of this Code, or a  
11 similar out-of-state offense, or a similar provision of a local  
12 ordinance, or a statutory summary suspension under Section  
13 11-501.1 of this Code.

14 (d-3.5) Any person convicted of a fourth or subsequent  
15 violation of this Section is guilty of a Class 1 felony, is not  
16 eligible for probation or conditional discharge, and must serve  
17 a mandatory term of imprisonment, and is eligible for an  
18 extended term, if the revocation or suspension was for a  
19 violation of Section 9-3 of the Criminal Code of 1961, relating  
20 to the offense of reckless homicide, or a similar out-of-state  
21 offense.

22 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
23 thirteenth, or fourteenth violation of this Section is guilty  
24 of a Class 3 felony, and is not eligible for probation or  
25 conditional discharge, if the revocation or suspension was for  
26 a violation of Section 11-401 or 11-501 of this Code, or a

1 similar out-of-state offense, or a similar provision of a local  
2 ordinance, or a statutory summary suspension under Section  
3 11-501.1 of this Code.

4 (d-5) Any person convicted of a fifteenth or subsequent  
5 violation of this Section is guilty of a Class 2 felony, and is  
6 not eligible for probation or conditional discharge, if the  
7 revocation or suspension was for a violation of Section 11-401  
8 or 11-501 of this Code, or a similar out-of-state offense, or a  
9 similar provision of a local ordinance, or a statutory summary  
10 suspension under Section 11-501.1 of this Code.

11 (e) Any person in violation of this Section who is also in  
12 violation of Section 7-601 of this Code relating to mandatory  
13 insurance requirements, in addition to other penalties imposed  
14 under this Section, shall have his or her motor vehicle  
15 immediately impounded by the arresting law enforcement  
16 officer. The motor vehicle may be released to any licensed  
17 driver upon a showing of proof of insurance for the vehicle  
18 that was impounded and the notarized written consent for the  
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be admitted  
22 as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section  
24 is subject to seizure and forfeiture as provided in Sections  
25 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
26 driving privilege was revoked or suspended as a result of a



1 violation listed in paragraph (1), (2), or (3) of subsection  
2 (c) of this Section or as a result of a summary suspension as  
3 provided in paragraph (4) of subsection (c) of this Section.

4 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and  
5 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; revised 11-19-07.)

6 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

7 Sec. 6-510. Application for Commercial Driver's License  
8 (CDL). ~~(a)~~ The application for a CDL or commercial driver  
9 instruction permit, must include, but not necessarily be  
10 limited to, the following:

11 (1) the full legal name and current Illinois  
12 domiciliary address (unless the application is for a  
13 Non-resident CDL) of the driver applicant;

14 (2) a physical description of the driver applicant  
15 including sex, height, weight, color of eyes and hair  
16 color;

17 (3) date of birth;

18 (4) the driver applicant's social security number or  
19 other identifying number acceptable to the Secretary of  
20 State;

21 (5) the driver applicant's signature;

22 (6) certifications required by 49 C.F.R. Part 383.71;

23 (6.1) the names of all states where the driver  
24 applicant has previously been licensed to drive any type of  
25 motor vehicle during the previous 10 years pursuant to 49

1 C.F.R. Part 383; and

2 (7) any other information required by the Secretary of  
3 State.

4 (Source: P.A. 94-307, eff. 9-30-05; 95-382, eff. 8-23-07;  
5 revised 11-19-07.)

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 (Text of Section before amendment by P.A. 95-400 and  
8 95-578)

9 (Text of Section from P.A. 93-1093, 94-963, 95-149, and  
10 95-355)

11 Sec. 11-501. Driving while under the influence of alcohol,  
12 other drug or drugs, intoxicating compound or compounds or any  
13 combination thereof.

14 (a) A person shall not drive or be in actual physical  
15 control of any vehicle within this State while:

16 (1) the alcohol concentration in the person's blood or  
17 breath is 0.08 or more based on the definition of blood and  
18 breath units in Section 11-501.2;

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound or  
21 combination of intoxicating compounds to a degree that  
22 renders the person incapable of driving safely;

23 (4) under the influence of any other drug or  
24 combination of drugs to a degree that renders the person  
25 incapable of safely driving;

1 (5) under the combined influence of alcohol, other drug  
2 or drugs, or intoxicating compound or compounds to a degree  
3 that renders the person incapable of safely driving; or

4 (6) there is any amount of a drug, substance, or  
5 compound in the person's breath, blood, or urine resulting  
6 from the unlawful use or consumption of cannabis listed in  
7 the Cannabis Control Act, a controlled substance listed in  
8 the Illinois Controlled Substances Act, an intoxicating  
9 compound listed in the Use of Intoxicating Compounds Act,  
10 or methamphetamine as listed in the Methamphetamine  
11 Control and Community Protection Act.

12 (b) The fact that any person charged with violating this  
13 Section is or has been legally entitled to use alcohol, other  
14 drug or drugs, or intoxicating compound or compounds, or any  
15 combination thereof, shall not constitute a defense against any  
16 charge of violating this Section.

17 (b-1) With regard to penalties imposed under this Section:

18 (1) Any reference to a prior violation of subsection  
19 (a) or a similar provision includes any violation of a  
20 provision of a local ordinance or a provision of a law of  
21 another state or an offense committed on a military  
22 installation that is similar to a violation of subsection  
23 (a) of this Section.

24 (2) Any penalty imposed for driving with a license that  
25 has been revoked for a previous violation of subsection (a)  
26 of this Section shall be in addition to the penalty imposed

1 for any subsequent violation of subsection (a).

2 (b-2) Except as otherwise provided in this Section, any  
3 person convicted of violating subsection (a) of this Section is  
4 guilty of a Class A misdemeanor.

5 (b-3) In addition to any other criminal or administrative  
6 sanction for any second conviction of violating subsection (a)  
7 or a similar provision committed within 5 years of a previous  
8 violation of subsection (a) or a similar provision, the  
9 defendant shall be sentenced to a mandatory minimum of 5 days  
10 of imprisonment or assigned a mandatory minimum of 240 hours of  
11 community service as may be determined by the court.

12 (b-4) In the case of a third or subsequent violation  
13 committed within 5 years of a previous violation of subsection  
14 (a) or a similar provision, in addition to any other criminal  
15 or administrative sanction, a mandatory minimum term of either  
16 10 days of imprisonment or 480 hours of community service shall  
17 be imposed.

18 (b-5) The imprisonment or assignment of community service  
19 under subsections (b-3) and (b-4) shall not be subject to  
20 suspension, nor shall the person be eligible for a reduced  
21 sentence.

22 (c) (Blank).

23 (c-1) (1) A person who violates subsection (a) during a  
24 period in which his or her driving privileges are revoked  
25 or suspended, where the revocation or suspension was for a  
26 violation of subsection (a), Section 11-501.1, paragraph

1 (b) of Section 11-401, or for reckless homicide as defined  
2 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
3 Class 4 felony.

4 (2) A person who violates subsection (a) a third time,  
5 if the third violation occurs during a period in which his  
6 or her driving privileges are revoked or suspended where  
7 the revocation or suspension was for a violation of  
8 subsection (a), Section 11-501.1, paragraph (b) of Section  
9 11-401, or for reckless homicide as defined in Section 9-3  
10 of the Criminal Code of 1961, is guilty of a Class 3  
11 felony; and if the person receives a term of probation or  
12 conditional discharge, he or she shall be required to serve  
13 a mandatory minimum of 10 days of imprisonment or shall be  
14 assigned a mandatory minimum of 480 hours of community  
15 service, as may be determined by the court, as a condition  
16 of the probation or conditional discharge. This mandatory  
17 minimum term of imprisonment or assignment of community  
18 service shall not be suspended or reduced by the court.

19 (2.2) A person who violates subsection (a), if the  
20 violation occurs during a period in which his or her  
21 driving privileges are revoked or suspended where the  
22 revocation or suspension was for a violation of subsection  
23 (a) or Section 11-501.1, shall also be sentenced to an  
24 additional mandatory minimum term of 30 consecutive days of  
25 imprisonment, 40 days of 24-hour periodic imprisonment, or  
26 720 hours of community service, as may be determined by the

1 court. This mandatory term of imprisonment or assignment of  
2 community service shall not be suspended or reduced by the  
3 court.

4 (3) A person who violates subsection (a) a fourth or  
5 subsequent time, if the fourth or subsequent violation  
6 occurs during a period in which his or her driving  
7 privileges are revoked or suspended where the revocation or  
8 suspension was for a violation of subsection (a), Section  
9 11-501.1, paragraph (b) of Section 11-401, or for reckless  
10 homicide as defined in Section 9-3 of the Criminal Code of  
11 1961, is guilty of a Class 2 felony and is not eligible for  
12 a sentence of probation or conditional discharge.

13 (c-2) (Blank).

14 (c-3) (Blank).

15 (c-4) (Blank).

16 (c-5)(1) A person who violates subsection (a), if the  
17 person was transporting a person under the age of 16 at the  
18 time of the violation, is subject to an additional  
19 mandatory minimum fine of \$1,000, an additional mandatory  
20 minimum 140 hours of community service, which shall include  
21 40 hours of community service in a program benefiting  
22 children, and an additional 2 days of imprisonment. The  
23 imprisonment or assignment of community service under this  
24 subdivision (c-5)(1) is not subject to suspension, nor is  
25 the person eligible for a reduced sentence.

26 (2) Except as provided in subdivisions (c-5)(3) and

1 (c-5) (4) a person who violates subsection (a) a second  
2 time, if at the time of the second violation the person was  
3 transporting a person under the age of 16, is subject to an  
4 additional 10 days of imprisonment, an additional  
5 mandatory minimum fine of \$1,000, and an additional  
6 mandatory minimum 140 hours of community service, which  
7 shall include 40 hours of community service in a program  
8 benefiting children. The imprisonment or assignment of  
9 community service under this subdivision (c-5) (2) is not  
10 subject to suspension, nor is the person eligible for a  
11 reduced sentence.

12 (3) Except as provided in subdivision (c-5) (4), any  
13 person convicted of violating subdivision (c-5) (2) or a  
14 similar provision within 10 years of a previous violation  
15 of subsection (a) or a similar provision shall receive, in  
16 addition to any other penalty imposed, a mandatory minimum  
17 12 days imprisonment, an additional 40 hours of mandatory  
18 community service in a program benefiting children, and a  
19 mandatory minimum fine of \$1,750. The imprisonment or  
20 assignment of community service under this subdivision  
21 (c-5) (3) is not subject to suspension, nor is the person  
22 eligible for a reduced sentence.

23 (4) Any person convicted of violating subdivision  
24 (c-5) (2) or a similar provision within 5 years of a  
25 previous violation of subsection (a) or a similar provision  
26 shall receive, in addition to any other penalty imposed, an

1 additional 80 hours of mandatory community service in a  
2 program benefiting children, an additional mandatory  
3 minimum 12 days of imprisonment, and a mandatory minimum  
4 fine of \$1,750. The imprisonment or assignment of community  
5 service under this subdivision (c-5)(4) is not subject to  
6 suspension, nor is the person eligible for a reduced  
7 sentence.

8 (5) Any person convicted a third time for violating  
9 subsection (a) or a similar provision, if at the time of  
10 the third violation the person was transporting a person  
11 under the age of 16, is guilty of a Class 4 felony and  
12 shall receive, in addition to any other penalty imposed, an  
13 additional mandatory fine of \$1,000, an additional  
14 mandatory 140 hours of community service, which shall  
15 include 40 hours in a program benefiting children, and a  
16 mandatory minimum 30 days of imprisonment. The  
17 imprisonment or assignment of community service under this  
18 subdivision (c-5)(5) is not subject to suspension, nor is  
19 the person eligible for a reduced sentence.

20 (6) Any person convicted of violating subdivision  
21 (c-5)(5) or a similar provision a third time within 20  
22 years of a previous violation of subsection (a) or a  
23 similar provision is guilty of a Class 4 felony and shall  
24 receive, in addition to any other penalty imposed, an  
25 additional mandatory 40 hours of community service in a  
26 program benefiting children, an additional mandatory fine



1 of \$3,000, and a mandatory minimum 120 days of  
2 imprisonment. The imprisonment or assignment of community  
3 service under this subdivision (c-5)(6) is not subject to  
4 suspension, nor is the person eligible for a reduced  
5 sentence.

6 (7) Any person convicted a fourth or subsequent time  
7 for violating subsection (a) or a similar provision, if at  
8 the time of the fourth or subsequent violation the person  
9 was transporting a person under the age of 16, and if the  
10 person's 3 prior violations of subsection (a) or a similar  
11 provision occurred while transporting a person under the  
12 age of 16 or while the alcohol concentration in his or her  
13 blood, breath, or urine was 0.16 or more based on the  
14 definition of blood, breath, or urine units in Section  
15 11-501.2, is guilty of a Class 2 felony, is not eligible  
16 for probation or conditional discharge, and is subject to a  
17 minimum fine of \$3,000.

18 (c-6)(1) Any person convicted of a first violation of  
19 subsection (a) or a similar provision, if the alcohol  
20 concentration in his or her blood, breath, or urine was  
21 0.16 or more based on the definition of blood, breath, or  
22 urine units in Section 11-501.2, shall be subject, in  
23 addition to any other penalty that may be imposed, to a  
24 mandatory minimum of 100 hours of community service and a  
25 mandatory minimum fine of \$500.

26 (2) Any person convicted of a second violation of

1 subsection (a) or a similar provision committed within 10  
2 years of a previous violation of subsection (a) or a  
3 similar provision, if at the time of the second violation  
4 of subsection (a) or a similar provision the alcohol  
5 concentration in his or her blood, breath, or urine was  
6 0.16 or more based on the definition of blood, breath, or  
7 urine units in Section 11-501.2, shall be subject, in  
8 addition to any other penalty that may be imposed, to a  
9 mandatory minimum of 2 days of imprisonment and a mandatory  
10 minimum fine of \$1,250.

11 (3) Any person convicted of a third violation of  
12 subsection (a) or a similar provision within 20 years of a  
13 previous violation of subsection (a) or a similar  
14 provision, if at the time of the third violation of  
15 subsection (a) or a similar provision the alcohol  
16 concentration in his or her blood, breath, or urine was  
17 0.16 or more based on the definition of blood, breath, or  
18 urine units in Section 11-501.2, is guilty of a Class 4  
19 felony and shall be subject, in addition to any other  
20 penalty that may be imposed, to a mandatory minimum of 90  
21 days of imprisonment and a mandatory minimum fine of  
22 \$2,500.

23 (4) Any person convicted of a fourth or subsequent  
24 violation of subsection (a) or a similar provision, if at  
25 the time of the fourth or subsequent violation the alcohol  
26 concentration in his or her blood, breath, or urine was

1           0.16 or more based on the definition of blood, breath, or  
2 urine units in Section 11-501.2, and if the person's 3  
3 prior violations of subsection (a) or a similar provision  
4 occurred while transporting a person under the age of 16 or  
5 while the alcohol concentration in his or her blood,  
6 breath, or urine was 0.16 or more based on the definition  
7 of blood, breath, or urine units in Section 11-501.2, is  
8 guilty of a Class 2 felony and is not eligible for a  
9 sentence of probation or conditional discharge and is  
10 subject to a minimum fine of \$2,500.

11           (d) (1) Every person convicted of committing a violation of  
12 this Section shall be guilty of aggravated driving under  
13 the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination  
15 thereof if:

16                   (A) the person committed a violation of subsection  
17                   (a) or a similar provision for the third or subsequent  
18                   time;

19                   (B) the person committed a violation of subsection  
20                   (a) while driving a school bus with persons 18 years of  
21                   age or younger on board;

22                   (C) the person in committing a violation of  
23                   subsection (a) was involved in a motor vehicle accident  
24                   that resulted in great bodily harm or permanent  
25                   disability or disfigurement to another, when the  
26                   violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection  
2 (a) for a second time and has been previously convicted  
3 of violating Section 9-3 of the Criminal Code of 1961  
4 or a similar provision of a law of another state  
5 relating to reckless homicide in which the person was  
6 determined to have been under the influence of alcohol,  
7 other drug or drugs, or intoxicating compound or  
8 compounds as an element of the offense or the person  
9 has previously been convicted under subparagraph (C)  
10 or subparagraph (F) of this paragraph (1);

11 (E) the person, in committing a violation of  
12 subsection (a) while driving at any speed in a school  
13 speed zone at a time when a speed limit of 20 miles per  
14 hour was in effect under subsection (a) of Section  
15 11-605 of this Code, was involved in a motor vehicle  
16 accident that resulted in bodily harm, other than great  
17 bodily harm or permanent disability or disfigurement,  
18 to another person, when the violation of subsection (a)  
19 was a proximate cause of the bodily harm; or

20 (F) the person, in committing a violation of  
21 subsection (a), was involved in a motor vehicle,  
22 snowmobile, all-terrain vehicle, or watercraft  
23 accident that resulted in the death of another person,  
24 when the violation of subsection (a) was a proximate  
25 cause of the death.

26 (2) Except as provided in this paragraph (2), a person

1 convicted of aggravated driving under the influence of  
2 alcohol, other drug or drugs, or intoxicating compound or  
3 compounds, or any combination thereof is guilty of a Class  
4 4 felony. For a violation of subparagraph (C) of paragraph  
5 (1) of this subsection (d), the defendant, if sentenced to  
6 a term of imprisonment, shall be sentenced to not less than  
7 one year nor more than 12 years. Aggravated driving under  
8 the influence of alcohol, other drug or drugs, or  
9 intoxicating compound or compounds, or any combination  
10 thereof as defined in subparagraph (F) of paragraph (1) of  
11 this subsection (d) is a Class 2 felony, for which the  
12 defendant, if sentenced to a term of imprisonment, shall be  
13 sentenced to: (A) a term of imprisonment of not less than 3  
14 years and not more than 14 years if the violation resulted  
15 in the death of one person; or (B) a term of imprisonment  
16 of not less than 6 years and not more than 28 years if the  
17 violation resulted in the deaths of 2 or more persons. For  
18 any prosecution under this subsection (d), a certified copy  
19 of the driving abstract of the defendant shall be admitted  
20 as proof of any prior conviction. Any person sentenced  
21 under this subsection (d) who receives a term of probation  
22 or conditional discharge must serve a minimum term of  
23 either 480 hours of community service or 10 days of  
24 imprisonment as a condition of the probation or conditional  
25 discharge. This mandatory minimum term of imprisonment or  
26 assignment of community service may not be suspended or

1 reduced by the court.

2 (e) After a finding of guilt and prior to any final  
3 sentencing, or an order for supervision, for an offense based  
4 upon an arrest for a violation of this Section or a similar  
5 provision of a local ordinance, individuals shall be required  
6 to undergo a professional evaluation to determine if an  
7 alcohol, drug, or intoxicating compound abuse problem exists  
8 and the extent of the problem, and undergo the imposition of  
9 treatment as appropriate. Programs conducting these  
10 evaluations shall be licensed by the Department of Human  
11 Services. The cost of any professional evaluation shall be paid  
12 for by the individual required to undergo the professional  
13 evaluation.

14 (e-1) Any person who is found guilty of or pleads guilty to  
15 violating this Section, including any person receiving a  
16 disposition of court supervision for violating this Section,  
17 may be required by the Court to attend a victim impact panel  
18 offered by, or under contract with, a County State's Attorney's  
19 office, a probation and court services department, Mothers  
20 Against Drunk Driving, or the Alliance Against Intoxicated  
21 Motorists. All costs generated by the victim impact panel shall  
22 be paid from fees collected from the offender or as may be  
23 determined by the court.

24 (f) Every person found guilty of violating this Section,  
25 whose operation of a motor vehicle while in violation of this  
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense  
2 of an emergency response as provided in subsection (m) of this  
3 Section.

4 (g) The Secretary of State shall revoke the driving  
5 privileges of any person convicted under this Section or a  
6 similar provision of a local ordinance.

7 (h) (Blank).

8 (i) The Secretary of State shall require the use of  
9 ignition interlock devices on all vehicles owned by an  
10 individual who has been convicted of a second or subsequent  
11 offense of this Section or a similar provision of a local  
12 ordinance. The Secretary shall establish by rule and regulation  
13 the procedures for certification and use of the interlock  
14 system.

15 (j) In addition to any other penalties and liabilities, a  
16 person who is found guilty of or pleads guilty to violating  
17 subsection (a), including any person placed on court  
18 supervision for violating subsection (a), shall be fined \$500,  
19 payable to the circuit clerk, who shall distribute the money as  
20 follows: 20% to the law enforcement agency that made the arrest  
21 and 80% shall be forwarded to the State Treasurer for deposit  
22 into the General Revenue Fund. If the person has been  
23 previously convicted of violating subsection (a) or a similar  
24 provision of a local ordinance, the fine shall be \$1,000. In  
25 the event that more than one agency is responsible for the  
26 arrest, the amount payable to law enforcement agencies shall be

1 shared equally. Any moneys received by a law enforcement agency  
2 under this subsection (j) shall be used for enforcement and  
3 prevention of driving while under the influence of alcohol,  
4 other drug or drugs, intoxicating compound or compounds or any  
5 combination thereof, as defined by this Section, including but  
6 not limited to the purchase of law enforcement equipment and  
7 commodities that will assist in the prevention of alcohol  
8 related criminal violence throughout the State; police officer  
9 training and education in areas related to alcohol related  
10 crime, including but not limited to DUI training; and police  
11 officer salaries, including but not limited to salaries for  
12 hire back funding for safety checkpoints, saturation patrols,  
13 and liquor store sting operations. Equipment and commodities  
14 shall include, but are not limited to, in-car video cameras,  
15 radar and laser speed detection devices, and alcohol breath  
16 testers. Any moneys received by the Department of State Police  
17 under this subsection (j) shall be deposited into the State  
18 Police DUI Fund and shall be used for enforcement and  
19 prevention of driving while under the influence of alcohol,  
20 other drug or drugs, intoxicating compound or compounds or any  
21 combination thereof, as defined by this Section, including but  
22 not limited to the purchase of law enforcement equipment and  
23 commodities that will assist in the prevention of alcohol  
24 related criminal violence throughout the State; police officer  
25 training and education in areas related to alcohol related  
26 crime, including but not limited to DUI training; and police



1 officer salaries, including but not limited to salaries for  
2 hire back funding for safety checkpoints, saturation patrols,  
3 and liquor store sting operations.

4 (k) The Secretary of State Police DUI Fund is created as a  
5 special fund in the State treasury. All moneys received by the  
6 Secretary of State Police under subsection (j) of this Section  
7 shall be deposited into the Secretary of State Police DUI Fund  
8 and, subject to appropriation, shall be used for enforcement  
9 and prevention of driving while under the influence of alcohol,  
10 other drug or drugs, intoxicating compound or compounds or any  
11 combination thereof, as defined by this Section, including but  
12 not limited to the purchase of law enforcement equipment and  
13 commodities to assist in the prevention of alcohol related  
14 criminal violence throughout the State; police officer  
15 training and education in areas related to alcohol related  
16 crime, including but not limited to DUI training; and police  
17 officer salaries, including but not limited to salaries for  
18 hire back funding for safety checkpoints, saturation patrols,  
19 and liquor store sting operations.

20 (l) Whenever an individual is sentenced for an offense  
21 based upon an arrest for a violation of subsection (a) or a  
22 similar provision of a local ordinance, and the professional  
23 evaluation recommends remedial or rehabilitative treatment or  
24 education, neither the treatment nor the education shall be the  
25 sole disposition and either or both may be imposed only in  
26 conjunction with another disposition. The court shall monitor

1 compliance with any remedial education or treatment  
2 recommendations contained in the professional evaluation.  
3 Programs conducting alcohol or other drug evaluation or  
4 remedial education must be licensed by the Department of Human  
5 Services. If the individual is not a resident of Illinois,  
6 however, the court may accept an alcohol or other drug  
7 evaluation or remedial education program in the individual's  
8 state of residence. Programs providing treatment must be  
9 licensed under existing applicable alcoholism and drug  
10 treatment licensure standards.

11 (m) In addition to any other fine or penalty required by  
12 law, an individual convicted of a violation of subsection (a),  
13 Section 5-7 of the Snowmobile Registration and Safety Act,  
14 Section 5-16 of the Boat Registration and Safety Act, or a  
15 similar provision, whose operation of a motor vehicle,  
16 snowmobile, or watercraft while in violation of subsection (a),  
17 Section 5-7 of the Snowmobile Registration and Safety Act,  
18 Section 5-16 of the Boat Registration and Safety Act, or a  
19 similar provision proximately caused an incident resulting in  
20 an appropriate emergency response, shall be required to make  
21 restitution to a public agency for the costs of that emergency  
22 response. The restitution may not exceed \$1,000 per public  
23 agency for each emergency response. As used in this subsection  
24 (m), "emergency response" means any incident requiring a  
25 response by a police officer, a firefighter carried on the  
26 rolls of a regularly constituted fire department, or an

1 ambulance.

2 (Source: P.A. 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06;  
3 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

4 (Text of Section from P.A. 94-110, 94-963, 95-149, and  
5 95-355)

6 Sec. 11-501. Driving while under the influence of alcohol,  
7 other drug or drugs, intoxicating compound or compounds or any  
8 combination thereof.

9 (a) A person shall not drive or be in actual physical  
10 control of any vehicle within this State while:

11 (1) the alcohol concentration in the person's blood or  
12 breath is 0.08 or more based on the definition of blood and  
13 breath units in Section 11-501.2;

14 (2) under the influence of alcohol;

15 (3) under the influence of any intoxicating compound or  
16 combination of intoxicating compounds to a degree that  
17 renders the person incapable of driving safely;

18 (4) under the influence of any other drug or  
19 combination of drugs to a degree that renders the person  
20 incapable of safely driving;

21 (5) under the combined influence of alcohol, other drug  
22 or drugs, or intoxicating compound or compounds to a degree  
23 that renders the person incapable of safely driving; or

24 (6) there is any amount of a drug, substance, or  
25 compound in the person's breath, blood, or urine resulting

1 from the unlawful use or consumption of cannabis listed in  
2 the Cannabis Control Act, a controlled substance listed in  
3 the Illinois Controlled Substances Act, an intoxicating  
4 compound listed in the Use of Intoxicating Compounds Act,  
5 or methamphetamine as listed in the Methamphetamine  
6 Control and Community Protection Act.

7 (b) The fact that any person charged with violating this  
8 Section is or has been legally entitled to use alcohol, other  
9 drug or drugs, or intoxicating compound or compounds, or any  
10 combination thereof, shall not constitute a defense against any  
11 charge of violating this Section.

12 (b-1) With regard to penalties imposed under this Section:

13 (1) Any reference to a prior violation of subsection  
14 (a) or a similar provision includes any violation of a  
15 provision of a local ordinance or a provision of a law of  
16 another state or an offense committed on a military  
17 installation that is similar to a violation of subsection  
18 (a) of this Section.

19 (2) Any penalty imposed for driving with a license that  
20 has been revoked for a previous violation of subsection (a)  
21 of this Section shall be in addition to the penalty imposed  
22 for any subsequent violation of subsection (a).

23 (b-2) Except as otherwise provided in this Section, any  
24 person convicted of violating subsection (a) of this Section is  
25 guilty of a Class A misdemeanor.

26 (b-3) In addition to any other criminal or administrative

1 sanction for any second conviction of violating subsection (a)  
2 or a similar provision committed within 5 years of a previous  
3 violation of subsection (a) or a similar provision, the  
4 defendant shall be sentenced to a mandatory minimum of 5 days  
5 of imprisonment or assigned a mandatory minimum of 240 hours of  
6 community service as may be determined by the court.

7 (b-4) In the case of a third or subsequent violation  
8 committed within 5 years of a previous violation of subsection  
9 (a) or a similar provision, in addition to any other criminal  
10 or administrative sanction, a mandatory minimum term of either  
11 10 days of imprisonment or 480 hours of community service shall  
12 be imposed.

13 (b-5) The imprisonment or assignment of community service  
14 under subsections (b-3) and (b-4) shall not be subject to  
15 suspension, nor shall the person be eligible for a reduced  
16 sentence.

17 (c) (Blank).

18 (c-1) (1) A person who violates subsection (a) during a  
19 period in which his or her driving privileges are revoked  
20 or suspended, where the revocation or suspension was for a  
21 violation of subsection (a), Section 11-501.1, paragraph  
22 (b) of Section 11-401, or for reckless homicide as defined  
23 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
24 Class 4 felony.

25 (2) A person who violates subsection (a) a third time,  
26 if the third violation occurs during a period in which his

1 or her driving privileges are revoked or suspended where  
2 the revocation or suspension was for a violation of  
3 subsection (a), Section 11-501.1, paragraph (b) of Section  
4 11-401, or for reckless homicide as defined in Section 9-3  
5 of the Criminal Code of 1961, is guilty of a Class 3  
6 felony; and if the person receives a term of probation or  
7 conditional discharge, he or she shall be required to serve  
8 a mandatory minimum of 10 days of imprisonment or shall be  
9 assigned a mandatory minimum of 480 hours of community  
10 service, as may be determined by the court, as a condition  
11 of the probation or conditional discharge. This mandatory  
12 minimum term of imprisonment or assignment of community  
13 service shall not be suspended or reduced by the court.

14 (2.2) A person who violates subsection (a), if the  
15 violation occurs during a period in which his or her  
16 driving privileges are revoked or suspended where the  
17 revocation or suspension was for a violation of subsection  
18 (a) or Section 11-501.1, shall also be sentenced to an  
19 additional mandatory minimum term of 30 consecutive days of  
20 imprisonment, 40 days of 24-hour periodic imprisonment, or  
21 720 hours of community service, as may be determined by the  
22 court. This mandatory term of imprisonment or assignment of  
23 community service shall not be suspended or reduced by the  
24 court.

25 (3) A person who violates subsection (a) a fourth or  
26 subsequent time, if the fourth or subsequent violation

1 occurs during a period in which his or her driving  
2 privileges are revoked or suspended where the revocation or  
3 suspension was for a violation of subsection (a), Section  
4 11-501.1, paragraph (b) of Section 11-401, or for reckless  
5 homicide as defined in Section 9-3 of the Criminal Code of  
6 1961, is guilty of a Class 2 felony and is not eligible for  
7 a sentence of probation or conditional discharge.

8 (c-2) (Blank).

9 (c-3) (Blank).

10 (c-4) (Blank).

11 (c-5) Except as provided in subsection (c-5.1), a person 21  
12 years of age or older who violates subsection (a), if the  
13 person was transporting a person under the age of 16 at the  
14 time of the violation, is subject to 6 months of imprisonment,  
15 an additional mandatory minimum fine of \$1,000, and 25 days of  
16 community service in a program benefiting children. The  
17 imprisonment or assignment of community service under this  
18 subsection (c-5) is not subject to suspension, nor is the  
19 person eligible for a reduced sentence.

20 (c-5.1) A person 21 years of age or older who is convicted  
21 of violating subsection (a) of this Section a first time and  
22 who in committing that violation was involved in a motor  
23 vehicle accident that resulted in bodily harm to the child  
24 under the age of 16 being transported by the person, if the  
25 violation was the proximate cause of the injury, is guilty of a  
26 Class 4 felony and is subject to one year of imprisonment, a

1 mandatory fine of \$2,500, and 25 days of community service in a  
2 program benefiting children. The imprisonment or assignment to  
3 community service under this subsection (c-5.1) shall not be  
4 subject to suspension, nor shall the person be eligible for  
5 probation in order to reduce the sentence or assignment.

6 (c-6) Except as provided in subsections (c-7) and (c-7.1),  
7 a person 21 years of age or older who violates subsection (a) a  
8 second time, if at the time of the second violation the person  
9 was transporting a person under the age of 16, is subject to 6  
10 months of imprisonment, an additional mandatory minimum fine of  
11 \$1,000, and an additional mandatory minimum 140 hours of  
12 community service, which shall include 40 hours of community  
13 service in a program benefiting children. The imprisonment or  
14 assignment of community service under this subsection (c-6) is  
15 not subject to suspension, nor is the person eligible for a  
16 reduced sentence.

17 (c-7) Except as provided in subsection (c-7.1), any person  
18 21 years of age or older convicted of violating subsection  
19 (c-6) or a similar provision within 10 years of a previous  
20 violation of subsection (a) or a similar provision is guilty of  
21 a Class 4 felony and, in addition to any other penalty imposed,  
22 is subject to one year of imprisonment, 25 days of mandatory  
23 community service in a program benefiting children, and a  
24 mandatory fine of \$2,500. The imprisonment or assignment of  
25 community service under this subsection (c-7) is not subject to  
26 suspension, nor is the person eligible for a reduced sentence.



1 (c-7.1) A person 21 years of age or older who is convicted  
2 of violating subsection (a) of this Section a second time  
3 within 10 years and who in committing that violation was  
4 involved in a motor vehicle accident that resulted in bodily  
5 harm to the child under the age of 16 being transported, if the  
6 violation was the proximate cause of the injury, is guilty of a  
7 Class 4 felony and is subject to 18 months of imprisonment, a  
8 mandatory fine of \$5,000, and 25 days of community service in a  
9 program benefiting children. The imprisonment or assignment to  
10 community service under this subsection (c-7.1) shall not be  
11 subject to suspension, nor shall the person be eligible for  
12 probation in order to reduce the sentence or assignment.

13 (c-8) (Blank).

14 (c-9) Any person 21 years of age or older convicted a third  
15 time for violating subsection (a) or a similar provision, if at  
16 the time of the third violation the person was transporting a  
17 person under the age of 16, is guilty of a Class 4 felony and is  
18 subject to 18 months of imprisonment, a mandatory fine of  
19 \$2,500, and 25 days of community service in a program  
20 benefiting children. The imprisonment or assignment of  
21 community service under this subsection (c-9) is not subject to  
22 suspension, nor is the person eligible for a reduced sentence.

23 (c-10) Any person 21 years of age or older convicted of  
24 violating subsection (c-9) or a similar provision a third time  
25 within 20 years of a previous violation of subsection (a) or a  
26 similar provision is guilty of a Class 3 felony and, in

1 addition to any other penalty imposed, is subject to 3 years of  
2 imprisonment, 25 days of community service in a program  
3 benefiting children, and a mandatory fine of \$25,000. The  
4 imprisonment or assignment of community service under this  
5 subsection (c-10) is not subject to suspension, nor is the  
6 person eligible for a reduced sentence.

7 (c-11) Any person 21 years of age or older convicted a  
8 fourth or subsequent time for violating subsection (a) or a  
9 similar provision, if at the time of the fourth or subsequent  
10 violation the person was transporting a person under the age of  
11 16, and if the person's 3 prior violations of subsection (a) or  
12 a similar provision occurred while transporting a person under  
13 the age of 16 or while the alcohol concentration in his or her  
14 blood, breath, or urine was 0.16 or more based on the  
15 definition of blood, breath, or urine units in Section  
16 11-501.2, is guilty of a Class 2 felony, is not eligible for  
17 probation or conditional discharge, and is subject to a minimum  
18 fine of \$25,000.

19 (c-12) Any person convicted of a first violation of  
20 subsection (a) or a similar provision, if the alcohol  
21 concentration in his or her blood, breath, or urine was 0.16 or  
22 more based on the definition of blood, breath, or urine units  
23 in Section 11-501.2, shall be subject, in addition to any other  
24 penalty that may be imposed, to a mandatory minimum of 100  
25 hours of community service and a mandatory minimum fine of  
26 \$500.

1 (c-13) Any person convicted of a second violation of  
2 subsection (a) or a similar provision committed within 10 years  
3 of a previous violation of subsection (a) or a similar  
4 provision, if at the time of the second violation of subsection  
5 (a) or a similar provision the alcohol concentration in his or  
6 her blood, breath, or urine was 0.16 or more based on the  
7 definition of blood, breath, or urine units in Section  
8 11-501.2, shall be subject, in addition to any other penalty  
9 that may be imposed, to a mandatory minimum of 2 days of  
10 imprisonment and a mandatory minimum fine of \$1,250.

11 (c-14) Any person convicted of a third violation of  
12 subsection (a) or a similar provision within 20 years of a  
13 previous violation of subsection (a) or a similar provision, if  
14 at the time of the third violation of subsection (a) or a  
15 similar provision the alcohol concentration in his or her  
16 blood, breath, or urine was 0.16 or more based on the  
17 definition of blood, breath, or urine units in Section  
18 11-501.2, is guilty of a Class 4 felony and shall be subject,  
19 in addition to any other penalty that may be imposed, to a  
20 mandatory minimum of 90 days of imprisonment and a mandatory  
21 minimum fine of \$2,500.

22 (c-15) Any person convicted of a fourth or subsequent  
23 violation of subsection (a) or a similar provision, if at the  
24 time of the fourth or subsequent violation the alcohol  
25 concentration in his or her blood, breath, or urine was 0.16 or  
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, and if the person's 3 prior violations of  
2 subsection (a) or a similar provision occurred while  
3 transporting a person under the age of 16 or while the alcohol  
4 concentration in his or her blood, breath, or urine was 0.16 or  
5 more based on the definition of blood, breath, or urine units  
6 in Section 11-501.2, is guilty of a Class 2 felony and is not  
7 eligible for a sentence of probation or conditional discharge  
8 and is subject to a minimum fine of \$2,500.

9 (d) (1) Every person convicted of committing a violation of  
10 this Section shall be guilty of aggravated driving under  
11 the influence of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds, or any combination  
13 thereof if:

14 (A) the person committed a violation of subsection  
15 (a) or a similar provision for the third or subsequent  
16 time;

17 (B) the person committed a violation of subsection  
18 (a) while driving a school bus with persons 18 years of  
19 age or younger on board;

20 (C) the person in committing a violation of  
21 subsection (a) was involved in a motor vehicle accident  
22 that resulted in great bodily harm or permanent  
23 disability or disfigurement to another, when the  
24 violation was a proximate cause of the injuries;

25 (D) the person committed a violation of subsection  
26 (a) for a second time and has been previously convicted

1 of violating Section 9-3 of the Criminal Code of 1961  
2 or a similar provision of a law of another state  
3 relating to reckless homicide in which the person was  
4 determined to have been under the influence of alcohol,  
5 other drug or drugs, or intoxicating compound or  
6 compounds as an element of the offense or the person  
7 has previously been convicted under subparagraph (C)  
8 or subparagraph (F) of this paragraph (1);

9 (E) the person, in committing a violation of  
10 subsection (a) while driving at any speed in a school  
11 speed zone at a time when a speed limit of 20 miles per  
12 hour was in effect under subsection (a) of Section  
13 11-605 of this Code, was involved in a motor vehicle  
14 accident that resulted in bodily harm, other than great  
15 bodily harm or permanent disability or disfigurement,  
16 to another person, when the violation of subsection (a)  
17 was a proximate cause of the bodily harm; or

18 (F) the person, in committing a violation of  
19 subsection (a), was involved in a motor vehicle,  
20 snowmobile, all-terrain vehicle, or watercraft  
21 accident that resulted in the death of another person,  
22 when the violation of subsection (a) was a proximate  
23 cause of the death.

24 (2) Except as provided in this paragraph (2), a person  
25 convicted of aggravated driving under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof is guilty of a Class  
2 4 felony. For a violation of subparagraph (C) of paragraph  
3 (1) of this subsection (d), the defendant, if sentenced to  
4 a term of imprisonment, shall be sentenced to not less than  
5 one year nor more than 12 years. Aggravated driving under  
6 the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof as defined in subparagraph (F) of paragraph (1) of  
9 this subsection (d) is a Class 2 felony, for which the  
10 defendant, if sentenced to a term of imprisonment, shall be  
11 sentenced to: (A) a term of imprisonment of not less than 3  
12 years and not more than 14 years if the violation resulted  
13 in the death of one person; or (B) a term of imprisonment  
14 of not less than 6 years and not more than 28 years if the  
15 violation resulted in the deaths of 2 or more persons. For  
16 any prosecution under this subsection (d), a certified copy  
17 of the driving abstract of the defendant shall be admitted  
18 as proof of any prior conviction. Any person sentenced  
19 under this subsection (d) who receives a term of probation  
20 or conditional discharge must serve a minimum term of  
21 either 480 hours of community service or 10 days of  
22 imprisonment as a condition of the probation or conditional  
23 discharge. This mandatory minimum term of imprisonment or  
24 assignment of community service may not be suspended or  
25 reduced by the court.

26 (e) After a finding of guilt and prior to any final

1 sentencing, or an order for supervision, for an offense based  
2 upon an arrest for a violation of this Section or a similar  
3 provision of a local ordinance, individuals shall be required  
4 to undergo a professional evaluation to determine if an  
5 alcohol, drug, or intoxicating compound abuse problem exists  
6 and the extent of the problem, and undergo the imposition of  
7 treatment as appropriate. Programs conducting these  
8 evaluations shall be licensed by the Department of Human  
9 Services. The cost of any professional evaluation shall be paid  
10 for by the individual required to undergo the professional  
11 evaluation.

12 (e-1) Any person who is found guilty of or pleads guilty to  
13 violating this Section, including any person receiving a  
14 disposition of court supervision for violating this Section,  
15 may be required by the Court to attend a victim impact panel  
16 offered by, or under contract with, a County State's Attorney's  
17 office, a probation and court services department, Mothers  
18 Against Drunk Driving, or the Alliance Against Intoxicated  
19 Motorists. All costs generated by the victim impact panel shall  
20 be paid from fees collected from the offender or as may be  
21 determined by the court.

22 (f) Every person found guilty of violating this Section,  
23 whose operation of a motor vehicle while in violation of this  
24 Section proximately caused any incident resulting in an  
25 appropriate emergency response, shall be liable for the expense  
26 of an emergency response as provided in subsection (m) of this

1 Section.

2 (g) The Secretary of State shall revoke the driving  
3 privileges of any person convicted under this Section or a  
4 similar provision of a local ordinance.

5 (h) (Blank).

6 (i) The Secretary of State shall require the use of  
7 ignition interlock devices on all vehicles owned by an  
8 individual who has been convicted of a second or subsequent  
9 offense of this Section or a similar provision of a local  
10 ordinance. The Secretary shall establish by rule and regulation  
11 the procedures for certification and use of the interlock  
12 system.

13 (j) In addition to any other penalties and liabilities, a  
14 person who is found guilty of or pleads guilty to violating  
15 subsection (a), including any person placed on court  
16 supervision for violating subsection (a), shall be fined \$500,  
17 payable to the circuit clerk, who shall distribute the money as  
18 follows: 20% to the law enforcement agency that made the arrest  
19 and 80% shall be forwarded to the State Treasurer for deposit  
20 into the General Revenue Fund. If the person has been  
21 previously convicted of violating subsection (a) or a similar  
22 provision of a local ordinance, the fine shall be \$1,000. In  
23 the event that more than one agency is responsible for the  
24 arrest, the amount payable to law enforcement agencies shall be  
25 shared equally. Any moneys received by a law enforcement agency  
26 under this subsection (j) shall be used for enforcement and



1 prevention of driving while under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds or any  
3 combination thereof, as defined by this Section, including but  
4 not limited to the purchase of law enforcement equipment and  
5 commodities that will assist in the prevention of alcohol  
6 related criminal violence throughout the State; police officer  
7 training and education in areas related to alcohol related  
8 crime, including but not limited to DUI training; and police  
9 officer salaries, including but not limited to salaries for  
10 hire back funding for safety checkpoints, saturation patrols,  
11 and liquor store sting operations. Equipment and commodities  
12 shall include, but are not limited to, in-car video cameras,  
13 radar and laser speed detection devices, and alcohol breath  
14 testers. Any moneys received by the Department of State Police  
15 under this subsection (j) shall be deposited into the State  
16 Police DUI Fund and shall be used for enforcement and  
17 prevention of driving while under the influence of alcohol,  
18 other drug or drugs, intoxicating compound or compounds or any  
19 combination thereof, as defined by this Section, including but  
20 not limited to the purchase of law enforcement equipment and  
21 commodities that will assist in the prevention of alcohol  
22 related criminal violence throughout the State; police officer  
23 training and education in areas related to alcohol related  
24 crime, including but not limited to DUI training; and police  
25 officer salaries, including but not limited to salaries for  
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

2 (k) The Secretary of State Police DUI Fund is created as a  
3 special fund in the State treasury. All moneys received by the  
4 Secretary of State Police under subsection (j) of this Section  
5 shall be deposited into the Secretary of State Police DUI Fund  
6 and, subject to appropriation, shall be used for enforcement  
7 and prevention of driving while under the influence of alcohol,  
8 other drug or drugs, intoxicating compound or compounds or any  
9 combination thereof, as defined by this Section, including but  
10 not limited to the purchase of law enforcement equipment and  
11 commodities to assist in the prevention of alcohol related  
12 criminal violence throughout the State; police officer  
13 training and education in areas related to alcohol related  
14 crime, including but not limited to DUI training; and police  
15 officer salaries, including but not limited to salaries for  
16 hire back funding for safety checkpoints, saturation patrols,  
17 and liquor store sting operations.

18 (l) Whenever an individual is sentenced for an offense  
19 based upon an arrest for a violation of subsection (a) or a  
20 similar provision of a local ordinance, and the professional  
21 evaluation recommends remedial or rehabilitative treatment or  
22 education, neither the treatment nor the education shall be the  
23 sole disposition and either or both may be imposed only in  
24 conjunction with another disposition. The court shall monitor  
25 compliance with any remedial education or treatment  
26 recommendations contained in the professional evaluation.

1 Programs conducting alcohol or other drug evaluation or  
2 remedial education must be licensed by the Department of Human  
3 Services. If the individual is not a resident of Illinois,  
4 however, the court may accept an alcohol or other drug  
5 evaluation or remedial education program in the individual's  
6 state of residence. Programs providing treatment must be  
7 licensed under existing applicable alcoholism and drug  
8 treatment licensure standards.

9 (m) In addition to any other fine or penalty required by  
10 law, an individual convicted of a violation of subsection (a),  
11 Section 5-7 of the Snowmobile Registration and Safety Act,  
12 Section 5-16 of the Boat Registration and Safety Act, or a  
13 similar provision, whose operation of a motor vehicle,  
14 snowmobile, or watercraft while in violation of subsection (a),  
15 Section 5-7 of the Snowmobile Registration and Safety Act,  
16 Section 5-16 of the Boat Registration and Safety Act, or a  
17 similar provision proximately caused an incident resulting in  
18 an appropriate emergency response, shall be required to make  
19 restitution to a public agency for the costs of that emergency  
20 response. The restitution may not exceed \$1,000 per public  
21 agency for each emergency response. As used in this subsection  
22 (m), "emergency response" means any incident requiring a  
23 response by a police officer, a firefighter carried on the  
24 rolls of a regularly constituted fire department, or an  
25 ambulance.

26 (Source: P.A. 94-110, eff. 1-1-06; 94-963, eff. 6-28-06;

1 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

2 (Text of Section from P.A. 94-113, 94-609, 94-963, 95-149,  
3 and 95-355)

4 Sec. 11-501. Driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof.

7 (a) A person shall not drive or be in actual physical  
8 control of any vehicle within this State while:

9 (1) the alcohol concentration in the person's blood or  
10 breath is 0.08 or more based on the definition of blood and  
11 breath units in Section 11-501.2;

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating compound or  
14 combination of intoxicating compounds to a degree that  
15 renders the person incapable of driving safely;

16 (4) under the influence of any other drug or  
17 combination of drugs to a degree that renders the person  
18 incapable of safely driving;

19 (5) under the combined influence of alcohol, other drug  
20 or drugs, or intoxicating compound or compounds to a degree  
21 that renders the person incapable of safely driving; or

22 (6) there is any amount of a drug, substance, or  
23 compound in the person's breath, blood, or urine resulting  
24 from the unlawful use or consumption of cannabis listed in  
25 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, an intoxicating  
2 compound listed in the Use of Intoxicating Compounds Act,  
3 or methamphetamine as listed in the Methamphetamine  
4 Control and Community Protection Act.

5 (b) The fact that any person charged with violating this  
6 Section is or has been legally entitled to use alcohol, other  
7 drug or drugs, or intoxicating compound or compounds, or any  
8 combination thereof, shall not constitute a defense against any  
9 charge of violating this Section.

10 (b-1) With regard to penalties imposed under this Section:

11 (1) Any reference to a prior violation of subsection  
12 (a) or a similar provision includes any violation of a  
13 provision of a local ordinance or a provision of a law of  
14 another state or an offense committed on a military  
15 installation that is similar to a violation of subsection  
16 (a) of this Section.

17 (2) Any penalty imposed for driving with a license that  
18 has been revoked for a previous violation of subsection (a)  
19 of this Section shall be in addition to the penalty imposed  
20 for any subsequent violation of subsection (a).

21 (b-2) Except as otherwise provided in this Section, any  
22 person convicted of violating subsection (a) of this Section is  
23 guilty of a Class A misdemeanor.

24 (b-3) In addition to any other criminal or administrative  
25 sanction for any second conviction of violating subsection (a)  
26 or a similar provision committed within 5 years of a previous

1 violation of subsection (a) or a similar provision, the  
2 defendant shall be sentenced to a mandatory minimum of 5 days  
3 of imprisonment or assigned a mandatory minimum of 240 hours of  
4 community service as may be determined by the court.

5 (b-4) In the case of a third or subsequent violation  
6 committed within 5 years of a previous violation of subsection  
7 (a) or a similar provision, in addition to any other criminal  
8 or administrative sanction, a mandatory minimum term of either  
9 10 days of imprisonment or 480 hours of community service shall  
10 be imposed.

11 (b-5) The imprisonment or assignment of community service  
12 under subsections (b-3) and (b-4) shall not be subject to  
13 suspension, nor shall the person be eligible for a reduced  
14 sentence.

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a  
17 period in which his or her driving privileges are revoked  
18 or suspended, where the revocation or suspension was for a  
19 violation of subsection (a), Section 11-501.1, paragraph  
20 (b) of Section 11-401, or for reckless homicide as defined  
21 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
22 Class 4 felony.

23 (2) A person who violates subsection (a) a third time,  
24 if the third violation occurs during a period in which his  
25 or her driving privileges are revoked or suspended where  
26 the revocation or suspension was for a violation of

1 subsection (a), Section 11-501.1, paragraph (b) of Section  
2 11-401, or for reckless homicide as defined in Section 9-3  
3 of the Criminal Code of 1961, is guilty of a Class 3  
4 felony.

5 (2.1) A person who violates subsection (a) a third  
6 time, if the third violation occurs during a period in  
7 which his or her driving privileges are revoked or  
8 suspended where the revocation or suspension was for a  
9 violation of subsection (a), Section 11-501.1, subsection  
10 (b) of Section 11-401, or for reckless homicide as defined  
11 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
12 Class 3 felony; and if the person receives a term of  
13 probation or conditional discharge, he or she shall be  
14 required to serve a mandatory minimum of 10 days of  
15 imprisonment or shall be assigned a mandatory minimum of  
16 480 hours of community service, as may be determined by the  
17 court, as a condition of the probation or conditional  
18 discharge. This mandatory minimum term of imprisonment or  
19 assignment of community service shall not be suspended or  
20 reduced by the court.

21 (2.2) A person who violates subsection (a), if the  
22 violation occurs during a period in which his or her  
23 driving privileges are revoked or suspended where the  
24 revocation or suspension was for a violation of subsection  
25 (a) or Section 11-501.1, shall also be sentenced to an  
26 additional mandatory minimum term of 30 consecutive days of

1 imprisonment, 40 days of 24-hour periodic imprisonment, or  
2 720 hours of community service, as may be determined by the  
3 court. This mandatory term of imprisonment or assignment of  
4 community service shall not be suspended or reduced by the  
5 court.

6 (3) A person who violates subsection (a) a fourth or  
7 subsequent time, if the fourth or subsequent violation  
8 occurs during a period in which his or her driving  
9 privileges are revoked or suspended where the revocation or  
10 suspension was for a violation of subsection (a), Section  
11 11-501.1, paragraph (b) of Section 11-401, or for reckless  
12 homicide as defined in Section 9-3 of the Criminal Code of  
13 1961, is guilty of a Class 2 felony and is not eligible for  
14 a sentence of probation or conditional discharge.

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

18 (c-5) A person who violates subsection (a), if the person  
19 was transporting a person under the age of 16 at the time of  
20 the violation, is subject to an additional mandatory minimum  
21 fine of \$1,000, an additional mandatory minimum 140 hours of  
22 community service, which shall include 40 hours of community  
23 service in a program benefiting children, and an additional 2  
24 days of imprisonment. The imprisonment or assignment of  
25 community service under this subsection (c-5) is not subject to  
26 suspension, nor is the person eligible for a reduced sentence.



1           (c-6) Except as provided in subsections (c-7) and (c-8) a  
2 person who violates subsection (a) a second time, if at the  
3 time of the second violation the person was transporting a  
4 person under the age of 16, is subject to an additional 10 days  
5 of imprisonment, an additional mandatory minimum fine of  
6 \$1,000, and an additional mandatory minimum 140 hours of  
7 community service, which shall include 40 hours of community  
8 service in a program benefiting children. The imprisonment or  
9 assignment of community service under this subsection (c-6) is  
10 not subject to suspension, nor is the person eligible for a  
11 reduced sentence.

12           (c-7) Except as provided in subsection (c-8), any person  
13 convicted of violating subsection (c-6) or a similar provision  
14 within 10 years of a previous violation of subsection (a) or a  
15 similar provision shall receive, in addition to any other  
16 penalty imposed, a mandatory minimum 12 days imprisonment, an  
17 additional 40 hours of mandatory community service in a program  
18 benefiting children, and a mandatory minimum fine of \$1,750.  
19 The imprisonment or assignment of community service under this  
20 subsection (c-7) is not subject to suspension, nor is the  
21 person eligible for a reduced sentence.

22           (c-8) Any person convicted of violating subsection (c-6) or  
23 a similar provision within 5 years of a previous violation of  
24 subsection (a) or a similar provision shall receive, in  
25 addition to any other penalty imposed, an additional 80 hours  
26 of mandatory community service in a program benefiting

1 children, an additional mandatory minimum 12 days of  
2 imprisonment, and a mandatory minimum fine of \$1,750. The  
3 imprisonment or assignment of community service under this  
4 subsection (c-8) is not subject to suspension, nor is the  
5 person eligible for a reduced sentence.

6 (c-9) Any person convicted a third time for violating  
7 subsection (a) or a similar provision, if at the time of the  
8 third violation the person was transporting a person under the  
9 age of 16, is guilty of a Class 4 felony and shall receive, in  
10 addition to any other penalty imposed, an additional mandatory  
11 fine of \$1,000, an additional mandatory 140 hours of community  
12 service, which shall include 40 hours in a program benefiting  
13 children, and a mandatory minimum 30 days of imprisonment. The  
14 imprisonment or assignment of community service under this  
15 subsection (c-9) is not subject to suspension, nor is the  
16 person eligible for a reduced sentence.

17 (c-10) Any person convicted of violating subsection (c-9)  
18 or a similar provision a third time within 20 years of a  
19 previous violation of subsection (a) or a similar provision is  
20 guilty of a Class 4 felony and shall receive, in addition to  
21 any other penalty imposed, an additional mandatory 40 hours of  
22 community service in a program benefiting children, an  
23 additional mandatory fine of \$3,000, and a mandatory minimum  
24 120 days of imprisonment. The imprisonment or assignment of  
25 community service under this subsection (c-10) is not subject  
26 to suspension, nor is the person eligible for a reduced

1 sentence.

2 (c-11) Any person convicted a fourth or subsequent time for  
3 violating subsection (a) or a similar provision, if at the time  
4 of the fourth or subsequent violation the person was  
5 transporting a person under the age of 16, and if the person's  
6 3 prior violations of subsection (a) or a similar provision  
7 occurred while transporting a person under the age of 16 or  
8 while the alcohol concentration in his or her blood, breath, or  
9 urine was 0.16 or more based on the definition of blood,  
10 breath, or urine units in Section 11-501.2, is guilty of a  
11 Class 2 felony, is not eligible for probation or conditional  
12 discharge, and is subject to a minimum fine of \$3,000.

13 (c-12) Any person convicted of a first violation of  
14 subsection (a) or a similar provision, if the alcohol  
15 concentration in his or her blood, breath, or urine was 0.16 or  
16 more based on the definition of blood, breath, or urine units  
17 in Section 11-501.2, shall be subject, in addition to any other  
18 penalty that may be imposed, to a mandatory minimum of 100  
19 hours of community service and a mandatory minimum fine of  
20 \$500.

21 (c-13) Any person convicted of a second violation of  
22 subsection (a) or a similar provision committed within 10 years  
23 of a previous violation of subsection (a) or a similar  
24 provision committed within 10 years of a previous violation of  
25 subsection (a) or a similar provision, if at the time of the  
26 second violation of subsection (a) the alcohol concentration in

1 his or her blood, breath, or urine was 0.16 or more based on  
2 the definition of blood, breath, or urine units in Section  
3 11-501.2, shall be subject, in addition to any other penalty  
4 that may be imposed, to a mandatory minimum of 2 days of  
5 imprisonment and a mandatory minimum fine of \$1,250.

6 (c-14) Any person convicted of a third violation of  
7 subsection (a) or a similar provision within 20 years of a  
8 previous violation of subsection (a) or a similar provision, if  
9 at the time of the third violation of subsection (a) or a  
10 similar provision the alcohol concentration in his or her  
11 blood, breath, or urine was 0.16 or more based on the  
12 definition of blood, breath, or urine units in Section  
13 11-501.2, is guilty of a Class 4 felony and shall be subject,  
14 in addition to any other penalty that may be imposed, to a  
15 mandatory minimum of 90 days of imprisonment and a mandatory  
16 minimum fine of \$2,500.

17 (c-15) Any person convicted of a fourth or subsequent  
18 violation of subsection (a) or a similar provision, if at the  
19 time of the fourth or subsequent violation the alcohol  
20 concentration in his or her blood, breath, or urine was 0.16 or  
21 more based on the definition of blood, breath, or urine units  
22 in Section 11-501.2, and if the person's 3 prior violations of  
23 subsection (a) or a similar provision occurred while  
24 transporting a person under the age of 16 or while the alcohol  
25 concentration in his or her blood, breath, or urine was 0.16 or  
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, is guilty of a Class 2 felony and is not  
2 eligible for a sentence of probation or conditional discharge  
3 and is subject to a minimum fine of \$2,500.

4 (d) (1) Every person convicted of committing a violation of  
5 this Section shall be guilty of aggravated driving under  
6 the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof if:

9 (A) the person committed a violation of subsection  
10 (a) or a similar provision for the third or subsequent  
11 time;

12 (B) the person committed a violation of subsection  
13 (a) while driving a school bus with persons 18 years of  
14 age or younger on board;

15 (C) the person in committing a violation of  
16 subsection (a) was involved in a motor vehicle accident  
17 that resulted in great bodily harm or permanent  
18 disability or disfigurement to another, when the  
19 violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection  
21 (a) for a second time and has been previously convicted  
22 of violating Section 9-3 of the Criminal Code of 1961  
23 or a similar provision of a law of another state  
24 relating to reckless homicide in which the person was  
25 determined to have been under the influence of alcohol,  
26 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person  
2 has previously been convicted under subparagraph (C)  
3 or subparagraph (F) of this paragraph (1);

4 (E) the person, in committing a violation of  
5 subsection (a) while driving at any speed in a school  
6 speed zone at a time when a speed limit of 20 miles per  
7 hour was in effect under subsection (a) of Section  
8 11-605 of this Code, was involved in a motor vehicle  
9 accident that resulted in bodily harm, other than great  
10 bodily harm or permanent disability or disfigurement,  
11 to another person, when the violation of subsection (a)  
12 was a proximate cause of the bodily harm; or

13 (F) the person, in committing a violation of  
14 subsection (a), was involved in a motor vehicle,  
15 snowmobile, all-terrain vehicle, or watercraft  
16 accident that resulted in the death of another person,  
17 when the violation of subsection (a) was a proximate  
18 cause of the death.

19 (2) Except as provided in this paragraph (2), a person  
20 convicted of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof is guilty of a Class  
23 4 felony. For a violation of subparagraph (C) of paragraph  
24 (1) of this subsection (d), the defendant, if sentenced to  
25 a term of imprisonment, shall be sentenced to not less than  
26 one year nor more than 12 years. Aggravated driving under

1 the influence of alcohol, other drug or drugs, or  
2 intoxicating compound or compounds, or any combination  
3 thereof as defined in subparagraph (F) of paragraph (1) of  
4 this subsection (d) is a Class 2 felony, for which the  
5 defendant, unless the court determines that extraordinary  
6 circumstances exist and require probation, shall be  
7 sentenced to: (A) a term of imprisonment of not less than 3  
8 years and not more than 14 years if the violation resulted  
9 in the death of one person; or (B) a term of imprisonment  
10 of not less than 6 years and not more than 28 years if the  
11 violation resulted in the deaths of 2 or more persons. For  
12 any prosecution under this subsection (d), a certified copy  
13 of the driving abstract of the defendant shall be admitted  
14 as proof of any prior conviction. Any person sentenced  
15 under this subsection (d) who receives a term of probation  
16 or conditional discharge must serve a minimum term of  
17 either 480 hours of community service or 10 days of  
18 imprisonment as a condition of the probation or conditional  
19 discharge. This mandatory minimum term of imprisonment or  
20 assignment of community service may not be suspended or  
21 reduced by the court.

22 (e) After a finding of guilt and prior to any final  
23 sentencing, or an order for supervision, for an offense based  
24 upon an arrest for a violation of this Section or a similar  
25 provision of a local ordinance, individuals shall be required  
26 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists  
2 and the extent of the problem, and undergo the imposition of  
3 treatment as appropriate. Programs conducting these  
4 evaluations shall be licensed by the Department of Human  
5 Services. The cost of any professional evaluation shall be paid  
6 for by the individual required to undergo the professional  
7 evaluation.

8 (e-1) Any person who is found guilty of or pleads guilty to  
9 violating this Section, including any person receiving a  
10 disposition of court supervision for violating this Section,  
11 may be required by the Court to attend a victim impact panel  
12 offered by, or under contract with, a County State's Attorney's  
13 office, a probation and court services department, Mothers  
14 Against Drunk Driving, or the Alliance Against Intoxicated  
15 Motorists. All costs generated by the victim impact panel shall  
16 be paid from fees collected from the offender or as may be  
17 determined by the court.

18 (f) Every person found guilty of violating this Section,  
19 whose operation of a motor vehicle while in violation of this  
20 Section proximately caused any incident resulting in an  
21 appropriate emergency response, shall be liable for the expense  
22 of an emergency response as provided in subsection (m) of this  
23 Section.

24 (g) The Secretary of State shall revoke the driving  
25 privileges of any person convicted under this Section or a  
26 similar provision of a local ordinance.



1 (h) (Blank).

2 (i) The Secretary of State shall require the use of  
3 ignition interlock devices on all vehicles owned by an  
4 individual who has been convicted of a second or subsequent  
5 offense of this Section or a similar provision of a local  
6 ordinance. The Secretary shall establish by rule and regulation  
7 the procedures for certification and use of the interlock  
8 system.

9 (j) In addition to any other penalties and liabilities, a  
10 person who is found guilty of or pleads guilty to violating  
11 subsection (a), including any person placed on court  
12 supervision for violating subsection (a), shall be fined \$500,  
13 payable to the circuit clerk, who shall distribute the money as  
14 follows: 20% to the law enforcement agency that made the arrest  
15 and 80% shall be forwarded to the State Treasurer for deposit  
16 into the General Revenue Fund. If the person has been  
17 previously convicted of violating subsection (a) or a similar  
18 provision of a local ordinance, the fine shall be \$1,000. In  
19 the event that more than one agency is responsible for the  
20 arrest, the amount payable to law enforcement agencies shall be  
21 shared equally. Any moneys received by a law enforcement agency  
22 under this subsection (j) shall be used for enforcement and  
23 prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof, as defined by this Section, including but  
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol  
2 related criminal violence throughout the State; police officer  
3 training and education in areas related to alcohol related  
4 crime, including but not limited to DUI training; and police  
5 officer salaries, including but not limited to salaries for  
6 hire back funding for safety checkpoints, saturation patrols,  
7 and liquor store sting operations. Equipment and commodities  
8 shall include, but are not limited to, in-car video cameras,  
9 radar and laser speed detection devices, and alcohol breath  
10 testers. Any moneys received by the Department of State Police  
11 under this subsection (j) shall be deposited into the State  
12 Police DUI Fund and shall be used for enforcement and  
13 prevention of driving while under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds or any  
15 combination thereof, as defined by this Section, including but  
16 not limited to the purchase of law enforcement equipment and  
17 commodities that will assist in the prevention of alcohol  
18 related criminal violence throughout the State; police officer  
19 training and education in areas related to alcohol related  
20 crime, including but not limited to DUI training; and police  
21 officer salaries, including but not limited to salaries for  
22 hire back funding for safety checkpoints, saturation patrols,  
23 and liquor store sting operations.

24 (k) The Secretary of State Police DUI Fund is created as a  
25 special fund in the State treasury. All moneys received by the  
26 Secretary of State Police under subsection (j) of this Section

1 shall be deposited into the Secretary of State Police DUI Fund  
2 and, subject to appropriation, shall be used for enforcement  
3 and prevention of driving while under the influence of alcohol,  
4 other drug or drugs, intoxicating compound or compounds or any  
5 combination thereof, as defined by this Section, including but  
6 not limited to the purchase of law enforcement equipment and  
7 commodities to assist in the prevention of alcohol related  
8 criminal violence throughout the State; police officer  
9 training and education in areas related to alcohol related  
10 crime, including but not limited to DUI training; and police  
11 officer salaries, including but not limited to salaries for  
12 hire back funding for safety checkpoints, saturation patrols,  
13 and liquor store sting operations.

14 (1) Whenever an individual is sentenced for an offense  
15 based upon an arrest for a violation of subsection (a) or a  
16 similar provision of a local ordinance, and the professional  
17 evaluation recommends remedial or rehabilitative treatment or  
18 education, neither the treatment nor the education shall be the  
19 sole disposition and either or both may be imposed only in  
20 conjunction with another disposition. The court shall monitor  
21 compliance with any remedial education or treatment  
22 recommendations contained in the professional evaluation.  
23 Programs conducting alcohol or other drug evaluation or  
24 remedial education must be licensed by the Department of Human  
25 Services. If the individual is not a resident of Illinois,  
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's  
2 state of residence. Programs providing treatment must be  
3 licensed under existing applicable alcoholism and drug  
4 treatment licensure standards.

5 (m) In addition to any other fine or penalty required by  
6 law, an individual convicted of a violation of subsection (a),  
7 Section 5-7 of the Snowmobile Registration and Safety Act,  
8 Section 5-16 of the Boat Registration and Safety Act, or a  
9 similar provision, whose operation of a motor vehicle,  
10 snowmobile, or watercraft while in violation of subsection (a),  
11 Section 5-7 of the Snowmobile Registration and Safety Act,  
12 Section 5-16 of the Boat Registration and Safety Act, or a  
13 similar provision proximately caused an incident resulting in  
14 an appropriate emergency response, shall be required to make  
15 restitution to a public agency for the costs of that emergency  
16 response. The restitution may not exceed \$1,000 per public  
17 agency for each emergency response. As used in this subsection  
18 (m), "emergency response" means any incident requiring a  
19 response by a police officer, a firefighter carried on the  
20 rolls of a regularly constituted fire department, or an  
21 ambulance.

22 (Source: P.A. 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963,  
23 eff. 6-28-06; 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;  
24 revised 11-28-07.)

25 (Text of Section from P.A. 94-114, 94-963, 95-149, and

1 95-355)

2 Sec. 11-501. Driving while under the influence of alcohol,  
3 other drug or drugs, intoxicating compound or compounds or any  
4 combination thereof.

5 (a) A person shall not drive or be in actual physical  
6 control of any vehicle within this State while:

7 (1) the alcohol concentration in the person's blood or  
8 breath is 0.08 or more based on the definition of blood and  
9 breath units in Section 11-501.2;

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or  
12 combination of intoxicating compounds to a degree that  
13 renders the person incapable of driving safely;

14 (4) under the influence of any other drug or  
15 combination of drugs to a degree that renders the person  
16 incapable of safely driving;

17 (5) under the combined influence of alcohol, other drug  
18 or drugs, or intoxicating compound or compounds to a degree  
19 that renders the person incapable of safely driving; or

20 (6) there is any amount of a drug, substance, or  
21 compound in the person's breath, blood, or urine resulting  
22 from the unlawful use or consumption of cannabis listed in  
23 the Cannabis Control Act, a controlled substance listed in  
24 the Illinois Controlled Substances Act, an intoxicating  
25 compound listed in the Use of Intoxicating Compounds Act,  
26 or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act.

2 (b) The fact that any person charged with violating this  
3 Section is or has been legally entitled to use alcohol, other  
4 drug or drugs, or intoxicating compound or compounds, or any  
5 combination thereof, shall not constitute a defense against any  
6 charge of violating this Section.

7 (b-1) With regard to penalties imposed under this Section:

8 (1) Any reference to a prior violation of subsection  
9 (a) or a similar provision includes any violation of a  
10 provision of a local ordinance or a provision of a law of  
11 another state or an offense committed on a military  
12 installation that is similar to a violation of subsection  
13 (a) of this Section.

14 (2) Any penalty imposed for driving with a license that  
15 has been revoked for a previous violation of subsection (a)  
16 of this Section shall be in addition to the penalty imposed  
17 for any subsequent violation of subsection (a).

18 (b-2) Except as otherwise provided in this Section, any  
19 person convicted of violating subsection (a) of this Section is  
20 guilty of a Class A misdemeanor.

21 (b-3) In addition to any other criminal or administrative  
22 sanction for any second conviction of violating subsection (a)  
23 or a similar provision committed within 5 years of a previous  
24 violation of subsection (a) or a similar provision, the  
25 defendant shall be sentenced to a mandatory minimum of 5 days  
26 of imprisonment or assigned a mandatory minimum of 240 hours of

1 community service as may be determined by the court.

2 (b-4) In the case of a third or subsequent violation  
3 committed within 5 years of a previous violation of subsection  
4 (a) or a similar provision, in addition to any other criminal  
5 or administrative sanction, a mandatory minimum term of either  
6 10 days of imprisonment or 480 hours of community service shall  
7 be imposed.

8 (b-5) The imprisonment or assignment of community service  
9 under subsections (b-3) and (b-4) shall not be subject to  
10 suspension, nor shall the person be eligible for a reduced  
11 sentence.

12 (c) (Blank).

13 (c-1) (1) A person who violates subsection (a) during a  
14 period in which his or her driving privileges are revoked  
15 or suspended, where the revocation or suspension was for a  
16 violation of subsection (a), Section 11-501.1, paragraph  
17 (b) of Section 11-401, or for reckless homicide as defined  
18 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
19 Class 4 felony.

20 (2) A person who violates subsection (a) a third time,  
21 if the third violation occurs during a period in which his  
22 or her driving privileges are revoked or suspended where  
23 the revocation or suspension was for a violation of  
24 subsection (a), Section 11-501.1, paragraph (b) of Section  
25 11-401, or for reckless homicide as defined in Section 9-3  
26 of the Criminal Code of 1961, is guilty of a Class 3

1 felony.

2 (2.1) A person who violates subsection (a) a third  
3 time, if the third violation occurs during a period in  
4 which his or her driving privileges are revoked or  
5 suspended where the revocation or suspension was for a  
6 violation of subsection (a), Section 11-501.1, subsection  
7 (b) of Section 11-401, or for reckless homicide as defined  
8 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
9 Class 3 felony; and if the person receives a term of  
10 probation or conditional discharge, he or she shall be  
11 required to serve a mandatory minimum of 10 days of  
12 imprisonment or shall be assigned a mandatory minimum of  
13 480 hours of community service, as may be determined by the  
14 court, as a condition of the probation or conditional  
15 discharge. This mandatory minimum term of imprisonment or  
16 assignment of community service shall not be suspended or  
17 reduced by the court.

18 (2.2) A person who violates subsection (a), if the  
19 violation occurs during a period in which his or her  
20 driving privileges are revoked or suspended where the  
21 revocation or suspension was for a violation of subsection  
22 (a) or Section 11-501.1, shall also be sentenced to an  
23 additional mandatory minimum term of 30 consecutive days of  
24 imprisonment, 40 days of 24-hour periodic imprisonment, or  
25 720 hours of community service, as may be determined by the  
26 court. This mandatory term of imprisonment or assignment of



1 community service shall not be suspended or reduced by the  
2 court.

3 (3) A person who violates subsection (a) a fourth or  
4 fifth time, if the fourth or fifth violation occurs during  
5 a period in which his or her driving privileges are revoked  
6 or suspended where the revocation or suspension was for a  
7 violation of subsection (a), Section 11-501.1, paragraph  
8 (b) of Section 11-401, or for reckless homicide as defined  
9 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
10 Class 2 felony and is not eligible for a sentence of  
11 probation or conditional discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

15 (c-5) A person who violates subsection (a), if the person  
16 was transporting a person under the age of 16 at the time of  
17 the violation, is subject to an additional mandatory minimum  
18 fine of \$1,000, an additional mandatory minimum 140 hours of  
19 community service, which shall include 40 hours of community  
20 service in a program benefiting children, and an additional 2  
21 days of imprisonment. The imprisonment or assignment of  
22 community service under this subsection (c-5) is not subject to  
23 suspension, nor is the person eligible for a reduced sentence.

24 (c-6) Except as provided in subsections (c-7) and (c-8) a  
25 person who violates subsection (a) a second time, if at the  
26 time of the second violation the person was transporting a

1 person under the age of 16, is subject to an additional 10 days  
2 of imprisonment, an additional mandatory minimum fine of  
3 \$1,000, and an additional mandatory minimum 140 hours of  
4 community service, which shall include 40 hours of community  
5 service in a program benefiting children. The imprisonment or  
6 assignment of community service under this subsection (c-6) is  
7 not subject to suspension, nor is the person eligible for a  
8 reduced sentence.

9 (c-7) Except as provided in subsection (c-8), any person  
10 convicted of violating subsection (c-6) or a similar provision  
11 within 10 years of a previous violation of subsection (a) or a  
12 similar provision shall receive, in addition to any other  
13 penalty imposed, a mandatory minimum 12 days imprisonment, an  
14 additional 40 hours of mandatory community service in a program  
15 benefiting children, and a mandatory minimum fine of \$1,750.  
16 The imprisonment or assignment of community service under this  
17 subsection (c-7) is not subject to suspension, nor is the  
18 person eligible for a reduced sentence.

19 (c-8) Any person convicted of violating subsection (c-6) or  
20 a similar provision within 5 years of a previous violation of  
21 subsection (a) or a similar provision shall receive, in  
22 addition to any other penalty imposed, an additional 80 hours  
23 of mandatory community service in a program benefiting  
24 children, an additional mandatory minimum 12 days of  
25 imprisonment, and a mandatory minimum fine of \$1,750. The  
26 imprisonment or assignment of community service under this

1 subsection (c-8) is not subject to suspension, nor is the  
2 person eligible for a reduced sentence.

3 (c-9) Any person convicted a third time for violating  
4 subsection (a) or a similar provision, if at the time of the  
5 third violation the person was transporting a person under the  
6 age of 16, is guilty of a Class 4 felony and shall receive, in  
7 addition to any other penalty imposed, an additional mandatory  
8 fine of \$1,000, an additional mandatory 140 hours of community  
9 service, which shall include 40 hours in a program benefiting  
10 children, and a mandatory minimum 30 days of imprisonment. The  
11 imprisonment or assignment of community service under this  
12 subsection (c-9) is not subject to suspension, nor is the  
13 person eligible for a reduced sentence.

14 (c-10) Any person convicted of violating subsection (c-9)  
15 or a similar provision a third time within 20 years of a  
16 previous violation of subsection (a) or a similar provision is  
17 guilty of a Class 4 felony and shall receive, in addition to  
18 any other penalty imposed, an additional mandatory 40 hours of  
19 community service in a program benefiting children, an  
20 additional mandatory fine of \$3,000, and a mandatory minimum  
21 120 days of imprisonment. The imprisonment or assignment of  
22 community service under this subsection (c-10) is not subject  
23 to suspension, nor is the person eligible for a reduced  
24 sentence.

25 (c-11) Any person convicted a fourth or fifth time for  
26 violating subsection (a) or a similar provision, if at the time

1 of the fourth or fifth violation the person was transporting a  
2 person under the age of 16, and if the person's 3 prior  
3 violations of subsection (a) or a similar provision occurred  
4 while transporting a person under the age of 16 or while the  
5 alcohol concentration in his or her blood, breath, or urine was  
6 0.16 or more based on the definition of blood, breath, or urine  
7 units in Section 11-501.2, is guilty of a Class 2 felony, is  
8 not eligible for probation or conditional discharge, and is  
9 subject to a minimum fine of \$3,000.

10 (c-12) Any person convicted of a first violation of  
11 subsection (a) or a similar provision, if the alcohol  
12 concentration in his or her blood, breath, or urine was 0.16 or  
13 more based on the definition of blood, breath, or urine units  
14 in Section 11-501.2, shall be subject, in addition to any other  
15 penalty that may be imposed, to a mandatory minimum of 100  
16 hours of community service and a mandatory minimum fine of  
17 \$500.

18 (c-13) Any person convicted of a second violation of  
19 subsection (a) or a similar provision committed within 10 years  
20 of a previous violation of subsection (a) or a similar  
21 provision committed within 10 years of a previous violation of  
22 subsection (a) or a similar provision, if at the time of the  
23 second violation of subsection (a) the alcohol concentration in  
24 his or her blood, breath, or urine was 0.16 or more based on  
25 the definition of blood, breath, or urine units in Section  
26 11-501.2, shall be subject, in addition to any other penalty

1 that may be imposed, to a mandatory minimum of 2 days of  
2 imprisonment and a mandatory minimum fine of \$1,250.

3 (c-14) Any person convicted of a third violation of  
4 subsection (a) or a similar provision within 20 years of a  
5 previous violation of subsection (a) or a similar provision, if  
6 at the time of the third violation of subsection (a) or a  
7 similar provision the alcohol concentration in his or her  
8 blood, breath, or urine was 0.16 or more based on the  
9 definition of blood, breath, or urine units in Section  
10 11-501.2, is guilty of a Class 4 felony and shall be subject,  
11 in addition to any other penalty that may be imposed, to a  
12 mandatory minimum of 90 days of imprisonment and a mandatory  
13 minimum fine of \$2,500.

14 (c-15) Any person convicted of a fourth or fifth violation  
15 of subsection (a) or a similar provision, if at the time of the  
16 fourth or fifth violation the alcohol concentration in his or  
17 her blood, breath, or urine was 0.16 or more based on the  
18 definition of blood, breath, or urine units in Section  
19 11-501.2, and if the person's 3 prior violations of subsection  
20 (a) or a similar provision occurred while transporting a person  
21 under the age of 16 or while the alcohol concentration in his  
22 or her blood, breath, or urine was 0.16 or more based on the  
23 definition of blood, breath, or urine units in Section  
24 11-501.2, is guilty of a Class 2 felony and is not eligible for  
25 a sentence of probation or conditional discharge and is subject  
26 to a minimum fine of \$2,500.

1 (c-16) Any person convicted of a sixth or subsequent  
2 violation of subsection (a) is guilty of a Class X felony.

3 (d) (1) Every person convicted of committing a violation of  
4 this Section shall be guilty of aggravated driving under  
5 the influence of alcohol, other drug or drugs, or  
6 intoxicating compound or compounds, or any combination  
7 thereof if:

8 (A) the person committed a violation of subsection  
9 (a) or a similar provision for the third or subsequent  
10 time;

11 (B) the person committed a violation of subsection  
12 (a) while driving a school bus with persons 18 years of  
13 age or younger on board;

14 (C) the person in committing a violation of  
15 subsection (a) was involved in a motor vehicle accident  
16 that resulted in great bodily harm or permanent  
17 disability or disfigurement to another, when the  
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection  
20 (a) for a second time and has been previously convicted  
21 of violating Section 9-3 of the Criminal Code of 1961  
22 or a similar provision of a law of another state  
23 relating to reckless homicide in which the person was  
24 determined to have been under the influence of alcohol,  
25 other drug or drugs, or intoxicating compound or  
26 compounds as an element of the offense or the person

1 has previously been convicted under subparagraph (C)  
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of  
4 subsection (a) while driving at any speed in a school  
5 speed zone at a time when a speed limit of 20 miles per  
6 hour was in effect under subsection (a) of Section  
7 11-605 of this Code, was involved in a motor vehicle  
8 accident that resulted in bodily harm, other than great  
9 bodily harm or permanent disability or disfigurement,  
10 to another person, when the violation of subsection (a)  
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of  
13 subsection (a), was involved in a motor vehicle,  
14 snowmobile, all-terrain vehicle, or watercraft  
15 accident that resulted in the death of another person,  
16 when the violation of subsection (a) was a proximate  
17 cause of the death.

18 (2) Except as provided in this paragraph (2), a person  
19 convicted of aggravated driving under the influence of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof is guilty of a Class  
22 4 felony. For a violation of subparagraph (C) of paragraph  
23 (1) of this subsection (d), the defendant, if sentenced to  
24 a term of imprisonment, shall be sentenced to not less than  
25 one year nor more than 12 years. Aggravated driving under  
26 the influence of alcohol, other drug or drugs, or

1           intoxicating compound or compounds, or any combination  
2           thereof as defined in subparagraph (F) of paragraph (1) of  
3           this subsection (d) is a Class 2 felony, for which the  
4           defendant, if sentenced to a term of imprisonment, shall be  
5           sentenced to: (A) a term of imprisonment of not less than 3  
6           years and not more than 14 years if the violation resulted  
7           in the death of one person; or (B) a term of imprisonment  
8           of not less than 6 years and not more than 28 years if the  
9           violation resulted in the deaths of 2 or more persons. For  
10          any prosecution under this subsection (d), a certified copy  
11          of the driving abstract of the defendant shall be admitted  
12          as proof of any prior conviction. Any person sentenced  
13          under this subsection (d) who receives a term of probation  
14          or conditional discharge must serve a minimum term of  
15          either 480 hours of community service or 10 days of  
16          imprisonment as a condition of the probation or conditional  
17          discharge. This mandatory minimum term of imprisonment or  
18          assignment of community service may not be suspended or  
19          reduced by the court.

20          (e) After a finding of guilt and prior to any final  
21          sentencing, or an order for supervision, for an offense based  
22          upon an arrest for a violation of this Section or a similar  
23          provision of a local ordinance, individuals shall be required  
24          to undergo a professional evaluation to determine if an  
25          alcohol, drug, or intoxicating compound abuse problem exists  
26          and the extent of the problem, and undergo the imposition of



1 treatment as appropriate. Programs conducting these  
2 evaluations shall be licensed by the Department of Human  
3 Services. The cost of any professional evaluation shall be paid  
4 for by the individual required to undergo the professional  
5 evaluation.

6 (e-1) Any person who is found guilty of or pleads guilty to  
7 violating this Section, including any person receiving a  
8 disposition of court supervision for violating this Section,  
9 may be required by the Court to attend a victim impact panel  
10 offered by, or under contract with, a County State's Attorney's  
11 office, a probation and court services department, Mothers  
12 Against Drunk Driving, or the Alliance Against Intoxicated  
13 Motorists. All costs generated by the victim impact panel shall  
14 be paid from fees collected from the offender or as may be  
15 determined by the court.

16 (f) Every person found guilty of violating this Section,  
17 whose operation of a motor vehicle while in violation of this  
18 Section proximately caused any incident resulting in an  
19 appropriate emergency response, shall be liable for the expense  
20 of an emergency response as provided in subsection (m) of this  
21 Section.

22 (g) The Secretary of State shall revoke the driving  
23 privileges of any person convicted under this Section or a  
24 similar provision of a local ordinance.

25 (h) (Blank).

26 (i) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by an  
2 individual who has been convicted of a second or subsequent  
3 offense of this Section or a similar provision of a local  
4 ordinance. The Secretary shall establish by rule and regulation  
5 the procedures for certification and use of the interlock  
6 system.

7 (j) In addition to any other penalties and liabilities, a  
8 person who is found guilty of or pleads guilty to violating  
9 subsection (a), including any person placed on court  
10 supervision for violating subsection (a), shall be fined \$500,  
11 payable to the circuit clerk, who shall distribute the money as  
12 follows: 20% to the law enforcement agency that made the arrest  
13 and 80% shall be forwarded to the State Treasurer for deposit  
14 into the General Revenue Fund. If the person has been  
15 previously convicted of violating subsection (a) or a similar  
16 provision of a local ordinance, the fine shall be \$1,000. In  
17 the event that more than one agency is responsible for the  
18 arrest, the amount payable to law enforcement agencies shall be  
19 shared equally. Any moneys received by a law enforcement agency  
20 under this subsection (j) shall be used for enforcement and  
21 prevention of driving while under the influence of alcohol,  
22 other drug or drugs, intoxicating compound or compounds or any  
23 combination thereof, as defined by this Section, including but  
24 not limited to the purchase of law enforcement equipment and  
25 commodities that will assist in the prevention of alcohol  
26 related criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related  
2 crime, including but not limited to DUI training; and police  
3 officer salaries, including but not limited to salaries for  
4 hire back funding for safety checkpoints, saturation patrols,  
5 and liquor store sting operations. Equipment and commodities  
6 shall include, but are not limited to, in-car video cameras,  
7 radar and laser speed detection devices, and alcohol breath  
8 testers. Any moneys received by the Department of State Police  
9 under this subsection (j) shall be deposited into the State  
10 Police DUI Fund and shall be used for enforcement and  
11 prevention of driving while under the influence of alcohol,  
12 other drug or drugs, intoxicating compound or compounds or any  
13 combination thereof, as defined by this Section, including but  
14 not limited to the purchase of law enforcement equipment and  
15 commodities that will assist in the prevention of alcohol  
16 related criminal violence throughout the State; police officer  
17 training and education in areas related to alcohol related  
18 crime, including but not limited to DUI training; and police  
19 officer salaries, including but not limited to salaries for  
20 hire back funding for safety checkpoints, saturation patrols,  
21 and liquor store sting operations.

22 (k) The Secretary of State Police DUI Fund is created as a  
23 special fund in the State treasury. All moneys received by the  
24 Secretary of State Police under subsection (j) of this Section  
25 shall be deposited into the Secretary of State Police DUI Fund  
26 and, subject to appropriation, shall be used for enforcement

1 and prevention of driving while under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds or any  
3 combination thereof, as defined by this Section, including but  
4 not limited to the purchase of law enforcement equipment and  
5 commodities to assist in the prevention of alcohol related  
6 criminal violence throughout the State; police officer  
7 training and education in areas related to alcohol related  
8 crime, including but not limited to DUI training; and police  
9 officer salaries, including but not limited to salaries for  
10 hire back funding for safety checkpoints, saturation patrols,  
11 and liquor store sting operations.

12 (1) Whenever an individual is sentenced for an offense  
13 based upon an arrest for a violation of subsection (a) or a  
14 similar provision of a local ordinance, and the professional  
15 evaluation recommends remedial or rehabilitative treatment or  
16 education, neither the treatment nor the education shall be the  
17 sole disposition and either or both may be imposed only in  
18 conjunction with another disposition. The court shall monitor  
19 compliance with any remedial education or treatment  
20 recommendations contained in the professional evaluation.  
21 Programs conducting alcohol or other drug evaluation or  
22 remedial education must be licensed by the Department of Human  
23 Services. If the individual is not a resident of Illinois,  
24 however, the court may accept an alcohol or other drug  
25 evaluation or remedial education program in the individual's  
26 state of residence. Programs providing treatment must be

1 licensed under existing applicable alcoholism and drug  
2 treatment licensure standards.

3 (m) In addition to any other fine or penalty required by  
4 law, an individual convicted of a violation of subsection (a),  
5 Section 5-7 of the Snowmobile Registration and Safety Act,  
6 Section 5-16 of the Boat Registration and Safety Act, or a  
7 similar provision, whose operation of a motor vehicle,  
8 snowmobile, or watercraft while in violation of subsection (a),  
9 Section 5-7 of the Snowmobile Registration and Safety Act,  
10 Section 5-16 of the Boat Registration and Safety Act, or a  
11 similar provision proximately caused an incident resulting in  
12 an appropriate emergency response, shall be required to make  
13 restitution to a public agency for the costs of that emergency  
14 response. The restitution may not exceed \$1,000 per public  
15 agency for each emergency response. As used in this subsection  
16 (m), "emergency response" means any incident requiring a  
17 response by a police officer, a firefighter carried on the  
18 rolls of a regularly constituted fire department, or an  
19 ambulance.

20 (Source: P.A. 94-114, eff. 1-1-06; 94-963, eff. 6-28-06;  
21 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

22 (Text of Section from P.A. 94-116, 94-963, 95-149, and  
23 95-355)

24 Sec. 11-501. Driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof.

2 (a) A person shall not drive or be in actual physical  
3 control of any vehicle within this State while:

4 (1) the alcohol concentration in the person's blood or  
5 breath is 0.08 or more based on the definition of blood and  
6 breath units in Section 11-501.2;

7 (2) under the influence of alcohol;

8 (3) under the influence of any intoxicating compound or  
9 combination of intoxicating compounds to a degree that  
10 renders the person incapable of driving safely;

11 (4) under the influence of any other drug or  
12 combination of drugs to a degree that renders the person  
13 incapable of safely driving;

14 (5) under the combined influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds to a degree  
16 that renders the person incapable of safely driving; or

17 (6) there is any amount of a drug, substance, or  
18 compound in the person's breath, blood, or urine resulting  
19 from the unlawful use or consumption of cannabis listed in  
20 the Cannabis Control Act, a controlled substance listed in  
21 the Illinois Controlled Substances Act, an intoxicating  
22 compound listed in the Use of Intoxicating Compounds Act,  
23 or methamphetamine as listed in the Methamphetamine  
24 Control and Community Protection Act.

25 (b) The fact that any person charged with violating this  
26 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any  
2 combination thereof, shall not constitute a defense against any  
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection  
6 (a) or a similar provision includes any violation of a  
7 provision of a local ordinance or a provision of a law of  
8 another state or an offense committed on a military  
9 installation that is similar to a violation of subsection  
10 (a) of this Section.

11 (2) Any penalty imposed for driving with a license that  
12 has been revoked for a previous violation of subsection (a)  
13 of this Section shall be in addition to the penalty imposed  
14 for any subsequent violation of subsection (a).

15 (b-2) Except as otherwise provided in this Section, any  
16 person convicted of violating subsection (a) of this Section is  
17 guilty of a Class A misdemeanor.

18 (b-3) In addition to any other criminal or administrative  
19 sanction for any second conviction of violating subsection (a)  
20 or a similar provision committed within 5 years of a previous  
21 violation of subsection (a) or a similar provision, the  
22 defendant shall be sentenced to a mandatory minimum of 5 days  
23 of imprisonment or assigned a mandatory minimum of 240 hours of  
24 community service as may be determined by the court.

25 (b-4) In the case of a third violation committed within 5  
26 years of a previous violation of subsection (a) or a similar

1 provision, the defendant is guilty of a Class 2 felony, and in  
2 addition to any other criminal or administrative sanction, a  
3 mandatory minimum term of either 10 days of imprisonment or 480  
4 hours of community service shall be imposed.

5 (b-5) The imprisonment or assignment of community service  
6 under subsections (b-3) and (b-4) shall not be subject to  
7 suspension, nor shall the person be eligible for a reduced  
8 sentence.

9 (c) (Blank).

10 (c-1) (1) A person who violates subsection (a) during a  
11 period in which his or her driving privileges are revoked  
12 or suspended, where the revocation or suspension was for a  
13 violation of subsection (a), Section 11-501.1, paragraph  
14 (b) of Section 11-401, or for reckless homicide as defined  
15 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
16 Class 4 felony.

17 (2) A person who violates subsection (a) a third time  
18 is guilty of a Class 2 felony.

19 (2.1) A person who violates subsection (a) a third  
20 time, if the third violation occurs during a period in  
21 which his or her driving privileges are revoked or  
22 suspended where the revocation or suspension was for a  
23 violation of subsection (a), Section 11-501.1, subsection  
24 (b) of Section 11-401, or for reckless homicide as defined  
25 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
26 Class 2 felony; and if the person receives a term of



1           probation or conditional discharge, he or she shall be  
2           required to serve a mandatory minimum of 10 days of  
3           imprisonment or shall be assigned a mandatory minimum of  
4           480 hours of community service, as may be determined by the  
5           court, as a condition of the probation or conditional  
6           discharge. This mandatory minimum term of imprisonment or  
7           assignment of community service shall not be suspended or  
8           reduced by the court.

9           (2.2) A person who violates subsection (a), if the  
10          violation occurs during a period in which his or her  
11          driving privileges are revoked or suspended where the  
12          revocation or suspension was for a violation of subsection  
13          (a) or Section 11-501.1, shall also be sentenced to an  
14          additional mandatory minimum term of 30 consecutive days of  
15          imprisonment, 40 days of 24-hour periodic imprisonment, or  
16          720 hours of community service, as may be determined by the  
17          court. This mandatory term of imprisonment or assignment of  
18          community service shall not be suspended or reduced by the  
19          court.

20          (3) A person who violates subsection (a) a fourth time  
21          is guilty of a Class 2 felony and is not eligible for a  
22          sentence of probation or conditional discharge.

23          (4) A person who violates subsection (a) a fifth or  
24          subsequent time is guilty of a Class 1 felony and is not  
25          eligible for a sentence of probation or conditional  
26          discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

4 (c-5) A person who violates subsection (a), if the person  
5 was transporting a person under the age of 16 at the time of  
6 the violation, is subject to an additional mandatory minimum  
7 fine of \$1,000, an additional mandatory minimum 140 hours of  
8 community service, which shall include 40 hours of community  
9 service in a program benefiting children, and an additional 2  
10 days of imprisonment. The imprisonment or assignment of  
11 community service under this subsection (c-5) is not subject to  
12 suspension, nor is the person eligible for a reduced sentence.

13 (c-6) Except as provided in subsections (c-7) and (c-8) a  
14 person who violates subsection (a) a second time, if at the  
15 time of the second violation the person was transporting a  
16 person under the age of 16, is subject to an additional 10 days  
17 of imprisonment, an additional mandatory minimum fine of  
18 \$1,000, and an additional mandatory minimum 140 hours of  
19 community service, which shall include 40 hours of community  
20 service in a program benefiting children. The imprisonment or  
21 assignment of community service under this subsection (c-6) is  
22 not subject to suspension, nor is the person eligible for a  
23 reduced sentence.

24 (c-7) Except as provided in subsection (c-8), any person  
25 convicted of violating subsection (c-6) or a similar provision  
26 within 10 years of a previous violation of subsection (a) or a

1 similar provision shall receive, in addition to any other  
2 penalty imposed, a mandatory minimum 12 days imprisonment, an  
3 additional 40 hours of mandatory community service in a program  
4 benefiting children, and a mandatory minimum fine of \$1,750.  
5 The imprisonment or assignment of community service under this  
6 subsection (c-7) is not subject to suspension, nor is the  
7 person eligible for a reduced sentence.

8 (c-8) Any person convicted of violating subsection (c-6) or  
9 a similar provision within 5 years of a previous violation of  
10 subsection (a) or a similar provision shall receive, in  
11 addition to any other penalty imposed, an additional 80 hours  
12 of mandatory community service in a program benefiting  
13 children, an additional mandatory minimum 12 days of  
14 imprisonment, and a mandatory minimum fine of \$1,750. The  
15 imprisonment or assignment of community service under this  
16 subsection (c-8) is not subject to suspension, nor is the  
17 person eligible for a reduced sentence.

18 (c-9) Any person convicted a third time for violating  
19 subsection (a) or a similar provision, if at the time of the  
20 third violation the person was transporting a person under the  
21 age of 16, is guilty of a Class 2 felony and shall receive, in  
22 addition to any other penalty imposed, an additional mandatory  
23 fine of \$1,000, an additional mandatory 140 hours of community  
24 service, which shall include 40 hours in a program benefiting  
25 children, and a mandatory minimum 30 days of imprisonment. The  
26 imprisonment or assignment of community service under this

1 subsection (c-9) is not subject to suspension, nor is the  
2 person eligible for a reduced sentence.

3 (c-10) Any person convicted of violating subsection (c-9)  
4 or a similar provision a third time within 20 years of a  
5 previous violation of subsection (a) or a similar provision is  
6 guilty of a Class 2 felony and shall receive, in addition to  
7 any other penalty imposed, an additional mandatory 40 hours of  
8 community service in a program benefiting children, an  
9 additional mandatory fine of \$3,000, and a mandatory minimum  
10 120 days of imprisonment. The imprisonment or assignment of  
11 community service under this subsection (c-10) is not subject  
12 to suspension, nor is the person eligible for a reduced  
13 sentence.

14 (c-11) Any person convicted a fourth time for violating  
15 subsection (a) or a similar provision, if at the time of the  
16 fourth violation the person was transporting a person under the  
17 age of 16, and if the person's 3 prior violations of subsection  
18 (a) or a similar provision occurred while transporting a person  
19 under the age of 16 or while the alcohol concentration in his  
20 or her blood, breath, or urine was 0.16 or more based on the  
21 definition of blood, breath, or urine units in Section  
22 11-501.2, is guilty of a Class 2 felony, is not eligible for  
23 probation or conditional discharge, and is subject to a minimum  
24 fine of \$3,000.

25 (c-12) Any person convicted of a first violation of  
26 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or  
2 more based on the definition of blood, breath, or urine units  
3 in Section 11-501.2, shall be subject, in addition to any other  
4 penalty that may be imposed, to a mandatory minimum of 100  
5 hours of community service and a mandatory minimum fine of  
6 \$500.

7 (c-13) Any person convicted of a second violation of  
8 subsection (a) or a similar provision committed within 10 years  
9 of a previous violation of subsection (a) or a similar  
10 provision committed within 10 years of a previous violation of  
11 subsection (a) or a similar provision, if at the time of the  
12 second violation of subsection (a) the alcohol concentration in  
13 his or her blood, breath, or urine was 0.16 or more based on  
14 the definition of blood, breath, or urine units in Section  
15 11-501.2, shall be subject, in addition to any other penalty  
16 that may be imposed, to a mandatory minimum of 2 days of  
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of  
19 subsection (a) or a similar provision within 20 years of a  
20 previous violation of subsection (a) or a similar provision, if  
21 at the time of the third violation of subsection (a) or a  
22 similar provision the alcohol concentration in his or her  
23 blood, breath, or urine was 0.16 or more based on the  
24 definition of blood, breath, or urine units in Section  
25 11-501.2, is guilty of a Class 2 felony and shall be subject,  
26 in addition to any other penalty that may be imposed, to a

1 mandatory minimum of 90 days of imprisonment and a mandatory  
2 minimum fine of \$2,500.

3 (c-15) Any person convicted of a fourth violation of  
4 subsection (a) or a similar provision, if at the time of the  
5 fourth violation the alcohol concentration in his or her blood,  
6 breath, or urine was 0.16 or more based on the definition of  
7 blood, breath, or urine units in Section 11-501.2, and if the  
8 person's 3 prior violations of subsection (a) or a similar  
9 provision occurred while transporting a person under the age of  
10 16 or while the alcohol concentration in his or her blood,  
11 breath, or urine was 0.16 or more based on the definition of  
12 blood, breath, or urine units in Section 11-501.2, is guilty of  
13 a Class 2 felony and is not eligible for a sentence of  
14 probation or conditional discharge and is subject to a minimum  
15 fine of \$2,500.

16 (d) (1) Every person convicted of committing a violation of  
17 this Section shall be guilty of aggravated driving under  
18 the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination  
20 thereof if:

21 (A) the person committed a violation of subsection  
22 (a) or a similar provision for the third or subsequent  
23 time;

24 (B) the person committed a violation of subsection  
25 (a) while driving a school bus with persons 18 years of  
26 age or younger on board;

1           (C) the person in committing a violation of  
2 subsection (a) was involved in a motor vehicle accident  
3 that resulted in great bodily harm or permanent  
4 disability or disfigurement to another, when the  
5 violation was a proximate cause of the injuries;

6           (D) the person committed a violation of subsection  
7 (a) for a second time and has been previously convicted  
8 of violating Section 9-3 of the Criminal Code of 1961  
9 or a similar provision of a law of another state  
10 relating to reckless homicide in which the person was  
11 determined to have been under the influence of alcohol,  
12 other drug or drugs, or intoxicating compound or  
13 compounds as an element of the offense or the person  
14 has previously been convicted under subparagraph (C)  
15 or subparagraph (F) of this paragraph (1);

16           (E) the person, in committing a violation of  
17 subsection (a) while driving at any speed in a school  
18 speed zone at a time when a speed limit of 20 miles per  
19 hour was in effect under subsection (a) of Section  
20 11-605 of this Code, was involved in a motor vehicle  
21 accident that resulted in bodily harm, other than great  
22 bodily harm or permanent disability or disfigurement,  
23 to another person, when the violation of subsection (a)  
24 was a proximate cause of the bodily harm; or

25           (F) the person, in committing a violation of  
26 subsection (a), was involved in a motor vehicle,

1 snowmobile, all-terrain vehicle, or watercraft  
2 accident that resulted in the death of another person,  
3 when the violation of subsection (a) was a proximate  
4 cause of the death.

5 (2) Except as provided in this paragraph (2) and in  
6 paragraphs (3) and (4) of subsection (c-1), a person  
7 convicted of aggravated driving under the influence of  
8 alcohol, other drug or drugs, or intoxicating compound or  
9 compounds, or any combination thereof is guilty of a Class  
10 4 felony. For a violation of subparagraph (C) of paragraph  
11 (1) of this subsection (d), the defendant, if sentenced to  
12 a term of imprisonment, shall be sentenced to not less than  
13 one year nor more than 12 years. Except as provided in  
14 paragraph (4) of subsection (c-1), aggravated driving  
15 under the influence of alcohol, other drug, or drugs,  
16 intoxicating compounds or compounds, or any combination  
17 thereof as defined in subparagraph (A) of paragraph (1) of  
18 this subsection (d) is a Class 2 felony. Aggravated driving  
19 under the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds, or any combination  
21 thereof as defined in subparagraph (F) of paragraph (1) of  
22 this subsection (d) is a Class 2 felony, for which the  
23 defendant, if sentenced to a term of imprisonment, shall be  
24 sentenced to: (A) a term of imprisonment of not less than 3  
25 years and not more than 14 years if the violation resulted  
26 in the death of one person; or (B) a term of imprisonment



1 of not less than 6 years and not more than 28 years if the  
2 violation resulted in the deaths of 2 or more persons. For  
3 any prosecution under this subsection (d), a certified copy  
4 of the driving abstract of the defendant shall be admitted  
5 as proof of any prior conviction. Any person sentenced  
6 under this subsection (d) who receives a term of probation  
7 or conditional discharge must serve a minimum term of  
8 either 480 hours of community service or 10 days of  
9 imprisonment as a condition of the probation or conditional  
10 discharge. This mandatory minimum term of imprisonment or  
11 assignment of community service may not be suspended or  
12 reduced by the court.

13 (e) After a finding of guilt and prior to any final  
14 sentencing, or an order for supervision, for an offense based  
15 upon an arrest for a violation of this Section or a similar  
16 provision of a local ordinance, individuals shall be required  
17 to undergo a professional evaluation to determine if an  
18 alcohol, drug, or intoxicating compound abuse problem exists  
19 and the extent of the problem, and undergo the imposition of  
20 treatment as appropriate. Programs conducting these  
21 evaluations shall be licensed by the Department of Human  
22 Services. The cost of any professional evaluation shall be paid  
23 for by the individual required to undergo the professional  
24 evaluation.

25 (e-1) Any person who is found guilty of or pleads guilty to  
26 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,  
2 may be required by the Court to attend a victim impact panel  
3 offered by, or under contract with, a County State's Attorney's  
4 office, a probation and court services department, Mothers  
5 Against Drunk Driving, or the Alliance Against Intoxicated  
6 Motorists. All costs generated by the victim impact panel shall  
7 be paid from fees collected from the offender or as may be  
8 determined by the court.

9 (f) Every person found guilty of violating this Section,  
10 whose operation of a motor vehicle while in violation of this  
11 Section proximately caused any incident resulting in an  
12 appropriate emergency response, shall be liable for the expense  
13 of an emergency response as provided in subsection (m) of this  
14 Section.

15 (g) The Secretary of State shall revoke the driving  
16 privileges of any person convicted under this Section or a  
17 similar provision of a local ordinance.

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of  
20 ignition interlock devices on all vehicles owned by an  
21 individual who has been convicted of a second or subsequent  
22 offense of this Section or a similar provision of a local  
23 ordinance. The Secretary shall establish by rule and regulation  
24 the procedures for certification and use of the interlock  
25 system.

26 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating  
2 subsection (a), including any person placed on court  
3 supervision for violating subsection (a), shall be fined \$500,  
4 payable to the circuit clerk, who shall distribute the money as  
5 follows: 20% to the law enforcement agency that made the arrest  
6 and 80% shall be forwarded to the State Treasurer for deposit  
7 into the General Revenue Fund. If the person has been  
8 previously convicted of violating subsection (a) or a similar  
9 provision of a local ordinance, the fine shall be \$1,000. In  
10 the event that more than one agency is responsible for the  
11 arrest, the amount payable to law enforcement agencies shall be  
12 shared equally. Any moneys received by a law enforcement agency  
13 under this subsection (j) shall be used for enforcement and  
14 prevention of driving while under the influence of alcohol,  
15 other drug or drugs, intoxicating compound or compounds or any  
16 combination thereof, as defined by this Section, including but  
17 not limited to the purchase of law enforcement equipment and  
18 commodities that will assist in the prevention of alcohol  
19 related criminal violence throughout the State; police officer  
20 training and education in areas related to alcohol related  
21 crime, including but not limited to DUI training; and police  
22 officer salaries, including but not limited to salaries for  
23 hire back funding for safety checkpoints, saturation patrols,  
24 and liquor store sting operations. Equipment and commodities  
25 shall include, but are not limited to, in-car video cameras,  
26 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State Police  
2 under this subsection (j) shall be deposited into the State  
3 Police DUI Fund and shall be used for enforcement and  
4 prevention of driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof, as defined by this Section, including but  
7 not limited to the purchase of law enforcement equipment and  
8 commodities that will assist in the prevention of alcohol  
9 related criminal violence throughout the State; police officer  
10 training and education in areas related to alcohol related  
11 crime, including but not limited to DUI training; and police  
12 officer salaries, including but not limited to salaries for  
13 hire back funding for safety checkpoints, saturation patrols,  
14 and liquor store sting operations.

15 (k) The Secretary of State Police DUI Fund is created as a  
16 special fund in the State treasury. All moneys received by the  
17 Secretary of State Police under subsection (j) of this Section  
18 shall be deposited into the Secretary of State Police DUI Fund  
19 and, subject to appropriation, shall be used for enforcement  
20 and prevention of driving while under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds or any  
22 combination thereof, as defined by this Section, including but  
23 not limited to the purchase of law enforcement equipment and  
24 commodities to assist in the prevention of alcohol related  
25 criminal violence throughout the State; police officer  
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police  
2 officer salaries, including but not limited to salaries for  
3 hire back funding for safety checkpoints, saturation patrols,  
4 and liquor store sting operations.

5 (l) Whenever an individual is sentenced for an offense  
6 based upon an arrest for a violation of subsection (a) or a  
7 similar provision of a local ordinance, and the professional  
8 evaluation recommends remedial or rehabilitative treatment or  
9 education, neither the treatment nor the education shall be the  
10 sole disposition and either or both may be imposed only in  
11 conjunction with another disposition. The court shall monitor  
12 compliance with any remedial education or treatment  
13 recommendations contained in the professional evaluation.  
14 Programs conducting alcohol or other drug evaluation or  
15 remedial education must be licensed by the Department of Human  
16 Services. If the individual is not a resident of Illinois,  
17 however, the court may accept an alcohol or other drug  
18 evaluation or remedial education program in the individual's  
19 state of residence. Programs providing treatment must be  
20 licensed under existing applicable alcoholism and drug  
21 treatment licensure standards.

22 (m) In addition to any other fine or penalty required by  
23 law, an individual convicted of a violation of subsection (a),  
24 Section 5-7 of the Snowmobile Registration and Safety Act,  
25 Section 5-16 of the Boat Registration and Safety Act, or a  
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of subsection (a),  
2 Section 5-7 of the Snowmobile Registration and Safety Act,  
3 Section 5-16 of the Boat Registration and Safety Act, or a  
4 similar provision proximately caused an incident resulting in  
5 an appropriate emergency response, shall be required to make  
6 restitution to a public agency for the costs of that emergency  
7 response. The restitution may not exceed \$1,000 per public  
8 agency for each emergency response. As used in this subsection  
9 (m), "emergency response" means any incident requiring a  
10 response by a police officer, a firefighter carried on the  
11 rolls of a regularly constituted fire department, or an  
12 ambulance.

13 (Source: P.A. 94-116, eff. 1-1-06; 94-963, eff. 6-28-06;  
14 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

15 (Text of Section from P.A. 94-329, 94-963, 95-149, and  
16 95-355)

17 Sec. 11-501. Driving while under the influence of alcohol,  
18 other drug or drugs, intoxicating compound or compounds or any  
19 combination thereof.

20 (a) A person shall not drive or be in actual physical  
21 control of any vehicle within this State while:

22 (1) the alcohol concentration in the person's blood or  
23 breath is 0.08 or more based on the definition of blood and  
24 breath units in Section 11-501.2;

25 (2) under the influence of alcohol;

1           (3) under the influence of any intoxicating compound or  
2 combination of intoxicating compounds to a degree that  
3 renders the person incapable of driving safely;

4           (4) under the influence of any other drug or  
5 combination of drugs to a degree that renders the person  
6 incapable of safely driving;

7           (5) under the combined influence of alcohol, other drug  
8 or drugs, or intoxicating compound or compounds to a degree  
9 that renders the person incapable of safely driving; or

10          (6) there is any amount of a drug, substance, or  
11 compound in the person's breath, blood, or urine resulting  
12 from the unlawful use or consumption of cannabis listed in  
13 the Cannabis Control Act, a controlled substance listed in  
14 the Illinois Controlled Substances Act, an intoxicating  
15 compound listed in the Use of Intoxicating Compounds Act,  
16 or methamphetamine as listed in the Methamphetamine  
17 Control and Community Protection Act.

18          (b) The fact that any person charged with violating this  
19 Section is or has been legally entitled to use alcohol, other  
20 drug or drugs, or intoxicating compound or compounds, or any  
21 combination thereof, shall not constitute a defense against any  
22 charge of violating this Section.

23          (b-1) With regard to penalties imposed under this Section:

24           (1) Any reference to a prior violation of subsection  
25 (a) or a similar provision includes any violation of a  
26 provision of a local ordinance or a provision of a law of

1 another state or an offense committed on a military  
2 installation that is similar to a violation of subsection  
3 (a) of this Section.

4 (2) Any penalty imposed for driving with a license that  
5 has been revoked for a previous violation of subsection (a)  
6 of this Section shall be in addition to the penalty imposed  
7 for any subsequent violation of subsection (a).

8 (b-2) Except as otherwise provided in this Section, any  
9 person convicted of violating subsection (a) of this Section is  
10 guilty of a Class A misdemeanor.

11 (b-3) In addition to any other criminal or administrative  
12 sanction for any second conviction of violating subsection (a)  
13 or a similar provision committed within 5 years of a previous  
14 violation of subsection (a) or a similar provision, the  
15 defendant shall be sentenced to a mandatory minimum of 5 days  
16 of imprisonment or assigned a mandatory minimum of 240 hours of  
17 community service as may be determined by the court.

18 (b-4) In the case of a third or subsequent violation  
19 committed within 5 years of a previous violation of subsection  
20 (a) or a similar provision, in addition to any other criminal  
21 or administrative sanction, a mandatory minimum term of either  
22 10 days of imprisonment or 480 hours of community service shall  
23 be imposed.

24 (b-5) The imprisonment or assignment of community service  
25 under subsections (b-3) and (b-4) shall not be subject to  
26 suspension, nor shall the person be eligible for a reduced



1 sentence.

2 (c) (Blank).

3 (c-1) (1) A person who violates subsection (a) during a  
4 period in which his or her driving privileges are revoked  
5 or suspended, where the revocation or suspension was for a  
6 violation of subsection (a), Section 11-501.1, paragraph  
7 (b) of Section 11-401, or for reckless homicide as defined  
8 in Section 9-3 of the Criminal Code of 1961 is guilty of  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, intoxicating compound or compounds, or any  
11 combination thereof and is guilty of a Class 4 felony.

12 (2) A person who violates subsection (a) a third time,  
13 if the third violation occurs during a period in which his  
14 or her driving privileges are revoked or suspended where  
15 the revocation or suspension was for a violation of  
16 subsection (a), Section 11-501.1, paragraph (b) of Section  
17 11-401, or for reckless homicide as defined in Section 9-3  
18 of the Criminal Code of 1961, is guilty of aggravated  
19 driving under the influence of alcohol, other drug or  
20 drugs, intoxicating compound or compounds, or any  
21 combination thereof and is guilty of a Class 3 felony.

22 (2.1) A person who violates subsection (a) a third  
23 time, if the third violation occurs during a period in  
24 which his or her driving privileges are revoked or  
25 suspended where the revocation or suspension was for a  
26 violation of subsection (a), Section 11-501.1, subsection

1 (b) of Section 11-401, or for reckless homicide as defined  
2 in Section 9-3 of the Criminal Code of 1961, is guilty of  
3 aggravated driving under the influence of alcohol, other  
4 drug or drugs, intoxicating compound or compounds, or any  
5 combination thereof and is guilty of a Class 3 felony; and  
6 if the person receives a term of probation or conditional  
7 discharge, he or she shall be required to serve a mandatory  
8 minimum of 10 days of imprisonment or shall be assigned a  
9 mandatory minimum of 480 hours of community service, as may  
10 be determined by the court, as a condition of the probation  
11 or conditional discharge. This mandatory minimum term of  
12 imprisonment or assignment of community service shall not  
13 be suspended or reduced by the court.

14 (2.2) A person who violates subsection (a), if the  
15 violation occurs during a period in which his or her  
16 driving privileges are revoked or suspended where the  
17 revocation or suspension was for a violation of subsection  
18 (a) or Section 11-501.1, is guilty of aggravated driving  
19 under the influence of alcohol, other drug or drugs,  
20 intoxicating compound or compounds, or any combination  
21 thereof and shall also be sentenced to an additional  
22 mandatory minimum term of 30 consecutive days of  
23 imprisonment, 40 days of 24-hour periodic imprisonment, or  
24 720 hours of community service, as may be determined by the  
25 court. This mandatory term of imprisonment or assignment of  
26 community service shall not be suspended or reduced by the

1 court.

2 (3) A person who violates subsection (a) a fourth or  
3 subsequent time, if the fourth or subsequent violation  
4 occurs during a period in which his or her driving  
5 privileges are revoked or suspended where the revocation or  
6 suspension was for a violation of subsection (a), Section  
7 11-501.1, paragraph (b) of Section 11-401, or for reckless  
8 homicide as defined in Section 9-3 of the Criminal Code of  
9 1961, is guilty of aggravated driving under the influence  
10 of alcohol, other drug or drugs, intoxicating compound or  
11 compounds, or any combination thereof and is guilty of a  
12 Class 2 felony, and is not eligible for a sentence of  
13 probation or conditional discharge.

14 (c-2) (Blank).

15 (c-3) (Blank).

16 (c-4) (Blank).

17 (c-5) A person who violates subsection (a), if the person  
18 was transporting a person under the age of 16 at the time of  
19 the violation, is subject to an additional mandatory minimum  
20 fine of \$1,000, an additional mandatory minimum 140 hours of  
21 community service, which shall include 40 hours of community  
22 service in a program benefiting children, and an additional 2  
23 days of imprisonment. The imprisonment or assignment of  
24 community service under this subsection (c-5) is not subject to  
25 suspension, nor is the person eligible for a reduced sentence.

26 (c-6) Except as provided in subsections (c-7) and (c-8) a

1 person who violates subsection (a) a second time, if at the  
2 time of the second violation the person was transporting a  
3 person under the age of 16, is subject to an additional 10 days  
4 of imprisonment, an additional mandatory minimum fine of  
5 \$1,000, and an additional mandatory minimum 140 hours of  
6 community service, which shall include 40 hours of community  
7 service in a program benefiting children. The imprisonment or  
8 assignment of community service under this subsection (c-6) is  
9 not subject to suspension, nor is the person eligible for a  
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-8), any person  
12 convicted of violating subsection (c-6) or a similar provision  
13 within 10 years of a previous violation of subsection (a) or a  
14 similar provision shall receive, in addition to any other  
15 penalty imposed, a mandatory minimum 12 days imprisonment, an  
16 additional 40 hours of mandatory community service in a program  
17 benefiting children, and a mandatory minimum fine of \$1,750.  
18 The imprisonment or assignment of community service under this  
19 subsection (c-7) is not subject to suspension, nor is the  
20 person eligible for a reduced sentence.

21 (c-8) Any person convicted of violating subsection (c-6) or  
22 a similar provision within 5 years of a previous violation of  
23 subsection (a) or a similar provision shall receive, in  
24 addition to any other penalty imposed, an additional 80 hours  
25 of mandatory community service in a program benefiting  
26 children, an additional mandatory minimum 12 days of

1 imprisonment, and a mandatory minimum fine of \$1,750. The  
2 imprisonment or assignment of community service under this  
3 subsection (c-8) is not subject to suspension, nor is the  
4 person eligible for a reduced sentence.

5 (c-9) Any person convicted a third time for violating  
6 subsection (a) or a similar provision, if at the time of the  
7 third violation the person was transporting a person under the  
8 age of 16, is guilty of a Class 4 felony and shall receive, in  
9 addition to any other penalty imposed, an additional mandatory  
10 fine of \$1,000, an additional mandatory 140 hours of community  
11 service, which shall include 40 hours in a program benefiting  
12 children, and a mandatory minimum 30 days of imprisonment. The  
13 imprisonment or assignment of community service under this  
14 subsection (c-9) is not subject to suspension, nor is the  
15 person eligible for a reduced sentence.

16 (c-10) Any person convicted of violating subsection (c-9)  
17 or a similar provision a third time within 20 years of a  
18 previous violation of subsection (a) or a similar provision is  
19 guilty of a Class 4 felony and shall receive, in addition to  
20 any other penalty imposed, an additional mandatory 40 hours of  
21 community service in a program benefiting children, an  
22 additional mandatory fine of \$3,000, and a mandatory minimum  
23 120 days of imprisonment. The imprisonment or assignment of  
24 community service under this subsection (c-10) is not subject  
25 to suspension, nor is the person eligible for a reduced  
26 sentence.

1 (c-11) Any person convicted a fourth or subsequent time for  
2 violating subsection (a) or a similar provision, if at the time  
3 of the fourth or subsequent violation the person was  
4 transporting a person under the age of 16, and if the person's  
5 3 prior violations of subsection (a) or a similar provision  
6 occurred while transporting a person under the age of 16 or  
7 while the alcohol concentration in his or her blood, breath, or  
8 urine was 0.16 or more based on the definition of blood,  
9 breath, or urine units in Section 11-501.2, is guilty of a  
10 Class 2 felony, is not eligible for probation or conditional  
11 discharge, and is subject to a minimum fine of \$3,000.

12 (c-12) Any person convicted of a first violation of  
13 subsection (a) or a similar provision, if the alcohol  
14 concentration in his or her blood, breath, or urine was 0.16 or  
15 more based on the definition of blood, breath, or urine units  
16 in Section 11-501.2, shall be subject, in addition to any other  
17 penalty that may be imposed, to a mandatory minimum of 100  
18 hours of community service and a mandatory minimum fine of  
19 \$500.

20 (c-13) Any person convicted of a second violation of  
21 subsection (a) or a similar provision committed within 10 years  
22 of a previous violation of subsection (a) or a similar  
23 provision committed within 10 years of a previous violation of  
24 subsection (a) or a similar provision, if at the time of the  
25 second violation of subsection (a) the alcohol concentration in  
26 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section  
2 11-501.2, shall be subject, in addition to any other penalty  
3 that may be imposed, to a mandatory minimum of 2 days of  
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of  
6 subsection (a) or a similar provision within 20 years of a  
7 previous violation of subsection (a) or a similar provision, if  
8 at the time of the third violation of subsection (a) or a  
9 similar provision the alcohol concentration in his or her  
10 blood, breath, or urine was 0.16 or more based on the  
11 definition of blood, breath, or urine units in Section  
12 11-501.2, is guilty of a Class 4 felony and shall be subject,  
13 in addition to any other penalty that may be imposed, to a  
14 mandatory minimum of 90 days of imprisonment and a mandatory  
15 minimum fine of \$2,500.

16 (c-15) Any person convicted of a fourth or subsequent  
17 violation of subsection (a) or a similar provision, if at the  
18 time of the fourth or subsequent violation the alcohol  
19 concentration in his or her blood, breath, or urine was 0.16 or  
20 more based on the definition of blood, breath, or urine units  
21 in Section 11-501.2, and if the person's 3 prior violations of  
22 subsection (a) or a similar provision occurred while  
23 transporting a person under the age of 16 or while the alcohol  
24 concentration in his or her blood, breath, or urine was 0.16 or  
25 more based on the definition of blood, breath, or urine units  
26 in Section 11-501.2, is guilty of a Class 2 felony and is not

1 eligible for a sentence of probation or conditional discharge  
2 and is subject to a minimum fine of \$2,500.

3 (d) (1) Every person convicted of committing a violation of  
4 this Section shall be guilty of aggravated driving under  
5 the influence of alcohol, other drug or drugs, or  
6 intoxicating compound or compounds, or any combination  
7 thereof if:

8 (A) the person committed a violation of subsection  
9 (a) or a similar provision for the third or subsequent  
10 time;

11 (B) the person committed a violation of subsection  
12 (a) while driving a school bus with persons 18 years of  
13 age or younger on board;

14 (C) the person in committing a violation of  
15 subsection (a) was involved in a motor vehicle accident  
16 that resulted in great bodily harm or permanent  
17 disability or disfigurement to another, when the  
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection  
20 (a) for a second time and has been previously convicted  
21 of violating Section 9-3 of the Criminal Code of 1961  
22 or a similar provision of a law of another state  
23 relating to reckless homicide in which the person was  
24 determined to have been under the influence of alcohol,  
25 other drug or drugs, or intoxicating compound or  
26 compounds as an element of the offense or the person



1 has previously been convicted under subparagraph (C)  
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of  
4 subsection (a) while driving at any speed in a school  
5 speed zone at a time when a speed limit of 20 miles per  
6 hour was in effect under subsection (a) of Section  
7 11-605 of this Code, was involved in a motor vehicle  
8 accident that resulted in bodily harm, other than great  
9 bodily harm or permanent disability or disfigurement,  
10 to another person, when the violation of subsection (a)  
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of  
13 subsection (a), was involved in a motor vehicle,  
14 snowmobile, all-terrain vehicle, or watercraft  
15 accident that resulted in the death of another person,  
16 when the violation of subsection (a) was a proximate  
17 cause of the death;

18 (G) the person committed the violation while he or  
19 she did not possess a driver's license or permit or a  
20 restricted driving permit or a judicial driving  
21 permit; or

22 (H) the person committed the violation while he or  
23 she knew or should have known that the vehicle he or  
24 she was driving was not covered by a liability  
25 insurance policy.

26 (2) Except as provided in this paragraph (2) and in

1 paragraphs (2), (2.1), and (3) of subsection (c-1), a  
2 person convicted of aggravated driving under the influence  
3 of alcohol, other drug or drugs, or intoxicating compound  
4 or compounds, or any combination thereof is guilty of a  
5 Class 4 felony. For a violation of subparagraph (C) of  
6 paragraph (1) of this subsection (d), the defendant, if  
7 sentenced to a term of imprisonment, shall be sentenced to  
8 not less than one year nor more than 12 years. Aggravated  
9 driving under the influence of alcohol, other drug or  
10 drugs, or intoxicating compound or compounds, or any  
11 combination thereof as defined in subparagraph (F) of  
12 paragraph (1) of this subsection (d) is a Class 2 felony,  
13 for which the defendant, if sentenced to a term of  
14 imprisonment, shall be sentenced to: (A) a term of  
15 imprisonment of not less than 3 years and not more than 14  
16 years if the violation resulted in the death of one person;  
17 or (B) a term of imprisonment of not less than 6 years and  
18 not more than 28 years if the violation resulted in the  
19 deaths of 2 or more persons. For any prosecution under this  
20 subsection (d), a certified copy of the driving abstract of  
21 the defendant shall be admitted as proof of any prior  
22 conviction. Any person sentenced under this subsection (d)  
23 who receives a term of probation or conditional discharge  
24 must serve a minimum term of either 480 hours of community  
25 service or 10 days of imprisonment as a condition of the  
26 probation or conditional discharge. This mandatory minimum

1 term of imprisonment or assignment of community service may  
2 not be suspended or reduced by the court.

3 (e) After a finding of guilt and prior to any final  
4 sentencing, or an order for supervision, for an offense based  
5 upon an arrest for a violation of this Section or a similar  
6 provision of a local ordinance, individuals shall be required  
7 to undergo a professional evaluation to determine if an  
8 alcohol, drug, or intoxicating compound abuse problem exists  
9 and the extent of the problem, and undergo the imposition of  
10 treatment as appropriate. Programs conducting these  
11 evaluations shall be licensed by the Department of Human  
12 Services. The cost of any professional evaluation shall be paid  
13 for by the individual required to undergo the professional  
14 evaluation.

15 (e-1) Any person who is found guilty of or pleads guilty to  
16 violating this Section, including any person receiving a  
17 disposition of court supervision for violating this Section,  
18 may be required by the Court to attend a victim impact panel  
19 offered by, or under contract with, a County State's Attorney's  
20 office, a probation and court services department, Mothers  
21 Against Drunk Driving, or the Alliance Against Intoxicated  
22 Motorists. All costs generated by the victim impact panel shall  
23 be paid from fees collected from the offender or as may be  
24 determined by the court.

25 (f) Every person found guilty of violating this Section,  
26 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an  
2 appropriate emergency response, shall be liable for the expense  
3 of an emergency response as provided in subsection (m) of this  
4 Section.

5 (g) The Secretary of State shall revoke the driving  
6 privileges of any person convicted under this Section or a  
7 similar provision of a local ordinance.

8 (h) (Blank).

9 (i) The Secretary of State shall require the use of  
10 ignition interlock devices on all vehicles owned by an  
11 individual who has been convicted of a second or subsequent  
12 offense of this Section or a similar provision of a local  
13 ordinance. The Secretary shall establish by rule and regulation  
14 the procedures for certification and use of the interlock  
15 system.

16 (j) In addition to any other penalties and liabilities, a  
17 person who is found guilty of or pleads guilty to violating  
18 subsection (a), including any person placed on court  
19 supervision for violating subsection (a), shall be fined \$500,  
20 payable to the circuit clerk, who shall distribute the money as  
21 follows: 20% to the law enforcement agency that made the arrest  
22 and 80% shall be forwarded to the State Treasurer for deposit  
23 into the General Revenue Fund. If the person has been  
24 previously convicted of violating subsection (a) or a similar  
25 provision of a local ordinance, the fine shall be \$1,000. In  
26 the event that more than one agency is responsible for the

1 arrest, the amount payable to law enforcement agencies shall be  
2 shared equally. Any moneys received by a law enforcement agency  
3 under this subsection (j) shall be used for enforcement and  
4 prevention of driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof, as defined by this Section, including but  
7 not limited to the purchase of law enforcement equipment and  
8 commodities that will assist in the prevention of alcohol  
9 related criminal violence throughout the State; police officer  
10 training and education in areas related to alcohol related  
11 crime, including but not limited to DUI training; and police  
12 officer salaries, including but not limited to salaries for  
13 hire back funding for safety checkpoints, saturation patrols,  
14 and liquor store sting operations. Equipment and commodities  
15 shall include, but are not limited to, in-car video cameras,  
16 radar and laser speed detection devices, and alcohol breath  
17 testers. Any moneys received by the Department of State Police  
18 under this subsection (j) shall be deposited into the State  
19 Police DUI Fund and shall be used for enforcement and  
20 prevention of driving while under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds or any  
22 combination thereof, as defined by this Section, including but  
23 not limited to the purchase of law enforcement equipment and  
24 commodities that will assist in the prevention of alcohol  
25 related criminal violence throughout the State; police officer  
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police  
2 officer salaries, including but not limited to salaries for  
3 hire back funding for safety checkpoints, saturation patrols,  
4 and liquor store sting operations.

5 (k) The Secretary of State Police DUI Fund is created as a  
6 special fund in the State treasury. All moneys received by the  
7 Secretary of State Police under subsection (j) of this Section  
8 shall be deposited into the Secretary of State Police DUI Fund  
9 and, subject to appropriation, shall be used for enforcement  
10 and prevention of driving while under the influence of alcohol,  
11 other drug or drugs, intoxicating compound or compounds or any  
12 combination thereof, as defined by this Section, including but  
13 not limited to the purchase of law enforcement equipment and  
14 commodities to assist in the prevention of alcohol related  
15 criminal violence throughout the State; police officer  
16 training and education in areas related to alcohol related  
17 crime, including but not limited to DUI training; and police  
18 officer salaries, including but not limited to salaries for  
19 hire back funding for safety checkpoints, saturation patrols,  
20 and liquor store sting operations.

21 (l) Whenever an individual is sentenced for an offense  
22 based upon an arrest for a violation of subsection (a) or a  
23 similar provision of a local ordinance, and the professional  
24 evaluation recommends remedial or rehabilitative treatment or  
25 education, neither the treatment nor the education shall be the  
26 sole disposition and either or both may be imposed only in

1 conjunction with another disposition. The court shall monitor  
2 compliance with any remedial education or treatment  
3 recommendations contained in the professional evaluation.  
4 Programs conducting alcohol or other drug evaluation or  
5 remedial education must be licensed by the Department of Human  
6 Services. If the individual is not a resident of Illinois,  
7 however, the court may accept an alcohol or other drug  
8 evaluation or remedial education program in the individual's  
9 state of residence. Programs providing treatment must be  
10 licensed under existing applicable alcoholism and drug  
11 treatment licensure standards.

12 (m) In addition to any other fine or penalty required by  
13 law, an individual convicted of a violation of subsection (a),  
14 Section 5-7 of the Snowmobile Registration and Safety Act,  
15 Section 5-16 of the Boat Registration and Safety Act, or a  
16 similar provision, whose operation of a motor vehicle,  
17 snowmobile, or watercraft while in violation of subsection (a),  
18 Section 5-7 of the Snowmobile Registration and Safety Act,  
19 Section 5-16 of the Boat Registration and Safety Act, or a  
20 similar provision proximately caused an incident resulting in  
21 an appropriate emergency response, shall be required to make  
22 restitution to a public agency for the costs of that emergency  
23 response. The restitution may not exceed \$1,000 per public  
24 agency for each emergency response. As used in this subsection  
25 (m), "emergency response" means any incident requiring a  
26 response by a police officer, a firefighter carried on the

1 rolls of a regularly constituted fire department, or an  
2 ambulance.

3 (Source: P.A. 94-329, eff. 1-1-06; 94-963, eff. 6-28-06;  
4 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

5 (Text of Section after amendment by P.A. 95-578)

6 Sec. 11-501. Driving while under the influence of alcohol,  
7 other drug or drugs, intoxicating compound or compounds or any  
8 combination thereof.

9 (a) A person shall not drive or be in actual physical  
10 control of any vehicle within this State while:

11 (1) the alcohol concentration in the person's blood or  
12 breath is 0.08 or more based on the definition of blood and  
13 breath units in Section 11-501.2;

14 (2) under the influence of alcohol;

15 (3) under the influence of any intoxicating compound or  
16 combination of intoxicating compounds to a degree that  
17 renders the person incapable of driving safely;

18 (4) under the influence of any other drug or  
19 combination of drugs to a degree that renders the person  
20 incapable of safely driving;

21 (5) under the combined influence of alcohol, other drug  
22 or drugs, or intoxicating compound or compounds to a degree  
23 that renders the person incapable of safely driving; or

24 (6) there is any amount of a drug, substance, or  
25 compound in the person's breath, blood, or urine resulting



1 from the unlawful use or consumption of cannabis listed in  
2 the Cannabis Control Act, a controlled substance listed in  
3 the Illinois Controlled Substances Act, an intoxicating  
4 compound listed in the Use of Intoxicating Compounds Act,  
5 or methamphetamine as listed in the Methamphetamine  
6 Control and Community Protection Act.

7 (b) The fact that any person charged with violating this  
8 Section is or has been legally entitled to use alcohol, other  
9 drug or drugs, or intoxicating compound or compounds, or any  
10 combination thereof, shall not constitute a defense against any  
11 charge of violating this Section.

12 (c) Penalties.

13 (1) Except as otherwise provided in this Section, any  
14 person convicted of violating subsection (a) of this  
15 Section is guilty of a Class A misdemeanor.

16 (2) A person who violates subsection (a) or a similar  
17 provision a second time shall be sentenced to a mandatory  
18 minimum term of either 5 days of imprisonment or 240 hours  
19 of community service in addition to any other criminal or  
20 administrative sanction.

21 (3) A person who violates subsection (a) is subject to  
22 6 months of imprisonment, an additional mandatory minimum  
23 fine of \$1,000, and 25 days of community service in a  
24 program benefiting children if the person was transporting  
25 a person under the age of 16 at the time of the violation.

26 (4) A person who violates subsection (a) a first time,

1 if the alcohol concentration in his or her blood, breath,  
2 or urine was 0.16 or more based on the definition of blood,  
3 breath, or urine units in Section 11-501.2, shall be  
4 subject, in addition to any other penalty that may be  
5 imposed, to a mandatory minimum of 100 hours of community  
6 service and a mandatory minimum fine of \$500.

7 (5) A person who violates subsection (a) a second time,  
8 if at the time of the second violation the alcohol  
9 concentration in his or her blood, breath, or urine was  
10 0.16 or more based on the definition of blood, breath, or  
11 urine units in Section 11-501.2, shall be subject, in  
12 addition to any other penalty that may be imposed, to a  
13 mandatory minimum of 2 days of imprisonment and a mandatory  
14 minimum fine of \$1,250.

15 (d) Aggravated driving under the influence of alcohol,  
16 other drug or drugs, or intoxicating compound or compounds, or  
17 any combination thereof.

18 (1) Every person convicted of committing a violation of  
19 this Section shall be guilty of aggravated driving under  
20 the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination  
22 thereof if:

23 (A) the person committed a violation of subsection

24 (a) or a similar provision for the third or subsequent  
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with persons 18 years of  
2 age or younger on board;

3 (C) the person in committing a violation of  
4 subsection (a) was involved in a motor vehicle accident  
5 that resulted in great bodily harm or permanent  
6 disability or disfigurement to another, when the  
7 violation was a proximate cause of the injuries;

8 (D) the person committed a violation of subsection  
9 (a) for a second time and has been previously convicted  
10 of violating Section 9-3 of the Criminal Code of 1961  
11 or a similar provision of a law of another state  
12 relating to reckless homicide in which the person was  
13 determined to have been under the influence of alcohol,  
14 other drug or drugs, or intoxicating compound or  
15 compounds as an element of the offense or the person  
16 has previously been convicted under subparagraph (C)  
17 or subparagraph (F) of this paragraph (1);

18 (E) the person, in committing a violation of  
19 subsection (a) while driving at any speed in a school  
20 speed zone at a time when a speed limit of 20 miles per  
21 hour was in effect under subsection (a) of Section  
22 11-605 of this Code, was involved in a motor vehicle  
23 accident that resulted in bodily harm, other than great  
24 bodily harm or permanent disability or disfigurement,  
25 to another person, when the violation of subsection (a)  
26 was a proximate cause of the bodily harm;

1 (F) the person, in committing a violation of  
2 subsection (a), was involved in a motor vehicle,  
3 snowmobile, all-terrain vehicle, or watercraft  
4 accident that resulted in the death of another person,  
5 when the violation of subsection (a) was a proximate  
6 cause of the death;

7 (G) the person committed a violation of subsection  
8 (a) during a period in which the defendant's driving  
9 privileges are revoked or suspended, where the  
10 revocation or suspension was for a violation of  
11 subsection (a), Section 11-501.1, paragraph (b) of  
12 Section 11-401, or for reckless homicide as defined in  
13 Section 9-3 of the Criminal Code of 1961;

14 (H) the person committed the violation while he or  
15 she did not possess a driver's license or permit or a  
16 restricted driving permit or a judicial driving  
17 permit;

18 (I) the person committed the violation while he or  
19 she knew or should have known that the vehicle he or  
20 she was driving was not covered by a liability  
21 insurance policy;

22 (J) the person in committing a violation of  
23 subsection (a) was involved in a motor vehicle accident  
24 that resulted in bodily harm, but not great bodily  
25 harm, to the child under the age of 16 being  
26 transported by the person, if the violation was the

1 proximate cause of the injury; or

2 (K) the person in committing a second violation of  
3 subsection (a) or a similar provision was transporting  
4 a person under the age of 16.

5 (2) (A) Except as provided otherwise, a person  
6 convicted of aggravated driving under the influence of  
7 alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof is guilty of a Class  
9 4 felony.

10 (B) A third violation of this Section or a similar  
11 provision is a Class 2 felony. If at the time of the third  
12 violation the alcohol concentration in his or her blood,  
13 breath, or urine was 0.16 or more based on the definition  
14 of blood, breath, or urine units in Section 11-501.2, a  
15 mandatory minimum of 90 days of imprisonment and a  
16 mandatory minimum fine of \$2,500 shall be imposed in  
17 addition to any other criminal or administrative sanction.  
18 If at the time of the third violation, the defendant was  
19 transporting a person under the age of 16, a mandatory fine  
20 of \$25,000 and 25 days of community service in a program  
21 benefiting children shall be imposed in addition to any  
22 other criminal or administrative sanction.

23 (C) A fourth violation of this Section or a similar  
24 provision is a Class 2 felony, for which a sentence of  
25 probation or conditional discharge may not be imposed. If  
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, or urine was 0.16 or more  
2 based on the definition of blood, breath, or urine units in  
3 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
4 be imposed in addition to any other criminal or  
5 administrative sanction. If at the time of the fourth  
6 violation, the defendant was transporting a person under  
7 the age of 16 a mandatory fine of \$25,000 and 25 days of  
8 community service in a program benefiting children shall be  
9 imposed in addition to any other criminal or administrative  
10 sanction.

11 (D) A fifth violation of this Section or a similar  
12 provision is a Class 1 felony, for which a sentence of  
13 probation or conditional discharge may not be imposed. If  
14 at the time of the violation, the alcohol concentration in  
15 the defendant's blood, breath, or urine was 0.16 or more  
16 based on the definition of blood, breath, or urine units in  
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction. If at the time of the fifth  
20 violation, the defendant was transporting a person under  
21 the age of 16, a mandatory fine of \$25,000, and 25 days of  
22 community service in a program benefiting children shall be  
23 imposed in addition to any other criminal or administrative  
24 sanction.

25 (E) A sixth or subsequent violation of this Section or  
26 similar provision is a Class X felony. If at the time of

1 the violation, the alcohol concentration in the  
2 defendant's blood, breath, or urine was 0.16 or more based  
3 on the definition of blood, breath, or urine units in  
4 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
5 be imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the violation,  
7 the defendant was transporting a person under the age of  
8 16, a mandatory fine of \$25,000 and 25 days of community  
9 service in a program benefiting children shall be imposed  
10 in addition to any other criminal or administrative  
11 sanction.

12 (F) For a violation of subparagraph (C) of paragraph  
13 (1) of this subsection (d), the defendant, if sentenced to  
14 a term of imprisonment, shall be sentenced to not less than  
15 one year nor more than 12 years.

16 (G) A violation of subparagraph (F) of paragraph (1) of  
17 this subsection (d) is a Class 2 felony, for which the  
18 defendant, unless the court determines that extraordinary  
19 circumstances exist and require probation, shall be  
20 sentenced to: (i) a term of imprisonment of not less than 3  
21 years and not more than 14 years if the violation resulted  
22 in the death of one person; or (ii) a term of imprisonment  
23 of not less than 6 years and not more than 28 years if the  
24 violation resulted in the deaths of 2 or more persons.

25 (H) For a violation of subparagraph (J) of paragraph  
26 (1) of this subsection (d), a mandatory fine of \$2,500, and

1           25 days of community service in a program benefiting  
2 children shall be imposed in addition to any other criminal  
3 or administrative sanction.

4           (I) A violation of subparagraph (K) of paragraph (1) of  
5 this subsection (d), is a Class 2 felony and a mandatory  
6 fine of \$2,500, and 25 days of community service in a  
7 program benefiting children shall be imposed in addition to  
8 any other criminal or administrative sanction. If the child  
9 being transported suffered bodily harm, but not great  
10 bodily harm, in a motor vehicle accident, and the violation  
11 was the proximate cause of that injury, a mandatory fine of  
12 \$5,000 and 25 days of community service in a program  
13 benefiting children shall be imposed in addition to any  
14 other criminal or administrative sanction.

15           (3) Any person sentenced under this subsection (d) who  
16 receives a term of probation or conditional discharge must  
17 serve a minimum term of either 480 hours of community  
18 service or 10 days of imprisonment as a condition of the  
19 probation or conditional discharge in addition to any other  
20 criminal or administrative sanction.

21           (e) Any reference to a prior violation of subsection (a) or  
22 a similar provision includes any violation of a provision of a  
23 local ordinance or a provision of a law of another state or an  
24 offense committed on a military installation that is similar to  
25 a violation of subsection (a) of this Section.

26           (f) The imposition of a mandatory term of imprisonment or



1 assignment of community service for a violation of this Section  
2 shall not be suspended or reduced by the court.

3 (g) Any penalty imposed for driving with a license that has  
4 been revoked for a previous violation of subsection (a) of this  
5 Section shall be in addition to the penalty imposed for any  
6 subsequent violation of subsection (a).

7 (h) For any prosecution under this Section, a certified  
8 copy of the driving abstract of the defendant shall be admitted  
9 as proof of any prior conviction. ~~in subsection (m) of this~~  
10 ~~Section~~

11 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,  
12 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,  
13 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;  
14 95-355, eff. 1-1-08; 95-578, eff. 6-1-08; revised 11-28-07.)

15 (Text of Section after amendment by P.A. 95-400)

16 Sec. 11-501. Driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof.

19 (a) A person shall not drive or be in actual physical  
20 control of any vehicle within this State while:

21 (1) the alcohol concentration in the person's blood or  
22 breath is 0.08 or more based on the definition of blood and  
23 breath units in Section 11-501.2;

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that  
2 renders the person incapable of driving safely;

3 (4) under the influence of any other drug or  
4 combination of drugs to a degree that renders the person  
5 incapable of safely driving;

6 (5) under the combined influence of alcohol, other drug  
7 or drugs, or intoxicating compound or compounds to a degree  
8 that renders the person incapable of safely driving; or

9 (6) there is any amount of a drug, substance, or  
10 compound in the person's breath, blood, or urine resulting  
11 from the unlawful use or consumption of cannabis listed in  
12 the Cannabis Control Act, a controlled substance listed in  
13 the Illinois Controlled Substances Act, an intoxicating  
14 compound listed in the Use of Intoxicating Compounds Act,  
15 or methamphetamine as listed in the Methamphetamine  
16 Control and Community Protection Act.

17 (b) The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol, other  
19 drug or drugs, or intoxicating compound or compounds, or any  
20 combination thereof, shall not constitute a defense against any  
21 charge of violating this Section.

22 (c) Penalties.

23 (1) Except as otherwise provided in this Section, any  
24 person convicted of violating subsection (a) of this  
25 Section is guilty of a Class A misdemeanor.

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory  
2 minimum term of either 5 days of imprisonment or 240 hours  
3 of community service in addition to any other criminal or  
4 administrative sanction.

5 (3) A person who violates subsection (a) is subject to  
6 6 months of imprisonment, an additional mandatory minimum  
7 fine of \$1,000, and 25 days of community service in a  
8 program benefiting children if the person was transporting  
9 a person under the age of 16 at the time of the violation.

10 (4) A person who violates subsection (a) a first time,  
11 if the alcohol concentration in his or her blood, breath,  
12 or urine was 0.16 or more based on the definition of blood,  
13 breath, or urine units in Section 11-501.2, shall be  
14 subject, in addition to any other penalty that may be  
15 imposed, to a mandatory minimum of 100 hours of community  
16 service and a mandatory minimum fine of \$500.

17 (5) A person who violates subsection (a) a second time,  
18 if at the time of the second violation the alcohol  
19 concentration in his or her blood, breath, or urine was  
20 0.16 or more based on the definition of blood, breath, or  
21 urine units in Section 11-501.2, shall be subject, in  
22 addition to any other penalty that may be imposed, to a  
23 mandatory minimum of 2 days of imprisonment and a mandatory  
24 minimum fine of \$1,250.

25 (d) Aggravated driving under the influence of alcohol,  
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof.

2 (1) Every person convicted of committing a violation of  
3 this Section shall be guilty of aggravated driving under  
4 the influence of alcohol, other drug or drugs, or  
5 intoxicating compound or compounds, or any combination  
6 thereof if:

7 (A) the person committed a violation of subsection  
8 (a) or a similar provision for the third or subsequent  
9 time;

10 (B) the person committed a violation of subsection  
11 (a) while driving a school bus with persons 18 years of  
12 age or younger on board;

13 (C) the person in committing a violation of  
14 subsection (a) was involved in a motor vehicle accident  
15 that resulted in great bodily harm or permanent  
16 disability or disfigurement to another, when the  
17 violation was a proximate cause of the injuries;

18 (D) the person committed a violation of subsection  
19 (a) for a second time and has been previously convicted  
20 of violating Section 9-3 of the Criminal Code of 1961  
21 or a similar provision of a law of another state  
22 relating to reckless homicide in which the person was  
23 determined to have been under the influence of alcohol,  
24 other drug or drugs, or intoxicating compound or  
25 compounds as an element of the offense or the person  
26 has previously been convicted under subparagraph (C)

1 or subparagraph (F) of this paragraph (1);

2 (E) the person, in committing a violation of  
3 subsection (a) while driving at any speed in a school  
4 speed zone at a time when a speed limit of 20 miles per  
5 hour was in effect under subsection (a) of Section  
6 11-605 of this Code, was involved in a motor vehicle  
7 accident that resulted in bodily harm, other than great  
8 bodily harm or permanent disability or disfigurement,  
9 to another person, when the violation of subsection (a)  
10 was a proximate cause of the bodily harm;

11 (F) the person, in committing a violation of  
12 subsection (a), was involved in a motor vehicle,  
13 snowmobile, all-terrain vehicle, or watercraft  
14 accident that resulted in the death of another person,  
15 when the violation of subsection (a) was a proximate  
16 cause of the death;

17 (G) the person committed a violation of subsection  
18 (a) during a period in which the defendant's driving  
19 privileges are revoked or suspended, where the  
20 revocation or suspension was for a violation of  
21 subsection (a), Section 11-501.1, paragraph (b) of  
22 Section 11-401, or for reckless homicide as defined in  
23 Section 9-3 of the Criminal Code of 1961;

24 (H) the person committed the violation while he or  
25 she did not possess a driver's license or permit or a  
26 restricted driving permit or a judicial driving permit

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or  
3 she knew or should have known that the vehicle he or  
4 she was driving was not covered by a liability  
5 insurance policy;

6 (J) the person in committing a violation of  
7 subsection (a) was involved in a motor vehicle accident  
8 that resulted in bodily harm, but not great bodily  
9 harm, to the child under the age of 16 being  
10 transported by the person, if the violation was the  
11 proximate cause of the injury; or

12 (K) the person in committing a second violation of  
13 subsection (a) or a similar provision was transporting  
14 a person under the age of 16.

15 (2) (A) Except as provided otherwise, a person  
16 convicted of aggravated driving under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof is guilty of a Class  
19 4 felony.

20 (B) A third violation of this Section or a similar  
21 provision is a Class 2 felony. If at the time of the third  
22 violation the alcohol concentration in his or her blood,  
23 breath, or urine was 0.16 or more based on the definition  
24 of blood, breath, or urine units in Section 11-501.2, a  
25 mandatory minimum of 90 days of imprisonment and a  
26 mandatory minimum fine of \$2,500 shall be imposed in

1 addition to any other criminal or administrative sanction.  
2 If at the time of the third violation, the defendant was  
3 transporting a person under the age of 16, a mandatory fine  
4 of \$25,000 and 25 days of community service in a program  
5 benefiting children shall be imposed in addition to any  
6 other criminal or administrative sanction.

7 (C) A fourth violation of this Section or a similar  
8 provision is a Class 2 felony, for which a sentence of  
9 probation or conditional discharge may not be imposed. If  
10 at the time of the violation, the alcohol concentration in  
11 the defendant's blood, breath, or urine was 0.16 or more  
12 based on the definition of blood, breath, or urine units in  
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
14 be imposed in addition to any other criminal or  
15 administrative sanction. If at the time of the fourth  
16 violation, the defendant was transporting a person under  
17 the age of 16 a mandatory fine of \$25,000 and 25 days of  
18 community service in a program benefiting children shall be  
19 imposed in addition to any other criminal or administrative  
20 sanction.

21 (D) A fifth violation of this Section or a similar  
22 provision is a Class 1 felony, for which a sentence of  
23 probation or conditional discharge may not be imposed. If  
24 at the time of the violation, the alcohol concentration in  
25 the defendant's blood, breath, or urine was 0.16 or more  
26 based on the definition of blood, breath, or urine units in

1 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
2 be imposed in addition to any other criminal or  
3 administrative sanction. If at the time of the fifth  
4 violation, the defendant was transporting a person under  
5 the age of 16, a mandatory fine of \$25,000, and 25 days of  
6 community service in a program benefiting children shall be  
7 imposed in addition to any other criminal or administrative  
8 sanction.

9 (E) A sixth or subsequent violation of this Section or  
10 similar provision is a Class X felony. If at the time of  
11 the violation, the alcohol concentration in the  
12 defendant's blood, breath, or urine was 0.16 or more based  
13 on the definition of blood, breath, or urine units in  
14 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
15 be imposed in addition to any other criminal or  
16 administrative sanction. If at the time of the violation,  
17 the defendant was transporting a person under the age of  
18 16, a mandatory fine of \$25,000 and 25 days of community  
19 service in a program benefiting children shall be imposed  
20 in addition to any other criminal or administrative  
21 sanction.

22 (F) For a violation of subparagraph (C) of paragraph  
23 (1) of this subsection (d), the defendant, if sentenced to  
24 a term of imprisonment, shall be sentenced to not less than  
25 one year nor more than 12 years.

26 (G) A violation of subparagraph (F) of paragraph (1) of



1           this subsection (d) is a Class 2 felony, for which the  
2           defendant, unless the court determines that extraordinary  
3           circumstances exist and require probation, shall be  
4           sentenced to: (i) a term of imprisonment of not less than 3  
5           years and not more than 14 years if the violation resulted  
6           in the death of one person; or (ii) a term of imprisonment  
7           of not less than 6 years and not more than 28 years if the  
8           violation resulted in the deaths of 2 or more persons.

9           (H) For a violation of subparagraph (J) of paragraph  
10          (1) of this subsection (d), a mandatory fine of \$2,500, and  
11          25 days of community service in a program benefiting  
12          children shall be imposed in addition to any other criminal  
13          or administrative sanction.

14          (I) A violation of subparagraph (K) of paragraph (1) of  
15          this subsection (d), is a Class 2 felony and a mandatory  
16          fine of \$2,500, and 25 days of community service in a  
17          program benefiting children shall be imposed in addition to  
18          any other criminal or administrative sanction. If the child  
19          being transported suffered bodily harm, but not great  
20          bodily harm, in a motor vehicle accident, and the violation  
21          was the proximate cause of that injury, a mandatory fine of  
22          \$5,000 and 25 days of community service in a program  
23          benefiting children shall be imposed in addition to any  
24          other criminal or administrative sanction.

25          (3) Any person sentenced under this subsection (d) who  
26          receives a term of probation or conditional discharge must

1           serve a minimum term of either 480 hours of community  
2           service or 10 days of imprisonment as a condition of the  
3           probation or conditional discharge in addition to any other  
4           criminal or administrative sanction.

5           (e) Any reference to a prior violation of subsection (a) or  
6           a similar provision includes any violation of a provision of a  
7           local ordinance or a provision of a law of another state or an  
8           offense committed on a military installation that is similar to  
9           a violation of subsection (a) of this Section.

10          (f) The imposition of a mandatory term of imprisonment or  
11          assignment of community service for a violation of this Section  
12          shall not be suspended or reduced by the court.

13          (g) Any penalty imposed for driving with a license that has  
14          been revoked for a previous violation of subsection (a) of this  
15          Section shall be in addition to the penalty imposed for any  
16          subsequent violation of subsection (a).

17          (h) For any prosecution under this Section, a certified  
18          copy of the driving abstract of the defendant shall be admitted  
19          as proof of any prior conviction. ~~in subsection (m) of this~~  
20          Section

21          (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,  
22          eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,  
23          eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;  
24          95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08;  
25          revised 11-28-07.)

1 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

2 Sec. 11-501.1. Suspension of drivers license; statutory  
3 summary alcohol, other drug or drugs, or intoxicating compound  
4 or compounds related suspension; implied consent.

5 (a) Any person who drives or is in actual physical control  
6 of a motor vehicle upon the public highways of this State shall  
7 be deemed to have given consent, subject to the provisions of  
8 Section 11-501.2, to a chemical test or tests of blood, breath,  
9 or urine for the purpose of determining the content of alcohol,  
10 other drug or drugs, or intoxicating compound or compounds or  
11 any combination thereof in the person's blood if arrested, as  
12 evidenced by the issuance of a Uniform Traffic Ticket, for any  
13 offense as defined in Section 11-501 or a similar provision of  
14 a local ordinance, or if arrested for violating Section 11-401.  
15 The test or tests shall be administered at the direction of the  
16 arresting officer. The law enforcement agency employing the  
17 officer shall designate which of the aforesaid tests shall be  
18 administered. A urine test may be administered even after a  
19 blood or breath test or both has been administered. For  
20 purposes of this Section, an Illinois law enforcement officer  
21 of this State who is investigating the person for any offense  
22 defined in Section 11-501 may travel into an adjoining state,  
23 where the person has been transported for medical care, to  
24 complete an investigation and to request that the person submit  
25 to the test or tests set forth in this Section. The  
26 requirements of this Section that the person be arrested are

1 inapplicable, but the officer shall issue the person a Uniform  
2 Traffic Ticket for an offense as defined in Section 11-501 or a  
3 similar provision of a local ordinance prior to requesting that  
4 the person submit to the test or tests. The issuance of the  
5 Uniform Traffic Ticket shall not constitute an arrest, but  
6 shall be for the purpose of notifying the person that he or she  
7 is subject to the provisions of this Section and of the  
8 officer's belief of the existence of probable cause to arrest.  
9 Upon returning to this State, the officer shall file the  
10 Uniform Traffic Ticket with the Circuit Clerk of the county  
11 where the offense was committed, and shall seek the issuance of  
12 an arrest warrant or a summons for the person.

13 (b) Any person who is dead, unconscious, or who is  
14 otherwise in a condition rendering the person incapable of  
15 refusal, shall be deemed not to have withdrawn the consent  
16 provided by paragraph (a) of this Section and the test or tests  
17 may be administered, subject to the provisions of Section  
18 11-501.2.

19 (c) A person requested to submit to a test as provided  
20 above shall be warned by the law enforcement officer requesting  
21 the test that a refusal to submit to the test will result in  
22 the statutory summary suspension of the person's privilege to  
23 operate a motor vehicle, as provided in Section 6-208.1 of this  
24 Code, and will also result in the disqualification of the  
25 person's privilege to operate a commercial motor vehicle, as  
26 provided in Section 6-514 of this Code, if the person is a CDL

1 holder. The person shall also be warned by the law enforcement  
2 officer that if the person submits to the test or tests  
3 provided in paragraph (a) of this Section and the alcohol  
4 concentration in the person's blood or breath is 0.08 or  
5 greater, or any amount of a drug, substance, or compound  
6 resulting from the unlawful use or consumption of cannabis as  
7 covered by the Cannabis Control Act, a controlled substance  
8 listed in the Illinois Controlled Substances Act, an  
9 intoxicating compound listed in the Use of Intoxicating  
10 Compounds Act, or methamphetamine as listed in the  
11 Methamphetamine Control and Community Protection Act is  
12 detected in the person's blood or urine, a statutory summary  
13 suspension of the person's privilege to operate a motor  
14 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
15 Code, and a disqualification of the person's privilege to  
16 operate a commercial motor vehicle, as provided in Section  
17 6-514 of this Code, if the person is a CDL holder, will be  
18 imposed.

19 A person who is under the age of 21 at the time the person  
20 is requested to submit to a test as provided above shall, in  
21 addition to the warnings provided for in this Section, be  
22 further warned by the law enforcement officer requesting the  
23 test that if the person submits to the test or tests provided  
24 in paragraph (a) of this Section and the alcohol concentration  
25 in the person's blood or breath is greater than 0.00 and less  
26 than 0.08, a suspension of the person's privilege to operate a

1 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
2 of this Code, will be imposed. The results of this test shall  
3 be admissible in a civil or criminal action or proceeding  
4 arising from an arrest for an offense as defined in Section  
5 11-501 of this Code or a similar provision of a local ordinance  
6 or pursuant to Section 11-501.4 in prosecutions for reckless  
7 homicide brought under the Criminal Code of 1961. These test  
8 results, however, shall be admissible only in actions or  
9 proceedings directly related to the incident upon which the  
10 test request was made.

11 (d) If the person refuses testing or submits to a test that  
12 discloses an alcohol concentration of 0.08 or more, or any  
13 amount of a drug, substance, or intoxicating compound in the  
14 person's breath, blood, or urine resulting from the unlawful  
15 use or consumption of cannabis listed in the Cannabis Control  
16 Act, a controlled substance listed in the Illinois Controlled  
17 Substances Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the circuit court of venue and the Secretary of State,  
22 certifying that the test or tests was or were requested under  
23 paragraph (a) and the person refused to submit to a test, or  
24 tests, or submitted to testing that disclosed an alcohol  
25 concentration of 0.08 or more.

26 (e) Upon receipt of the sworn report of a law enforcement

1 officer submitted under paragraph (d), the Secretary of State  
2 shall enter the statutory summary suspension and  
3 disqualification for the periods specified in Sections 6-208.1  
4 and 6-514, respectively, and effective as provided in paragraph  
5 (g).

6 If the person is a first offender as defined in Section  
7 11-500 of this Code, and is not convicted of a violation of  
8 Section 11-501 of this Code or a similar provision of a local  
9 ordinance, then reports received by the Secretary of State  
10 under this Section shall, except during the actual time the  
11 Statutory Summary Suspension is in effect, be privileged  
12 information and for use only by the courts, police officers,  
13 prosecuting authorities or the Secretary of State. However,  
14 beginning January 1, 2008, if the person is a CDL holder, the  
15 statutory summary suspension shall also be made available to  
16 the driver licensing administrator of any other state, the U.S.  
17 Department of Transportation, and the affected driver or motor  
18 carrier or prospective motor carrier upon request. Reports  
19 received by the Secretary of State under this Section shall  
20 also be made available to the parent or guardian of a person  
21 under the age of 18 years that holds an instruction permit or a  
22 graduated driver's license, regardless of whether the  
23 statutory summary suspension is in effect.

24 (f) The law enforcement officer submitting the sworn report  
25 under paragraph (d) shall serve immediate notice of the  
26 statutory summary suspension on the person and the suspension

1 and disqualification shall be effective as provided in  
2 paragraph (g). In cases where the blood alcohol concentration  
3 of 0.08 or greater or any amount of a drug, substance, or  
4 compound resulting from the unlawful use or consumption of  
5 cannabis as covered by the Cannabis Control Act, a controlled  
6 substance listed in the Illinois Controlled Substances Act, an  
7 intoxicating compound listed in the Use of Intoxicating  
8 Compounds Act, or methamphetamine as listed in the  
9 Methamphetamine Control and Community Protection Act is  
10 established by a subsequent analysis of blood or urine  
11 collected at the time of arrest, the arresting officer or  
12 arresting agency shall give notice as provided in this Section  
13 or by deposit in the United States mail of the notice in an  
14 envelope with postage prepaid and addressed to the person at  
15 his address as shown on the Uniform Traffic Ticket and the  
16 statutory summary suspension and disqualification shall begin  
17 as provided in paragraph (g). The officer shall confiscate any  
18 Illinois driver's license or permit on the person at the time  
19 of arrest. If the person has a valid driver's license or  
20 permit, the officer shall issue the person a receipt, in a form  
21 prescribed by the Secretary of State, that will allow that  
22 person to drive during the periods provided for in paragraph  
23 (g). The officer shall immediately forward the driver's license  
24 or permit to the circuit court of venue along with the sworn  
25 report provided for in paragraph (d).

26 (g) The statutory summary suspension and disqualification



1 referred to in this Section shall take effect on the 46th day  
2 following the date the notice of the statutory summary  
3 suspension was given to the person.

4 (h) The following procedure shall apply whenever a person  
5 is arrested for any offense as defined in Section 11-501 or a  
6 similar provision of a local ordinance:

7 Upon receipt of the sworn report from the law enforcement  
8 officer, the Secretary of State shall confirm the statutory  
9 summary suspension by mailing a notice of the effective date of  
10 the suspension to the person and the court of venue. The  
11 Secretary of State shall also mail notice of the effective date  
12 of the disqualification to the person. However, should the  
13 sworn report be defective by not containing sufficient  
14 information or be completed in error, the confirmation of the  
15 statutory summary suspension shall not be mailed to the person  
16 or entered to the record; instead, the sworn report shall be  
17 forwarded to the court of venue with a copy returned to the  
18 issuing agency identifying any defect.

19 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,  
20 eff. 8-23-07; revised 11-19-07.)

21 (625 ILCS 5/11-501.8)

22 (Text of Section before amendment by P.A. 95-627)

23 Sec. 11-501.8. Suspension of driver's license; persons  
24 under age 21.

25 (a) A person who is less than 21 years of age and who

1 drives or is in actual physical control of a motor vehicle upon  
2 the public highways of this State shall be deemed to have given  
3 consent to a chemical test or tests of blood, breath, or urine  
4 for the purpose of determining the alcohol content of the  
5 person's blood if arrested, as evidenced by the issuance of a  
6 Uniform Traffic Ticket for any violation of the Illinois  
7 Vehicle Code or a similar provision of a local ordinance, if a  
8 police officer has probable cause to believe that the driver  
9 has consumed any amount of an alcoholic beverage based upon  
10 evidence of the driver's physical condition or other first hand  
11 knowledge of the police officer. The test or tests shall be  
12 administered at the direction of the arresting officer. The law  
13 enforcement agency employing the officer shall designate which  
14 of the aforesaid tests shall be administered. A urine test may  
15 be administered even after a blood or breath test or both has  
16 been administered.

17 (b) A person who is dead, unconscious, or who is otherwise  
18 in a condition rendering that person incapable of refusal,  
19 shall be deemed not to have withdrawn the consent provided by  
20 paragraph (a) of this Section and the test or tests may be  
21 administered subject to the following provisions:

22 (i) Chemical analysis of the person's blood, urine,  
23 breath, or other bodily substance, to be considered valid  
24 under the provisions of this Section, shall have been  
25 performed according to standards promulgated by the  
26 Department of State Police by an individual possessing a

1 valid permit issued by that Department for this purpose.  
2 The Director of State Police is authorized to approve  
3 satisfactory techniques or methods, to ascertain the  
4 qualifications and competence of individuals to conduct  
5 analyses, to issue permits that shall be subject to  
6 termination or revocation at the direction of that  
7 Department, and to certify the accuracy of breath testing  
8 equipment. The Department of State Police shall prescribe  
9 regulations as necessary.

10 (ii) When a person submits to a blood test at the  
11 request of a law enforcement officer under the provisions  
12 of this Section, only a physician authorized to practice  
13 medicine, a registered nurse, or other qualified person  
14 trained in venipuncture and acting under the direction of a  
15 licensed physician may withdraw blood for the purpose of  
16 determining the alcohol content therein. This limitation  
17 does not apply to the taking of breath or urine specimens.

18 (iii) The person tested may have a physician, qualified  
19 technician, chemist, registered nurse, or other qualified  
20 person of his or her own choosing administer a chemical  
21 test or tests in addition to any test or tests administered  
22 at the direction of a law enforcement officer. The failure  
23 or inability to obtain an additional test by a person shall  
24 not preclude the consideration of the previously performed  
25 chemical test.

26 (iv) Upon a request of the person who submits to a

1 chemical test or tests at the request of a law enforcement  
2 officer, full information concerning the test or tests  
3 shall be made available to the person or that person's  
4 attorney.

5 (v) Alcohol concentration means either grams of  
6 alcohol per 100 milliliters of blood or grams of alcohol  
7 per 210 liters of breath.

8 (vi) If a driver is receiving medical treatment as a  
9 result of a motor vehicle accident, a physician licensed to  
10 practice medicine, registered nurse, or other qualified  
11 person trained in venipuncture and acting under the  
12 direction of a licensed physician shall withdraw blood for  
13 testing purposes to ascertain the presence of alcohol upon  
14 the specific request of a law enforcement officer. However,  
15 that testing shall not be performed until, in the opinion  
16 of the medical personnel on scene, the withdrawal can be  
17 made without interfering with or endangering the  
18 well-being of the patient.

19 (c) A person requested to submit to a test as provided  
20 above shall be warned by the law enforcement officer requesting  
21 the test that a refusal to submit to the test, or submission to  
22 the test resulting in an alcohol concentration of more than  
23 0.00, may result in the loss of that person's privilege to  
24 operate a motor vehicle and may result in the disqualification  
25 of the person's privilege to operate a commercial motor  
26 vehicle, as provided in Section 6-514 of this Code, if the

1 person is a CDL holder. The loss of driving privileges shall be  
2 imposed in accordance with Section 6-208.2 of this Code.

3 (d) If the person refuses testing or submits to a test that  
4 discloses an alcohol concentration of more than 0.00, the law  
5 enforcement officer shall immediately submit a sworn report to  
6 the Secretary of State on a form prescribed by the Secretary of  
7 State, certifying that the test or tests were requested under  
8 subsection (a) and the person refused to submit to a test or  
9 tests or submitted to testing which disclosed an alcohol  
10 concentration of more than 0.00. The law enforcement officer  
11 shall submit the same sworn report when a person under the age  
12 of 21 submits to testing under Section 11-501.1 of this Code  
13 and the testing discloses an alcohol concentration of more than  
14 0.00 and less than 0.08.

15 Upon receipt of the sworn report of a law enforcement  
16 officer, the Secretary of State shall enter the suspension and  
17 disqualification on the individual's driving record and the  
18 suspension and disqualification shall be effective on the 46th  
19 day following the date notice of the suspension was given to  
20 the person. If this suspension is the individual's first  
21 driver's license suspension under this Section, reports  
22 received by the Secretary of State under this Section shall,  
23 except during the time the suspension is in effect, be  
24 privileged information and for use only by the courts, police  
25 officers, prosecuting authorities, the Secretary of State, or  
26 the individual personally. However, beginning January 1, 2008,

1 if the person is a CDL holder, the report of suspension shall  
2 also be made available to the driver licensing administrator of  
3 any other state, the U.S. Department of Transportation, and the  
4 affected driver or motor carrier or prospective motor carrier  
5 upon request. Reports received by the Secretary of State under  
6 this Section shall also be made available to the parent or  
7 guardian of a person under the age of 18 years that holds an  
8 instruction permit or a graduated driver's license, regardless  
9 of whether the suspension is in effect.

10 The law enforcement officer submitting the sworn report  
11 shall serve immediate notice of this suspension on the person  
12 and the suspension and disqualification shall be effective on  
13 the 46th day following the date notice was given.

14 In cases where the blood alcohol concentration of more than  
15 0.00 is established by a subsequent analysis of blood or urine,  
16 the police officer or arresting agency shall give notice as  
17 provided in this Section or by deposit in the United States  
18 mail of that notice in an envelope with postage prepaid and  
19 addressed to that person at his last known address and the loss  
20 of driving privileges shall be effective on the 46th day  
21 following the date notice was given.

22 Upon receipt of the sworn report of a law enforcement  
23 officer, the Secretary of State shall also give notice of the  
24 suspension and disqualification to the driver by mailing a  
25 notice of the effective date of the suspension and  
26 disqualification to the individual. However, should the sworn

1 report be defective by not containing sufficient information or  
2 be completed in error, the notice of the suspension and  
3 disqualification shall not be mailed to the person or entered  
4 to the driving record, but rather the sworn report shall be  
5 returned to the issuing law enforcement agency.

6 (e) A driver may contest this suspension and  
7 disqualification by requesting an administrative hearing with  
8 the Secretary of State in accordance with Section 2-118 of this  
9 Code. An individual whose blood alcohol concentration is shown  
10 to be more than 0.00 is not subject to this Section if he or she  
11 consumed alcohol in the performance of a religious service or  
12 ceremony. An individual whose blood alcohol concentration is  
13 shown to be more than 0.00 shall not be subject to this Section  
14 if the individual's blood alcohol concentration resulted only  
15 from ingestion of the prescribed or recommended dosage of  
16 medicine that contained alcohol. The petition for that hearing  
17 shall not stay or delay the effective date of the impending  
18 suspension. The scope of this hearing shall be limited to the  
19 issues of:

20 (1) whether the police officer had probable cause to  
21 believe that the person was driving or in actual physical  
22 control of a motor vehicle upon the public highways of the  
23 State and the police officer had reason to believe that the  
24 person was in violation of any provision of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance;  
26 and

1           (2) whether the person was issued a Uniform Traffic  
2 Ticket for any violation of the Illinois Vehicle Code or a  
3 similar provision of a local ordinance; and

4           (3) whether the police officer had probable cause to  
5 believe that the driver had consumed any amount of an  
6 alcoholic beverage based upon the driver's physical  
7 actions or other first-hand knowledge of the police  
8 officer; and

9           (4) whether the person, after being advised by the  
10 officer that the privilege to operate a motor vehicle would  
11 be suspended if the person refused to submit to and  
12 complete the test or tests, did refuse to submit to or  
13 complete the test or tests to determine the person's  
14 alcohol concentration; and

15           (5) whether the person, after being advised by the  
16 officer that the privileges to operate a motor vehicle  
17 would be suspended if the person submits to a chemical test  
18 or tests and the test or tests disclose an alcohol  
19 concentration of more than 0.00, did submit to and complete  
20 the test or tests that determined an alcohol concentration  
21 of more than 0.00; and

22           (6) whether the test result of an alcohol concentration  
23 of more than 0.00 was based upon the person's consumption  
24 of alcohol in the performance of a religious service or  
25 ceremony; and

26           (7) whether the test result of an alcohol concentration



1 of more than 0.00 was based upon the person's consumption  
2 of alcohol through ingestion of the prescribed or  
3 recommended dosage of medicine.

4 Provided that the petitioner may subpoena the officer, the  
5 hearing may be conducted upon a review of the law enforcement  
6 officer's own official reports. Failure of the officer to  
7 answer the subpoena shall be grounds for a continuance if, in  
8 the hearing officer's discretion, the continuance is  
9 appropriate. At the conclusion of the hearing held under  
10 Section 2-118 of this Code, the Secretary of State may rescind,  
11 continue, or modify the suspension and disqualification. If the  
12 Secretary of State does not rescind the suspension and  
13 disqualification, a restricted driving permit may be granted by  
14 the Secretary of State upon application being made and good  
15 cause shown. A restricted driving permit may be granted to  
16 relieve undue hardship by allowing driving for employment,  
17 educational, and medical purposes as outlined in item (3) of  
18 part (c) of Section 6-206 of this Code. The provisions of item  
19 (3) of part (c) of Section 6-206 of this Code and of subsection  
20 (f) of that Section shall apply. The Secretary of State shall  
21 promulgate rules providing for participation in an alcohol  
22 education and awareness program or activity, a drug education  
23 and awareness program or activity, or both as a condition to  
24 the issuance of a restricted driving permit for suspensions  
25 imposed under this Section.

26 (f) The results of any chemical testing performed in

1 accordance with subsection (a) of this Section are not  
2 admissible in any civil or criminal proceeding, except that the  
3 results of the testing may be considered at a hearing held  
4 under Section 2-118 of this Code. However, the results of the  
5 testing may not be used to impose driver's license sanctions  
6 under Section 11-501.1 of this Code. A law enforcement officer  
7 may, however, pursue a statutory summary suspension of driving  
8 privileges under Section 11-501.1 of this Code if other  
9 physical evidence or first hand knowledge forms the basis of  
10 that suspension.

11 (g) This Section applies only to drivers who are under age  
12 21 at the time of the issuance of a Uniform Traffic Ticket for  
13 a violation of the Illinois Vehicle Code or a similar provision  
14 of a local ordinance, and a chemical test request is made under  
15 this Section.

16 (h) The action of the Secretary of State in suspending,  
17 revoking, cancelling, or disqualifying any license or permit  
18 shall be subject to judicial review in the Circuit Court of  
19 Sangamon County or in the Circuit Court of Cook County, and the  
20 provisions of the Administrative Review Law and its rules are  
21 hereby adopted and shall apply to and govern every action for  
22 the judicial review of final acts or decisions of the Secretary  
23 of State under this Section.

24 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;  
25 95-382, eff. 8-23-07; revised 11-19-07.)

1 (Text of Section after amendment by P.A. 95-627)

2 Sec. 11-501.8. Suspension of driver's license; persons  
3 under age 21.

4 (a) A person who is less than 21 years of age and who  
5 drives or is in actual physical control of a motor vehicle upon  
6 the public highways of this State shall be deemed to have given  
7 consent to a chemical test or tests of blood, breath, or urine  
8 for the purpose of determining the alcohol content of the  
9 person's blood if arrested, as evidenced by the issuance of a  
10 Uniform Traffic Ticket for any violation of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance, if a  
12 police officer has probable cause to believe that the driver  
13 has consumed any amount of an alcoholic beverage based upon  
14 evidence of the driver's physical condition or other first hand  
15 knowledge of the police officer. The test or tests shall be  
16 administered at the direction of the arresting officer. The law  
17 enforcement agency employing the officer shall designate which  
18 of the aforesaid tests shall be administered. A urine test may  
19 be administered even after a blood or breath test or both has  
20 been administered.

21 (b) A person who is dead, unconscious, or who is otherwise  
22 in a condition rendering that person incapable of refusal,  
23 shall be deemed not to have withdrawn the consent provided by  
24 paragraph (a) of this Section and the test or tests may be  
25 administered subject to the following provisions:

26 (i) Chemical analysis of the person's blood, urine,

1 breath, or other bodily substance, to be considered valid  
2 under the provisions of this Section, shall have been  
3 performed according to standards promulgated by the  
4 Department of State Police by an individual possessing a  
5 valid permit issued by that Department for this purpose.  
6 The Director of State Police is authorized to approve  
7 satisfactory techniques or methods, to ascertain the  
8 qualifications and competence of individuals to conduct  
9 analyses, to issue permits that shall be subject to  
10 termination or revocation at the direction of that  
11 Department, and to certify the accuracy of breath testing  
12 equipment. The Department of State Police shall prescribe  
13 regulations as necessary.

14 (ii) When a person submits to a blood test at the  
15 request of a law enforcement officer under the provisions  
16 of this Section, only a physician authorized to practice  
17 medicine, a registered nurse, or other qualified person  
18 trained in venipuncture and acting under the direction of a  
19 licensed physician may withdraw blood for the purpose of  
20 determining the alcohol content therein. This limitation  
21 does not apply to the taking of breath or urine specimens.

22 (iii) The person tested may have a physician, qualified  
23 technician, chemist, registered nurse, or other qualified  
24 person of his or her own choosing administer a chemical  
25 test or tests in addition to any test or tests administered  
26 at the direction of a law enforcement officer. The failure

1 or inability to obtain an additional test by a person shall  
2 not preclude the consideration of the previously performed  
3 chemical test.

4 (iv) Upon a request of the person who submits to a  
5 chemical test or tests at the request of a law enforcement  
6 officer, full information concerning the test or tests  
7 shall be made available to the person or that person's  
8 attorney.

9 (v) Alcohol concentration means either grams of  
10 alcohol per 100 milliliters of blood or grams of alcohol  
11 per 210 liters of breath.

12 (vi) If a driver is receiving medical treatment as a  
13 result of a motor vehicle accident, a physician licensed to  
14 practice medicine, registered nurse, or other qualified  
15 person trained in venipuncture and acting under the  
16 direction of a licensed physician shall withdraw blood for  
17 testing purposes to ascertain the presence of alcohol upon  
18 the specific request of a law enforcement officer. However,  
19 that testing shall not be performed until, in the opinion  
20 of the medical personnel on scene, the withdrawal can be  
21 made without interfering with or endangering the  
22 well-being of the patient.

23 (c) A person requested to submit to a test as provided  
24 above shall be warned by the law enforcement officer requesting  
25 the test that a refusal to submit to the test, or submission to  
26 the test resulting in an alcohol concentration of more than

1 0.00, may result in the loss of that person's privilege to  
2 operate a motor vehicle and may result in the disqualification  
3 of the person's privilege to operate a commercial motor  
4 vehicle, as provided in Section 6-514 of this Code, if the  
5 person is a CDL holder. The loss of driving privileges shall be  
6 imposed in accordance with Section 6-208.2 of this Code.

7 (d) If the person refuses testing or submits to a test that  
8 discloses an alcohol concentration of more than 0.00, the law  
9 enforcement officer shall immediately submit a sworn report to  
10 the Secretary of State on a form prescribed by the Secretary of  
11 State, certifying that the test or tests were requested under  
12 subsection (a) and the person refused to submit to a test or  
13 tests or submitted to testing which disclosed an alcohol  
14 concentration of more than 0.00. The law enforcement officer  
15 shall submit the same sworn report when a person under the age  
16 of 21 submits to testing under Section 11-501.1 of this Code  
17 and the testing discloses an alcohol concentration of more than  
18 0.00 and less than 0.08.

19 Upon receipt of the sworn report of a law enforcement  
20 officer, the Secretary of State shall enter the suspension and  
21 disqualification on the individual's driving record and the  
22 suspension and disqualification shall be effective on the 46th  
23 day following the date notice of the suspension was given to  
24 the person. If this suspension is the individual's first  
25 driver's license suspension under this Section, reports  
26 received by the Secretary of State under this Section shall,

1 except during the time the suspension is in effect, be  
2 privileged information and for use only by the courts, police  
3 officers, prosecuting authorities, the Secretary of State, or  
4 the individual personally. However, beginning January 1, 2008,  
5 if the person is a CDL holder, the report of suspension shall  
6 also be made available to the driver licensing administrator of  
7 any other state, the U.S. Department of Transportation, and the  
8 affected driver or motor carrier or prospective motor carrier  
9 upon request. Reports received by the Secretary of State under  
10 this Section shall also be made available to the parent or  
11 guardian of a person under the age of 18 years that holds an  
12 instruction permit or a graduated driver's license, regardless  
13 of whether the suspension is in effect.

14 The law enforcement officer submitting the sworn report  
15 shall serve immediate notice of this suspension on the person  
16 and the suspension and disqualification shall be effective on  
17 the 46th day following the date notice was given.

18 In cases where the blood alcohol concentration of more than  
19 0.00 is established by a subsequent analysis of blood or urine,  
20 the police officer or arresting agency shall give notice as  
21 provided in this Section or by deposit in the United States  
22 mail of that notice in an envelope with postage prepaid and  
23 addressed to that person at his last known address and the loss  
24 of driving privileges shall be effective on the 46th day  
25 following the date notice was given.

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary of State shall also give notice of the  
2 suspension and disqualification to the driver by mailing a  
3 notice of the effective date of the suspension and  
4 disqualification to the individual. However, should the sworn  
5 report be defective by not containing sufficient information or  
6 be completed in error, the notice of the suspension and  
7 disqualification shall not be mailed to the person or entered  
8 to the driving record, but rather the sworn report shall be  
9 returned to the issuing law enforcement agency.

10 (e) A driver may contest this suspension and  
11 disqualification by requesting an administrative hearing with  
12 the Secretary of State in accordance with Section 2-118 of this  
13 Code. An individual whose blood alcohol concentration is shown  
14 to be more than 0.00 is not subject to this Section if he or she  
15 consumed alcohol in the performance of a religious service or  
16 ceremony. An individual whose blood alcohol concentration is  
17 shown to be more than 0.00 shall not be subject to this Section  
18 if the individual's blood alcohol concentration resulted only  
19 from ingestion of the prescribed or recommended dosage of  
20 medicine that contained alcohol. The petition for that hearing  
21 shall not stay or delay the effective date of the impending  
22 suspension. The scope of this hearing shall be limited to the  
23 issues of:

24 (1) whether the police officer had probable cause to  
25 believe that the person was driving or in actual physical  
26 control of a motor vehicle upon the public highways of the



1 State and the police officer had reason to believe that the  
2 person was in violation of any provision of the Illinois  
3 Vehicle Code or a similar provision of a local ordinance;  
4 and

5 (2) whether the person was issued a Uniform Traffic  
6 Ticket for any violation of the Illinois Vehicle Code or a  
7 similar provision of a local ordinance; and

8 (3) whether the police officer had probable cause to  
9 believe that the driver had consumed any amount of an  
10 alcoholic beverage based upon the driver's physical  
11 actions or other first-hand knowledge of the police  
12 officer; and

13 (4) whether the person, after being advised by the  
14 officer that the privilege to operate a motor vehicle would  
15 be suspended if the person refused to submit to and  
16 complete the test or tests, did refuse to submit to or  
17 complete the test or tests to determine the person's  
18 alcohol concentration; and

19 (5) whether the person, after being advised by the  
20 officer that the privileges to operate a motor vehicle  
21 would be suspended if the person submits to a chemical test  
22 or tests and the test or tests disclose an alcohol  
23 concentration of more than 0.00, did submit to and complete  
24 the test or tests that determined an alcohol concentration  
25 of more than 0.00; and

26 (6) whether the test result of an alcohol concentration

1 of more than 0.00 was based upon the person's consumption  
2 of alcohol in the performance of a religious service or  
3 ceremony; and

4 (7) whether the test result of an alcohol concentration  
5 of more than 0.00 was based upon the person's consumption  
6 of alcohol through ingestion of the prescribed or  
7 recommended dosage of medicine.

8 At the conclusion of the hearing held under Section 2-118  
9 of this Code, the Secretary of State may rescind, continue, or  
10 modify the suspension and disqualification. If the Secretary of  
11 State does not rescind the suspension and disqualification, a  
12 restricted driving permit may be granted by the Secretary of  
13 State upon application being made and good cause shown. A  
14 restricted driving permit may be granted to relieve undue  
15 hardship by allowing driving for employment, educational, and  
16 medical purposes as outlined in item (3) of part (c) of Section  
17 6-206 of this Code. The provisions of item (3) of part (c) of  
18 Section 6-206 of this Code and of subsection (f) of that  
19 Section shall apply. The Secretary of State shall promulgate  
20 rules providing for participation in an alcohol education and  
21 awareness program or activity, a drug education and awareness  
22 program or activity, or both as a condition to the issuance of  
23 a restricted driving permit for suspensions imposed under this  
24 Section.

25 (f) The results of any chemical testing performed in  
26 accordance with subsection (a) of this Section are not

1 admissible in any civil or criminal proceeding, except that the  
2 results of the testing may be considered at a hearing held  
3 under Section 2-118 of this Code. However, the results of the  
4 testing may not be used to impose driver's license sanctions  
5 under Section 11-501.1 of this Code. A law enforcement officer  
6 may, however, pursue a statutory summary suspension of driving  
7 privileges under Section 11-501.1 of this Code if other  
8 physical evidence or first hand knowledge forms the basis of  
9 that suspension.

10 (g) This Section applies only to drivers who are under age  
11 21 at the time of the issuance of a Uniform Traffic Ticket for  
12 a violation of the Illinois Vehicle Code or a similar provision  
13 of a local ordinance, and a chemical test request is made under  
14 this Section.

15 (h) The action of the Secretary of State in suspending,  
16 revoking, cancelling, or disqualifying any license or permit  
17 shall be subject to judicial review in the Circuit Court of  
18 Sangamon County or in the Circuit Court of Cook County, and the  
19 provisions of the Administrative Review Law and its rules are  
20 hereby adopted and shall apply to and govern every action for  
21 the judicial review of final acts or decisions of the Secretary  
22 of State under this Section.

23 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;  
24 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; revised 11-19-07.)

25 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

1 (Text of Section before amendment by P.A. 95-430)

2 Sec. 11-1301.3. Unauthorized use of parking places  
3 reserved for persons with disabilities.

4 (a) It shall be prohibited to park any motor vehicle which  
5 is not properly displaying registration plates or decals issued  
6 to a person with disabilities, as defined by Section 1-159.1,  
7 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a  
8 disabled veteran pursuant to Section 3-609 or 3-609.01 of this  
9 Act, as evidence that the vehicle is operated by or for a  
10 person with disabilities or disabled veteran, in any parking  
11 place, including any private or public offstreet parking  
12 facility, specifically reserved, by the posting of an official  
13 sign as designated under Section 11-301, for motor vehicles  
14 displaying such registration plates. It shall be prohibited to  
15 park any motor vehicle in a designated access aisle adjacent to  
16 any parking place specifically reserved for persons with  
17 disabilities, by the posting of an official sign as designated  
18 under Section 11-301, for motor vehicles displaying such  
19 registration plates. When using the parking privileges for  
20 persons with disabilities, the parking decal or device must be  
21 displayed properly in the vehicle where it is clearly visible  
22 to law enforcement personnel, either hanging from the rearview  
23 mirror or placed on the dashboard of the vehicle in clear view.  
24 Any motor vehicle properly displaying a disability license  
25 plate or a parking decal or device containing the International  
26 symbol of access issued to persons with disabilities by any

1 local authority, state, district, territory or foreign country  
2 shall be recognized by State and local authorities as a valid  
3 license plate or device and receive the same parking privileges  
4 as residents of this State.

5 (a-1) An individual with a vehicle displaying disability  
6 license plates or a parking decal or device issued to a  
7 qualified person with a disability under Sections 3-616,  
8 11-1301.1, or 11-1301.2 or to a disabled veteran under Section  
9 3-609 or 3-609.01 is in violation of this Section if (i) the  
10 person using the disability license plate or parking decal or  
11 device is not the authorized holder of the disability license  
12 plate or parking decal or device or is not transporting the  
13 authorized holder of the disability license plate or parking  
14 decal or device to or from the parking location and (ii) the  
15 person uses the disability license plate or parking decal or  
16 device to exercise any privileges granted through the  
17 disability license plate or parking decals or devices under  
18 this Code.

19 (b) Any person or local authority owning or operating any  
20 public or private offstreet parking facility may, after  
21 notifying the police or sheriff's department, remove or cause  
22 to be removed to the nearest garage or other place of safety  
23 any vehicle parked within a stall or space reserved for use by  
24 a person with disabilities which does not display person with  
25 disabilities registration plates or a special decal or device  
26 as required under this Section.

1           (c) Any person found guilty of violating the provisions of  
2 subsection (a) shall be fined \$250 in addition to any costs or  
3 charges connected with the removal or storage of any motor  
4 vehicle authorized under this Section; but municipalities by  
5 ordinance may impose a fine up to \$350 and shall display signs  
6 indicating the fine imposed. If the amount of the fine is  
7 subsequently changed, the municipality shall change the sign to  
8 indicate the current amount of the fine. It shall not be a  
9 defense to a charge under this Section that either the sign  
10 posted pursuant to this Section or the intended accessible  
11 parking place does not comply with the technical requirements  
12 of Section 11-301, Department regulations, or local ordinance  
13 if a reasonable person would be made aware by the sign or  
14 notice on or near the parking place that the place is reserved  
15 for a person with disabilities.

16           (c-1) Any person found guilty of violating the provisions  
17 of subsection (a-1) shall be fined \$500. The circuit clerk  
18 shall distribute \$250 of the \$500 fine imposed on any person  
19 who is found guilty of or pleads guilty to violating this  
20 Section, including any person placed on court supervision for  
21 violating this Section, to the law enforcement agency that  
22 issued the citation or made the arrest. If more than one law  
23 enforcement agency is responsible for issuing the citation or  
24 making the arrest, the \$250 shall be shared equally.

25           (d) Local authorities shall impose fines as established in  
26 subsections (c) and (c-1) for violations of this Section.

1 (e) As used in this Section, "authorized holder" means an  
2 individual issued a disability license plate under Section  
3 3-616 of this Code, an individual issued a parking decal or  
4 device under Section 11-1301.2 of this Code, or an individual  
5 issued a disabled veteran's license plate under Section 3-609  
6 or 3-609.01 of this Code.

7 (f) Any person who commits a violation of subsection (a-1)  
8 may have his or her driving privileges suspended or revoked by  
9 the Secretary of State for a period of time determined by the  
10 Secretary of State. The Secretary of State may also suspend or  
11 revoke the disability license plates or parking decal or device  
12 for a period of time determined by the Secretary of State.

13 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;  
14 95-167, eff. 1-1-08.)

15 (Text of Section after amendment by P.A. 95-430)

16 Sec. 11-1301.3. Unauthorized use of parking places  
17 reserved for persons with disabilities.

18 (a) It shall be prohibited to park any motor vehicle which  
19 is not properly displaying registration plates or decals issued  
20 to a person with disabilities, as defined by Section 1-159.1,  
21 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a  
22 disabled veteran pursuant to Section 3-609 or 3-609.01 of this  
23 Act, as evidence that the vehicle is operated by or for a  
24 person with disabilities or disabled veteran, in any parking  
25 place, including any private or public offstreet parking

1 facility, specifically reserved, by the posting of an official  
2 sign as designated under Section 11-301, for motor vehicles  
3 displaying such registration plates. It shall be prohibited to  
4 park any motor vehicle in a designated access aisle adjacent to  
5 any parking place specifically reserved for persons with  
6 disabilities, by the posting of an official sign as designated  
7 under Section 11-301, for motor vehicles displaying such  
8 registration plates. When using the parking privileges for  
9 persons with disabilities, the parking decal or device must be  
10 displayed properly in the vehicle where it is clearly visible  
11 to law enforcement personnel, either hanging from the rearview  
12 mirror or placed on the dashboard of the vehicle in clear view.  
13 Disability license plates and parking decals and devices are  
14 not transferable from person to person. Proper usage of the  
15 disability license plate or parking decal or device requires  
16 the authorized holder to be present and enter or exit the  
17 vehicle at the time the parking privileges are being used. It  
18 is a violation of this Section to park in a space reserved for  
19 a person with disabilities if the authorized holder of the  
20 disability license plate or parking decal or device does not  
21 enter or exit the vehicle at the time the parking privileges  
22 are being used. Any motor vehicle properly displaying a  
23 disability license plate or a parking decal or device  
24 containing the International symbol of access issued to persons  
25 with disabilities by any local authority, state, district,  
26 territory or foreign country shall be recognized by State and



1 local authorities as a valid license plate or device and  
2 receive the same parking privileges as residents of this State.

3 (a-1) An individual with a vehicle displaying disability  
4 license plates or a parking decal or device issued to a  
5 qualified person with a disability under Sections 3-616,  
6 11-1301.1, or 11-1301.2 or to a disabled veteran under Section  
7 3-609 or 3-609.01 is in violation of this Section if (i) the  
8 person using the disability license plate or parking decal or  
9 device is not the authorized holder of the disability license  
10 plate or parking decal or device or is not transporting the  
11 authorized holder of the disability license plate or parking  
12 decal or device to or from the parking location and (ii) the  
13 person uses the disability license plate or parking decal or  
14 device to exercise any privileges granted through the  
15 disability license plate or parking decals or devices under  
16 this Code.

17 (b) Any person or local authority owning or operating any  
18 public or private offstreet parking facility may, after  
19 notifying the police or sheriff's department, remove or cause  
20 to be removed to the nearest garage or other place of safety  
21 any vehicle parked within a stall or space reserved for use by  
22 a person with disabilities which does not display person with  
23 disabilities registration plates or a special decal or device  
24 as required under this Section.

25 (c) Any person found guilty of violating the provisions of  
26 subsection (a) shall be fined \$250 in addition to any costs or

1 charges connected with the removal or storage of any motor  
2 vehicle authorized under this Section; but municipalities by  
3 ordinance may impose a fine up to \$350 and shall display signs  
4 indicating the fine imposed. If the amount of the fine is  
5 subsequently changed, the municipality shall change the sign to  
6 indicate the current amount of the fine. It shall not be a  
7 defense to a charge under this Section that either the sign  
8 posted pursuant to this Section or the intended accessible  
9 parking place does not comply with the technical requirements  
10 of Section 11-301, Department regulations, or local ordinance  
11 if a reasonable person would be made aware by the sign or  
12 notice on or near the parking place that the place is reserved  
13 for a person with disabilities.

14 (c-1) Any person found guilty of violating the provisions  
15 of subsection (a-1) a first time shall be fined \$500. Any  
16 person found guilty of violating subsection (a-1) a second time  
17 shall be fined \$750, and the Secretary of State may revoke the  
18 person's driving privileges or suspend those privileges for a  
19 period of time to be determined by the Secretary. Any person  
20 found guilty of violating subsection (a-1) a third or  
21 subsequent time shall be fined \$1,000, and the Secretary of  
22 State may revoke the person's driving privileges or suspend  
23 those privileges for a period of time to be determined by the  
24 Secretary. The Secretary of State may also revoke the  
25 disability license plates or parking decal or device of a  
26 person violating subsection (a-1) a third or subsequent time or

1 may suspend the person's disability license plates or parking  
2 decal or device for a period of time to be determined by the  
3 Secretary of State. The circuit clerk shall distribute 50% of  
4 the fine imposed on any person who is found guilty of or pleads  
5 guilty to violating this Section, including any person placed  
6 on court supervision for violating this Section, to the law  
7 enforcement agency that issued the citation or made the arrest.  
8 If more than one law enforcement agency is responsible for  
9 issuing the citation or making the arrest, the 50% of the fine  
10 imposed shall be shared equally. If an officer of the Secretary  
11 of State Department of Police arrested a person for a violation  
12 of this Section, 50% of the fine imposed shall be deposited  
13 into the Secretary of State Police Services Fund.

14 (d) Local authorities shall impose fines as established in  
15 subsections (c) and (c-1) for violations of this Section.

16 (e) As used in this Section, "authorized holder" means an  
17 individual issued a disability license plate under Section  
18 3-616 of this Code, an individual issued a parking decal or  
19 device under Section 11-1301.2 of this Code, or an individual  
20 issued a disabled veteran's license plate under Section 3-609  
21 or 3-609.01 of this Code.

22 (f) Any person who commits a violation of subsection (a-1)  
23 may have his or her driving privileges suspended or revoked by  
24 the Secretary of State for a period of time determined by the  
25 Secretary of State. The Secretary of State may also suspend or  
26 revoke the disability license plates or parking decal or device

1 for a period of time determined by the Secretary of State.

2 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;  
3 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; revised 11-19-07.)

4 (625 ILCS 5/11-1426.1)

5 Sec. 11-1426.1. Operation of neighborhood vehicles on  
6 streets, roads, and highways.

7 (a) As used in this Section, "neighborhood vehicle" means a  
8 self-propelled, electronically powered four-wheeled motor  
9 vehicle (or a self-propelled, gasoline-powered four-wheeled  
10 motor vehicle with an engine displacement under 1,200 cubic  
11 centimeters) which is capable of attaining in one mile a speed  
12 of more than 20 miles per hour, but not more than 25 miles per  
13 hour, and which conforms to federal regulations under Title 49  
14 C.F.R. Part 571.500.

15 (b) Except as otherwise provided in this Section, it is  
16 unlawful for any person to drive or operate a neighborhood  
17 vehicle upon any street, highway, or roadway in this State. If  
18 the operation of a neighborhood vehicle is authorized under  
19 subsection (d), the neighborhood vehicle may be operated only  
20 on streets where the posted speed limit is 35 miles per hour or  
21 less. This subsection (b) does not prohibit a neighborhood  
22 vehicle from crossing a road or street at an intersection where  
23 the road or street has a posted speed limit of more than 35  
24 miles per hour.

25 (b-5) A person may not operate a neighborhood vehicle upon

1 any street, highway, or roadway in this State unless he or she  
2 has a valid Illinois driver's license issued in his or her name  
3 by the Secretary of State.

4 (c) Except as otherwise provided in subsection (c-5), no  
5 person operating a neighborhood vehicle shall make a direct  
6 crossing upon or across any highway under the jurisdiction of  
7 the State, tollroad, interstate highway, or controlled access  
8 highway in this State.

9 (c-5) A person may make a direct crossing at an  
10 intersection controlled by a traffic light or 4-way stop sign  
11 upon or across a highway under the jurisdiction of the State if  
12 the speed limit on the highway is 35 miles per hour or less at  
13 the place of crossing.

14 (d) A municipality, township, county, or other unit of  
15 local government may authorize, by ordinance or resolution, the  
16 operation of neighborhood vehicles on roadways under its  
17 jurisdiction if the unit of local government determines that  
18 the public safety will not be jeopardized. The Department may  
19 authorize the operation of neighborhood vehicles on the  
20 roadways under its jurisdiction if the Department determines  
21 that the public safety will not be jeopardized.

22 Before permitting the operation of neighborhood vehicles  
23 on its roadways, a municipality, township, county, other unit  
24 of local government, or the Department must consider the  
25 volume, speed, and character of traffic on the roadway and  
26 determine whether neighborhood vehicles may safely travel on or

1 cross the roadway. Upon determining that neighborhood vehicles  
2 may safely operate on a roadway and the adoption of an  
3 ordinance or resolution by a municipality, township, county, or  
4 other unit of local government, or authorization by the  
5 Department, appropriate signs shall be posted.

6 If a roadway is under the jurisdiction of more than one  
7 unit of government, neighborhood vehicles may not be operated  
8 on the roadway unless each unit of government agrees and takes  
9 action as provided in this subsection.

10 (e) No neighborhood vehicle may be operated on a roadway  
11 unless, at a minimum, it has the following: brakes, a steering  
12 apparatus, tires, a rearview mirror, red reflectorized warning  
13 devices in the front and rear, a slow moving emblem (as  
14 required of other vehicles in Section 12-709 of this Code) on  
15 the rear of the neighborhood vehicle, a headlight that emits a  
16 white light visible from a distance of 500 feet to the front, a  
17 tail lamp that emits a red light visible from at least 100 feet  
18 from the rear, brake lights, and turn signals. When operated on  
19 a roadway, a neighborhood vehicle shall have its headlight and  
20 tail lamps lighted as required by Section 12-201 of this Code.

21 (f) A person who drives or is in actual physical control of  
22 a neighborhood vehicle on a roadway while under the influence  
23 is subject to Sections 11-500 through 11-502 of this Code.

24 (Source: P.A. 94-298, eff. 1-1-06; 95-150, 8-14-07; 95-414,  
25 eff. 8-24-07; 95-575, eff. 8-31-07; revised 11-19-07.)

1 (625 ILCS 5/12-610.1)

2 Sec. 12-610.1. Wireless telephones.

3 (a) As used in this Section, "wireless telephone" means a  
4 device that is capable of transmitting or receiving telephonic  
5 communications without a wire connecting the device to the  
6 telephone network.

7 (b) A person under the age of 19 years who holds an  
8 instruction permit issued under Section 6-105 or 6-107.1, or a  
9 person under the age of 19 years who holds a graduated license  
10 issued under Section 6-107, may not drive a vehicle on a  
11 roadway while using a wireless phone.

12 (c) This Section does not apply to a person under the age  
13 of 19 years using a wireless telephone for emergency purposes,  
14 including, but not limited to, an emergency call to a law  
15 enforcement agency, health care provider, fire department, or  
16 other emergency services agency or entity.

17 (d) If a graduated driver's license holder over the age of  
18 18 committed an offense against traffic regulations governing  
19 the movement of vehicles or any violation of Section 6-107 or  
20 Section 12-603.1 of this Code in the 6 months prior to the  
21 graduated driver's license holder's 18th birthday, and was  
22 subsequently convicted of the violation, the provisions of  
23 paragraph (b) shall continue to apply until such time as a  
24 period of 6 consecutive months has elapsed without an  
25 additional violation and subsequent conviction of an offense  
26 against traffic regulations governing the movement of vehicles

1 or any violation of Section 6-107 or Section 12-603.1 of this  
2 Code.

3 (Source: P.A. 94-240, eff. 7-15-05; 95-310, eff. 1-1-08;  
4 95-338, eff. 1-1-08; revised 11-19-07.)

5 Section 305. The Clerks of Courts Act is amended by  
6 changing Sections 27.5 and 27.6 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional  
9 penalties, bail balances assessed or forfeited, and any other  
10 amount paid by a person to the circuit clerk that equals an  
11 amount less than \$55, except restitution under Section 5-5-6 of  
12 the Unified Code of Corrections, reimbursement for the costs of  
13 an emergency response as provided under Section 11-501 of the  
14 Illinois Vehicle Code, any fees collected for attending a  
15 traffic safety program under paragraph (c) of Supreme Court  
16 Rule 529, any fee collected on behalf of a State's Attorney  
17 under Section 4-2002 of the Counties Code or a sheriff under  
18 Section 4-5001 of the Counties Code, or any cost imposed under  
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
20 convictions, orders of supervision, or any other disposition  
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
22 Vehicle Code, or a similar provision of a local ordinance, and  
23 any violation of the Child Passenger Protection Act, or a  
24 similar provision of a local ordinance, and except as provided



1 in subsection (b) shall be disbursed within 60 days after  
2 receipt by the circuit clerk as follows: 47% shall be disbursed  
3 to the entity authorized by law to receive the fine imposed in  
4 the case; 12% shall be disbursed to the State Treasurer; and  
5 41% shall be disbursed to the county's general corporate fund.  
6 Of the 12% disbursed to the State Treasurer, 1/6 shall be  
7 deposited by the State Treasurer into the Violent Crime Victims  
8 Assistance Fund, 1/2 shall be deposited into the Traffic and  
9 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited  
10 into the Drivers Education Fund. For fiscal years 1992 and  
11 1993, amounts deposited into the Violent Crime Victims  
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
13 Fund, or the Drivers Education Fund shall not exceed 110% of  
14 the amounts deposited into those funds in fiscal year 1991. Any  
15 amount that exceeds the 110% limit shall be distributed as  
16 follows: 50% shall be disbursed to the county's general  
17 corporate fund and 50% shall be disbursed to the entity  
18 authorized by law to receive the fine imposed in the case. Not  
19 later than March 1 of each year the circuit clerk shall submit  
20 a report of the amount of funds remitted to the State Treasurer  
21 under this Section during the preceding year based upon  
22 independent verification of fines and fees. All counties shall  
23 be subject to this Section, except that counties with a  
24 population under 2,000,000 may, by ordinance, elect not to be  
25 subject to this Section. For offenses subject to this Section,  
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts  
2 except for amounts that are required by Sections 27.3a and  
3 27.3c of this Act, unless those amounts are specifically waived  
4 by the judge. With respect to money collected by the circuit  
5 clerk as a result of forfeiture of bail, ex parte judgment or  
6 guilty plea pursuant to Supreme Court Rule 529, the circuit  
7 clerk shall first deduct and pay amounts required by Sections  
8 27.3a and 27.3c of this Act. This Section is a denial and  
9 limitation of home rule powers and functions under subsection  
10 (h) of Section 6 of Article VII of the Illinois Constitution.

11 (b) The following amounts must be remitted to the State  
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses  
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class  
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
20 for Animals Act and Section 26-5 of the Criminal Code of  
21 1961; and

22 (3) 50% of the amounts collected for Class C  
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
24 for Animals Act and Section 26-5 of the Criminal Code of  
25 1961.

26 (c) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance shall, in addition to  
3 any other fines, fees, and court costs, pay an additional fee  
4 of \$20, to be disbursed as provided in Section 16-104c of the  
5 Illinois Vehicle Code. In addition to the fee of \$20, the  
6 person shall also pay a fee of \$5, if not waived by the court.  
7 If this \$5 fee is collected, \$4.50 of the fee shall be  
8 deposited into the Circuit Court Clerk Operation and  
9 Administrative Fund created by the Clerk of the Circuit Court  
10 and 50 cents of the fee shall be deposited into the Prisoner  
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (d) Any person convicted of or pleading guilty to a serious  
13 traffic violation, as defined in Section 1-187.001 of the  
14 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
15 be disbursed as provided in Section 16-104d of that Code.

16 This subsection (d) becomes inoperative 7 years after the  
17 effective date of Public Act 95-154 ~~this amendatory Act of the~~  
18 ~~95th General Assembly.~~

19 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
20 95-428, eff. 8-24-07; revised 11-19-07.)

21 (705 ILCS 105/27.6)

22 (Text of Section before amendment by P.A. 95-600)

23 Sec. 27.6. (a) All fees, fines, costs, additional  
24 penalties, bail balances assessed or forfeited, and any other  
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except the additional fee required by  
2 subsections (b) and (c), restitution under Section 5-5-6 of the  
3 Unified Code of Corrections, reimbursement for the costs of an  
4 emergency response as provided under Section 11-501 of the  
5 Illinois Vehicle Code, any fees collected for attending a  
6 traffic safety program under paragraph (c) of Supreme Court  
7 Rule 529, any fee collected on behalf of a State's Attorney  
8 under Section 4-2002 of the Counties Code or a sheriff under  
9 Section 4-5001 of the Counties Code, or any cost imposed under  
10 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
11 convictions, orders of supervision, or any other disposition  
12 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
13 Vehicle Code, or a similar provision of a local ordinance, and  
14 any violation of the Child Passenger Protection Act, or a  
15 similar provision of a local ordinance, and except as provided  
16 in subsections (d) and (g) ~~(f)~~ shall be disbursed within 60  
17 days after receipt by the circuit clerk as follows: 44.5% shall  
18 be disbursed to the entity authorized by law to receive the  
19 fine imposed in the case; 16.825% shall be disbursed to the  
20 State Treasurer; and 38.675% shall be disbursed to the county's  
21 general corporate fund. Of the 16.825% disbursed to the State  
22 Treasurer, 2/17 shall be deposited by the State Treasurer into  
23 the Violent Crime Victims Assistance Fund, 5.052/17 shall be  
24 deposited into the Traffic and Criminal Conviction Surcharge  
25 Fund, 3/17 shall be deposited into the Drivers Education Fund,  
26 and 6.948/17 shall be deposited into the Trauma Center Fund. Of

1 the 6.948/17 deposited into the Trauma Center Fund from the  
2 16.825% disbursed to the State Treasurer, 50% shall be  
3 disbursed to the Department of Public Health and 50% shall be  
4 disbursed to the Department of Healthcare and Family Services.  
5 For fiscal year 1993, amounts deposited into the Violent Crime  
6 Victims Assistance Fund, the Traffic and Criminal Conviction  
7 Surcharge Fund, or the Drivers Education Fund shall not exceed  
8 110% of the amounts deposited into those funds in fiscal year  
9 1991. Any amount that exceeds the 110% limit shall be  
10 distributed as follows: 50% shall be disbursed to the county's  
11 general corporate fund and 50% shall be disbursed to the entity  
12 authorized by law to receive the fine imposed in the case. Not  
13 later than March 1 of each year the circuit clerk shall submit  
14 a report of the amount of funds remitted to the State Treasurer  
15 under this Section during the preceding year based upon  
16 independent verification of fines and fees. All counties shall  
17 be subject to this Section, except that counties with a  
18 population under 2,000,000 may, by ordinance, elect not to be  
19 subject to this Section. For offenses subject to this Section,  
20 judges shall impose one total sum of money payable for  
21 violations. The circuit clerk may add on no additional amounts  
22 except for amounts that are required by Sections 27.3a and  
23 27.3c of this Act, unless those amounts are specifically waived  
24 by the judge. With respect to money collected by the circuit  
25 clerk as a result of forfeiture of bail, ex parte judgment or  
26 guilty plea pursuant to Supreme Court Rule 529, the circuit

1 clerk shall first deduct and pay amounts required by Sections  
2 27.3a and 27.3c of this Act. This Section is a denial and  
3 limitation of home rule powers and functions under subsection  
4 (h) of Section 6 of Article VII of the Illinois Constitution.

5 (b) In addition to any other fines and court costs assessed  
6 by the courts, any person convicted or receiving an order of  
7 supervision for driving under the influence of alcohol or drugs  
8 shall pay an additional fee of \$100 to the clerk of the circuit  
9 court. This amount, less 2 1/2% that shall be used to defray  
10 administrative costs incurred by the clerk, shall be remitted  
11 by the clerk to the Treasurer within 60 days after receipt for  
12 deposit into the Trauma Center Fund. This additional fee of  
13 \$100 shall not be considered a part of the fine for purposes of  
14 any reduction in the fine for time served either before or  
15 after sentencing. Not later than March 1 of each year the  
16 Circuit Clerk shall submit a report of the amount of funds  
17 remitted to the State Treasurer under this subsection during  
18 the preceding calendar year.

19 (b-1) In addition to any other fines and court costs  
20 assessed by the courts, any person convicted or receiving an  
21 order of supervision for driving under the influence of alcohol  
22 or drugs shall pay an additional fee of \$5 to the clerk of the  
23 circuit court. This amount, less 2 1/2% that shall be used to  
24 defray administrative costs incurred by the clerk, shall be  
25 remitted by the clerk to the Treasurer within 60 days after  
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

1 Research Trust Fund. This additional fee of \$5 shall not be  
2 considered a part of the fine for purposes of any reduction in  
3 the fine for time served either before or after sentencing. Not  
4 later than March 1 of each year the Circuit Clerk shall submit  
5 a report of the amount of funds remitted to the State Treasurer  
6 under this subsection during the preceding calendar year.

7 (c) In addition to any other fines and court costs assessed  
8 by the courts, any person convicted for a violation of Sections  
9 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
10 person sentenced for a violation of the Cannabis Control Act,  
11 the Illinois Controlled Substances Act, or the Methamphetamine  
12 Control and Community Protection Act shall pay an additional  
13 fee of \$100 to the clerk of the circuit court. This amount,  
14 less 2 1/2% that shall be used to defray administrative costs  
15 incurred by the clerk, shall be remitted by the clerk to the  
16 Treasurer within 60 days after receipt for deposit into the  
17 Trauma Center Fund. This additional fee of \$100 shall not be  
18 considered a part of the fine for purposes of any reduction in  
19 the fine for time served either before or after sentencing. Not  
20 later than March 1 of each year the Circuit Clerk shall submit  
21 a report of the amount of funds remitted to the State Treasurer  
22 under this subsection during the preceding calendar year.

23 (c-1) In addition to any other fines and court costs  
24 assessed by the courts, any person sentenced for a violation of  
25 the Cannabis Control Act, the Illinois Controlled Substances  
26 Act, or the Methamphetamine Control and Community Protection

1 Act shall pay an additional fee of \$5 to the clerk of the  
2 circuit court. This amount, less 2 1/2% that shall be used to  
3 defray administrative costs incurred by the clerk, shall be  
4 remitted by the clerk to the Treasurer within 60 days after  
5 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
6 Research Trust Fund. This additional fee of \$5 shall not be  
7 considered a part of the fine for purposes of any reduction in  
8 the fine for time served either before or after sentencing. Not  
9 later than March 1 of each year the Circuit Clerk shall submit  
10 a report of the amount of funds remitted to the State Treasurer  
11 under this subsection during the preceding calendar year.

12 (d) The following amounts must be remitted to the State  
13 Treasurer for deposit into the Illinois Animal Abuse Fund:

14 (1) 50% of the amounts collected for felony offenses  
15 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
16 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
17 Animals Act and Section 26-5 of the Criminal Code of 1961;

18 (2) 20% of the amounts collected for Class A and Class  
19 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
20 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
21 for Animals Act and Section 26-5 of the Criminal Code of  
22 1961; and

23 (3) 50% of the amounts collected for Class C  
24 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
25 for Animals Act and Section 26-5 of the Criminal Code of  
26 1961.



1 (e) Any person who receives a disposition of court  
2 supervision for a violation of the Illinois Vehicle Code or a  
3 similar provision of a local ordinance shall, in addition to  
4 any other fines, fees, and court costs, pay an additional fee  
5 of \$20, to be disbursed as provided in Section 16-104c of the  
6 Illinois Vehicle Code. In addition to the fee of \$20, the  
7 person shall also pay a fee of \$5, if not waived by the court.  
8 If this \$5 fee is collected, \$4.50 of the fee shall be  
9 deposited into the Circuit Court Clerk Operation and  
10 Administrative Fund created by the Clerk of the Circuit Court  
11 and 50 cents of the fee shall be deposited into the Prisoner  
12 Review Board Vehicle and Equipment Fund in the State treasury.

13 (f) This Section does not apply to the additional child  
14 pornography fines assessed and collected under Section  
15 5-9-1.14 of the Unified Code of Corrections.

16 (g) ~~(f)~~ Of the amounts collected as fines under subsection  
17 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
18 deposited into the Illinois Military Family Relief Fund and 1%  
19 shall be deposited into the Circuit Court Clerk Operation and  
20 Administrative Fund created by the Clerk of the Circuit Court  
21 to be used to offset the costs incurred by the Circuit Court  
22 Clerk in performing the additional duties required to collect  
23 and disburse funds to entities of State and local government as  
24 provided by law.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
26 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;

1 revised 11-19-07.)

2 (Text of Section after amendment by P.A. 95-600)

3 Sec. 27.6. (a) All fees, fines, costs, additional  
4 penalties, bail balances assessed or forfeited, and any other  
5 amount paid by a person to the circuit clerk equalling an  
6 amount of \$55 or more, except the fine imposed by Section  
7 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of Corrections, the  
8 additional fee required by subsections (b) and (c), restitution  
9 under Section 5-5-6 of the Unified Code of Corrections,  
10 reimbursement for the costs of an emergency response as  
11 provided under Section 11-501 of the Illinois Vehicle Code, any  
12 fees collected for attending a traffic safety program under  
13 paragraph (c) of Supreme Court Rule 529, any fee collected on  
14 behalf of a State's Attorney under Section 4-2002 of the  
15 Counties Code or a sheriff under Section 4-5001 of the Counties  
16 Code, or any cost imposed under Section 124A-5 of the Code of  
17 Criminal Procedure of 1963, for convictions, orders of  
18 supervision, or any other disposition for a violation of  
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
20 similar provision of a local ordinance, and any violation of  
21 the Child Passenger Protection Act, or a similar provision of a  
22 local ordinance, and except as provided in subsections (d) and  
23 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the  
24 circuit clerk as follows: 44.5% shall be disbursed to the  
25 entity authorized by law to receive the fine imposed in the

1 case; 16.825% shall be disbursed to the State Treasurer; and  
2 38.675% shall be disbursed to the county's general corporate  
3 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
4 shall be deposited by the State Treasurer into the Violent  
5 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
6 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
7 be deposited into the Drivers Education Fund, and 6.948/17  
8 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
9 deposited into the Trauma Center Fund from the 16.825%  
10 disbursed to the State Treasurer, 50% shall be disbursed to the  
11 Department of Public Health and 50% shall be disbursed to the  
12 Department of Healthcare and Family Services. For fiscal year  
13 1993, amounts deposited into the Violent Crime Victims  
14 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
15 Fund, or the Drivers Education Fund shall not exceed 110% of  
16 the amounts deposited into those funds in fiscal year 1991. Any  
17 amount that exceeds the 110% limit shall be distributed as  
18 follows: 50% shall be disbursed to the county's general  
19 corporate fund and 50% shall be disbursed to the entity  
20 authorized by law to receive the fine imposed in the case. Not  
21 later than March 1 of each year the circuit clerk shall submit  
22 a report of the amount of funds remitted to the State Treasurer  
23 under this Section during the preceding year based upon  
24 independent verification of fines and fees. All counties shall  
25 be subject to this Section, except that counties with a  
26 population under 2,000,000 may, by ordinance, elect not to be

1 subject to this Section. For offenses subject to this Section,  
2 judges shall impose one total sum of money payable for  
3 violations. The circuit clerk may add on no additional amounts  
4 except for amounts that are required by Sections 27.3a and  
5 27.3c of this Act, unless those amounts are specifically waived  
6 by the judge. With respect to money collected by the circuit  
7 clerk as a result of forfeiture of bail, ex parte judgment or  
8 guilty plea pursuant to Supreme Court Rule 529, the circuit  
9 clerk shall first deduct and pay amounts required by Sections  
10 27.3a and 27.3c of this Act. This Section is a denial and  
11 limitation of home rule powers and functions under subsection  
12 (h) of Section 6 of Article VII of the Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed  
14 by the courts, any person convicted or receiving an order of  
15 supervision for driving under the influence of alcohol or drugs  
16 shall pay an additional fee of \$100 to the clerk of the circuit  
17 court. This amount, less 2 1/2% that shall be used to defray  
18 administrative costs incurred by the clerk, shall be remitted  
19 by the clerk to the Treasurer within 60 days after receipt for  
20 deposit into the Trauma Center Fund. This additional fee of  
21 \$100 shall not be considered a part of the fine for purposes of  
22 any reduction in the fine for time served either before or  
23 after sentencing. Not later than March 1 of each year the  
24 Circuit Clerk shall submit a report of the amount of funds  
25 remitted to the State Treasurer under this subsection during  
26 the preceding calendar year.

1           (b-1) In addition to any other fines and court costs  
2 assessed by the courts, any person convicted or receiving an  
3 order of supervision for driving under the influence of alcohol  
4 or drugs shall pay an additional fee of \$5 to the clerk of the  
5 circuit court. This amount, less 2 1/2% that shall be used to  
6 defray administrative costs incurred by the clerk, shall be  
7 remitted by the clerk to the Treasurer within 60 days after  
8 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
9 Research Trust Fund. This additional fee of \$5 shall not be  
10 considered a part of the fine for purposes of any reduction in  
11 the fine for time served either before or after sentencing. Not  
12 later than March 1 of each year the Circuit Clerk shall submit  
13 a report of the amount of funds remitted to the State Treasurer  
14 under this subsection during the preceding calendar year.

15           (c) In addition to any other fines and court costs assessed  
16 by the courts, any person convicted for a violation of Sections  
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
18 person sentenced for a violation of the Cannabis Control Act,  
19 the Illinois Controlled Substances Act, or the Methamphetamine  
20 Control and Community Protection Act shall pay an additional  
21 fee of \$100 to the clerk of the circuit court. This amount,  
22 less 2 1/2% that shall be used to defray administrative costs  
23 incurred by the clerk, shall be remitted by the clerk to the  
24 Treasurer within 60 days after receipt for deposit into the  
25 Trauma Center Fund. This additional fee of \$100 shall not be  
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not  
2 later than March 1 of each year the Circuit Clerk shall submit  
3 a report of the amount of funds remitted to the State Treasurer  
4 under this subsection during the preceding calendar year.

5 (c-1) In addition to any other fines and court costs  
6 assessed by the courts, any person sentenced for a violation of  
7 the Cannabis Control Act, the Illinois Controlled Substances  
8 Act, or the Methamphetamine Control and Community Protection  
9 Act shall pay an additional fee of \$5 to the clerk of the  
10 circuit court. This amount, less 2 1/2% that shall be used to  
11 defray administrative costs incurred by the clerk, shall be  
12 remitted by the clerk to the Treasurer within 60 days after  
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
14 Research Trust Fund. This additional fee of \$5 shall not be  
15 considered a part of the fine for purposes of any reduction in  
16 the fine for time served either before or after sentencing. Not  
17 later than March 1 of each year the Circuit Clerk shall submit  
18 a report of the amount of funds remitted to the State Treasurer  
19 under this subsection during the preceding calendar year.

20 (d) The following amounts must be remitted to the State  
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses  
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
25 Animals Act and Section 26-5 of the Criminal Code of 1961;

26 (2) 20% of the amounts collected for Class A and Class

1 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
2 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
3 for Animals Act and Section 26-5 of the Criminal Code of  
4 1961; and

5 (3) 50% of the amounts collected for Class C  
6 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
7 for Animals Act and Section 26-5 of the Criminal Code of  
8 1961.

9 (e) Any person who receives a disposition of court  
10 supervision for a violation of the Illinois Vehicle Code or a  
11 similar provision of a local ordinance shall, in addition to  
12 any other fines, fees, and court costs, pay an additional fee  
13 of \$20, to be disbursed as provided in Section 16-104c of the  
14 Illinois Vehicle Code. In addition to the fee of \$20, the  
15 person shall also pay a fee of \$5, if not waived by the court.  
16 If this \$5 fee is collected, \$4.50 of the fee shall be  
17 deposited into the Circuit Court Clerk Operation and  
18 Administrative Fund created by the Clerk of the Circuit Court  
19 and 50 cents of the fee shall be deposited into the Prisoner  
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (f) This Section does not apply to the additional child  
22 pornography fines assessed and collected under Section  
23 5-9-1.14 of the Unified Code of Corrections.

24 (g) ~~(f)~~ Of the amounts collected as fines under subsection  
25 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
26 deposited into the Illinois Military Family Relief Fund and 1%

1 shall be deposited into the Circuit Court Clerk Operation and  
2 Administrative Fund created by the Clerk of the Circuit Court  
3 to be used to offset the costs incurred by the Circuit Court  
4 Clerk in performing the additional duties required to collect  
5 and disburse funds to entities of State and local government as  
6 provided by law.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;  
8 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;  
9 95-600, eff. 6-1-08; revised 11-19-07.)

10 Section 310. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 2-10, 2-28, and 5-710 as follows:

12 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

13 (Text of Section before amendment by P.A. 95-405 and  
14 95-642)

15 Sec. 2-10. Temporary custody hearing. At the appearance of  
16 the minor before the court at the temporary custody hearing,  
17 all witnesses present shall be examined before the court in  
18 relation to any matter connected with the allegations made in  
19 the petition.

20 (1) If the court finds that there is not probable cause to  
21 believe that the minor is abused, neglected or dependent it  
22 shall release the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to  
24 believe that the minor is abused, neglected or dependent, the



1 court shall state in writing the factual basis supporting its  
2 finding and the minor, his or her parent, guardian, custodian  
3 and other persons able to give relevant testimony shall be  
4 examined before the court. The Department of Children and  
5 Family Services shall give testimony concerning indicated  
6 reports of abuse and neglect, of which they are aware of  
7 through the central registry, involving the minor's parent,  
8 guardian or custodian. After such testimony, the court may,  
9 consistent with the health, safety and best interests of the  
10 minor, enter an order that the minor shall be released upon the  
11 request of parent, guardian or custodian if the parent,  
12 guardian or custodian appears to take custody. Custodian shall  
13 include any agency of the State which has been given custody or  
14 wardship of the child. If it is consistent with the health,  
15 safety and best interests of the minor, the court may also  
16 prescribe shelter care and order that the minor be kept in a  
17 suitable place designated by the court or in a shelter care  
18 facility designated by the Department of Children and Family  
19 Services or a licensed child welfare agency; however, a minor  
20 charged with a criminal offense under the Criminal Code of 1961  
21 or adjudicated delinquent shall not be placed in the custody of  
22 or committed to the Department of Children and Family Services  
23 by any court, except a minor less than 13 years of age and  
24 committed to the Department of Children and Family Services  
25 under Section 5-710 of this Act or a minor for whom an  
26 independent basis of abuse, neglect, or dependency exists,

1 which must be defined by departmental rule. In placing the  
2 minor, the Department or other agency shall, to the extent  
3 compatible with the court's order, comply with Section 7 of the  
4 Children and Family Services Act. In determining the health,  
5 safety and best interests of the minor to prescribe shelter  
6 care, the court must find that it is a matter of immediate and  
7 urgent necessity for the safety and protection of the minor or  
8 of the person or property of another that the minor be placed  
9 in a shelter care facility or that he or she is likely to flee  
10 the jurisdiction of the court, and must further find that  
11 reasonable efforts have been made or that, consistent with the  
12 health, safety and best interests of the minor, no efforts  
13 reasonably can be made to prevent or eliminate the necessity of  
14 removal of the minor from his or her home. The court shall  
15 require documentation from the Department of Children and  
16 Family Services as to the reasonable efforts that were made to  
17 prevent or eliminate the necessity of removal of the minor from  
18 his or her home or the reasons why no efforts reasonably could  
19 be made to prevent or eliminate the necessity of removal. When  
20 a minor is placed in the home of a relative, the Department of  
21 Children and Family Services shall complete a preliminary  
22 background review of the members of the minor's custodian's  
23 household in accordance with Section 4.3 of the Child Care Act  
24 of 1969 within 90 days of that placement. If the minor is  
25 ordered placed in a shelter care facility of the Department of  
26 Children and Family Services or a licensed child welfare

1 agency, the court shall, upon request of the appropriate  
2 Department or other agency, appoint the Department of Children  
3 and Family Services Guardianship Administrator or other  
4 appropriate agency executive temporary custodian of the minor  
5 and the court may enter such other orders related to the  
6 temporary custody as it deems fit and proper, including the  
7 provision of services to the minor or his family to ameliorate  
8 the causes contributing to the finding of probable cause or to  
9 the finding of the existence of immediate and urgent necessity.

10 Where the Department of Children and Family Services  
11 Guardianship Administrator is appointed as the executive  
12 temporary custodian, the Department of Children and Family  
13 Services shall file with the court and serve on the parties a  
14 parent-child visiting plan, within 10 days, excluding weekends  
15 and holidays, after the appointment. The parent-child visiting  
16 plan shall set out the time and place of visits, the frequency  
17 of visits, the length of visits, who shall be present at the  
18 visits, and where appropriate, the minor's opportunities to  
19 have telephone and mail communication with the parents. For  
20 good cause, the court may waive the requirement to file the  
21 parent-child visiting plan or extend the time for filing the  
22 parent-child visiting plan. Any party may, by motion, request  
23 the court to review the parent-child visiting plan to determine  
24 whether it is reasonably calculated to expeditiously  
25 facilitate the achievement of the permanency goal and is  
26 consistent with the minor's best interest. The frequency,

1 duration, and locations of visitation shall be measured by the  
2 needs of the child and family, and not by the convenience of  
3 Department personnel. Child development principles shall be  
4 considered by the court in its analysis of how frequent  
5 visitation should be, how long it should last, where it should  
6 take place, and who should be present. If upon motion of the  
7 party to review the plan and after receiving evidence, the  
8 court determines that the parent-child visiting plan is not  
9 reasonably calculated to expeditiously facilitate the  
10 achievement of the permanency goal or that the restrictions  
11 placed on parent-child contact are contrary to the child's best  
12 interests, the court shall put in writing the factual basis  
13 supporting the determination and enter specific findings based  
14 on the evidence. The court shall enter an order for the  
15 Department to implement changes to the parent-child visiting  
16 plan, consistent with the court's findings. At any stage of  
17 proceeding, any party may by motion request the court to enter  
18 any orders necessary to implement the parent-child visiting  
19 plan. Nothing under this subsection (2) shall restrict the  
20 court from granting discretionary authority to the Department  
21 to increase opportunities for additional parent-child  
22 contacts, without further court orders. Nothing in this  
23 subsection (2) shall restrict the Department from immediately  
24 restricting or terminating parent-child contact, without  
25 either amending the parent-child visiting plan or obtaining a  
26 court order, where the Department or its assigns reasonably

1 believe that continuation of parent-child contact, as set out  
2 in the parent-child visiting plan, would be contrary to the  
3 child's health, safety, and welfare. The Department shall file  
4 with the court and serve on the parties any amendments to the  
5 visitation plan within 10 days, excluding weekends and  
6 holidays, of the change of the visitation. Any party may, by  
7 motion, request the court to review the parent-child visiting  
8 plan to determine whether the parent-child visiting plan is  
9 reasonably calculated to expeditiously facilitate the  
10 achievement of the permanency goal, and is consistent with the  
11 minor's health, safety, and best interest.

12 Acceptance of services shall not be considered an admission  
13 of any allegation in a petition made pursuant to this Act, nor  
14 may a referral of services be considered as evidence in any  
15 proceeding pursuant to this Act, except where the issue is  
16 whether the Department has made reasonable efforts to reunite  
17 the family. In making its findings that it is consistent with  
18 the health, safety and best interests of the minor to prescribe  
19 shelter care, the court shall state in writing (i) the factual  
20 basis supporting its findings concerning the immediate and  
21 urgent necessity for the protection of the minor or of the  
22 person or property of another and (ii) the factual basis  
23 supporting its findings that reasonable efforts were made to  
24 prevent or eliminate the removal of the minor from his or her  
25 home or that no efforts reasonably could be made to prevent or  
26 eliminate the removal of the minor from his or her home. The

1 parents, guardian, custodian, temporary custodian and minor  
2 shall each be furnished a copy of such written findings. The  
3 temporary custodian shall maintain a copy of the court order  
4 and written findings in the case record for the child. The  
5 order together with the court's findings of fact in support  
6 thereof shall be entered of record in the court.

7       Once the court finds that it is a matter of immediate and  
8 urgent necessity for the protection of the minor that the minor  
9 be placed in a shelter care facility, the minor shall not be  
10 returned to the parent, custodian or guardian until the court  
11 finds that such placement is no longer necessary for the  
12 protection of the minor.

13       If the child is placed in the temporary custody of the  
14 Department of Children and Family Services for his or her  
15 protection, the court shall admonish the parents, guardian,  
16 custodian or responsible relative that the parents must  
17 cooperate with the Department of Children and Family Services,  
18 comply with the terms of the service plans, and correct the  
19 conditions which require the child to be in care, or risk  
20 termination of their parental rights.

21       (3) If prior to the shelter care hearing for a minor  
22 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
23 unable to serve notice on the party respondent, the shelter  
24 care hearing may proceed ex-parte. A shelter care order from an  
25 ex-parte hearing shall be endorsed with the date and hour of  
26 issuance and shall be filed with the clerk's office and entered

1 of record. The order shall expire after 10 days from the time  
 2 it is issued unless before its expiration it is renewed, at a  
 3 hearing upon appearance of the party respondent, or upon an  
 4 affidavit of the moving party as to all diligent efforts to  
 5 notify the party respondent by notice as herein prescribed. The  
 6 notice prescribed shall be in writing and shall be personally  
 7 delivered to the minor or the minor's attorney and to the last  
 8 known address of the other person or persons entitled to  
 9 notice. The notice shall also state the nature of the  
 10 allegations, the nature of the order sought by the State,  
 11 including whether temporary custody is sought, and the  
 12 consequences of failure to appear and shall contain a notice  
 13 that the parties will not be entitled to further written  
 14 notices or publication notices of proceedings in this case,  
 15 including the filing of an amended petition or a motion to  
 16 terminate parental rights, except as required by Supreme Court  
 17 Rule 11; and shall explain the right of the parties and the  
 18 procedures to vacate or modify a shelter care order as provided  
 19 in this Section. The notice for a shelter care hearing shall be  
 20 substantially as follows:

21 NOTICE TO PARENTS AND CHILDREN  
 22 OF SHELTER CARE HEARING

23 On ..... at ....., before the Honorable  
 24 ....., (address:) ....., the State  
 25 of Illinois will present evidence (1) that (name of child  
 26 or children) ..... are abused, neglected

1 or dependent for the following reasons:

2 ..... and (2)  
3 that there is "immediate and urgent necessity" to remove  
4 the child or children from the responsible relative.

5 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
6 PLACEMENT of the child or children in foster care until a  
7 trial can be held. A trial may not be held for up to 90  
8 days. You will not be entitled to further notices of  
9 proceedings in this case, including the filing of an  
10 amended petition or a motion to terminate parental rights.

11 At the shelter care hearing, parents have the following  
12 rights:

13 1. To ask the court to appoint a lawyer if they  
14 cannot afford one.

15 2. To ask the court to continue the hearing to  
16 allow them time to prepare.

17 3. To present evidence concerning:

18 a. Whether or not the child or children were  
19 abused, neglected or dependent.

20 b. Whether or not there is "immediate and  
21 urgent necessity" to remove the child from home  
22 (including: their ability to care for the child,  
23 conditions in the home, alternative means of  
24 protecting the child other than removal).

25 c. The best interests of the child.

26 4. To cross examine the State's witnesses.



1           The Notice for rehearings shall be substantially as  
2 follows:

3                           NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
4                           TO REHEARING ON TEMPORARY CUSTODY

5           If you were not present at and did not have adequate  
6 notice of the Shelter Care Hearing at which temporary  
7 custody of ..... was awarded to  
8 ....., you have the right to request a full  
9 rehearing on whether the State should have temporary  
10 custody of ..... To request this rehearing,  
11 you must file with the Clerk of the Juvenile Court  
12 (address): ....., in person or by  
13 mailing a statement (affidavit) setting forth the  
14 following:

- 15                   1. That you were not present at the shelter care
- 16                   hearing.
- 17                   2. That you did not get adequate notice (explaining
- 18                   how the notice was inadequate).
- 19                   3. Your signature.
- 20                   4. Signature must be notarized.

21           The rehearing should be scheduled within 48 hours of  
22 your filing this affidavit.

23           At the rehearing, your rights are the same as at the  
24 initial shelter care hearing. The enclosed notice explains  
25 those rights.

1           At the Shelter Care Hearing, children have the  
2 following rights:

3           1. To have a guardian ad litem appointed.

4           2. To be declared competent as a witness and to  
5 present testimony concerning:

6           a. Whether they are abused, neglected or  
7 dependent.

8           b. Whether there is "immediate and urgent  
9 necessity" to be removed from home.

10           c. Their best interests.

11           3. To cross examine witnesses for other parties.

12           4. To obtain an explanation of any proceedings and  
13 orders of the court.

14           (4) If the parent, guardian, legal custodian, responsible  
15 relative, minor age 8 or over, or counsel of the minor did not  
16 have actual notice of or was not present at the shelter care  
17 hearing, he or she may file an affidavit setting forth these  
18 facts, and the clerk shall set the matter for rehearing not  
19 later than 48 hours, excluding Sundays and legal holidays,  
20 after the filing of the affidavit. At the rehearing, the court  
21 shall proceed in the same manner as upon the original hearing.

22           (5) Only when there is reasonable cause to believe that the  
23 minor taken into custody is a person described in subsection  
24 (3) of Section 5-105 may the minor be kept or detained in a  
25 detention home or county or municipal jail. This Section shall  
26 in no way be construed to limit subsection (6).

1           (6) No minor under 16 years of age may be confined in a  
2 jail or place ordinarily used for the confinement of prisoners  
3 in a police station. Minors under 17 years of age must be kept  
4 separate from confined adults and may not at any time be kept  
5 in the same cell, room, or yard with adults confined pursuant  
6 to the criminal law.

7           (7) If the minor is not brought before a judicial officer  
8 within the time period as specified in Section 2-9, the minor  
9 must immediately be released from custody.

10          (8) If neither the parent, guardian or custodian appears  
11 within 24 hours to take custody of a minor released upon  
12 request pursuant to subsection (2) of this Section, then the  
13 clerk of the court shall set the matter for rehearing not later  
14 than 7 days after the original order and shall issue a summons  
15 directed to the parent, guardian or custodian to appear. At the  
16 same time the probation department shall prepare a report on  
17 the minor. If a parent, guardian or custodian does not appear  
18 at such rehearing, the judge may enter an order prescribing  
19 that the minor be kept in a suitable place designated by the  
20 Department of Children and Family Services or a licensed child  
21 welfare agency.

22          (9) Notwithstanding any other provision of this Section any  
23 interested party, including the State, the temporary  
24 custodian, an agency providing services to the minor or family  
25 under a service plan pursuant to Section 8.2 of the Abused and  
26 Neglected Child Reporting Act, foster parent, or any of their

1 representatives, on notice to all parties entitled to notice,  
2 may file a motion that it is in the best interests of the minor  
3 to modify or vacate a temporary custody order on any of the  
4 following grounds:

5 (a) It is no longer a matter of immediate and urgent  
6 necessity that the minor remain in shelter care; or

7 (b) There is a material change in the circumstances of  
8 the natural family from which the minor was removed and the  
9 child can be cared for at home without endangering the  
10 child's health or safety; or

11 (c) A person not a party to the alleged abuse, neglect  
12 or dependency, including a parent, relative or legal  
13 guardian, is capable of assuming temporary custody of the  
14 minor; or

15 (d) Services provided by the Department of Children and  
16 Family Services or a child welfare agency or other service  
17 provider have been successful in eliminating the need for  
18 temporary custody and the child can be cared for at home  
19 without endangering the child's health or safety.

20 In ruling on the motion, the court shall determine whether  
21 it is consistent with the health, safety and best interests of  
22 the minor to modify or vacate a temporary custody order.

23 The clerk shall set the matter for hearing not later than  
24 14 days after such motion is filed. In the event that the court  
25 modifies or vacates a temporary custody order but does not  
26 vacate its finding of probable cause, the court may order that

1 appropriate services be continued or initiated in behalf of the  
2 minor and his or her family.

3 (10) When the court finds or has found that there is  
4 probable cause to believe a minor is an abused minor as  
5 described in subsection (2) of Section 2-3 and that there is an  
6 immediate and urgent necessity for the abused minor to be  
7 placed in shelter care, immediate and urgent necessity shall be  
8 presumed for any other minor residing in the same household as  
9 the abused minor provided:

10 (a) Such other minor is the subject of an abuse or  
11 neglect petition pending before the court; and

12 (b) A party to the petition is seeking shelter care for  
13 such other minor.

14 Once the presumption of immediate and urgent necessity has  
15 been raised, the burden of demonstrating the lack of immediate  
16 and urgent necessity shall be on any party that is opposing  
17 shelter care for the other minor.

18 (Source: P.A. 94-604, eff. 1-1-06.)

19 (Text of Section after amendment by P.A. 95-405 and 95-642)

20 Sec. 2-10. Temporary custody hearing. At the appearance of  
21 the minor before the court at the temporary custody hearing,  
22 all witnesses present shall be examined before the court in  
23 relation to any matter connected with the allegations made in  
24 the petition.

25 (1) If the court finds that there is not probable cause to

1 believe that the minor is abused, neglected or dependent it  
2 shall release the minor and dismiss the petition.

3 (2) If the court finds that there is probable cause to  
4 believe that the minor is abused, neglected or dependent, the  
5 court shall state in writing the factual basis supporting its  
6 finding and the minor, his or her parent, guardian, custodian  
7 and other persons able to give relevant testimony shall be  
8 examined before the court. The Department of Children and  
9 Family Services shall give testimony concerning indicated  
10 reports of abuse and neglect, of which they are aware of  
11 through the central registry, involving the minor's parent,  
12 guardian or custodian. After such testimony, the court may,  
13 consistent with the health, safety and best interests of the  
14 minor, enter an order that the minor shall be released upon the  
15 request of parent, guardian or custodian if the parent,  
16 guardian or custodian appears to take custody. If it is  
17 determined that a parent's, guardian's, or custodian's  
18 compliance with critical services mitigates the necessity for  
19 removal of the minor from his or her home, the court may enter  
20 an Order of Protection setting forth reasonable conditions of  
21 behavior that a parent, guardian, or custodian must observe for  
22 a specified period of time, not to exceed 12 months, without a  
23 violation; provided, however, that the 12-month period shall  
24 begin anew after any violation. Custodian shall include any  
25 agency of the State which has been given custody or wardship of  
26 the child. If it is consistent with the health, safety and best

1 interests of the minor, the court may also prescribe shelter  
2 care and order that the minor be kept in a suitable place  
3 designated by the court or in a shelter care facility  
4 designated by the Department of Children and Family Services or  
5 a licensed child welfare agency; however, a minor charged with  
6 a criminal offense under the Criminal Code of 1961 or  
7 adjudicated delinquent shall not be placed in the custody of or  
8 committed to the Department of Children and Family Services by  
9 any court, except a minor less than 15 years of age and  
10 committed to the Department of Children and Family Services  
11 under Section 5-710 of this Act or a minor for whom an  
12 independent basis of abuse, neglect, or dependency exists. An  
13 independent basis exists when the allegations or adjudication  
14 of abuse, neglect, or dependency do not arise from the same  
15 facts, incident, or circumstances which give rise to a charge  
16 or adjudication of delinquency.

17 In placing the minor, the Department or other agency shall,  
18 to the extent compatible with the court's order, comply with  
19 Section 7 of the Children and Family Services Act. In  
20 determining the health, safety and best interests of the minor  
21 to prescribe shelter care, the court must find that it is a  
22 matter of immediate and urgent necessity for the safety and  
23 protection of the minor or of the person or property of another  
24 that the minor be placed in a shelter care facility or that he  
25 or she is likely to flee the jurisdiction of the court, and  
26 must further find that reasonable efforts have been made or

1 that, consistent with the health, safety and best interests of  
2 the minor, no efforts reasonably can be made to prevent or  
3 eliminate the necessity of removal of the minor from his or her  
4 home. The court shall require documentation from the Department  
5 of Children and Family Services as to the reasonable efforts  
6 that were made to prevent or eliminate the necessity of removal  
7 of the minor from his or her home or the reasons why no efforts  
8 reasonably could be made to prevent or eliminate the necessity  
9 of removal. When a minor is placed in the home of a relative,  
10 the Department of Children and Family Services shall complete a  
11 preliminary background review of the members of the minor's  
12 custodian's household in accordance with Section 4.3 of the  
13 Child Care Act of 1969 within 90 days of that placement. If the  
14 minor is ordered placed in a shelter care facility of the  
15 Department of Children and Family Services or a licensed child  
16 welfare agency, the court shall, upon request of the  
17 appropriate Department or other agency, appoint the Department  
18 of Children and Family Services Guardianship Administrator or  
19 other appropriate agency executive temporary custodian of the  
20 minor and the court may enter such other orders related to the  
21 temporary custody as it deems fit and proper, including the  
22 provision of services to the minor or his family to ameliorate  
23 the causes contributing to the finding of probable cause or to  
24 the finding of the existence of immediate and urgent necessity.

25 Where the Department of Children and Family Services  
26 Guardianship Administrator is appointed as the executive



1 temporary custodian, the Department of Children and Family  
2 Services shall file with the court and serve on the parties a  
3 parent-child visiting plan, within 10 days, excluding weekends  
4 and holidays, after the appointment. The parent-child visiting  
5 plan shall set out the time and place of visits, the frequency  
6 of visits, the length of visits, who shall be present at the  
7 visits, and where appropriate, the minor's opportunities to  
8 have telephone and mail communication with the parents. For  
9 good cause, the court may waive the requirement to file the  
10 parent-child visiting plan or extend the time for filing the  
11 parent-child visiting plan. Any party may, by motion, request  
12 the court to review the parent-child visiting plan to determine  
13 whether it is reasonably calculated to expeditiously  
14 facilitate the achievement of the permanency goal and is  
15 consistent with the minor's best interest. The frequency,  
16 duration, and locations of visitation shall be measured by the  
17 needs of the child and family, and not by the convenience of  
18 Department personnel. Child development principles shall be  
19 considered by the court in its analysis of how frequent  
20 visitation should be, how long it should last, where it should  
21 take place, and who should be present. If upon motion of the  
22 party to review the plan and after receiving evidence, the  
23 court determines that the parent-child visiting plan is not  
24 reasonably calculated to expeditiously facilitate the  
25 achievement of the permanency goal or that the restrictions  
26 placed on parent-child contact are contrary to the child's best

1 interests, the court shall put in writing the factual basis  
2 supporting the determination and enter specific findings based  
3 on the evidence. The court shall enter an order for the  
4 Department to implement changes to the parent-child visiting  
5 plan, consistent with the court's findings. At any stage of  
6 proceeding, any party may by motion request the court to enter  
7 any orders necessary to implement the parent-child visiting  
8 plan. Nothing under this subsection (2) shall restrict the  
9 court from granting discretionary authority to the Department  
10 to increase opportunities for additional parent-child  
11 contacts, without further court orders. Nothing in this  
12 subsection (2) shall restrict the Department from immediately  
13 restricting or terminating parent-child contact, without  
14 either amending the parent-child visiting plan or obtaining a  
15 court order, where the Department or its assigns reasonably  
16 believe that continuation of parent-child contact, as set out  
17 in the parent-child visiting plan, would be contrary to the  
18 child's health, safety, and welfare. The Department shall file  
19 with the court and serve on the parties any amendments to the  
20 visitation plan within 10 days, excluding weekends and  
21 holidays, of the change of the visitation. Any party may, by  
22 motion, request the court to review the parent-child visiting  
23 plan to determine whether the parent-child visiting plan is  
24 reasonably calculated to expeditiously facilitate the  
25 achievement of the permanency goal, and is consistent with the  
26 minor's health, safety, and best interest.

1           Acceptance of services shall not be considered an admission  
2 of any allegation in a petition made pursuant to this Act, nor  
3 may a referral of services be considered as evidence in any  
4 proceeding pursuant to this Act, except where the issue is  
5 whether the Department has made reasonable efforts to reunite  
6 the family. In making its findings that it is consistent with  
7 the health, safety and best interests of the minor to prescribe  
8 shelter care, the court shall state in writing (i) the factual  
9 basis supporting its findings concerning the immediate and  
10 urgent necessity for the protection of the minor or of the  
11 person or property of another and (ii) the factual basis  
12 supporting its findings that reasonable efforts were made to  
13 prevent or eliminate the removal of the minor from his or her  
14 home or that no efforts reasonably could be made to prevent or  
15 eliminate the removal of the minor from his or her home. The  
16 parents, guardian, custodian, temporary custodian and minor  
17 shall each be furnished a copy of such written findings. The  
18 temporary custodian shall maintain a copy of the court order  
19 and written findings in the case record for the child. The  
20 order together with the court's findings of fact in support  
21 thereof shall be entered of record in the court.

22           Once the court finds that it is a matter of immediate and  
23 urgent necessity for the protection of the minor that the minor  
24 be placed in a shelter care facility, the minor shall not be  
25 returned to the parent, custodian or guardian until the court  
26 finds that such placement is no longer necessary for the

1 protection of the minor.

2 If the child is placed in the temporary custody of the  
3 Department of Children and Family Services for his or her  
4 protection, the court shall admonish the parents, guardian,  
5 custodian or responsible relative that the parents must  
6 cooperate with the Department of Children and Family Services,  
7 comply with the terms of the service plans, and correct the  
8 conditions which require the child to be in care, or risk  
9 termination of their parental rights.

10 (3) If prior to the shelter care hearing for a minor  
11 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
12 unable to serve notice on the party respondent, the shelter  
13 care hearing may proceed ex-parte. A shelter care order from an  
14 ex-parte hearing shall be endorsed with the date and hour of  
15 issuance and shall be filed with the clerk's office and entered  
16 of record. The order shall expire after 10 days from the time  
17 it is issued unless before its expiration it is renewed, at a  
18 hearing upon appearance of the party respondent, or upon an  
19 affidavit of the moving party as to all diligent efforts to  
20 notify the party respondent by notice as herein prescribed. The  
21 notice prescribed shall be in writing and shall be personally  
22 delivered to the minor or the minor's attorney and to the last  
23 known address of the other person or persons entitled to  
24 notice. The notice shall also state the nature of the  
25 allegations, the nature of the order sought by the State,  
26 including whether temporary custody is sought, and the

1 consequences of failure to appear and shall contain a notice  
 2 that the parties will not be entitled to further written  
 3 notices or publication notices of proceedings in this case,  
 4 including the filing of an amended petition or a motion to  
 5 terminate parental rights, except as required by Supreme Court  
 6 Rule 11; and shall explain the right of the parties and the  
 7 procedures to vacate or modify a shelter care order as provided  
 8 in this Section. The notice for a shelter care hearing shall be  
 9 substantially as follows:

10 NOTICE TO PARENTS AND CHILDREN  
 11 OF SHELTER CARE HEARING

12 On ..... at ....., before the Honorable  
 13 ....., (address:) ....., the State  
 14 of Illinois will present evidence (1) that (name of child  
 15 or children) ..... are abused, neglected  
 16 or dependent for the following reasons:  
 17 ..... and (2)  
 18 whether there is "immediate and urgent necessity" to remove  
 19 the child or children from the responsible relative.

20 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 21 PLACEMENT of the child or children in foster care until a  
 22 trial can be held. A trial may not be held for up to 90  
 23 days. You will not be entitled to further notices of  
 24 proceedings in this case, including the filing of an  
 25 amended petition or a motion to terminate parental rights.

26 At the shelter care hearing, parents have the following

1 rights:

2 1. To ask the court to appoint a lawyer if they  
3 cannot afford one.

4 2. To ask the court to continue the hearing to  
5 allow them time to prepare.

6 3. To present evidence concerning:

7 a. Whether or not the child or children were  
8 abused, neglected or dependent.

9 b. Whether or not there is "immediate and  
10 urgent necessity" to remove the child from home  
11 (including: their ability to care for the child,  
12 conditions in the home, alternative means of  
13 protecting the child other than removal).

14 c. The best interests of the child.

15 4. To cross examine the State's witnesses.

16 The Notice for rehearings shall be substantially as  
17 follows:

18 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

19 TO REHEARING ON TEMPORARY CUSTODY

20 If you were not present at and did not have adequate  
21 notice of the Shelter Care Hearing at which temporary  
22 custody of ..... was awarded to  
23 ....., you have the right to request a full  
24 rehearing on whether the State should have temporary  
25 custody of ..... To request this rehearing,

1           you must file with the Clerk of the Juvenile Court  
2           (address): ....., in person or by  
3           mailing a statement (affidavit) setting forth the  
4           following:

5                     1. That you were not present at the shelter care  
6                     hearing.

7                     2. That you did not get adequate notice (explaining  
8                     how the notice was inadequate).

9                     3. Your signature.

10                    4. Signature must be notarized.

11           The rehearing should be scheduled within 48 hours of  
12           your filing this affidavit.

13           At the rehearing, your rights are the same as at the  
14           initial shelter care hearing. The enclosed notice explains  
15           those rights.

16           At the Shelter Care Hearing, children have the  
17           following rights:

18                     1. To have a guardian ad litem appointed.

19                     2. To be declared competent as a witness and to  
20                     present testimony concerning:

21                             a. Whether they are abused, neglected or  
22                             dependent.

23                             b. Whether there is "immediate and urgent  
24                             necessity" to be removed from home.

25                             c. Their best interests.

26                     3. To cross examine witnesses for other parties.

1           4. To obtain an explanation of any proceedings and  
2           orders of the court.

3           (4) If the parent, guardian, legal custodian, responsible  
4           relative, minor age 8 or over, or counsel of the minor did not  
5           have actual notice of or was not present at the shelter care  
6           hearing, he or she may file an affidavit setting forth these  
7           facts, and the clerk shall set the matter for rehearing not  
8           later than 48 hours, excluding Sundays and legal holidays,  
9           after the filing of the affidavit. At the rehearing, the court  
10          shall proceed in the same manner as upon the original hearing.

11          (5) Only when there is reasonable cause to believe that the  
12          minor taken into custody is a person described in subsection  
13          (3) of Section 5-105 may the minor be kept or detained in a  
14          detention home or county or municipal jail. This Section shall  
15          in no way be construed to limit subsection (6).

16          (6) No minor under 16 years of age may be confined in a  
17          jail or place ordinarily used for the confinement of prisoners  
18          in a police station. Minors under 17 years of age must be kept  
19          separate from confined adults and may not at any time be kept  
20          in the same cell, room, or yard with adults confined pursuant  
21          to the criminal law.

22          (7) If the minor is not brought before a judicial officer  
23          within the time period as specified in Section 2-9, the minor  
24          must immediately be released from custody.

25          (8) If neither the parent, guardian or custodian appears  
26          within 24 hours to take custody of a minor released upon



1 request pursuant to subsection (2) of this Section, then the  
2 clerk of the court shall set the matter for rehearing not later  
3 than 7 days after the original order and shall issue a summons  
4 directed to the parent, guardian or custodian to appear. At the  
5 same time the probation department shall prepare a report on  
6 the minor. If a parent, guardian or custodian does not appear  
7 at such rehearing, the judge may enter an order prescribing  
8 that the minor be kept in a suitable place designated by the  
9 Department of Children and Family Services or a licensed child  
10 welfare agency.

11 (9) Notwithstanding any other provision of this Section any  
12 interested party, including the State, the temporary  
13 custodian, an agency providing services to the minor or family  
14 under a service plan pursuant to Section 8.2 of the Abused and  
15 Neglected Child Reporting Act, foster parent, or any of their  
16 representatives, on notice to all parties entitled to notice,  
17 may file a motion that it is in the best interests of the minor  
18 to modify or vacate a temporary custody order on any of the  
19 following grounds:

20 (a) It is no longer a matter of immediate and urgent  
21 necessity that the minor remain in shelter care; or

22 (b) There is a material change in the circumstances of  
23 the natural family from which the minor was removed and the  
24 child can be cared for at home without endangering the  
25 child's health or safety; or

26 (c) A person not a party to the alleged abuse, neglect

1 or dependency, including a parent, relative or legal  
2 guardian, is capable of assuming temporary custody of the  
3 minor; or

4 (d) Services provided by the Department of Children and  
5 Family Services or a child welfare agency or other service  
6 provider have been successful in eliminating the need for  
7 temporary custody and the child can be cared for at home  
8 without endangering the child's health or safety.

9 In ruling on the motion, the court shall determine whether  
10 it is consistent with the health, safety and best interests of  
11 the minor to modify or vacate a temporary custody order.

12 The clerk shall set the matter for hearing not later than  
13 14 days after such motion is filed. In the event that the court  
14 modifies or vacates a temporary custody order but does not  
15 vacate its finding of probable cause, the court may order that  
16 appropriate services be continued or initiated in behalf of the  
17 minor and his or her family.

18 (10) When the court finds or has found that there is  
19 probable cause to believe a minor is an abused minor as  
20 described in subsection (2) of Section 2-3 and that there is an  
21 immediate and urgent necessity for the abused minor to be  
22 placed in shelter care, immediate and urgent necessity shall be  
23 presumed for any other minor residing in the same household as  
24 the abused minor provided:

25 (a) Such other minor is the subject of an abuse or  
26 neglect petition pending before the court; and

1           (b) A party to the petition is seeking shelter care for  
2           such other minor.

3           Once the presumption of immediate and urgent necessity has  
4           been raised, the burden of demonstrating the lack of immediate  
5           and urgent necessity shall be on any party that is opposing  
6           shelter care for the other minor.

7           (Source: P.A. 94-604, eff. 1-1-06; 95-405, eff. 6-1-08; 95-642,  
8           eff. 6-1-08; revised 11-19-07.)

9           (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

10          Sec. 2-28. Court review.

11          (1) The court may require any legal custodian or guardian  
12          of the person appointed under this Act to report periodically  
13          to the court or may cite him into court and require him or his  
14          agency, to make a full and accurate report of his or its doings  
15          in behalf of the minor. The custodian or guardian, within 10  
16          days after such citation, shall make the report, either in  
17          writing verified by affidavit or orally under oath in open  
18          court, or otherwise as the court directs. Upon the hearing of  
19          the report the court may remove the custodian or guardian and  
20          appoint another in his stead or restore the minor to the  
21          custody of his parents or former guardian or custodian.  
22          However, custody of the minor shall not be restored to any  
23          parent, guardian or legal custodian in any case in which the  
24          minor is found to be neglected or abused under Section 2-3 or  
25          dependent under Section 2-4 of this Act, unless the minor can

1 be cared for at home without endangering the minor's health or  
2 safety and it is in the best interests of the minor, and if  
3 such neglect, abuse, or dependency is found by the court under  
4 paragraph (1) of Section 2-21 of this Act to have come about  
5 due to the acts or omissions or both of such parent, guardian  
6 or legal custodian, until such time as an investigation is made  
7 as provided in paragraph (5) and a hearing is held on the issue  
8 of the fitness of such parent, guardian or legal custodian to  
9 care for the minor and the court enters an order that such  
10 parent, guardian or legal custodian is fit to care for the  
11 minor.

12 (2) The first permanency hearing shall be conducted by the  
13 judge. Subsequent permanency hearings may be heard by a judge  
14 or by hearing officers appointed or approved by the court in  
15 the manner set forth in Section 2-28.1 of this Act. The initial  
16 hearing shall be held (a) within 12 months from the date  
17 temporary custody was taken, (b) if the parental rights of both  
18 parents have been terminated in accordance with the procedure  
19 described in subsection (5) of Section 2-21, within 30 days of  
20 the order for termination of parental rights and appointment of  
21 a guardian with power to consent to adoption, or (c) in  
22 accordance with subsection (2) of Section 2-13.1. Subsequent  
23 permanency hearings shall be held every 6 months or more  
24 frequently if necessary in the court's determination following  
25 the initial permanency hearing, in accordance with the  
26 standards set forth in this Section, until the court determines

1 that the plan and goal have been achieved. Once the plan and  
2 goal have been achieved, if the minor remains in substitute  
3 care, the case shall be reviewed at least every 6 months  
4 thereafter, subject to the provisions of this Section, unless  
5 the minor is placed in the guardianship of a suitable relative  
6 or other person and the court determines that further  
7 monitoring by the court does not further the health, safety or  
8 best interest of the child and that this is a stable permanent  
9 placement. The permanency hearings must occur within the time  
10 frames set forth in this subsection and may not be delayed in  
11 anticipation of a report from any source or due to the agency's  
12 failure to timely file its written report (this written report  
13 means the one required under the next paragraph and does not  
14 mean the service plan also referred to in that paragraph).

15 The public agency that is the custodian or guardian of the  
16 minor, or another agency responsible for the minor's care,  
17 shall ensure that all parties to the permanency hearings are  
18 provided a copy of the most recent service plan prepared within  
19 the prior 6 months at least 14 days in advance of the hearing.  
20 If not contained in the plan, the agency shall also include a  
21 report setting forth (i) any special physical, psychological,  
22 educational, medical, emotional, or other needs of the minor or  
23 his or her family that are relevant to a permanency or  
24 placement determination and (ii) for any minor age 16 or over,  
25 a written description of the programs and services that will  
26 enable the minor to prepare for independent living. The

1 agency's written report must detail what progress or lack of  
2 progress the parent has made in correcting the conditions  
3 requiring the child to be in care; whether the child can be  
4 returned home without jeopardizing the child's health, safety,  
5 and welfare, and if not, what permanency goal is recommended to  
6 be in the best interests of the child, and why the other  
7 permanency goals are not appropriate. The caseworker must  
8 appear and testify at the permanency hearing. If a permanency  
9 hearing has not previously been scheduled by the court, the  
10 moving party shall move for the setting of a permanency hearing  
11 and the entry of an order within the time frames set forth in  
12 this subsection.

13 At the permanency hearing, the court shall determine the  
14 future status of the child. The court shall set one of the  
15 following permanency goals:

16 (A) The minor will be returned home by a specific date  
17 within 5 months.

18 (B) The minor will be in short-term care with a  
19 continued goal to return home within a period not to exceed  
20 one year, where the progress of the parent or parents is  
21 substantial giving particular consideration to the age and  
22 individual needs of the minor.

23 (B-1) The minor will be in short-term care with a  
24 continued goal to return home pending a status hearing.  
25 When the court finds that a parent has not made reasonable  
26 efforts or reasonable progress to date, the court shall

1 identify what actions the parent and the Department must  
2 take in order to justify a finding of reasonable efforts or  
3 reasonable progress and shall set a status hearing to be  
4 held not earlier than 9 months from the date of  
5 adjudication nor later than 11 months from the date of  
6 adjudication during which the parent's progress will again  
7 be reviewed.

8 (C) The minor will be in substitute care pending court  
9 determination on termination of parental rights.

10 (D) Adoption, provided that parental rights have been  
11 terminated or relinquished.

12 (E) The guardianship of the minor will be transferred  
13 to an individual or couple on a permanent basis provided  
14 that goals (A) through (D) have been ruled out.

15 (F) The minor over age 15 will be in substitute care  
16 pending independence.

17 (G) The minor will be in substitute care because he or  
18 she cannot be provided for in a home environment due to  
19 developmental disabilities or mental illness or because he  
20 or she is a danger to self or others, provided that goals  
21 (A) through (D) have been ruled out.

22 In selecting any permanency goal, the court shall indicate  
23 in writing the reasons the goal was selected and why the  
24 preceding goals were ruled out. Where the court has selected a  
25 permanency goal other than (A), (B), or (B-1), the Department  
26 of Children and Family Services shall not provide further

1 reunification services, but shall provide services consistent  
2 with the goal selected.

3 The court shall set a permanency goal that is in the best  
4 interest of the child. In determining that goal, the court  
5 shall consult with the minor in an age-appropriate manner  
6 regarding the proposed permanency or transition plan for the  
7 minor. The court's determination shall include the following  
8 factors:

9 (1) Age of the child.

10 (2) Options available for permanence, including both  
11 out-of-State and in-State placement options.

12 (3) Current placement of the child and the intent of  
13 the family regarding adoption.

14 (4) Emotional, physical, and mental status or  
15 condition of the child.

16 (5) Types of services previously offered and whether or  
17 not the services were successful and, if not successful,  
18 the reasons the services failed.

19 (6) Availability of services currently needed and  
20 whether the services exist.

21 (7) Status of siblings of the minor.

22 The court shall consider (i) the permanency goal contained  
23 in the service plan, (ii) the appropriateness of the services  
24 contained in the plan and whether those services have been  
25 provided, (iii) whether reasonable efforts have been made by  
26 all the parties to the service plan to achieve the goal, and



1 (iv) whether the plan and goal have been achieved. All evidence  
2 relevant to determining these questions, including oral and  
3 written reports, may be admitted and may be relied on to the  
4 extent of their probative value.

5 If the goal has been achieved, the court shall enter orders  
6 that are necessary to conform the minor's legal custody and  
7 status to those findings.

8 If, after receiving evidence, the court determines that the  
9 services contained in the plan are not reasonably calculated to  
10 facilitate achievement of the permanency goal, the court shall  
11 put in writing the factual basis supporting the determination  
12 and enter specific findings based on the evidence. The court  
13 also shall enter an order for the Department to develop and  
14 implement a new service plan or to implement changes to the  
15 current service plan consistent with the court's findings. The  
16 new service plan shall be filed with the court and served on  
17 all parties within 45 days of the date of the order. The court  
18 shall continue the matter until the new service plan is filed.  
19 Unless otherwise specifically authorized by law, the court is  
20 not empowered under this subsection (2) or under subsection (3)  
21 to order specific placements, specific services, or specific  
22 service providers to be included in the plan.

23 A guardian or custodian appointed by the court pursuant to  
24 this Act shall file updated case plans with the court every 6  
25 months.

26 Rights of wards of the court under this Act are enforceable

1 against any public agency by complaints for relief by mandamus  
2 filed in any proceedings brought under this Act.

3 (3) Following the permanency hearing, the court shall enter  
4 a written order that includes the determinations required under  
5 subsection (2) of this Section and sets forth the following:

6 (a) The future status of the minor, including the  
7 permanency goal, and any order necessary to conform the  
8 minor's legal custody and status to such determination; or

9 (b) If the permanency goal of the minor cannot be  
10 achieved immediately, the specific reasons for continuing  
11 the minor in the care of the Department of Children and  
12 Family Services or other agency for short term placement,  
13 and the following determinations:

14 (i) (Blank).

15 (ii) Whether the services required by the court and  
16 by any service plan prepared within the prior 6 months  
17 have been provided and (A) if so, whether the services  
18 were reasonably calculated to facilitate the  
19 achievement of the permanency goal or (B) if not  
20 provided, why the services were not provided.

21 (iii) Whether the minor's placement is necessary,  
22 and appropriate to the plan and goal, recognizing the  
23 right of minors to the least restrictive (most  
24 family-like) setting available and in close proximity  
25 to the parents' home consistent with the health,  
26 safety, best interest and special needs of the minor

1           and, if the minor is placed out-of-State, whether the  
2           out-of-State placement continues to be appropriate and  
3           consistent with the health, safety, and best interest  
4           of the minor.

5                   (iv) (Blank).

6                   (v) (Blank).

7           (4) The minor or any person interested in the minor may  
8           apply to the court for a change in custody of the minor and the  
9           appointment of a new custodian or guardian of the person or for  
10          the restoration of the minor to the custody of his parents or  
11          former guardian or custodian.

12           When return home is not selected as the permanency goal:

13                   (a) The Department, the minor, or the current foster  
14           parent or relative caregiver seeking private guardianship  
15           may file a motion for private guardianship of the minor.  
16           Appointment of a guardian under this Section requires  
17           approval of the court.

18                   (b) The State's Attorney may file a motion to terminate  
19           parental rights of any parent who has failed to make  
20           reasonable efforts to correct the conditions which led to  
21           the removal of the child or reasonable progress toward the  
22           return of the child, as defined in subdivision (D)(m) of  
23           Section 1 of the Adoption Act or for whom any other  
24           unfitness ground for terminating parental rights as  
25           defined in subdivision (D) of Section 1 of the Adoption Act  
26           exists.

1           Custody of the minor shall not be restored to any parent,  
2 guardian or legal custodian in any case in which the minor is  
3 found to be neglected or abused under Section 2-3 or dependent  
4 under Section 2-4 of this Act, unless the minor can be cared  
5 for at home without endangering his or her health or safety and  
6 it is in the best interest of the minor, and if such neglect,  
7 abuse, or dependency is found by the court under paragraph (1)  
8 of Section 2-21 of this Act to have come about due to the acts  
9 or omissions or both of such parent, guardian or legal  
10 custodian, until such time as an investigation is made as  
11 provided in paragraph (5) and a hearing is held on the issue of  
12 the health, safety and best interest of the minor and the  
13 fitness of such parent, guardian or legal custodian to care for  
14 the minor and the court enters an order that such parent,  
15 guardian or legal custodian is fit to care for the minor. In  
16 the event that the minor has attained 18 years of age and the  
17 guardian or custodian petitions the court for an order  
18 terminating his guardianship or custody, guardianship or  
19 custody shall terminate automatically 30 days after the receipt  
20 of the petition unless the court orders otherwise. No legal  
21 custodian or guardian of the person may be removed without his  
22 consent until given notice and an opportunity to be heard by  
23 the court.

24           When the court orders a child restored to the custody of  
25 the parent or parents, the court shall order the parent or  
26 parents to cooperate with the Department of Children and Family

1 Services and comply with the terms of an after-care plan, or  
2 risk the loss of custody of the child and possible termination  
3 of their parental rights. The court may also enter an order of  
4 protective supervision in accordance with Section 2-24.

5 (5) Whenever a parent, guardian, or legal custodian files a  
6 motion for restoration of custody of the minor, and the minor  
7 was adjudicated neglected, abused, or dependent as a result of  
8 physical abuse, the court shall cause to be made an  
9 investigation as to whether the movant has ever been charged  
10 with or convicted of any criminal offense which would indicate  
11 the likelihood of any further physical abuse to the minor.  
12 Evidence of such criminal convictions shall be taken into  
13 account in determining whether the minor can be cared for at  
14 home without endangering his or her health or safety and  
15 fitness of the parent, guardian, or legal custodian.

16 (a) Any agency of this State or any subdivision thereof  
17 shall co-operate with the agent of the court in providing  
18 any information sought in the investigation.

19 (b) The information derived from the investigation and  
20 any conclusions or recommendations derived from the  
21 information shall be provided to the parent, guardian, or  
22 legal custodian seeking restoration of custody prior to the  
23 hearing on fitness and the movant shall have an opportunity  
24 at the hearing to refute the information or contest its  
25 significance.

26 (c) All information obtained from any investigation

1 shall be confidential as provided in Section 5-150 of this  
2 Act.

3 (Source: P.A. 95-10, eff. 6-30-07; 95-182, eff. 8-14-07;  
4 revised 11-19-07.)

5 (705 ILCS 405/5-710)

6 (Text of Section before amendment by P.A. 95-337 and  
7 95-642)

8 Sec. 5-710. Kinds of sentencing orders.

9 (1) The following kinds of sentencing orders may be made in  
10 respect of wards of the court:

11 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
12 a minor who is found guilty under Section 5-620 may be:

13 (i) put on probation or conditional discharge and  
14 released to his or her parents, guardian or legal  
15 custodian, provided, however, that any such minor who  
16 is not committed to the Department of Juvenile Justice  
17 under this subsection and who is found to be a  
18 delinquent for an offense which is first degree murder,  
19 a Class X felony, or a forcible felony shall be placed  
20 on probation;

21 (ii) placed in accordance with Section 5-740, with  
22 or without also being put on probation or conditional  
23 discharge;

24 (iii) required to undergo a substance abuse  
25 assessment conducted by a licensed provider and

1           participate in the indicated clinical level of care;

2           (iv) placed in the guardianship of the Department  
3 of Children and Family Services, but only if the  
4 delinquent minor is under 13 years of age;

5           (v) placed in detention for a period not to exceed  
6 30 days, either as the exclusive order of disposition  
7 or, where appropriate, in conjunction with any other  
8 order of disposition issued under this paragraph,  
9 provided that any such detention shall be in a juvenile  
10 detention home and the minor so detained shall be 10  
11 years of age or older. However, the 30-day limitation  
12 may be extended by further order of the court for a  
13 minor under age 13 committed to the Department of  
14 Children and Family Services if the court finds that  
15 the minor is a danger to himself or others. The minor  
16 shall be given credit on the sentencing order of  
17 detention for time spent in detention under Sections  
18 5-501, 5-601, 5-710, or 5-720 of this Article as a  
19 result of the offense for which the sentencing order  
20 was imposed. The court may grant credit on a sentencing  
21 order of detention entered under a violation of  
22 probation or violation of conditional discharge under  
23 Section 5-720 of this Article for time spent in  
24 detention before the filing of the petition alleging  
25 the violation. A minor shall not be deprived of credit  
26 for time spent in detention before the filing of a

1 violation of probation or conditional discharge  
2 alleging the same or related act or acts;

3 (vi) ordered partially or completely emancipated  
4 in accordance with the provisions of the Emancipation  
5 of Minors Act;

6 (vii) subject to having his or her driver's license  
7 or driving privileges suspended for such time as  
8 determined by the court but only until he or she  
9 attains 18 years of age;

10 (viii) put on probation or conditional discharge  
11 and placed in detention under Section 3-6039 of the  
12 Counties Code for a period not to exceed the period of  
13 incarceration permitted by law for adults found guilty  
14 of the same offense or offenses for which the minor was  
15 adjudicated delinquent, and in any event no longer than  
16 upon attainment of age 21; this subdivision (viii)  
17 notwithstanding any contrary provision of the law; or

18 (ix) ordered to undergo a medical or other  
19 procedure to have a tattoo symbolizing allegiance to a  
20 street gang removed from his or her body.

21 (b) A minor found to be guilty may be committed to the  
22 Department of Juvenile Justice under Section 5-750 if the  
23 minor is 13 years of age or older, provided that the  
24 commitment to the Department of Juvenile Justice shall be  
25 made only if a term of incarceration is permitted by law  
26 for adults found guilty of the offense for which the minor



1           was adjudicated delinquent. The time during which a minor  
2           is in custody before being released upon the request of a  
3           parent, guardian or legal custodian shall be considered as  
4           time spent in detention.

5           (c) When a minor is found to be guilty for an offense  
6           which is a violation of the Illinois Controlled Substances  
7           Act, the Cannabis Control Act, or the Methamphetamine  
8           Control and Community Protection Act and made a ward of the  
9           court, the court may enter a disposition order requiring  
10          the minor to undergo assessment, counseling or treatment in  
11          a substance abuse program approved by the Department of  
12          Human Services.

13          (2) Any sentencing order other than commitment to the  
14          Department of Juvenile Justice may provide for protective  
15          supervision under Section 5-725 and may include an order of  
16          protection under Section 5-730.

17          (3) Unless the sentencing order expressly so provides, it  
18          does not operate to close proceedings on the pending petition,  
19          but is subject to modification until final closing and  
20          discharge of the proceedings under Section 5-750.

21          (4) In addition to any other sentence, the court may order  
22          any minor found to be delinquent to make restitution, in  
23          monetary or non-monetary form, under the terms and conditions  
24          of Section 5-5-6 of the Unified Code of Corrections, except  
25          that the "presentencing hearing" referred to in that Section  
26          shall be the sentencing hearing for purposes of this Section.

1 The parent, guardian or legal custodian of the minor may be  
2 ordered by the court to pay some or all of the restitution on  
3 the minor's behalf, pursuant to the Parental Responsibility  
4 Law. The State's Attorney is authorized to act on behalf of any  
5 victim in seeking restitution in proceedings under this  
6 Section, up to the maximum amount allowed in Section 5 of the  
7 Parental Responsibility Law.

8 (5) Any sentencing order where the minor is committed or  
9 placed in accordance with Section 5-740 shall provide for the  
10 parents or guardian of the estate of the minor to pay to the  
11 legal custodian or guardian of the person of the minor such  
12 sums as are determined by the custodian or guardian of the  
13 person of the minor as necessary for the minor's needs. The  
14 payments may not exceed the maximum amounts provided for by  
15 Section 9.1 of the Children and Family Services Act.

16 (6) Whenever the sentencing order requires the minor to  
17 attend school or participate in a program of training, the  
18 truant officer or designated school official shall regularly  
19 report to the court if the minor is a chronic or habitual  
20 truant under Section 26-2a of the School Code.

21 (7) In no event shall a guilty minor be committed to the  
22 Department of Juvenile Justice for a period of time in excess  
23 of that period for which an adult could be committed for the  
24 same act.

25 (8) A minor found to be guilty for reasons that include a  
26 violation of Section 21-1.3 of the Criminal Code of 1961 shall

1 be ordered to perform community service for not less than 30  
2 and not more than 120 hours, if community service is available  
3 in the jurisdiction. The community service shall include, but  
4 need not be limited to, the cleanup and repair of the damage  
5 that was caused by the violation or similar damage to property  
6 located in the municipality or county in which the violation  
7 occurred. The order may be in addition to any other order  
8 authorized by this Section.

9 (8.5) A minor found to be guilty for reasons that include a  
10 violation of Section 3.02 or Section 3.03 of the Humane Care  
11 for Animals Act or paragraph (d) of subsection (1) of Section  
12 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
13 medical or psychiatric treatment rendered by a psychiatrist or  
14 psychological treatment rendered by a clinical psychologist.  
15 The order may be in addition to any other order authorized by  
16 this Section.

17 (9) In addition to any other sentencing order, the court  
18 shall order any minor found to be guilty for an act which would  
19 constitute, predatory criminal sexual assault of a child,  
20 aggravated criminal sexual assault, criminal sexual assault,  
21 aggravated criminal sexual abuse, or criminal sexual abuse if  
22 committed by an adult to undergo medical testing to determine  
23 whether the defendant has any sexually transmissible disease  
24 including a test for infection with human immunodeficiency  
25 virus (HIV) or any other identified causative agency of  
26 acquired immunodeficiency syndrome (AIDS). Any medical test

1 shall be performed only by appropriately licensed medical  
2 practitioners and may include an analysis of any bodily fluids  
3 as well as an examination of the minor's person. Except as  
4 otherwise provided by law, the results of the test shall be  
5 kept strictly confidential by all medical personnel involved in  
6 the testing and must be personally delivered in a sealed  
7 envelope to the judge of the court in which the sentencing  
8 order was entered for the judge's inspection in camera. Acting  
9 in accordance with the best interests of the victim and the  
10 public, the judge shall have the discretion to determine to  
11 whom the results of the testing may be revealed. The court  
12 shall notify the minor of the results of the test for infection  
13 with the human immunodeficiency virus (HIV). The court shall  
14 also notify the victim if requested by the victim, and if the  
15 victim is under the age of 15 and if requested by the victim's  
16 parents or legal guardian, the court shall notify the victim's  
17 parents or the legal guardian, of the results of the test for  
18 infection with the human immunodeficiency virus (HIV). The  
19 court shall provide information on the availability of HIV  
20 testing and counseling at the Department of Public Health  
21 facilities to all parties to whom the results of the testing  
22 are revealed. The court shall order that the cost of any test  
23 shall be paid by the county and may be taxed as costs against  
24 the minor.

25 (10) When a court finds a minor to be guilty the court  
26 shall, before entering a sentencing order under this Section,

1 make a finding whether the offense committed either: (a) was  
2 related to or in furtherance of the criminal activities of an  
3 organized gang or was motivated by the minor's membership in or  
4 allegiance to an organized gang, or (b) involved a violation of  
5 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
6 a violation of any Section of Article 24 of the Criminal Code  
7 of 1961, or a violation of any statute that involved the  
8 wrongful use of a firearm. If the court determines the question  
9 in the affirmative, and the court does not commit the minor to  
10 the Department of Juvenile Justice, the court shall order the  
11 minor to perform community service for not less than 30 hours  
12 nor more than 120 hours, provided that community service is  
13 available in the jurisdiction and is funded and approved by the  
14 county board of the county where the offense was committed. The  
15 community service shall include, but need not be limited to,  
16 the cleanup and repair of any damage caused by a violation of  
17 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
18 to property located in the municipality or county in which the  
19 violation occurred. When possible and reasonable, the  
20 community service shall be performed in the minor's  
21 neighborhood. This order shall be in addition to any other  
22 order authorized by this Section except for an order to place  
23 the minor in the custody of the Department of Juvenile Justice.  
24 For the purposes of this Section, "organized gang" has the  
25 meaning ascribed to it in Section 10 of the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

2 (Text of Section after amendment by P.A. 95-337 and 95-642)  
3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made in  
5 respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
7 a minor who is found guilty under Section 5-620 may be:

8 (i) put on probation or conditional discharge and  
9 released to his or her parents, guardian or legal  
10 custodian, provided, however, that any such minor who  
11 is not committed to the Department of Juvenile Justice  
12 under this subsection and who is found to be a  
13 delinquent for an offense which is first degree murder,  
14 a Class X felony, or a forcible felony shall be placed  
15 on probation;

16 (ii) placed in accordance with Section 5-740, with  
17 or without also being put on probation or conditional  
18 discharge;

19 (iii) required to undergo a substance abuse  
20 assessment conducted by a licensed provider and  
21 participate in the indicated clinical level of care;

22 (iv) placed in the guardianship of the Department  
23 of Children and Family Services, but only if the  
24 delinquent minor is under 15 years of age or, pursuant  
25 to Article II of this Act, a minor for whom an

1 independent basis of abuse, neglect, or dependency  
2 exists. An independent basis exists when the  
3 allegations or adjudication of abuse, neglect, or  
4 dependency do not arise from the same facts, incident,  
5 or circumstances which give rise to a charge or  
6 adjudication of delinquency;

7 (v) placed in detention for a period not to exceed  
8 30 days, either as the exclusive order of disposition  
9 or, where appropriate, in conjunction with any other  
10 order of disposition issued under this paragraph,  
11 provided that any such detention shall be in a juvenile  
12 detention home and the minor so detained shall be 10  
13 years of age or older. However, the 30-day limitation  
14 may be extended by further order of the court for a  
15 minor under age 15 committed to the Department of  
16 Children and Family Services if the court finds that  
17 the minor is a danger to himself or others. The minor  
18 shall be given credit on the sentencing order of  
19 detention for time spent in detention under Sections  
20 5-501, 5-601, 5-710, or 5-720 of this Article as a  
21 result of the offense for which the sentencing order  
22 was imposed. The court may grant credit on a sentencing  
23 order of detention entered under a violation of  
24 probation or violation of conditional discharge under  
25 Section 5-720 of this Article for time spent in  
26 detention before the filing of the petition alleging

1 the violation. A minor shall not be deprived of credit  
2 for time spent in detention before the filing of a  
3 violation of probation or conditional discharge  
4 alleging the same or related act or acts;

5 (vi) ordered partially or completely emancipated  
6 in accordance with the provisions of the Emancipation  
7 of Minors Act;

8 (vii) subject to having his or her driver's license  
9 or driving privileges suspended for such time as  
10 determined by the court but only until he or she  
11 attains 18 years of age;

12 (viii) put on probation or conditional discharge  
13 and placed in detention under Section 3-6039 of the  
14 Counties Code for a period not to exceed the period of  
15 incarceration permitted by law for adults found guilty  
16 of the same offense or offenses for which the minor was  
17 adjudicated delinquent, and in any event no longer than  
18 upon attainment of age 21; this subdivision (viii)  
19 notwithstanding any contrary provision of the law; or

20 (ix) ordered to undergo a medical or other  
21 procedure to have a tattoo symbolizing allegiance to a  
22 street gang removed from his or her body.

23 (b) A minor found to be guilty may be committed to the  
24 Department of Juvenile Justice under Section 5-750 if the  
25 minor is 13 years of age or older, provided that the  
26 commitment to the Department of Juvenile Justice shall be



1           made only if a term of incarceration is permitted by law  
2           for adults found guilty of the offense for which the minor  
3           was adjudicated delinquent. The time during which a minor  
4           is in custody before being released upon the request of a  
5           parent, guardian or legal custodian shall be considered as  
6           time spent in detention.

7           (c) When a minor is found to be guilty for an offense  
8           which is a violation of the Illinois Controlled Substances  
9           Act, the Cannabis Control Act, or the Methamphetamine  
10          Control and Community Protection Act and made a ward of the  
11          court, the court may enter a disposition order requiring  
12          the minor to undergo assessment, counseling or treatment in  
13          a substance abuse program approved by the Department of  
14          Human Services.

15          (2) Any sentencing order other than commitment to the  
16          Department of Juvenile Justice may provide for protective  
17          supervision under Section 5-725 and may include an order of  
18          protection under Section 5-730.

19          (3) Unless the sentencing order expressly so provides, it  
20          does not operate to close proceedings on the pending petition,  
21          but is subject to modification until final closing and  
22          discharge of the proceedings under Section 5-750.

23          (4) In addition to any other sentence, the court may order  
24          any minor found to be delinquent to make restitution, in  
25          monetary or non-monetary form, under the terms and conditions  
26          of Section 5-5-6 of the Unified Code of Corrections, except

1 that the "presentencing hearing" referred to in that Section  
2 shall be the sentencing hearing for purposes of this Section.  
3 The parent, guardian or legal custodian of the minor may be  
4 ordered by the court to pay some or all of the restitution on  
5 the minor's behalf, pursuant to the Parental Responsibility  
6 Law. The State's Attorney is authorized to act on behalf of any  
7 victim in seeking restitution in proceedings under this  
8 Section, up to the maximum amount allowed in Section 5 of the  
9 Parental Responsibility Law.

10 (5) Any sentencing order where the minor is committed or  
11 placed in accordance with Section 5-740 shall provide for the  
12 parents or guardian of the estate of the minor to pay to the  
13 legal custodian or guardian of the person of the minor such  
14 sums as are determined by the custodian or guardian of the  
15 person of the minor as necessary for the minor's needs. The  
16 payments may not exceed the maximum amounts provided for by  
17 Section 9.1 of the Children and Family Services Act.

18 (6) Whenever the sentencing order requires the minor to  
19 attend school or participate in a program of training, the  
20 truant officer or designated school official shall regularly  
21 report to the court if the minor is a chronic or habitual  
22 truant under Section 26-2a of the School Code.

23 (7) In no event shall a guilty minor be committed to the  
24 Department of Juvenile Justice for a period of time in excess  
25 of that period for which an adult could be committed for the  
26 same act.

1           (8) A minor found to be guilty for reasons that include a  
2 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
3 be ordered to perform community service for not less than 30  
4 and not more than 120 hours, if community service is available  
5 in the jurisdiction. The community service shall include, but  
6 need not be limited to, the cleanup and repair of the damage  
7 that was caused by the violation or similar damage to property  
8 located in the municipality or county in which the violation  
9 occurred. The order may be in addition to any other order  
10 authorized by this Section.

11           (8.5) A minor found to be guilty for reasons that include a  
12 violation of Section 3.02 or Section 3.03 of the Humane Care  
13 for Animals Act or paragraph (d) of subsection (1) of Section  
14 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
15 medical or psychiatric treatment rendered by a psychiatrist or  
16 psychological treatment rendered by a clinical psychologist.  
17 The order may be in addition to any other order authorized by  
18 this Section.

19           (9) In addition to any other sentencing order, the court  
20 shall order any minor found to be guilty for an act which would  
21 constitute, predatory criminal sexual assault of a child,  
22 aggravated criminal sexual assault, criminal sexual assault,  
23 aggravated criminal sexual abuse, or criminal sexual abuse if  
24 committed by an adult to undergo medical testing to determine  
25 whether the defendant has any sexually transmissible disease  
26 including a test for infection with human immunodeficiency

1 virus (HIV) or any other identified causative agency of  
2 acquired immunodeficiency syndrome (AIDS). Any medical test  
3 shall be performed only by appropriately licensed medical  
4 practitioners and may include an analysis of any bodily fluids  
5 as well as an examination of the minor's person. Except as  
6 otherwise provided by law, the results of the test shall be  
7 kept strictly confidential by all medical personnel involved in  
8 the testing and must be personally delivered in a sealed  
9 envelope to the judge of the court in which the sentencing  
10 order was entered for the judge's inspection in camera. Acting  
11 in accordance with the best interests of the victim and the  
12 public, the judge shall have the discretion to determine to  
13 whom the results of the testing may be revealed. The court  
14 shall notify the minor of the results of the test for infection  
15 with the human immunodeficiency virus (HIV). The court shall  
16 also notify the victim if requested by the victim, and if the  
17 victim is under the age of 15 and if requested by the victim's  
18 parents or legal guardian, the court shall notify the victim's  
19 parents or the legal guardian, of the results of the test for  
20 infection with the human immunodeficiency virus (HIV). The  
21 court shall provide information on the availability of HIV  
22 testing and counseling at the Department of Public Health  
23 facilities to all parties to whom the results of the testing  
24 are revealed. The court shall order that the cost of any test  
25 shall be paid by the county and may be taxed as costs against  
26 the minor.

1           (10) When a court finds a minor to be guilty the court  
2 shall, before entering a sentencing order under this Section,  
3 make a finding whether the offense committed either: (a) was  
4 related to or in furtherance of the criminal activities of an  
5 organized gang or was motivated by the minor's membership in or  
6 allegiance to an organized gang, or (b) involved a violation of  
7 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
8 a violation of any Section of Article 24 of the Criminal Code  
9 of 1961, or a violation of any statute that involved the  
10 wrongful use of a firearm. If the court determines the question  
11 in the affirmative, and the court does not commit the minor to  
12 the Department of Juvenile Justice, the court shall order the  
13 minor to perform community service for not less than 30 hours  
14 nor more than 120 hours, provided that community service is  
15 available in the jurisdiction and is funded and approved by the  
16 county board of the county where the offense was committed. The  
17 community service shall include, but need not be limited to,  
18 the cleanup and repair of any damage caused by a violation of  
19 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
20 to property located in the municipality or county in which the  
21 violation occurred. When possible and reasonable, the  
22 community service shall be performed in the minor's  
23 neighborhood. This order shall be in addition to any other  
24 order authorized by this Section except for an order to place  
25 the minor in the custody of the Department of Juvenile Justice.  
26 For the purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 (11) If the court determines that the offense was committed  
4 in furtherance of the criminal activities of an organized gang,  
5 as provided in subsection (10), and that the offense involved  
6 the operation or use of a motor vehicle or the use of a  
7 driver's license or permit, the court shall notify the  
8 Secretary of State of that determination and of the period for  
9 which the minor shall be denied driving privileges. If, at the  
10 time of the determination, the minor does not hold a driver's  
11 license or permit, the court shall provide that the minor shall  
12 not be issued a driver's license or permit until his or her  
13 18th birthday. If the minor holds a driver's license or permit  
14 at the time of the determination, the court shall provide that  
15 the minor's driver's license or permit shall be revoked until  
16 his or her 21st birthday, or until a later date or occurrence  
17 determined by the court. If the minor holds a driver's license  
18 at the time of the determination, the court may direct the  
19 Secretary of State to issue the minor a judicial driving  
20 permit, also known as a JDP. The JDP shall be subject to the  
21 same terms as a JDP issued under Section 6-206.1 of the  
22 Illinois Vehicle Code, except that the court may direct that  
23 the JDP be effective immediately.

24 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;  
25 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

1 Section 315. The Criminal Code of 1961 is amended by  
2 changing Sections 9-3, 11-9.3, 11-9.4, 12-2, 12-4, 14-3, 26-4,  
3 and 32-5 as follows:

4 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

5 (Text of Section before amendment by P.A. 95-467, 95-551,  
6 and 95-587)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

8 (a) A person who unintentionally kills an individual  
9 without lawful justification commits involuntary manslaughter  
10 if his acts whether lawful or unlawful which cause the death  
11 are such as are likely to cause death or great bodily harm to  
12 some individual, and he performs them recklessly, except in  
13 cases in which the cause of the death consists of the driving  
14 of a motor vehicle or operating a snowmobile, all-terrain  
15 vehicle, or watercraft, in which case the person commits  
16 reckless homicide. A person commits reckless homicide if he or  
17 she unintentionally kills an individual while driving a vehicle  
18 and using an incline in a roadway, such as a railroad crossing,  
19 bridge approach, or hill, to cause the vehicle to become  
20 airborne.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Sentence.

24 (1) Involuntary manslaughter is a Class 3 felony.

25 (2) Reckless homicide is a Class 3 felony.

1 (e) (Blank).

2 (e-5) (Blank).

3 (e-7) Except as otherwise provided in subsection (e-8), in  
4 cases involving reckless homicide in which the defendant: (1)  
5 was driving in a construction or maintenance zone, as defined  
6 in Section 11-605 of the Illinois Vehicle Code, or (2) was  
7 operating a vehicle while failing or refusing to comply with  
8 any lawful order or direction of any authorized police officer  
9 or traffic control aide engaged in traffic control, the penalty  
10 is a Class 2 felony, for which a person, if sentenced to a term  
11 of imprisonment, shall be sentenced to a term of not less than  
12 3 years and not more than 14 years.

13 (e-8) In cases involving reckless homicide in which the  
14 defendant caused the deaths of 2 or more persons as part of a  
15 single course of conduct and: (1) was driving in a construction  
16 or maintenance zone, as defined in Section 11-605 of the  
17 Illinois Vehicle Code, or (2) was operating a vehicle while  
18 failing or refusing to comply with any lawful order or  
19 direction of any authorized police officer or traffic control  
20 aide engaged in traffic control, the penalty is a Class 2  
21 felony, for which a person, if sentenced to a term of  
22 imprisonment, shall be sentenced to a term of not less than 6  
23 years and not more than 28 years.

24 (e-9) In cases involving reckless homicide in which the  
25 defendant drove a vehicle and used an incline in a roadway,  
26 such as a railroad crossing, bridge approach, or hill, to cause



1 the vehicle to become airborne, and caused the deaths of 2 or  
2 more persons as part of a single course of conduct, the penalty  
3 is a Class 2 felony.

4 (f) In cases involving involuntary manslaughter in which  
5 the victim was a family or household member as defined in  
6 paragraph (3) of Section 112A-3 of the Code of Criminal  
7 Procedure of 1963, the penalty shall be a Class 2 felony, for  
8 which a person if sentenced to a term of imprisonment, shall be  
9 sentenced to a term of not less than 3 years and not more than  
10 14 years.

11 (Source: P.A. 95-591, eff. 9-10-07.)

12 (Text of Section after amendment by P.A. 95-467, 95-551,  
13 and 95-587)

14 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

15 (a) A person who unintentionally kills an individual  
16 without lawful justification commits involuntary manslaughter  
17 if his acts whether lawful or unlawful which cause the death  
18 are such as are likely to cause death or great bodily harm to  
19 some individual, and he performs them recklessly, except in  
20 cases in which the cause of the death consists of the driving  
21 of a motor vehicle or operating a snowmobile, all-terrain  
22 vehicle, or watercraft, in which case the person commits  
23 reckless homicide. A person commits reckless homicide if he or  
24 she unintentionally kills an individual while driving a vehicle  
25 and using an incline in a roadway, such as a railroad crossing,

1 bridge approach, or hill, to cause the vehicle to become  
2 airborne.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Sentence.

6 (1) Involuntary manslaughter is a Class 3 felony.

7 (2) Reckless homicide is a Class 3 felony.

8 (e) (Blank).

9 (e-2) Except as provided in subsection (e-3), in cases  
10 involving reckless homicide in which the offense is committed  
11 upon a public thoroughfare where children pass going to and  
12 from school when a school crossing guard is performing official  
13 duties, the penalty is a Class 2 felony, for which a person, if  
14 sentenced to a term of imprisonment, shall be sentenced to a  
15 term of not less than 3 years and not more than 14 years.

16 (e-3) In cases involving reckless homicide in which (i) the  
17 offense is committed upon a public thoroughfare where children  
18 pass going to and from school when a school crossing guard is  
19 performing official duties and (ii) the defendant causes the  
20 deaths of 2 or more persons as part of a single course of  
21 conduct, the penalty is a Class 2 felony, for which a person,  
22 if sentenced to a term of imprisonment, shall be sentenced to a  
23 term of not less than 6 years and not more than 28 years.

24 (e-5) (Blank).

25 (e-7) Except as otherwise provided in subsection (e-8), in  
26 cases involving reckless homicide in which the defendant: (1)

1 was driving in a construction or maintenance zone, as defined  
2 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
3 operating a vehicle while failing or refusing to comply with  
4 any lawful order or direction of any authorized police officer  
5 or traffic control aide engaged in traffic control, the penalty  
6 is a Class 2 felony, for which a person, if sentenced to a term  
7 of imprisonment, shall be sentenced to a term of not less than  
8 3 years and not more than 14 years.

9 (e-8) In cases involving reckless homicide in which the  
10 defendant caused the deaths of 2 or more persons as part of a  
11 single course of conduct and: (1) was driving in a construction  
12 or maintenance zone, as defined in Section 11-605.1 of the  
13 Illinois Vehicle Code, or (2) was operating a vehicle while  
14 failing or refusing to comply with any lawful order or  
15 direction of any authorized police officer or traffic control  
16 aide engaged in traffic control, the penalty is a Class 2  
17 felony, for which a person, if sentenced to a term of  
18 imprisonment, shall be sentenced to a term of not less than 6  
19 years and not more than 28 years.

20 (e-9) In cases involving reckless homicide in which the  
21 defendant drove a vehicle and used an incline in a roadway,  
22 such as a railroad crossing, bridge approach, or hill, to cause  
23 the vehicle to become airborne, and caused the deaths of 2 or  
24 more persons as part of a single course of conduct, the penalty  
25 is a Class 2 felony.

26 (e-10) In cases involving involuntary manslaughter or

1 reckless homicide resulting in the death of a peace officer  
2 killed in the performance of his or her duties as a peace  
3 officer, the penalty is a Class 2 felony.

4 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which  
5 the defendant unintentionally kills an individual while  
6 driving in a posted school zone, as defined in Section 11-605  
7 of the Illinois Vehicle Code, while children are present or in  
8 a construction or maintenance zone, as defined in Section  
9 11-605.1 of the Illinois Vehicle Code, when construction or  
10 maintenance workers are present the trier of fact may infer  
11 that the defendant's actions were performed recklessly where he  
12 or she was also either driving at a speed of more than 20 miles  
13 per hour in excess of the posted speed limit or violating  
14 Section 11-501 of the Illinois Vehicle Code.

15 (f) In cases involving involuntary manslaughter in which  
16 the victim was a family or household member as defined in  
17 paragraph (3) of Section 112A-3 of the Code of Criminal  
18 Procedure of 1963, the penalty shall be a Class 2 felony, for  
19 which a person if sentenced to a term of imprisonment, shall be  
20 sentenced to a term of not less than 3 years and not more than  
21 14 years.

22 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,  
23 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)

24 (720 ILCS 5/11-9.3)

25 (Text of Section before amendment by P.A. 95-640)

1           Sec. 11-9.3. Presence within school zone by child sex  
2 offenders prohibited.

3           (a) It is unlawful for a child sex offender to knowingly be  
4 present in any school building, on real property comprising any  
5 school, or in any conveyance owned, leased, or contracted by a  
6 school to transport students to or from school or a school  
7 related activity when persons under the age of 18 are present  
8 in the building, on the grounds or in the conveyance, unless  
9 the offender is a parent or guardian of a student attending the  
10 school and the parent or guardian is: (i) attending a  
11 conference at the school with school personnel to discuss the  
12 progress of his or her child academically or socially, (ii)  
13 participating in child review conferences in which evaluation  
14 and placement decisions may be made with respect to his or her  
15 child regarding special education services, or (iii) attending  
16 conferences to discuss other student issues concerning his or  
17 her child such as retention and promotion and notifies the  
18 principal of the school of his or her presence at the school or  
19 unless the offender has permission to be present from the  
20 superintendent or the school board or in the case of a private  
21 school from the principal. In the case of a public school, if  
22 permission is granted, the superintendent or school board  
23 president must inform the principal of the school where the sex  
24 offender will be present. Notification includes the nature of  
25 the sex offender's visit and the hours in which the sex  
26 offender will be present in the school. The sex offender is

1 responsible for notifying the principal's office when he or she  
2 arrives on school property and when he or she departs from  
3 school property. If the sex offender is to be present in the  
4 vicinity of children, the sex offender has the duty to remain  
5 under the direct supervision of a school official. A child sex  
6 offender who violates this provision is guilty of a Class 4  
7 felony.

8 (a-5) It is unlawful for a child sex offender to knowingly  
9 be present within 100 feet of a site posted as a pick-up or  
10 discharge stop for a conveyance owned, leased, or contracted by  
11 a school to transport students to or from school or a school  
12 related activity when one or more persons under the age of 18  
13 are present at the site.

14 (b) It is unlawful for a child sex offender to knowingly  
15 loiter within 500 feet of a school building or real property  
16 comprising any school while persons under the age of 18 are  
17 present in the building or on the grounds, unless the offender  
18 is a parent or guardian of a student attending the school and  
19 the parent or guardian is: (i) attending a conference at the  
20 school with school personnel to discuss the progress of his or  
21 her child academically or socially, (ii) participating in child  
22 review conferences in which evaluation and placement decisions  
23 may be made with respect to his or her child regarding special  
24 education services, or (iii) attending conferences to discuss  
25 other student issues concerning his or her child such as  
26 retention and promotion and notifies the principal of the

1 school of his or her presence at the school or has permission  
2 to be present from the superintendent or the school board or in  
3 the case of a private school from the principal. In the case of  
4 a public school, if permission is granted, the superintendent  
5 or school board president must inform the principal of the  
6 school where the sex offender will be present. Notification  
7 includes the nature of the sex offender's visit and the hours  
8 in which the sex offender will be present in the school. The  
9 sex offender is responsible for notifying the principal's  
10 office when he or she arrives on school property and when he or  
11 she departs from school property. If the sex offender is to be  
12 present in the vicinity of children, the sex offender has the  
13 duty to remain under the direct supervision of a school  
14 official. A child sex offender who violates this provision is  
15 guilty of a Class 4 felony.

16 (b-5) It is unlawful for a child sex offender to knowingly  
17 reside within 500 feet of a school building or the real  
18 property comprising any school that persons under the age of 18  
19 attend. Nothing in this subsection (b-5) prohibits a child sex  
20 offender from residing within 500 feet of a school building or  
21 the real property comprising any school that persons under 18  
22 attend if the property is owned by the child sex offender and  
23 was purchased before the effective date of this amendatory Act  
24 of the 91st General Assembly.

25 (c) Definitions. In this Section:

26 (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



1 offense; or

2 (F) is the subject of a finding not resulting  
3 in an acquittal at a hearing conducted pursuant to  
4 a federal law or the law of another state  
5 substantially similar to subsection (a) of Section  
6 104-25 of the Code of Criminal Procedure of 1963  
7 for the alleged violation or attempted commission  
8 of such offense; or

9 (ii) is certified as a sexually dangerous person  
10 pursuant to the Illinois Sexually Dangerous Persons  
11 Act, or any substantially similar federal law or the  
12 law of another state, when any conduct giving rise to  
13 such certification is committed or attempted against a  
14 person less than 18 years of age; or

15 (iii) is subject to the provisions of Section 2 of  
16 the Interstate Agreements on Sexually Dangerous  
17 Persons Act.

18 Convictions that result from or are connected with the  
19 same act, or result from offenses committed at the same  
20 time, shall be counted for the purpose of this Section as  
21 one conviction. Any conviction set aside pursuant to law is  
22 not a conviction for purposes of this Section.

23 (2) Except as otherwise provided in paragraph (2.5),  
24 "sex offense" means:

25 (i) A violation of any of the following Sections of  
26 the Criminal Code of 1961: 10-7 (aiding and abetting

1 child abduction under Section 10-5(b)(10)),  
2 10-5(b)(10) (child luring), 11-6 (indecent  
3 solicitation of a child), 11-6.5 (indecent  
4 solicitation of an adult), 11-9 (public indecency when  
5 committed in a school, on the real property comprising  
6 a school, or on a conveyance, owned, leased, or  
7 contracted by a school to transport students to or from  
8 school or a school related activity), 11-9.1 (sexual  
9 exploitation of a child), 11-15.1 (soliciting for a  
10 juvenile prostitute), 11-17.1 (keeping a place of  
11 juvenile prostitution), 11-18.1 (patronizing a  
12 juvenile prostitute), 11-19.1 (juvenile pimping),  
13 11-19.2 (exploitation of a child), 11-20.1 (child  
14 pornography), 11-21 (harmful material), 12-14.1  
15 (predatory criminal sexual assault of a child), 12-33  
16 (ritualized abuse of a child), 11-20 (obscenity) (when  
17 that offense was committed in any school, on real  
18 property comprising any school, in any conveyance  
19 owned, leased, or contracted by a school to transport  
20 students to or from school or a school related  
21 activity). An attempt to commit any of these offenses.

22 (ii) A violation of any of the following Sections  
23 of the Criminal Code of 1961, when the victim is a  
24 person under 18 years of age: 12-13 (criminal sexual  
25 assault), 12-14 (aggravated criminal sexual assault),  
26 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of  
2 these offenses.

3 (iii) A violation of any of the following Sections  
4 of the Criminal Code of 1961, when the victim is a  
5 person under 18 years of age and the defendant is not a  
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State  
13 substantially equivalent to any offense listed in  
14 clause (2) (i) of subsection (c) of this Section.

15 (2.5) For the purposes of subsection (b-5) only, a sex  
16 offense means:

17 (i) A violation of any of the following Sections of  
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and  
20 abetting child abduction under Section  
21 10-5(b)(10)), 11-6 (indecent solicitation of a  
22 child), 11-6.5 (indecent solicitation of an  
23 adult), 11-15.1 (soliciting for a juvenile  
24 prostitute), 11-17.1 (keeping a place of juvenile  
25 prostitution), 11-18.1 (patronizing a juvenile  
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child  
2 pornography), 12-14.1 (predatory criminal sexual  
3 assault of a child), or 12-33 (ritualized abuse of  
4 a child). An attempt to commit any of these  
5 offenses.

6 (ii) A violation of any of the following Sections  
7 of the Criminal Code of 1961, when the victim is a  
8 person under 18 years of age: 12-13 (criminal sexual  
9 assault), 12-14 (aggravated criminal sexual assault),  
10 12-16 (aggravated criminal sexual abuse), and  
11 subsection (a) of Section 12-15 (criminal sexual  
12 abuse). An attempt to commit any of these offenses.

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961, when the victim is a  
15 person under 18 years of age and the defendant is not a  
16 parent of the victim:

17 10-1 (kidnapping),  
18 10-2 (aggravated kidnapping),  
19 10-3 (unlawful restraint),  
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State  
23 substantially equivalent to any offense listed in this  
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the  
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of subsection (c) of  
2 this Section shall constitute a conviction for the purpose  
3 of this Article. A finding or adjudication as a sexually  
4 dangerous person under any federal law or law of another  
5 state that is substantially equivalent to the Sexually  
6 Dangerous Persons Act shall constitute an adjudication for  
7 the purposes of this Section.

8 (4) "School" means a public or private pre-school,  
9 elementary, or secondary school.

10 (5) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the  
12 person is in a vehicle or remaining in or around school  
13 property.

14 (ii) Standing, sitting idly, whether or not the  
15 person is in a vehicle or remaining in or around school  
16 property, for the purpose of committing or attempting  
17 to commit a sex offense.

18 (iii) Entering or remaining in a building in or  
19 around school property, other than the offender's  
20 residence.

21 (6) "School official" means the principal, a teacher,  
22 or any other certified employee of the school, the  
23 superintendent of schools or a member of the school board.

24 (d) Sentence. A person who violates this Section is guilty  
25 of a Class 4 felony.

26 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;

1 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.  
2 8-27-07.)

3 (Text of Section after amendment by P.A. 95-640)

4 Sec. 11-9.3. Presence within school zone by child sex  
5 offenders prohibited.

6 (a) It is unlawful for a child sex offender to knowingly be  
7 present in any school building, on real property comprising any  
8 school, or in any conveyance owned, leased, or contracted by a  
9 school to transport students to or from school or a school  
10 related activity when persons under the age of 18 are present  
11 in the building, on the grounds or in the conveyance, unless  
12 the offender is a parent or guardian of a student attending the  
13 school and the parent or guardian is: (i) attending a  
14 conference at the school with school personnel to discuss the  
15 progress of his or her child academically or socially, (ii)  
16 participating in child review conferences in which evaluation  
17 and placement decisions may be made with respect to his or her  
18 child regarding special education services, or (iii) attending  
19 conferences to discuss other student issues concerning his or  
20 her child such as retention and promotion and notifies the  
21 principal of the school of his or her presence at the school or  
22 unless the offender has permission to be present from the  
23 superintendent or the school board or in the case of a private  
24 school from the principal. In the case of a public school, if  
25 permission is granted, the superintendent or school board

1 president must inform the principal of the school where the sex  
2 offender will be present. Notification includes the nature of  
3 the sex offender's visit and the hours in which the sex  
4 offender will be present in the school. The sex offender is  
5 responsible for notifying the principal's office when he or she  
6 arrives on school property and when he or she departs from  
7 school property. If the sex offender is to be present in the  
8 vicinity of children, the sex offender has the duty to remain  
9 under the direct supervision of a school official. A child sex  
10 offender who violates this provision is guilty of a Class 4  
11 felony.

12 (a-5) It is unlawful for a child sex offender to knowingly  
13 be present within 100 feet of a site posted as a pick-up or  
14 discharge stop for a conveyance owned, leased, or contracted by  
15 a school to transport students to or from school or a school  
16 related activity when one or more persons under the age of 18  
17 are present at the site.

18 (b) It is unlawful for a child sex offender to knowingly  
19 loiter within 500 feet of a school building or real property  
20 comprising any school while persons under the age of 18 are  
21 present in the building or on the grounds, unless the offender  
22 is a parent or guardian of a student attending the school and  
23 the parent or guardian is: (i) attending a conference at the  
24 school with school personnel to discuss the progress of his or  
25 her child academically or socially, (ii) participating in child  
26 review conferences in which evaluation and placement decisions

1 may be made with respect to his or her child regarding special  
2 education services, or (iii) attending conferences to discuss  
3 other student issues concerning his or her child such as  
4 retention and promotion and notifies the principal of the  
5 school of his or her presence at the school or has permission  
6 to be present from the superintendent or the school board or in  
7 the case of a private school from the principal. In the case of  
8 a public school, if permission is granted, the superintendent  
9 or school board president must inform the principal of the  
10 school where the sex offender will be present. Notification  
11 includes the nature of the sex offender's visit and the hours  
12 in which the sex offender will be present in the school. The  
13 sex offender is responsible for notifying the principal's  
14 office when he or she arrives on school property and when he or  
15 she departs from school property. If the sex offender is to be  
16 present in the vicinity of children, the sex offender has the  
17 duty to remain under the direct supervision of a school  
18 official. A child sex offender who violates this provision is  
19 guilty of a Class 4 felony.

20 (b-5) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of a school building or the real  
22 property comprising any school that persons under the age of 18  
23 attend. Nothing in this subsection (b-5) prohibits a child sex  
24 offender from residing within 500 feet of a school building or  
25 the real property comprising any school that persons under 18  
26 attend if the property is owned by the child sex offender and



1 was purchased before the effective date of this amendatory Act  
2 of the 91st General Assembly.

3 (c) Definitions. In this Section:

4 (1) "Child sex offender" means any person who:

5 (i) has been charged under Illinois law, or any  
6 substantially similar federal law or law of another  
7 state, with a sex offense set forth in paragraph (2) of  
8 this subsection (c) or the attempt to commit an  
9 included sex offense, and:

10 (A) is convicted of such offense or an attempt  
11 to commit such offense; or

12 (B) is found not guilty by reason of insanity  
13 of such offense or an attempt to commit such  
14 offense; or

15 (C) is found not guilty by reason of insanity  
16 pursuant to subsection (c) of Section 104-25 of the  
17 Code of Criminal Procedure of 1963 of such offense  
18 or an attempt to commit such offense; or

19 (D) is the subject of a finding not resulting  
20 in an acquittal at a hearing conducted pursuant to  
21 subsection (a) of Section 104-25 of the Code of  
22 Criminal Procedure of 1963 for the alleged  
23 commission or attempted commission of such  
24 offense; or

25 (E) is found not guilty by reason of insanity  
26 following a hearing conducted pursuant to a

1 federal law or the law of another state  
2 substantially similar to subsection (c) of Section  
3 104-25 of the Code of Criminal Procedure of 1963 of  
4 such offense or of the attempted commission of such  
5 offense; or

6 (F) is the subject of a finding not resulting  
7 in an acquittal at a hearing conducted pursuant to  
8 a federal law or the law of another state  
9 substantially similar to subsection (a) of Section  
10 104-25 of the Code of Criminal Procedure of 1963  
11 for the alleged violation or attempted commission  
12 of such offense; or

13 (ii) is certified as a sexually dangerous person  
14 pursuant to the Illinois Sexually Dangerous Persons  
15 Act, or any substantially similar federal law or the  
16 law of another state, when any conduct giving rise to  
17 such certification is committed or attempted against a  
18 person less than 18 years of age; or

19 (iii) is subject to the provisions of Section 2 of  
20 the Interstate Agreements on Sexually Dangerous  
21 Persons Act.

22 Convictions that result from or are connected with the  
23 same act, or result from offenses committed at the same  
24 time, shall be counted for the purpose of this Section as  
25 one conviction. Any conviction set aside pursuant to law is  
26 not a conviction for purposes of this Section.

1 (2) Except as otherwise provided in paragraph (2.5),

2 "sex offense" means:

3 (i) A violation of any of the following Sections of  
4 the Criminal Code of 1961: 10-7 (aiding and abetting  
5 child abduction under Section 10-5(b)(10)),  
6 10-5(b)(10) (child luring), 11-6 (indecent  
7 solicitation of a child), 11-6.5 (indecent  
8 solicitation of an adult), 11-9 (public indecency when  
9 committed in a school, on the real property comprising  
10 a school, or on a conveyance, owned, leased, or  
11 contracted by a school to transport students to or from  
12 school or a school related activity), 11-9.1 (sexual  
13 exploitation of a child), 11-15.1 (soliciting for a  
14 juvenile prostitute), 11-17.1 (keeping a place of  
15 juvenile prostitution), 11-18.1 (patronizing a  
16 juvenile prostitute), 11-19.1 (juvenile pimping),  
17 11-19.2 (exploitation of a child), 11-20.1 (child  
18 pornography), 11-20.3 (aggravated child pornography),  
19 11-21 (harmful material), 12-14.1 (predatory criminal  
20 sexual assault of a child), 12-33 (ritualized abuse of  
21 a child), 11-20 (obscenity) (when that offense was  
22 committed in any school, on real property comprising  
23 any school, in any conveyance owned, leased, or  
24 contracted by a school to transport students to or from  
25 school or a school related activity). An attempt to  
26 commit any of these offenses.

1           (ii) A violation of any of the following Sections  
2 of the Criminal Code of 1961, when the victim is a  
3 person under 18 years of age: 12-13 (criminal sexual  
4 assault), 12-14 (aggravated criminal sexual assault),  
5 12-15 (criminal sexual abuse), 12-16 (aggravated  
6 criminal sexual abuse). An attempt to commit any of  
7 these offenses.

8           (iii) A violation of any of the following Sections  
9 of the Criminal Code of 1961, when the victim is a  
10 person under 18 years of age and the defendant is not a  
11 parent of the victim:

12           10-1 (kidnapping),

13           10-2 (aggravated kidnapping),

14           10-3 (unlawful restraint),

15           10-3.1 (aggravated unlawful restraint).

16           An attempt to commit any of these offenses.

17           (iv) A violation of any former law of this State  
18 substantially equivalent to any offense listed in  
19 clause (2) (i) of subsection (c) of this Section.

20           (2.5) For the purposes of subsection (b-5) only, a sex  
21 offense means:

22           (i) A violation of any of the following Sections of  
23 the Criminal Code of 1961:

24           10-5(b)(10) (child luring), 10-7 (aiding and  
25 abetting child abduction under Section  
26 10-5(b)(10)), 11-6 (indecent solicitation of a

1 child), 11-6.5 (indecent solicitation of an  
2 adult), 11-15.1 (soliciting for a juvenile  
3 prostitute), 11-17.1 (keeping a place of juvenile  
4 prostitution), 11-18.1 (patronizing a juvenile  
5 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
6 (exploitation of a child), 11-20.1 (child  
7 pornography), 11-20.3 (aggravated child  
8 pornography), 12-14.1 (predatory criminal sexual  
9 assault of a child), or 12-33 (ritualized abuse of  
10 a child). An attempt to commit any of these  
11 offenses.

12 (ii) A violation of any of the following Sections  
13 of the Criminal Code of 1961, when the victim is a  
14 person under 18 years of age: 12-13 (criminal sexual  
15 assault), 12-14 (aggravated criminal sexual assault),  
16 12-16 (aggravated criminal sexual abuse), and  
17 subsection (a) of Section 12-15 (criminal sexual  
18 abuse). An attempt to commit any of these offenses.

19 (iii) A violation of any of the following Sections  
20 of the Criminal Code of 1961, when the victim is a  
21 person under 18 years of age and the defendant is not a  
22 parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint).

1           An attempt to commit any of these offenses.

2           (iv) A violation of any former law of this State  
3           substantially equivalent to any offense listed in this  
4           paragraph (2.5) of this subsection.

5           (3) A conviction for an offense of federal law or the  
6           law of another state that is substantially equivalent to  
7           any offense listed in paragraph (2) of subsection (c) of  
8           this Section shall constitute a conviction for the purpose  
9           of this Article. A finding or adjudication as a sexually  
10          dangerous person under any federal law or law of another  
11          state that is substantially equivalent to the Sexually  
12          Dangerous Persons Act shall constitute an adjudication for  
13          the purposes of this Section.

14          (4) "School" means a public or private pre-school,  
15          elementary, or secondary school.

16          (5) "Loiter" means:

17               (i) Standing, sitting idly, whether or not the  
18               person is in a vehicle or remaining in or around school  
19               property.

20               (ii) Standing, sitting idly, whether or not the  
21               person is in a vehicle or remaining in or around school  
22               property, for the purpose of committing or attempting  
23               to commit a sex offense.

24               (iii) Entering or remaining in a building in or  
25               around school property, other than the offender's  
26               residence.

1           (6) "School official" means the principal, a teacher,  
2           or any other certified employee of the school, the  
3           superintendent of schools or a member of the school board.

4           (d) Sentence. A person who violates this Section is guilty  
5           of a Class 4 felony.

6           (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
7           94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.  
8           8-27-07; 95-640, eff. 6-1-08; revised 11-19-07 .)

9           (720 ILCS 5/11-9.4)

10          (Text of Section before amendment by P.A. 95-640)

11          Sec. 11-9.4. Approaching, contacting, residing, or  
12          communicating with a child within certain places by child sex  
13          offenders prohibited.

14          (a) It is unlawful for a child sex offender to knowingly be  
15          present in any public park building or on real property  
16          comprising any public park when persons under the age of 18 are  
17          present in the building or on the grounds and to approach,  
18          contact, or communicate with a child under 18 years of age,  
19          unless the offender is a parent or guardian of a person under  
20          18 years of age present in the building or on the grounds.

21          (b) It is unlawful for a child sex offender to knowingly  
22          loiter on a public way within 500 feet of a public park  
23          building or real property comprising any public park while  
24          persons under the age of 18 are present in the building or on  
25          the grounds and to approach, contact, or communicate with a

1 child under 18 years of age, unless the offender is a parent or  
2 guardian of a person under 18 years of age present in the  
3 building or on the grounds.

4 (b-5) It is unlawful for a child sex offender to knowingly  
5 reside within 500 feet of a playground, child care institution,  
6 day care center, part day child care facility, or a facility  
7 providing programs or services exclusively directed toward  
8 persons under 18 years of age. Nothing in this subsection (b-5)  
9 prohibits a child sex offender from residing within 500 feet of  
10 a playground or a facility providing programs or services  
11 exclusively directed toward persons under 18 years of age if  
12 the property is owned by the child sex offender and was  
13 purchased before the effective date of this amendatory Act of  
14 the 91st General Assembly. Nothing in this subsection (b-5)  
15 prohibits a child sex offender from residing within 500 feet of  
16 a child care institution, day care center, or part day child  
17 care facility if the property is owned by the child sex  
18 offender and was purchased before the effective date of this  
19 amendatory Act of the 94th General Assembly.

20 (b-6) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of the victim of the sex offense.  
22 Nothing in this subsection (b-6) prohibits a child sex offender  
23 from residing within 500 feet of the victim if the property in  
24 which the child sex offender resides is owned by the child sex  
25 offender and was purchased before the effective date of this  
26 amendatory Act of the 92nd General Assembly.



1           This subsection (b-6) does not apply if the victim of the  
2 sex offense is 21 years of age or older.

3           (c) It is unlawful for a child sex offender to knowingly  
4 operate, manage, be employed by, volunteer at, be associated  
5 with, or knowingly be present at any: (i) facility providing  
6 programs or services exclusively directed towards persons  
7 under the age of 18; (ii) day care center; (iii) part day child  
8 care facility; (iv) child care institution, or (v) school  
9 providing before and after school programs for children under  
10 18 years of age. This does not prohibit a child sex offender  
11 from owning the real property upon which the programs or  
12 services are offered or upon which the day care center, part  
13 day child care facility, child care institution, or school  
14 providing before and after school programs for children under  
15 18 years of age is located, provided the child sex offender  
16 refrains from being present on the premises for the hours  
17 during which: (1) the programs or services are being offered or  
18 (2) the day care center, part day child care facility, child  
19 care institution, or school providing before and after school  
20 programs for children under 18 years of age is operated.

21           (c-5) It is unlawful for a child sex offender to knowingly  
22 operate, manage, be employed by, or be associated with any  
23 county fair when persons under the age of 18 are present.

24           (d) Definitions. In this Section:

25                 (1) "Child sex offender" means any person who:

26                         (i) has been charged under Illinois law, or any

1 substantially similar federal law or law of another  
2 state, with a sex offense set forth in paragraph (2) of  
3 this subsection (d) or the attempt to commit an  
4 included sex offense, and:

5 (A) is convicted of such offense or an attempt  
6 to commit such offense; or

7 (B) is found not guilty by reason of insanity  
8 of such offense or an attempt to commit such  
9 offense; or

10 (C) is found not guilty by reason of insanity  
11 pursuant to subsection (c) of Section 104-25 of the  
12 Code of Criminal Procedure of 1963 of such offense  
13 or an attempt to commit such offense; or

14 (D) is the subject of a finding not resulting  
15 in an acquittal at a hearing conducted pursuant to  
16 subsection (a) of Section 104-25 of the Code of  
17 Criminal Procedure of 1963 for the alleged  
18 commission or attempted commission of such  
19 offense; or

20 (E) is found not guilty by reason of insanity  
21 following a hearing conducted pursuant to a  
22 federal law or the law of another state  
23 substantially similar to subsection (c) of Section  
24 104-25 of the Code of Criminal Procedure of 1963 of  
25 such offense or of the attempted commission of such  
26 offense; or

1 (F) is the subject of a finding not resulting  
2 in an acquittal at a hearing conducted pursuant to  
3 a federal law or the law of another state  
4 substantially similar to subsection (a) of Section  
5 104-25 of the Code of Criminal Procedure of 1963  
6 for the alleged violation or attempted commission  
7 of such offense; or

8 (ii) is certified as a sexually dangerous person  
9 pursuant to the Illinois Sexually Dangerous Persons  
10 Act, or any substantially similar federal law or the  
11 law of another state, when any conduct giving rise to  
12 such certification is committed or attempted against a  
13 person less than 18 years of age; or

14 (iii) is subject to the provisions of Section 2 of  
15 the Interstate Agreements on Sexually Dangerous  
16 Persons Act.

17 Convictions that result from or are connected with the  
18 same act, or result from offenses committed at the same  
19 time, shall be counted for the purpose of this Section as  
20 one conviction. Any conviction set aside pursuant to law is  
21 not a conviction for purposes of this Section.

22 (2) Except as otherwise provided in paragraph (2.5),  
23 "sex offense" means:

24 (i) A violation of any of the following Sections of  
25 the Criminal Code of 1961: 10-7 (aiding and abetting  
26 child abduction under Section 10-5(b)(10)),

1           10-5(b)(10) (child luring), 11-6 (indecent  
2           solicitation of a child), 11-6.5 (indecent  
3           solicitation of an adult), 11-9 (public indecency when  
4           committed in a school, on the real property comprising  
5           a school, on a conveyance owned, leased, or contracted  
6           by a school to transport students to or from school or  
7           a school related activity, or in a public park), 11-9.1  
8           (sexual exploitation of a child), 11-15.1 (soliciting  
9           for a juvenile prostitute), 11-17.1 (keeping a place of  
10          juvenile prostitution), 11-18.1 (patronizing a  
11          juvenile prostitute), 11-19.1 (juvenile pimping),  
12          11-19.2 (exploitation of a child), 11-20.1 (child  
13          pornography), 11-21 (harmful material), 12-14.1  
14          (predatory criminal sexual assault of a child), 12-33  
15          (ritualized abuse of a child), 11-20 (obscenity) (when  
16          that offense was committed in any school, on real  
17          property comprising any school, on any conveyance  
18          owned, leased, or contracted by a school to transport  
19          students to or from school or a school related  
20          activity, or in a public park). An attempt to commit  
21          any of these offenses.

22               (ii) A violation of any of the following Sections  
23          of the Criminal Code of 1961, when the victim is a  
24          person under 18 years of age: 12-13 (criminal sexual  
25          assault), 12-14 (aggravated criminal sexual assault),  
26          12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of  
2 these offenses.

3 (iii) A violation of any of the following Sections  
4 of the Criminal Code of 1961, when the victim is a  
5 person under 18 years of age and the defendant is not a  
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State  
13 substantially equivalent to any offense listed in  
14 clause (2) (i) of this subsection (d).

15 (2.5) For the purposes of subsection (b-5) only, a sex  
16 offense means:

17 (i) A violation of any of the following Sections of  
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and  
20 abetting child abduction under Section  
21 10-5(b)(10)), 11-6 (indecent solicitation of a  
22 child), 11-6.5 (indecent solicitation of an  
23 adult), 11-15.1 (soliciting for a juvenile  
24 prostitute), 11-17.1 (keeping a place of juvenile  
25 prostitution), 11-18.1 (patronizing a juvenile  
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child  
2 pornography), 12-14.1 (predatory criminal sexual  
3 assault of a child), or 12-33 (ritualized abuse of  
4 a child). An attempt to commit any of these  
5 offenses.

6 (ii) A violation of any of the following Sections  
7 of the Criminal Code of 1961, when the victim is a  
8 person under 18 years of age: 12-13 (criminal sexual  
9 assault), 12-14 (aggravated criminal sexual assault),  
10 12-16 (aggravated criminal sexual abuse), and  
11 subsection (a) of Section 12-15 (criminal sexual  
12 abuse). An attempt to commit any of these offenses.

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961, when the victim is a  
15 person under 18 years of age and the defendant is not a  
16 parent of the victim:

17 10-1 (kidnapping),  
18 10-2 (aggravated kidnapping),  
19 10-3 (unlawful restraint),  
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State  
23 substantially equivalent to any offense listed in this  
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the  
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of this subsection (d)  
2 shall constitute a conviction for the purpose of this  
3 Section. A finding or adjudication as a sexually dangerous  
4 person under any federal law or law of another state that  
5 is substantially equivalent to the Sexually Dangerous  
6 Persons Act shall constitute an adjudication for the  
7 purposes of this Section.

8 (4) "Public park" includes a park, forest preserve, or  
9 conservation area under the jurisdiction of the State or a  
10 unit of local government.

11 (5) "Facility providing programs or services directed  
12 towards persons under the age of 18" means any facility  
13 providing programs or services exclusively directed  
14 towards persons under the age of 18.

15 (6) "Loiter" means:

16 (i) Standing, sitting idly, whether or not the  
17 person is in a vehicle or remaining in or around public  
18 park property.

19 (ii) Standing, sitting idly, whether or not the  
20 person is in a vehicle or remaining in or around public  
21 park property, for the purpose of committing or  
22 attempting to commit a sex offense.

23 (7) "Playground" means a piece of land owned or  
24 controlled by a unit of local government that is designated  
25 by the unit of local government for use solely or primarily  
26 for children's recreation.

1           (8) "Child care institution" has the meaning ascribed  
2 to it in Section 2.06 of the Child Care Act of 1969.

3           (9) "Day care center" has the meaning ascribed to it in  
4 Section 2.09 of the Child Care Act of 1969.

5           (10) "Part day child care facility" has the meaning  
6 ascribed to it in Section 2.10 of the Child Care Act of  
7 1969.

8           (e) Sentence. A person who violates this Section is guilty  
9 of a Class 4 felony.

10 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08.)

11           (Text of Section after amendment by P.A. 95-640)

12           Sec. 11-9.4. Approaching, contacting, residing, or  
13 communicating with a child within certain places by child sex  
14 offenders prohibited.

15           (a) It is unlawful for a child sex offender to knowingly be  
16 present in any public park building or on real property  
17 comprising any public park when persons under the age of 18 are  
18 present in the building or on the grounds and to approach,  
19 contact, or communicate with a child under 18 years of age,  
20 unless the offender is a parent or guardian of a person under  
21 18 years of age present in the building or on the grounds.

22           (b) It is unlawful for a child sex offender to knowingly  
23 loiter on a public way within 500 feet of a public park  
24 building or real property comprising any public park while  
25 persons under the age of 18 are present in the building or on



1 the grounds and to approach, contact, or communicate with a  
2 child under 18 years of age, unless the offender is a parent or  
3 guardian of a person under 18 years of age present in the  
4 building or on the grounds.

5 (b-5) It is unlawful for a child sex offender to knowingly  
6 reside within 500 feet of a playground, child care institution,  
7 day care center, part day child care facility, or a facility  
8 providing programs or services exclusively directed toward  
9 persons under 18 years of age. Nothing in this subsection (b-5)  
10 prohibits a child sex offender from residing within 500 feet of  
11 a playground or a facility providing programs or services  
12 exclusively directed toward persons under 18 years of age if  
13 the property is owned by the child sex offender and was  
14 purchased before the effective date of this amendatory Act of  
15 the 91st General Assembly. Nothing in this subsection (b-5)  
16 prohibits a child sex offender from residing within 500 feet of  
17 a child care institution, day care center, or part day child  
18 care facility if the property is owned by the child sex  
19 offender and was purchased before the effective date of this  
20 amendatory Act of the 94th General Assembly.

21 (b-6) It is unlawful for a child sex offender to knowingly  
22 reside within 500 feet of the victim of the sex offense.  
23 Nothing in this subsection (b-6) prohibits a child sex offender  
24 from residing within 500 feet of the victim if the property in  
25 which the child sex offender resides is owned by the child sex  
26 offender and was purchased before the effective date of this

1 amendatory Act of the 92nd General Assembly.

2 This subsection (b-6) does not apply if the victim of the  
3 sex offense is 21 years of age or older.

4 (c) It is unlawful for a child sex offender to knowingly  
5 operate, manage, be employed by, volunteer at, be associated  
6 with, or knowingly be present at any: (i) facility providing  
7 programs or services exclusively directed towards persons  
8 under the age of 18; (ii) day care center; (iii) part day child  
9 care facility; (iv) child care institution, or (v) school  
10 providing before and after school programs for children under  
11 18 years of age. This does not prohibit a child sex offender  
12 from owning the real property upon which the programs or  
13 services are offered or upon which the day care center, part  
14 day child care facility, child care institution, or school  
15 providing before and after school programs for children under  
16 18 years of age is located, provided the child sex offender  
17 refrains from being present on the premises for the hours  
18 during which: (1) the programs or services are being offered or  
19 (2) the day care center, part day child care facility, child  
20 care institution, or school providing before and after school  
21 programs for children under 18 years of age is operated.

22 (c-5) It is unlawful for a child sex offender to knowingly  
23 operate, manage, be employed by, or be associated with any  
24 county fair when persons under the age of 18 are present.

25 (d) Definitions. In this Section:

26 (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 (d) 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

1 offense; or

2 (F) is the subject of a finding not resulting  
3 in an acquittal at a hearing conducted pursuant to  
4 a federal law or the law of another state  
5 substantially similar to subsection (a) of Section  
6 104-25 of the Code of Criminal Procedure of 1963  
7 for the alleged violation or attempted commission  
8 of such offense; or

9 (ii) is certified as a sexually dangerous person  
10 pursuant to the Illinois Sexually Dangerous Persons  
11 Act, or any substantially similar federal law or the  
12 law of another state, when any conduct giving rise to  
13 such certification is committed or attempted against a  
14 person less than 18 years of age; or

15 (iii) is subject to the provisions of Section 2 of  
16 the Interstate Agreements on Sexually Dangerous  
17 Persons Act.

18 Convictions that result from or are connected with the  
19 same act, or result from offenses committed at the same  
20 time, shall be counted for the purpose of this Section as  
21 one conviction. Any conviction set aside pursuant to law is  
22 not a conviction for purposes of this Section.

23 (2) Except as otherwise provided in paragraph (2.5),  
24 "sex offense" means:

25 (i) A violation of any of the following Sections of  
26 the Criminal Code of 1961: 10-7 (aiding and abetting

1 child abduction under Section 10-5(b)(10)),  
2 10-5(b)(10) (child luring), 11-6 (indecent  
3 solicitation of a child), 11-6.5 (indecent  
4 solicitation of an adult), 11-9 (public indecency when  
5 committed in a school, on the real property comprising  
6 a school, on a conveyance owned, leased, or contracted  
7 by a school to transport students to or from school or  
8 a school related activity, or in a public park), 11-9.1  
9 (sexual exploitation of a child), 11-15.1 (soliciting  
10 for a juvenile prostitute), 11-17.1 (keeping a place of  
11 juvenile prostitution), 11-18.1 (patronizing a  
12 juvenile prostitute), 11-19.1 (juvenile pimping),  
13 11-19.2 (exploitation of a child), 11-20.1 (child  
14 pornography), 11-20.3 (aggravated child pornography),  
15 11-21 (harmful material), 12-14.1 (predatory criminal  
16 sexual assault of a child), 12-33 (ritualized abuse of  
17 a child), 11-20 (obscenity) (when that offense was  
18 committed in any school, on real property comprising  
19 any school, on any conveyance owned, leased, or  
20 contracted by a school to transport students to or from  
21 school or a school related activity, or in a public  
22 park). An attempt to commit any of these offenses.

23 (ii) A violation of any of the following Sections  
24 of the Criminal Code of 1961, when the victim is a  
25 person under 18 years of age: 12-13 (criminal sexual  
26 assault), 12-14 (aggravated criminal sexual assault),

1 12-15 (criminal sexual abuse), 12-16 (aggravated  
2 criminal sexual abuse). An attempt to commit any of  
3 these offenses.

4 (iii) A violation of any of the following Sections  
5 of the Criminal Code of 1961, when the victim is a  
6 person under 18 years of age and the defendant is not a  
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State  
14 substantially equivalent to any offense listed in  
15 clause (2)(i) of this subsection (d).

16 (2.5) For the purposes of subsection (b-5) only, a sex  
17 offense means:

18 (i) A violation of any of the following Sections of  
19 the Criminal Code of 1961:

20 10-5(b)(10) (child luring), 10-7 (aiding and

21 abetting child abduction under Section

22 10-5(b)(10)), 11-6 (indecent solicitation of a

23 child), 11-6.5 (indecent solicitation of an

24 adult), 11-15.1 (soliciting for a juvenile

25 prostitute), 11-17.1 (keeping a place of juvenile

26 prostitution), 11-18.1 (patronizing a juvenile

1 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
2 (exploitation of a child), 11-20.1 (child  
3 pornography), 11-20.3 (aggravated child  
4 pornography), 12-14.1 (predatory criminal sexual  
5 assault of a child), or 12-33 (ritualized abuse of  
6 a child). An attempt to commit any of these  
7 offenses.

8 (ii) A violation of any of the following Sections  
9 of the Criminal Code of 1961, when the victim is a  
10 person under 18 years of age: 12-13 (criminal sexual  
11 assault), 12-14 (aggravated criminal sexual assault),  
12 12-16 (aggravated criminal sexual abuse), and  
13 subsection (a) of Section 12-15 (criminal sexual  
14 abuse). An attempt to commit any of these offenses.

15 (iii) A violation of any of the following Sections  
16 of the Criminal Code of 1961, when the victim is a  
17 person under 18 years of age and the defendant is not a  
18 parent of the victim:

19 10-1 (kidnapping),  
20 10-2 (aggravated kidnapping),  
21 10-3 (unlawful restraint),  
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State  
25 substantially equivalent to any offense listed in this  
26 paragraph (2.5) of this subsection.

1           (3) A conviction for an offense of federal law or the  
2 law of another state that is substantially equivalent to  
3 any offense listed in paragraph (2) of this subsection (d)  
4 shall constitute a conviction for the purpose of this  
5 Section. A finding or adjudication as a sexually dangerous  
6 person under any federal law or law of another state that  
7 is substantially equivalent to the Sexually Dangerous  
8 Persons Act shall constitute an adjudication for the  
9 purposes of this Section.

10           (4) "Public park" includes a park, forest preserve, or  
11 conservation area under the jurisdiction of the State or a  
12 unit of local government.

13           (5) "Facility providing programs or services directed  
14 towards persons under the age of 18" means any facility  
15 providing programs or services exclusively directed  
16 towards persons under the age of 18.

17           (6) "Loiter" means:

18           (i) Standing, sitting idly, whether or not the  
19 person is in a vehicle or remaining in or around public  
20 park property.

21           (ii) Standing, sitting idly, whether or not the  
22 person is in a vehicle or remaining in or around public  
23 park property, for the purpose of committing or  
24 attempting to commit a sex offense.

25           (7) "Playground" means a piece of land owned or  
26 controlled by a unit of local government that is designated



1 by the unit of local government for use solely or primarily  
2 for children's recreation.

3 (8) "Child care institution" has the meaning ascribed  
4 to it in Section 2.06 of the Child Care Act of 1969.

5 (9) "Day care center" has the meaning ascribed to it in  
6 Section 2.09 of the Child Care Act of 1969.

7 (10) "Part day child care facility" has the meaning  
8 ascribed to it in Section 2.10 of the Child Care Act of  
9 1969.

10 (e) Sentence. A person who violates this Section is guilty  
11 of a Class 4 felony.

12 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,  
13 eff. 6-1-08; revised 10-30-07.)

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, a private security officer, or a fireman or in the  
24 direction of a vehicle occupied by another person, a peace  
25 officer, a person summoned or directed by a peace officer,

1 a correctional officer, a private security officer, or a  
2 fireman while the officer or fireman is engaged in the  
3 execution of any of his official duties, or to prevent the  
4 officer or fireman from performing his official duties, or  
5 in retaliation for the officer or fireman performing his  
6 official duties;

7 (2) Is hooded, robed or masked in such manner as to  
8 conceal his identity or any device manufactured and  
9 designed to be substantially similar in appearance to a  
10 firearm;

11 (3) Knows the individual assaulted to be a teacher or  
12 other person employed in any school and such teacher or  
13 other employee is upon the grounds of a school or grounds  
14 adjacent thereto, or is in any part of a building used for  
15 school purposes;

16 (4) Knows the individual assaulted to be a supervisor,  
17 director, instructor or other person employed in any park  
18 district and such supervisor, director, instructor or  
19 other employee is upon the grounds of the park or grounds  
20 adjacent thereto, or is in any part of a building used for  
21 park purposes;

22 (5) Knows the individual assaulted to be a caseworker,  
23 investigator, or other person employed by the Department of  
24 Healthcare and Family Services (formerly State Department  
25 of Public Aid), a County Department of Public Aid, or the  
26 Department of Human Services (acting as successor to the

1 Illinois Department of Public Aid under the Department of  
2 Human Services Act) and such caseworker, investigator, or  
3 other person is upon the grounds of a public aid office or  
4 grounds adjacent thereto, or is in any part of a building  
5 used for public aid purposes, or upon the grounds of a home  
6 of a public aid applicant, recipient or any other person  
7 being interviewed or investigated in the employees'  
8 discharge of his duties, or on grounds adjacent thereto, or  
9 is in any part of a building in which the applicant,  
10 recipient, or other such person resides or is located;

11 (6) Knows the individual assaulted to be a peace  
12 officer, a community policing volunteer, a private  
13 security officer, or a fireman while the officer or fireman  
14 is engaged in the execution of any of his official duties,  
15 or to prevent the officer, community policing volunteer, or  
16 fireman from performing his official duties, or in  
17 retaliation for the officer, community policing volunteer,  
18 or fireman performing his official duties, and the assault  
19 is committed other than by the discharge of a firearm in  
20 the direction of the officer or fireman or in the direction  
21 of a vehicle occupied by the officer or fireman;

22 (7) Knows the individual assaulted to be an emergency  
23 medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical technician -  
25 paramedic, ambulance driver or other medical assistance or  
26 first aid personnel engaged in the execution of any of his

1 official duties, or to prevent the emergency medical  
2 technician - ambulance, emergency medical technician -  
3 intermediate, emergency medical technician - paramedic,  
4 ambulance driver, or other medical assistance or first aid  
5 personnel from performing his official duties, or in  
6 retaliation for the emergency medical technician -  
7 ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid personnel  
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,  
12 operator, employee or passenger of any transportation  
13 facility or system engaged in the business of  
14 transportation of the public for hire and the individual  
15 assaulted is then performing in such capacity or then using  
16 such public transportation as a passenger or using any area  
17 of any description designated by the transportation  
18 facility or system as a vehicle boarding, departure, or  
19 transfer location;

20 (9) Or the individual assaulted is on or about a public  
21 way, public property, or public place of accommodation or  
22 amusement;

23 (9.5) Is, or the individual assaulted is, in or about a  
24 publicly or privately owned sports or entertainment arena,  
25 stadium, community or convention hall, special event  
26 center, amusement facility, or a special event center in a

1 public park during any 24-hour period when a professional  
2 sporting event, National Collegiate Athletic Association  
3 (NCAA)-sanctioned sporting event, United States Olympic  
4 Committee-sanctioned sporting event, or International  
5 Olympic Committee-sanctioned sporting event is taking  
6 place in this venue;

7 (10) Knows the individual assaulted to be an employee  
8 of the State of Illinois, a municipal corporation therein  
9 or a political subdivision thereof, engaged in the  
10 performance of his authorized duties as such employee;

11 (11) Knowingly and without legal justification,  
12 commits an assault on a physically handicapped person;

13 (12) Knowingly and without legal justification,  
14 commits an assault on a person 60 years of age or older;

15 (13) Discharges a firearm, other than from a motor  
16 vehicle;

17 (13.5) Discharges a firearm from a motor vehicle;

18 (14) Knows the individual assaulted to be a  
19 correctional officer, while the officer is engaged in the  
20 execution of any of his or her official duties, or to  
21 prevent the officer from performing his or her official  
22 duties, or in retaliation for the officer performing his or  
23 her official duties;

24 (15) Knows the individual assaulted to be a  
25 correctional employee or an employee of the Department of  
26 Human Services supervising or controlling sexually

1 dangerous persons or sexually violent persons, while the  
2 employee is engaged in the execution of any of his or her  
3 official duties, or to prevent the employee from performing  
4 his or her official duties, or in retaliation for the  
5 employee performing his or her official duties, and the  
6 assault is committed other than by the discharge of a  
7 firearm in the direction of the employee or in the  
8 direction of a vehicle occupied by the employee;

9 (16) Knows the individual assaulted to be an employee  
10 of a police or sheriff's department, or a person who is  
11 employed by a municipality and whose duties include traffic  
12 control, engaged in the performance of his or her official  
13 duties as such employee;

14 (17) Knows the individual assaulted to be a sports  
15 official or coach at any level of competition and the act  
16 causing the assault to the sports official or coach  
17 occurred within an athletic facility or an indoor or  
18 outdoor playing field or within the immediate vicinity of  
19 the athletic facility or an indoor or outdoor playing field  
20 at which the sports official or coach was an active  
21 participant in the athletic contest held at the athletic  
22 facility. For the purposes of this paragraph (17), "sports  
23 official" means a person at an athletic contest who  
24 enforces the rules of the contest, such as an umpire or  
25 referee; and "coach" means a person recognized as a coach  
26 by the sanctioning authority that conducted the athletic

1 contest; ~~or~~

2 (18) Knows the individual assaulted to be an emergency  
3 management worker, while the emergency management worker  
4 is engaged in the execution of any of his or her official  
5 duties, or to prevent the emergency management worker from  
6 performing his or her official duties, or in retaliation  
7 for the emergency management worker performing his or her  
8 official duties, and the assault is committed other than by  
9 the discharge of a firearm in the direction of the  
10 emergency management worker or in the direction of a  
11 vehicle occupied by the emergency management worker; or

12 (19) Knows the individual assaulted to be a utility  
13 worker, while the utility worker is engaged in the  
14 execution of his or her duties, or to prevent the utility  
15 worker from performing his or her duties, or in retaliation  
16 for the utility worker performing his or her duties. In  
17 this paragraph (19), "utility worker" means a person  
18 employed by a public utility as defined in Section 3-105 of  
19 the Public Utilities Act and also includes an employee of a  
20 municipally owned utility, an employee of a cable  
21 television company, an employee of an electric cooperative  
22 as defined in Section 3-119 of the Public Utilities Act, an  
23 independent contractor or an employee of an independent  
24 contractor working on behalf of a cable television company,  
25 public utility, municipally owned utility, or an electric  
26 cooperative, or an employee of a telecommunications

1 carrier as defined in Section 13-202 of the Public  
2 Utilities Act, an independent contractor or an employee of  
3 an independent contractor working on behalf of a  
4 telecommunications carrier, or an employee of a telephone  
5 or telecommunications cooperative as defined in Section  
6 13-212 of the Public Utilities Act, or an independent  
7 contractor or an employee of an independent contractor  
8 working on behalf of a telephone or telecommunications  
9 cooperative.

10 (a-5) A person commits an aggravated assault when he or she  
11 knowingly and without lawful justification shines or flashes a  
12 laser gunsight or other laser device that is attached or  
13 affixed to a firearm, or used in concert with a firearm, so  
14 that the laser beam strikes near or in the immediate vicinity  
15 of any person.

16 (b) Sentence.

17 Aggravated assault as defined in paragraphs (1) through (5)  
18 and (8) through (12) and (17) and (19) of subsection (a) of  
19 this Section is a Class A misdemeanor. Aggravated assault as  
20 defined in paragraphs (13), (14), and (15) of subsection (a) of  
21 this Section and as defined in subsection (a-5) of this Section  
22 is a Class 4 felony. Aggravated assault as defined in  
23 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
24 Section is a Class A misdemeanor if a firearm is not used in  
25 the commission of the assault. Aggravated assault as defined in  
26 paragraphs (6), (7), (16), and (18) of subsection (a) of this



1 Section is a Class 4 felony if a firearm is used in the  
2 commission of the assault. Aggravated assault as defined in  
3 paragraph (13.5) of subsection (a) is a Class 3 felony.

4 (c) For the purposes of paragraphs (1) and (6) of  
5 subsection (a), "private security officer" means a registered  
6 employee of a private security contractor agency under the  
7 Private Detective, Private Alarm, Private Security,  
8 Fingerprint Vendor, and Locksmith Act of 2004.

9 (Source: P.A. 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; 95-236,  
10 eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07;  
11 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; revised 11-19-07.)

12 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

13 Sec. 12-4. Aggravated Battery.

14 (a) A person who, in committing a battery, intentionally or  
15 knowingly causes great bodily harm, or permanent disability or  
16 disfigurement commits aggravated battery.

17 (b) In committing a battery, a person commits aggravated  
18 battery if he or she:

19 (1) Uses a deadly weapon other than by the discharge of  
20 a firearm;

21 (2) Is hooded, robed or masked, in such manner as to  
22 conceal his identity;

23 (3) Knows the individual harmed to be a teacher or  
24 other person employed in any school and such teacher or  
25 other employee is upon the grounds of a school or grounds

1 adjacent thereto, or is in any part of a building used for  
2 school purposes;

3 (4) (Blank);

4 (5) (Blank);

5 (6) Knows the individual harmed to be a community  
6 policing volunteer while such volunteer is engaged in the  
7 execution of any official duties, or to prevent the  
8 volunteer from performing official duties, or in  
9 retaliation for the volunteer performing official duties,  
10 and the battery is committed other than by the discharge of  
11 a firearm;

12 (7) Knows the individual harmed to be an emergency  
13 medical technician - ambulance, emergency medical  
14 technician - intermediate, emergency medical technician -  
15 paramedic, ambulance driver, other medical assistance,  
16 first aid personnel, or hospital personnel engaged in the  
17 performance of any of his or her official duties, or to  
18 prevent the emergency medical technician - ambulance,  
19 emergency medical technician - intermediate, emergency  
20 medical technician - paramedic, ambulance driver, other  
21 medical assistance, first aid personnel, or hospital  
22 personnel from performing official duties, or in  
23 retaliation for performing official duties;

24 (8) Is, or the person battered is, on or about a public  
25 way, public property or public place of accommodation or  
26 amusement;

1           (8.5) Is, or the person battered is, on a publicly or  
2 privately owned sports or entertainment arena, stadium,  
3 community or convention hall, special event center,  
4 amusement facility, or a special event center in a public  
5 park during any 24-hour period when a professional sporting  
6 event, National Collegiate Athletic Association  
7 (NCAA)-sanctioned sporting event, United States Olympic  
8 Committee-sanctioned sporting event, or International  
9 Olympic Committee-sanctioned sporting event is taking  
10 place in this venue;

11           (9) Knows the individual harmed to be the driver,  
12 operator, employee or passenger of any transportation  
13 facility or system engaged in the business of  
14 transportation of the public for hire and the individual  
15 assaulted is then performing in such capacity or then using  
16 such public transportation as a passenger or using any area  
17 of any description designated by the transportation  
18 facility or system as a vehicle boarding, departure, or  
19 transfer location;

20           (10) Knows the individual harmed to be an individual of  
21 60 years of age or older;

22           (11) Knows the individual harmed is pregnant;

23           (12) Knows the individual harmed to be a judge whom the  
24 person intended to harm as a result of the judge's  
25 performance of his or her official duties as a judge;

26           (13) (Blank);

1           (14) Knows the individual harmed to be a person who is  
2 physically handicapped;

3           (15) Knowingly and without legal justification and by  
4 any means causes bodily harm to a merchant who detains the  
5 person for an alleged commission of retail theft under  
6 Section 16A-5 of this Code. In this item (15), "merchant"  
7 has the meaning ascribed to it in Section 16A-2.4 of this  
8 Code;

9           (16) Is, or the person battered is, in any building or  
10 other structure used to provide shelter or other services  
11 to victims or to the dependent children of victims of  
12 domestic violence pursuant to the Illinois Domestic  
13 Violence Act of 1986 or the Domestic Violence Shelters Act,  
14 or the person battered is within 500 feet of such a  
15 building or other structure while going to or from such a  
16 building or other structure. "Domestic violence" has the  
17 meaning ascribed to it in Section 103 of the Illinois  
18 Domestic Violence Act of 1986. "Building or other structure  
19 used to provide shelter" has the meaning ascribed to  
20 "shelter" in Section 1 of the Domestic Violence Shelters  
21 Act;

22           (17) (Blank);

23           (18) Knows the individual harmed to be an officer or  
24 employee of the State of Illinois, a unit of local  
25 government, or school district engaged in the performance  
26 of his or her authorized duties as such officer or

1 employee; ~~or~~

2 (19) Knows the individual harmed to be an emergency  
3 management worker engaged in the performance of any of his  
4 or her official duties, or to prevent the emergency  
5 management worker from performing official duties, or in  
6 retaliation for the emergency management worker performing  
7 official duties; ~~or~~

8 (20) Knows the individual harmed to be a private  
9 security officer engaged in the performance of any of his  
10 or her official duties, or to prevent the private security  
11 officer from performing official duties, or in retaliation  
12 for the private security officer performing official  
13 duties; or

14 (21) ~~(20)~~ Knows the individual harmed to be a taxi  
15 driver and the battery is committed while the taxi driver  
16 is on duty; or

17 (22) ~~(20)~~ Knows the individual harmed to be a utility  
18 worker, while the utility worker is engaged in the  
19 execution of his or her duties, or to prevent the utility  
20 worker from performing his or her duties, or in retaliation  
21 for the utility worker performing his or her duties. In  
22 this paragraph (22) ~~(20)~~, "utility worker" means a person  
23 employed by a public utility as defined in Section 3-105 of  
24 the Public Utilities Act and also includes an employee of a  
25 municipally owned utility, an employee of a cable  
26 television company, an employee of an electric cooperative

1 as defined in Section 3-119 of the Public Utilities Act, an  
2 independent contractor or an employee of an independent  
3 contractor working on behalf of a cable television company,  
4 public utility, municipally owned utility, or an electric  
5 cooperative, or an employee of a telecommunications  
6 carrier as defined in Section 13-202 of the Public  
7 Utilities Act, an independent contractor or an employee of  
8 an independent contractor working on behalf of a  
9 telecommunications carrier, or an employee of a telephone  
10 or telecommunications cooperative as defined in Section  
11 13-212 of the Public Utilities Act, or an independent  
12 contractor or an employee of an independent contractor  
13 working on behalf of a telephone or telecommunications  
14 cooperative.

15 For the purpose of paragraph (14) of subsection (b) of this  
16 Section, a physically handicapped person is a person who  
17 suffers from a permanent and disabling physical  
18 characteristic, resulting from disease, injury, functional  
19 disorder or congenital condition.

20 For the purpose of paragraph (20) of subsection (b) and  
21 subsection (e) of this Section, "private security officer"  
22 means a registered employee of a private security contractor  
23 agency under the Private Detective, Private Alarm, Private  
24 Security, Fingerprint Vendor, and Locksmith Act of 2004.

25 (c) A person who administers to an individual or causes him  
26 to take, without his consent or by threat or deception, and for

1 other than medical purposes, any intoxicating, poisonous,  
2 stupefying, narcotic, anesthetic, or controlled substance  
3 commits aggravated battery.

4 (d) A person who knowingly gives to another person any food  
5 that contains any substance or object that is intended to cause  
6 physical injury if eaten, commits aggravated battery.

7 (d-3) A person commits aggravated battery when he or she  
8 knowingly and without lawful justification shines or flashes a  
9 laser gunsight or other laser device that is attached or  
10 affixed to a firearm, or used in concert with a firearm, so  
11 that the laser beam strikes upon or against the person of  
12 another.

13 (d-5) An inmate of a penal institution or a sexually  
14 dangerous person or a sexually violent person in the custody of  
15 the Department of Human Services who causes or attempts to  
16 cause a correctional employee of the penal institution or an  
17 employee of the Department of Human Services to come into  
18 contact with blood, seminal fluid, urine, or feces, by  
19 throwing, tossing, or expelling that fluid or material commits  
20 aggravated battery. For purposes of this subsection (d-5),  
21 "correctional employee" means a person who is employed by a  
22 penal institution.

23 (e) Sentence.

24 (1) Except as otherwise provided in paragraphs (2) and  
25 (3), aggravated battery is a Class 3 felony.

26 (2) Aggravated battery that does not cause great bodily

1 harm or permanent disability or disfigurement is a Class 2  
2 felony when the person knows the individual harmed to be a  
3 peace officer, a community policing volunteer, a private  
4 security officer, a correctional institution employee, an  
5 employee of the Department of Human Services supervising or  
6 controlling sexually dangerous persons or sexually violent  
7 persons, or a fireman while such officer, volunteer,  
8 employee, or fireman is engaged in the execution of any  
9 official duties including arrest or attempted arrest, or to  
10 prevent the officer, volunteer, employee, or fireman from  
11 performing official duties, or in retaliation for the  
12 officer, volunteer, employee, or fireman performing  
13 official duties, and the battery is committed other than by  
14 the discharge of a firearm.

15 (3) Aggravated battery that causes great bodily harm or  
16 permanent disability or disfigurement in violation of  
17 subsection (a) is a Class 1 felony when the person knows  
18 the individual harmed to be a peace officer, a community  
19 policing volunteer, a private security officer, a  
20 correctional institution employee, an employee of the  
21 Department of Human Services supervising or controlling  
22 sexually dangerous persons or sexually violent persons, or  
23 a fireman while such officer, volunteer, employee, or  
24 fireman is engaged in the execution of any official duties  
25 including arrest or attempted arrest, or to prevent the  
26 officer, volunteer, employee, or fireman from performing



1 official duties, or in retaliation for the officer,  
2 volunteer, employee, or fireman performing official  
3 duties, and the battery is committed other than by the  
4 discharge of a firearm.

5 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,  
6 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;  
7 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;  
8 95-429, eff. 1-1-08; revised 10-30-07.)

9 (720 ILCS 5/14-3)

10 (Text of Section before amendment by P.A. 95-463)

11 Sec. 14-3. Exemptions. The following activities shall be  
12 exempt from the provisions of this Article:

13 (a) Listening to radio, wireless and television  
14 communications of any sort where the same are publicly made;

15 (b) Hearing conversation when heard by employees of any  
16 common carrier by wire incidental to the normal course of their  
17 employment in the operation, maintenance or repair of the  
18 equipment of such common carrier by wire so long as no  
19 information obtained thereby is used or divulged by the hearer;

20 (c) Any broadcast by radio, television or otherwise whether  
21 it be a broadcast or recorded for the purpose of later  
22 broadcasts of any function where the public is in attendance  
23 and the conversations are overheard incidental to the main  
24 purpose for which such broadcasts are then being made;

25 (d) Recording or listening with the aid of any device to

1 any emergency communication made in the normal course of  
2 operations by any federal, state or local law enforcement  
3 agency or institutions dealing in emergency services,  
4 including, but not limited to, hospitals, clinics, ambulance  
5 services, fire fighting agencies, any public utility,  
6 emergency repair facility, civilian defense establishment or  
7 military installation;

8 (e) Recording the proceedings of any meeting required to be  
9 open by the Open Meetings Act, as amended;

10 (f) Recording or listening with the aid of any device to  
11 incoming telephone calls of phone lines publicly listed or  
12 advertised as consumer "hotlines" by manufacturers or  
13 retailers of food and drug products. Such recordings must be  
14 destroyed, erased or turned over to local law enforcement  
15 authorities within 24 hours from the time of such recording and  
16 shall not be otherwise disseminated. Failure on the part of the  
17 individual or business operating any such recording or  
18 listening device to comply with the requirements of this  
19 subsection shall eliminate any civil or criminal immunity  
20 conferred upon that individual or business by the operation of  
21 this Section;

22 (g) With prior notification to the State's Attorney of the  
23 county in which it is to occur, recording or listening with the  
24 aid of any device to any conversation where a law enforcement  
25 officer, or any person acting at the direction of law  
26 enforcement, is a party to the conversation and has consented

1 to it being intercepted or recorded under circumstances where  
2 the use of the device is necessary for the protection of the  
3 law enforcement officer or any person acting at the direction  
4 of law enforcement, in the course of an investigation of a  
5 forcible felony, a felony violation of the Illinois Controlled  
6 Substances Act, a felony violation of the Cannabis Control Act,  
7 a felony violation of the Methamphetamine Control and Community  
8 Protection Act, or any "streetgang related" or "gang-related"  
9 felony as those terms are defined in the Illinois Streetgang  
10 Terrorism Omnibus Prevention Act. Any recording or evidence  
11 derived as the result of this exemption shall be inadmissible  
12 in any proceeding, criminal, civil or administrative, except  
13 (i) where a party to the conversation suffers great bodily  
14 injury or is killed during such conversation, or (ii) when used  
15 as direct impeachment of a witness concerning matters contained  
16 in the interception or recording. The Director of the  
17 Department of State Police shall issue regulations as are  
18 necessary concerning the use of devices, retention of tape  
19 recordings, and reports regarding their use;

20 (g-5) With approval of the State's Attorney of the county  
21 in which it is to occur, recording or listening with the aid of  
22 any device to any conversation where a law enforcement officer,  
23 or any person acting at the direction of law enforcement, is a  
24 party to the conversation and has consented to it being  
25 intercepted or recorded in the course of an investigation of  
26 any offense defined in Article 29D of this Code. In all such

1 cases, an application for an order approving the previous or  
2 continuing use of an eavesdropping device must be made within  
3 48 hours of the commencement of such use. In the absence of  
4 such an order, or upon its denial, any continuing use shall  
5 immediately terminate. The Director of State Police shall issue  
6 rules as are necessary concerning the use of devices, retention  
7 of tape recordings, and reports regarding their use.

8 Any recording or evidence obtained or derived in the course  
9 of an investigation of any offense defined in Article 29D of  
10 this Code shall, upon motion of the State's Attorney or  
11 Attorney General prosecuting any violation of Article 29D, be  
12 reviewed in camera with notice to all parties present by the  
13 court presiding over the criminal case, and, if ruled by the  
14 court to be relevant and otherwise admissible, it shall be  
15 admissible at the trial of the criminal case.

16 This subsection (g-5) is inoperative on and after January  
17 1, 2005. No conversations recorded or monitored pursuant to  
18 this subsection (g-5) shall be inadmissible in a court of law  
19 by virtue of the repeal of this subsection (g-5) on January 1,  
20 2005;

21 (h) Recordings made simultaneously with a video recording  
22 of an oral conversation between a peace officer, who has  
23 identified his or her office, and a person stopped for an  
24 investigation of an offense under the Illinois Vehicle Code;

25 (i) Recording of a conversation made by or at the request  
26 of a person, not a law enforcement officer or agent of a law

1 enforcement officer, who is a party to the conversation, under  
2 reasonable suspicion that another party to the conversation is  
3 committing, is about to commit, or has committed a criminal  
4 offense against the person or a member of his or her immediate  
5 household, and there is reason to believe that evidence of the  
6 criminal offense may be obtained by the recording;

7 (j) The use of a telephone monitoring device by either (1)  
8 a corporation or other business entity engaged in marketing or  
9 opinion research or (2) a corporation or other business entity  
10 engaged in telephone solicitation, as defined in this  
11 subsection, to record or listen to oral telephone solicitation  
12 conversations or marketing or opinion research conversations  
13 by an employee of the corporation or other business entity  
14 when:

15 (i) the monitoring is used for the purpose of service  
16 quality control of marketing or opinion research or  
17 telephone solicitation, the education or training of  
18 employees or contractors engaged in marketing or opinion  
19 research or telephone solicitation, or internal research  
20 related to marketing or opinion research or telephone  
21 solicitation; and

22 (ii) the monitoring is used with the consent of at  
23 least one person who is an active party to the marketing or  
24 opinion research conversation or telephone solicitation  
25 conversation being monitored.

26 No communication or conversation or any part, portion, or

1 aspect of the communication or conversation made, acquired, or  
2 obtained, directly or indirectly, under this exemption (j), may  
3 be, directly or indirectly, furnished to any law enforcement  
4 officer, agency, or official for any purpose or used in any  
5 inquiry or investigation, or used, directly or indirectly, in  
6 any administrative, judicial, or other proceeding, or divulged  
7 to any third party.

8 When recording or listening authorized by this subsection  
9 (j) on telephone lines used for marketing or opinion research  
10 or telephone solicitation purposes results in recording or  
11 listening to a conversation that does not relate to marketing  
12 or opinion research or telephone solicitation; the person  
13 recording or listening shall, immediately upon determining  
14 that the conversation does not relate to marketing or opinion  
15 research or telephone solicitation, terminate the recording or  
16 listening and destroy any such recording as soon as is  
17 practicable.

18 Business entities that use a telephone monitoring or  
19 telephone recording system pursuant to this exemption (j) shall  
20 provide current and prospective employees with notice that the  
21 monitoring or recordings may occur during the course of their  
22 employment. The notice shall include prominent signage  
23 notification within the workplace.

24 Business entities that use a telephone monitoring or  
25 telephone recording system pursuant to this exemption (j) shall  
26 provide their employees or agents with access to personal-only

1 telephone lines which may be pay telephones, that are not  
2 subject to telephone monitoring or telephone recording.

3 For the purposes of this subsection (j), "telephone  
4 solicitation" means a communication through the use of a  
5 telephone by live operators:

6 (i) soliciting the sale of goods or services;

7 (ii) receiving orders for the sale of goods or  
8 services;

9 (iii) assisting in the use of goods or services; or

10 (iv) engaging in the solicitation, administration, or  
11 collection of bank or retail credit accounts.

12 For the purposes of this subsection (j), "marketing or  
13 opinion research" means a marketing or opinion research  
14 interview conducted by a live telephone interviewer engaged by  
15 a corporation or other business entity whose principal business  
16 is the design, conduct, and analysis of polls and surveys  
17 measuring the opinions, attitudes, and responses of  
18 respondents toward products and services, or social or  
19 political issues, or both;

20 (k) Electronic recordings, including but not limited to, a  
21 motion picture, videotape, digital, or other visual or audio  
22 recording, made of a custodial interrogation of an individual  
23 at a police station or other place of detention by a law  
24 enforcement officer under Section 5-401.5 of the Juvenile Court  
25 Act of 1987 or Section 103-2.1 of the Code of Criminal  
26 Procedure of 1963;

1 (l) Recording the interview or statement of any person when  
2 the person knows that the interview is being conducted by a law  
3 enforcement officer or prosecutor and the interview takes place  
4 at a police station that is currently participating in the  
5 Custodial Interview Pilot Program established under the  
6 Illinois Criminal Justice Information Act; ~~and~~

7 (m) An electronic recording, including but not limited to,  
8 a motion picture, videotape, digital, or other visual or audio  
9 recording, made of the interior of a school bus while the  
10 school bus is being used in the transportation of students to  
11 and from school and school-sponsored activities, when the  
12 school board has adopted a policy authorizing such recording,  
13 notice of such recording policy is included in student  
14 handbooks and other documents including the policies of the  
15 school, notice of the policy regarding recording is provided to  
16 parents of students, and notice of such recording is clearly  
17 posted on the door of and inside the school bus.

18 Recordings made pursuant to this subsection (m) shall be  
19 confidential records and may only be used by school officials  
20 (or their designees) and law enforcement personnel for  
21 investigations, school disciplinary actions and hearings,  
22 proceedings under the Juvenile Court Act of 1987, and criminal  
23 prosecutions, related to incidents occurring in or around the  
24 school bus; and-

25 (n) ~~(m)~~ Recording or listening to an audio transmission  
26 from a microphone placed by a person under the authority of a



1 law enforcement agency inside a bait car surveillance vehicle  
2 while simultaneously capturing a photographic or video image.  
3 (Source: P.A. 94-556, eff. 9-11-05; 95-258, eff. 1-1-08;  
4 95-352, eff. 8-23-07; revised 11-19-07.)

5 (Text of Section after amendment by P.A. 95-463)

6 Sec. 14-3. Exemptions. The following activities shall be  
7 exempt from the provisions of this Article:

8 (a) Listening to radio, wireless and television  
9 communications of any sort where the same are publicly made;

10 (b) Hearing conversation when heard by employees of any  
11 common carrier by wire incidental to the normal course of their  
12 employment in the operation, maintenance or repair of the  
13 equipment of such common carrier by wire so long as no  
14 information obtained thereby is used or divulged by the hearer;

15 (c) Any broadcast by radio, television or otherwise whether  
16 it be a broadcast or recorded for the purpose of later  
17 broadcasts of any function where the public is in attendance  
18 and the conversations are overheard incidental to the main  
19 purpose for which such broadcasts are then being made;

20 (d) Recording or listening with the aid of any device to  
21 any emergency communication made in the normal course of  
22 operations by any federal, state or local law enforcement  
23 agency or institutions dealing in emergency services,  
24 including, but not limited to, hospitals, clinics, ambulance  
25 services, fire fighting agencies, any public utility,

1 emergency repair facility, civilian defense establishment or  
2 military installation;

3 (e) Recording the proceedings of any meeting required to be  
4 open by the Open Meetings Act, as amended;

5 (f) Recording or listening with the aid of any device to  
6 incoming telephone calls of phone lines publicly listed or  
7 advertised as consumer "hotlines" by manufacturers or  
8 retailers of food and drug products. Such recordings must be  
9 destroyed, erased or turned over to local law enforcement  
10 authorities within 24 hours from the time of such recording and  
11 shall not be otherwise disseminated. Failure on the part of the  
12 individual or business operating any such recording or  
13 listening device to comply with the requirements of this  
14 subsection shall eliminate any civil or criminal immunity  
15 conferred upon that individual or business by the operation of  
16 this Section;

17 (g) With prior notification to the State's Attorney of the  
18 county in which it is to occur, recording or listening with the  
19 aid of any device to any conversation where a law enforcement  
20 officer, or any person acting at the direction of law  
21 enforcement, is a party to the conversation and has consented  
22 to it being intercepted or recorded under circumstances where  
23 the use of the device is necessary for the protection of the  
24 law enforcement officer or any person acting at the direction  
25 of law enforcement, in the course of an investigation of a  
26 forcible felony, a felony violation of the Illinois Controlled

1 Substances Act, a felony violation of the Cannabis Control Act,  
2 a felony violation of the Methamphetamine Control and Community  
3 Protection Act, or any "streetgang related" or "gang-related"  
4 felony as those terms are defined in the Illinois Streetgang  
5 Terrorism Omnibus Prevention Act. Any recording or evidence  
6 derived as the result of this exemption shall be inadmissible  
7 in any proceeding, criminal, civil or administrative, except  
8 (i) where a party to the conversation suffers great bodily  
9 injury or is killed during such conversation, or (ii) when used  
10 as direct impeachment of a witness concerning matters contained  
11 in the interception or recording. The Director of the  
12 Department of State Police shall issue regulations as are  
13 necessary concerning the use of devices, retention of tape  
14 recordings, and reports regarding their use;

15 (g-5) With approval of the State's Attorney of the county  
16 in which it is to occur, recording or listening with the aid of  
17 any device to any conversation where a law enforcement officer,  
18 or any person acting at the direction of law enforcement, is a  
19 party to the conversation and has consented to it being  
20 intercepted or recorded in the course of an investigation of  
21 any offense defined in Article 29D of this Code. In all such  
22 cases, an application for an order approving the previous or  
23 continuing use of an eavesdropping device must be made within  
24 48 hours of the commencement of such use. In the absence of  
25 such an order, or upon its denial, any continuing use shall  
26 immediately terminate. The Director of State Police shall issue

1 rules as are necessary concerning the use of devices, retention  
2 of tape recordings, and reports regarding their use.

3 Any recording or evidence obtained or derived in the course  
4 of an investigation of any offense defined in Article 29D of  
5 this Code shall, upon motion of the State's Attorney or  
6 Attorney General prosecuting any violation of Article 29D, be  
7 reviewed in camera with notice to all parties present by the  
8 court presiding over the criminal case, and, if ruled by the  
9 court to be relevant and otherwise admissible, it shall be  
10 admissible at the trial of the criminal case.

11 This subsection (g-5) is inoperative on and after January  
12 1, 2005. No conversations recorded or monitored pursuant to  
13 this subsection (g-5) shall be inadmissible in a court of law  
14 by virtue of the repeal of this subsection (g-5) on January 1,  
15 2005;

16 (g-6) With approval of the State's Attorney of the county  
17 in which it is to occur, recording or listening with the aid of  
18 any device to any conversation where a law enforcement officer,  
19 or any person acting at the direction of law enforcement, is a  
20 party to the conversation and has consented to it being  
21 intercepted or recorded in the course of an investigation of  
22 child pornography. In all such cases, an application for an  
23 order approving the previous or continuing use of an  
24 eavesdropping device must be made within 48 hours of the  
25 commencement of such use. In the absence of such an order, or  
26 upon its denial, any continuing use shall immediately

1 terminate. The Director of State Police shall issue rules as  
2 are necessary concerning the use of devices, retention of  
3 recordings, and reports regarding their use. Any recording or  
4 evidence obtained or derived in the course of an investigation  
5 of child pornography shall, upon motion of the State's Attorney  
6 or Attorney General prosecuting any case involving child  
7 pornography, be reviewed in camera with notice to all parties  
8 present by the court presiding over the criminal case, and, if  
9 ruled by the court to be relevant and otherwise admissible, it  
10 shall be admissible at the trial of the criminal case. Absent  
11 such a ruling, any such recording or evidence shall not be  
12 admissible at the trial of the criminal case;

13 (h) Recordings made simultaneously with a video recording  
14 of an oral conversation between a peace officer, who has  
15 identified his or her office, and a person stopped for an  
16 investigation of an offense under the Illinois Vehicle Code;

17 (i) Recording of a conversation made by or at the request  
18 of a person, not a law enforcement officer or agent of a law  
19 enforcement officer, who is a party to the conversation, under  
20 reasonable suspicion that another party to the conversation is  
21 committing, is about to commit, or has committed a criminal  
22 offense against the person or a member of his or her immediate  
23 household, and there is reason to believe that evidence of the  
24 criminal offense may be obtained by the recording;

25 (j) The use of a telephone monitoring device by either (1)  
26 a corporation or other business entity engaged in marketing or

1 opinion research or (2) a corporation or other business entity  
2 engaged in telephone solicitation, as defined in this  
3 subsection, to record or listen to oral telephone solicitation  
4 conversations or marketing or opinion research conversations  
5 by an employee of the corporation or other business entity  
6 when:

7 (i) the monitoring is used for the purpose of service  
8 quality control of marketing or opinion research or  
9 telephone solicitation, the education or training of  
10 employees or contractors engaged in marketing or opinion  
11 research or telephone solicitation, or internal research  
12 related to marketing or opinion research or telephone  
13 solicitation; and

14 (ii) the monitoring is used with the consent of at  
15 least one person who is an active party to the marketing or  
16 opinion research conversation or telephone solicitation  
17 conversation being monitored.

18 No communication or conversation or any part, portion, or  
19 aspect of the communication or conversation made, acquired, or  
20 obtained, directly or indirectly, under this exemption (j), may  
21 be, directly or indirectly, furnished to any law enforcement  
22 officer, agency, or official for any purpose or used in any  
23 inquiry or investigation, or used, directly or indirectly, in  
24 any administrative, judicial, or other proceeding, or divulged  
25 to any third party.

26 When recording or listening authorized by this subsection

1 (j) on telephone lines used for marketing or opinion research  
2 or telephone solicitation purposes results in recording or  
3 listening to a conversation that does not relate to marketing  
4 or opinion research or telephone solicitation; the person  
5 recording or listening shall, immediately upon determining  
6 that the conversation does not relate to marketing or opinion  
7 research or telephone solicitation, terminate the recording or  
8 listening and destroy any such recording as soon as is  
9 practicable.

10 Business entities that use a telephone monitoring or  
11 telephone recording system pursuant to this exemption (j) shall  
12 provide current and prospective employees with notice that the  
13 monitoring or recordings may occur during the course of their  
14 employment. The notice shall include prominent signage  
15 notification within the workplace.

16 Business entities that use a telephone monitoring or  
17 telephone recording system pursuant to this exemption (j) shall  
18 provide their employees or agents with access to personal-only  
19 telephone lines which may be pay telephones, that are not  
20 subject to telephone monitoring or telephone recording.

21 For the purposes of this subsection (j), "telephone  
22 solicitation" means a communication through the use of a  
23 telephone by live operators:

24 (i) soliciting the sale of goods or services;

25 (ii) receiving orders for the sale of goods or  
26 services;

- 1 (iii) assisting in the use of goods or services; or  
2 (iv) engaging in the solicitation, administration, or  
3 collection of bank or retail credit accounts.

4 For the purposes of this subsection (j), "marketing or  
5 opinion research" means a marketing or opinion research  
6 interview conducted by a live telephone interviewer engaged by  
7 a corporation or other business entity whose principal business  
8 is the design, conduct, and analysis of polls and surveys  
9 measuring the opinions, attitudes, and responses of  
10 respondents toward products and services, or social or  
11 political issues, or both;

12 (k) Electronic recordings, including but not limited to, a  
13 motion picture, videotape, digital, or other visual or audio  
14 recording, made of a custodial interrogation of an individual  
15 at a police station or other place of detention by a law  
16 enforcement officer under Section 5-401.5 of the Juvenile Court  
17 Act of 1987 or Section 103-2.1 of the Code of Criminal  
18 Procedure of 1963;

19 (l) Recording the interview or statement of any person when  
20 the person knows that the interview is being conducted by a law  
21 enforcement officer or prosecutor and the interview takes place  
22 at a police station that is currently participating in the  
23 Custodial Interview Pilot Program established under the  
24 Illinois Criminal Justice Information Act; ~~and~~

25 (m) An electronic recording, including but not limited to,  
26 a motion picture, videotape, digital, or other visual or audio



1 recording, made of the interior of a school bus while the  
2 school bus is being used in the transportation of students to  
3 and from school and school-sponsored activities, when the  
4 school board has adopted a policy authorizing such recording,  
5 notice of such recording policy is included in student  
6 handbooks and other documents including the policies of the  
7 school, notice of the policy regarding recording is provided to  
8 parents of students, and notice of such recording is clearly  
9 posted on the door of and inside the school bus.

10 Recordings made pursuant to this subsection (m) shall be  
11 confidential records and may only be used by school officials  
12 (or their designees) and law enforcement personnel for  
13 investigations, school disciplinary actions and hearings,  
14 proceedings under the Juvenile Court Act of 1987, and criminal  
15 prosecutions, related to incidents occurring in or around the  
16 school bus; and.

17 (n) ~~(m)~~ Recording or listening to an audio transmission  
18 from a microphone placed by a person under the authority of a  
19 law enforcement agency inside a bait car surveillance vehicle  
20 while simultaneously capturing a photographic or video image.

21 (Source: P.A. 94-556, eff. 9-11-05; 95-258, eff. 1-1-08;  
22 95-352, eff. 8-23-07; 95-463, eff. 6-1-08; revised 11-19-07.)

23 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

24 Sec. 26-4. Unauthorized video recording and live video  
25 transmission.

1           (a) It is unlawful for any person to knowingly make a video  
2 record or transmit live video of another person without that  
3 person's consent in a restroom, tanning bed, tanning salon,  
4 locker room, changing room, or hotel bedroom.

5           (a-5) It is unlawful for any person to knowingly make a  
6 video record or transmit live video of another person in that  
7 other person's residence without that person's consent.

8           (a-10) It is unlawful for any person to knowingly make a  
9 video record or transmit live video of another person under or  
10 through the clothing worn by that other person for the purpose  
11 of viewing the body of or the undergarments worn by that other  
12 person without that person's consent.

13           (a-15) It is unlawful for any person to place or cause to  
14 be placed a device that makes a video record or transmits a  
15 live video in a restroom, tanning bed, tanning salon, locker  
16 room, changing room, or hotel bedroom with the intent to make a  
17 video record or transmit live video of another person without  
18 that person's consent.

19           (a-20) It is unlawful for any person to place or cause to  
20 be placed a device that makes a video record or transmits a  
21 live video with the intent to make a video record or transmit  
22 live video of another person in that other person's residence  
23 without that person's consent.

24           (a-25) It is unlawful for any person to, by any means,  
25 knowingly disseminate, or permit to be disseminated, a video  
26 record or live video that he or she knows to have been made or

1 transmitted in violation of (a), (a-5), (a-10), (a-15), or  
2 (a-20).

3 (b) Exemptions. The following activities shall be exempt  
4 from the provisions of this Section:

5 (1) The making of a video record or transmission of  
6 live video by law enforcement officers pursuant to a  
7 criminal investigation, which is otherwise lawful;

8 (2) The making of a video record or transmission of  
9 live video by correctional officials for security reasons  
10 or for investigation of alleged misconduct involving a  
11 person committed to the Department of Corrections.

12 (3) The making of a video record or transmission of  
13 live video in a locker room by a reporter or news medium,  
14 as those terms are defined in Section 8-902 of the Code of  
15 Civil Procedure, where the reporter or news medium has been  
16 granted access to the locker room by an appropriate  
17 authority for the purpose of conducting interviews.

18 (c) The provisions of this Section do not apply to any  
19 sound recording or transmission of an oral conversation made as  
20 the result of the making of a video record or transmission of  
21 live video, and to which Article 14 of this Code applies.

22 (d) Sentence.

23 (1) A violation of subsection (a-10), (a-15), or (a-20)  
24 is a Class A misdemeanor.

25 (2) A violation of subsection (a) or (a-5) is a Class 4  
26 felony.

1           (3) A violation of subsection (a-25) is a Class 3  
2 felony.

3           (4) A violation of subsection (a), (a-5), (a-10),  
4 (a-15) or (a-20) is a Class 3 felony if the victim is a  
5 person under 18 years of age or if the violation is  
6 committed by an individual who is required to register as a  
7 sex offender under the Sex Offender Registration Act.

8           (5) A violation of subsection (a-25) is a Class 2  
9 felony if the victim is a person under 18 years of age or  
10 if the violation is committed by an individual who is  
11 required to register as a sex offender under the Sex  
12 Offender Registration Act.

13           (e) For purposes of this Section:

14           (1) "Residence" includes a rental dwelling, but does  
15 not include stairwells, corridors, laundry facilities, or  
16 additional areas in which the general public has access.

17           (2) "Video record" means and includes any videotape,  
18 photograph, film, or other electronic or digital recording  
19 of a still or moving visual image; and "live video" means  
20 and includes any real-time or contemporaneous electronic  
21 or digital transmission of a still or moving visual image.

22           (Source: P.A. 95-178, eff. 8-14-07; 95-265, eff. 1-1-08;  
23 revised 11-19-07.)

24           (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

25           (Text of Section before amendment by P.A. 95-625)

1           Sec. 32-5. False personation of attorney, judicial, or  
2 governmental officials.

3           (a) A person who falsely represents himself or herself to  
4 be an attorney authorized to practice law for purposes of  
5 compensation or consideration commits a Class 4 felony. This  
6 subsection (a) does not apply to a person who unintentionally  
7 fails to pay attorney registration fees established by Supreme  
8 Court Rule.

9           (b) A person who falsely represents himself or herself to  
10 be a public officer or a public employee or an official or  
11 employee of the federal government commits a Class A  
12 misdemeanor. If the false representation is made in furtherance  
13 of the commission of a felony, the penalty for a violation of  
14 this subsection (b) is a Class 4 felony.

15           (Source: P.A. 94-985, eff. 1-1-07; 95-324, eff. 1-1-08.)

16           (Text of Section after amendment by P.A. 95-625)

17           Sec. 32-5. False personation of attorney, judicial, or  
18 governmental officials.

19           (a) A person who falsely represents himself or herself to  
20 be an attorney authorized to practice law for purposes of  
21 compensation or consideration commits a Class 4 felony. This  
22 subsection (a) does not apply to a person who unintentionally  
23 fails to pay attorney registration fees established by Supreme  
24 Court Rule.

25           (b) A person who falsely represents himself or herself to

1 be a public officer or a public employee or an official or  
2 employee of the federal government commits a Class A  
3 misdemeanor. If the false representation is made in furtherance  
4 of the commission of a felony, the penalty for a violation of  
5 this subsection (b) is a Class 4 felony.

6 (c) A person who falsely represents himself or herself to  
7 be a public officer or a public employee commits a Class 4  
8 felony if that false representation was for the purpose of  
9 effectuating identity theft as defined in Section 16G-15 of  
10 this Code.

11 (Source: P.A. 94-985, eff. 1-1-07; 95-324, eff. 1-1-08; 95-625,  
12 eff. 6-1-08; revised 11-19-07.)

13 Section 320. The Illinois Abortion Law of 1975 is amended  
14 by changing Section 11 as follows:

15 (720 ILCS 510/11) (from Ch. 38, par. 81-31)

16 Sec. 11. (1) Any person who intentionally violates any  
17 provision of this Law commits a Class A misdemeanor unless a  
18 specific penalty is otherwise provided. Any person who  
19 intentionally falsifies any writing required by this Law  
20 commits a Class A misdemeanor.

21 Intentional, knowing, reckless, or negligent violations of  
22 this Law shall constitute unprofessional conduct which causes  
23 public harm under Section 22 of the Medical Practice Act of  
24 1987, as amended; Section ~~Sections~~ 70-5 of the Nurse Practice

1 Act, and Section 21 of the Physician Assistant Practice Act of  
2 1987, as amended.

3 Intentional, knowing, reckless or negligent violations of  
4 this Law will constitute grounds for refusal, denial,  
5 revocation, suspension, or withdrawal of license, certificate,  
6 or permit under Section 30 of the Pharmacy Practice Act, as  
7 amended; Section 7 of the Ambulatory Surgical Treatment Center  
8 Act, effective July 19, 1973, as amended; and Section 7 of the  
9 Hospital Licensing Act.

10 (2) Any hospital or licensed facility which, or any  
11 physician who intentionally, knowingly, or recklessly fails to  
12 submit a complete report to the Department in accordance with  
13 the provisions of Section 10 of this Law and any person who  
14 intentionally, knowingly, recklessly or negligently fails to  
15 maintain the confidentiality of any reports required under this  
16 Law or reports required by Sections 10.1 or 12 of this Law  
17 commits a Class B misdemeanor.

18 (3) Any person who sells any drug, medicine, instrument or  
19 other substance which he knows to be an abortifacient and which  
20 is in fact an abortifacient, unless upon prescription of a  
21 physician, is guilty of a Class B misdemeanor. Any person who  
22 prescribes or administers any instrument, medicine, drug or  
23 other substance or device, which he knows to be an  
24 abortifacient, and which is in fact an abortifacient, and  
25 intentionally, knowingly or recklessly fails to inform the  
26 person for whom it is prescribed or upon whom it is

1 administered that it is an abortifacient commits a Class C  
2 misdemeanor.

3 (4) Any person who intentionally, knowingly or recklessly  
4 performs upon a woman what he represents to that woman to be an  
5 abortion when he knows or should know that she is not pregnant  
6 commits a Class 2 felony and shall be answerable in civil  
7 damages equal to 3 times the amount of proved damages.

8 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
9 revised 11-19-07.)

10 Section 325. The Illinois Controlled Substances Act is  
11 amended by changing Sections 102 and 103 as follows:

12 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

13 Sec. 102. Definitions. As used in this Act, unless the  
14 context otherwise requires:

15 (a) "Addict" means any person who habitually uses any drug,  
16 chemical, substance or dangerous drug other than alcohol so as  
17 to endanger the public morals, health, safety or welfare or who  
18 is so far addicted to the use of a dangerous drug or controlled  
19 substance other than alcohol as to have lost the power of self  
20 control with reference to his addiction.

21 (b) "Administer" means the direct application of a  
22 controlled substance, whether by injection, inhalation,  
23 ingestion, or any other means, to the body of a patient,  
24 research subject, or animal (as defined by the Humane



1 Euthanasia in Animal Shelters Act) by:

2 (1) a practitioner (or, in his presence, by his  
3 authorized agent),

4 (2) the patient or research subject at the lawful  
5 direction of the practitioner, or

6 (3) a euthanasia technician as defined by the Humane  
7 Euthanasia in Animal Shelters Act.

8 (c) "Agent" means an authorized person who acts on behalf  
9 of or at the direction of a manufacturer, distributor, or  
10 dispenser. It does not include a common or contract carrier,  
11 public warehouseman or employee of the carrier or warehouseman.

12 (c-1) "Anabolic Steroids" means any drug or hormonal  
13 substance, chemically and pharmacologically related to  
14 testosterone (other than estrogens, progestins, and  
15 corticosteroids) that promotes muscle growth, and includes:

16 (i) boldenone,

17 (ii) chlorotestosterone,

18 (iii) chostebol,

19 (iv) dehydrochlormethyltestosterone,

20 (v) dihydrotestosterone,

21 (vi) drostanolone,

22 (vii) ethylestrenol,

23 (viii) fluoxymesterone,

24 (ix) formebulone,

25 (x) mesterolone,

26 (xi) methandienone,

1                   (xii) methandranone,  
2                   (xiii) methandriol,  
3                   (xiv) methandrostenolone,  
4                   (xv) methenolone,  
5                   (xvi) methyltestosterone,  
6                   (xvii) mibolerone,  
7                   (xviii) nandrolone,  
8                   (xix) norethandrolone,  
9                   (xx) oxandrolone,  
10                   (xxi) oxymesterone,  
11                   (xxii) oxymetholone,  
12                   (xxiii) stanolone,  
13                   (xxiv) stanozolol,  
14                   (xxv) testolactone,  
15                   (xxvi) testosterone,  
16                   (xxvii) trenbolone, and  
17                   (xxviii) any salt, ester, or isomer of a drug or  
18                   substance described or listed in this paragraph, if  
19                   that salt, ester, or isomer promotes muscle growth.

20                   Any person who is otherwise lawfully in possession of an  
21                   anabolic steroid, or who otherwise lawfully manufactures,  
22                   distributes, dispenses, delivers, or possesses with intent to  
23                   deliver an anabolic steroid, which anabolic steroid is  
24                   expressly intended for and lawfully allowed to be administered  
25                   through implants to livestock or other nonhuman species, and  
26                   which is approved by the Secretary of Health and Human Services

1 for such administration, and which the person intends to  
2 administer or have administered through such implants, shall  
3 not be considered to be in unauthorized possession or to  
4 unlawfully manufacture, distribute, dispense, deliver, or  
5 possess with intent to deliver such anabolic steroid for  
6 purposes of this Act.

7 (d) "Administration" means the Drug Enforcement  
8 Administration, United States Department of Justice, or its  
9 successor agency.

10 (e) "Control" means to add a drug or other substance, or  
11 immediate precursor, to a Schedule under Article II of this Act  
12 whether by transfer from another Schedule or otherwise.

13 (f) "Controlled Substance" means a drug, substance, or  
14 immediate precursor in the Schedules of Article II of this Act.

15 (g) "Counterfeit substance" means a controlled substance,  
16 which, or the container or labeling of which, without  
17 authorization bears the trademark, trade name, or other  
18 identifying mark, imprint, number or device, or any likeness  
19 thereof, of a manufacturer, distributor, or dispenser other  
20 than the person who in fact manufactured, distributed, or  
21 dispensed the substance.

22 (h) "Deliver" or "delivery" means the actual, constructive  
23 or attempted transfer of possession of a controlled substance,  
24 with or without consideration, whether or not there is an  
25 agency relationship.

26 (i) "Department" means the Illinois Department of Human

1 Services (as successor to the Department of Alcoholism and  
2 Substance Abuse) or its successor agency.

3 (j) "Department of State Police" means the Department of  
4 State Police of the State of Illinois or its successor agency.

5 (k) "Department of Corrections" means the Department of  
6 Corrections of the State of Illinois or its successor agency.

7 (l) "Department of Professional Regulation" means the  
8 Department of Professional Regulation of the State of Illinois  
9 or its successor agency.

10 (m) "Depressant" or "stimulant substance" means:

11 (1) a drug which contains any quantity of (i)  
12 barbituric acid or any of the salts of barbituric acid  
13 which has been designated as habit forming under section  
14 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
15 U.S.C. 352 (d)); or

16 (2) a drug which contains any quantity of (i)  
17 amphetamine or methamphetamine and any of their optical  
18 isomers; (ii) any salt of amphetamine or methamphetamine or  
19 any salt of an optical isomer of amphetamine; or (iii) any  
20 substance which the Department, after investigation, has  
21 found to be, and by rule designated as, habit forming  
22 because of its depressant or stimulant effect on the  
23 central nervous system; or

24 (3) lysergic acid diethylamide; or

25 (4) any drug which contains any quantity of a substance  
26 which the Department, after investigation, has found to

1           have, and by rule designated as having, a potential for  
2           abuse because of its depressant or stimulant effect on the  
3           central nervous system or its hallucinogenic effect.

4           (n) (Blank).

5           (o) "Director" means the Director of the Department of  
6           State Police or the Department of Professional Regulation or  
7           his designated agents.

8           (p) "Dispense" means to deliver a controlled substance to  
9           an ultimate user or research subject by or pursuant to the  
10          lawful order of a prescriber, including the prescribing,  
11          administering, packaging, labeling, or compounding necessary  
12          to prepare the substance for that delivery.

13          (q) "Dispenser" means a practitioner who dispenses.

14          (r) "Distribute" means to deliver, other than by  
15          administering or dispensing, a controlled substance.

16          (s) "Distributor" means a person who distributes.

17          (t) "Drug" means (1) substances recognized as drugs in the  
18          official United States Pharmacopoeia, Official Homeopathic  
19          Pharmacopoeia of the United States, or official National  
20          Formulary, or any supplement to any of them; (2) substances  
21          intended for use in diagnosis, cure, mitigation, treatment, or  
22          prevention of disease in man or animals; (3) substances (other  
23          than food) intended to affect the structure of any function of  
24          the body of man or animals and (4) substances intended for use  
25          as a component of any article specified in clause (1), (2), or  
26          (3) of this subsection. It does not include devices or their

1 components, parts, or accessories.

2 (t-5) "Euthanasia agency" means an entity certified by the  
3 Department of Professional Regulation for the purpose of animal  
4 euthanasia that holds an animal control facility license or  
5 animal shelter license under the Animal Welfare Act. A  
6 euthanasia agency is authorized to purchase, store, possess,  
7 and utilize Schedule II nonnarcotic and Schedule III  
8 nonnarcotic drugs for the sole purpose of animal euthanasia.

9 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
10 substances (nonnarcotic controlled substances) that are used  
11 by a euthanasia agency for the purpose of animal euthanasia.

12 (u) "Good faith" means the prescribing or dispensing of a  
13 controlled substance by a practitioner in the regular course of  
14 professional treatment to or for any person who is under his  
15 treatment for a pathology or condition other than that  
16 individual's physical or psychological dependence upon or  
17 addiction to a controlled substance, except as provided herein:  
18 and application of the term to a pharmacist shall mean the  
19 dispensing of a controlled substance pursuant to the  
20 prescriber's order which in the professional judgment of the  
21 pharmacist is lawful. The pharmacist shall be guided by  
22 accepted professional standards including, but not limited to  
23 the following, in making the judgment:

24 (1) lack of consistency of doctor-patient  
25 relationship,

26 (2) frequency of prescriptions for same drug by one

1 prescriber for large numbers of patients,  
2 (3) quantities beyond those normally prescribed,  
3 (4) unusual dosages,  
4 (5) unusual geographic distances between patient,  
5 pharmacist and prescriber,  
6 (6) consistent prescribing of habit-forming drugs.

7 (u-1) "Home infusion services" means services provided by a  
8 pharmacy in compounding solutions for direct administration to  
9 a patient in a private residence, long-term care facility, or  
10 hospice setting by means of parenteral, intravenous,  
11 intramuscular, subcutaneous, or intraspinal infusion.

12 (v) "Immediate precursor" means a substance:

13 (1) which the Department has found to be and by rule  
14 designated as being a principal compound used, or produced  
15 primarily for use, in the manufacture of a controlled  
16 substance;

17 (2) which is an immediate chemical intermediary used or  
18 likely to be used in the manufacture of such controlled  
19 substance; and

20 (3) the control of which is necessary to prevent,  
21 curtail or limit the manufacture of such controlled  
22 substance.

23 (w) "Instructional activities" means the acts of teaching,  
24 educating or instructing by practitioners using controlled  
25 substances within educational facilities approved by the State  
26 Board of Education or its successor agency.

1           (x) "Local authorities" means a duly organized State,  
2 County or Municipal peace unit or police force.

3           (y) "Look-alike substance" means a substance, other than a  
4 controlled substance which (1) by overall dosage unit  
5 appearance, including shape, color, size, markings or lack  
6 thereof, taste, consistency, or any other identifying physical  
7 characteristic of the substance, would lead a reasonable person  
8 to believe that the substance is a controlled substance, or (2)  
9 is expressly or impliedly represented to be a controlled  
10 substance or is distributed under circumstances which would  
11 lead a reasonable person to believe that the substance is a  
12 controlled substance. For the purpose of determining whether  
13 the representations made or the circumstances of the  
14 distribution would lead a reasonable person to believe the  
15 substance to be a controlled substance under this clause (2) of  
16 subsection (y), the court or other authority may consider the  
17 following factors in addition to any other factor that may be  
18 relevant:

19           (a) statements made by the owner or person in control  
20 of the substance concerning its nature, use or effect;

21           (b) statements made to the buyer or recipient that the  
22 substance may be resold for profit;

23           (c) whether the substance is packaged in a manner  
24 normally used for the illegal distribution of controlled  
25 substances;

26           (d) whether the distribution or attempted distribution



1 included an exchange of or demand for money or other  
2 property as consideration, and whether the amount of the  
3 consideration was substantially greater than the  
4 reasonable retail market value of the substance.

5 Clause (1) of this subsection (y) shall not apply to a  
6 noncontrolled substance in its finished dosage form that was  
7 initially introduced into commerce prior to the initial  
8 introduction into commerce of a controlled substance in its  
9 finished dosage form which it may substantially resemble.

10 Nothing in this subsection (y) prohibits the dispensing or  
11 distributing of noncontrolled substances by persons authorized  
12 to dispense and distribute controlled substances under this  
13 Act, provided that such action would be deemed to be carried  
14 out in good faith under subsection (u) if the substances  
15 involved were controlled substances.

16 Nothing in this subsection (y) or in this Act prohibits the  
17 manufacture, preparation, propagation, compounding,  
18 processing, packaging, advertising or distribution of a drug or  
19 drugs by any person registered pursuant to Section 510 of the  
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

21 (y-1) "Mail-order pharmacy" means a pharmacy that is  
22 located in a state of the United States, other than Illinois,  
23 that delivers, dispenses or distributes, through the United  
24 States Postal Service or other common carrier, to Illinois  
25 residents, any substance which requires a prescription.

26 (z) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of a  
2 controlled substance other than methamphetamine, either  
3 directly or indirectly, by extraction from substances of  
4 natural origin, or independently by means of chemical  
5 synthesis, or by a combination of extraction and chemical  
6 synthesis, and includes any packaging or repackaging of the  
7 substance or labeling of its container, except that this term  
8 does not include:

9 (1) by an ultimate user, the preparation or compounding  
10 of a controlled substance for his own use; or

11 (2) by a practitioner, or his authorized agent under  
12 his supervision, the preparation, compounding, packaging,  
13 or labeling of a controlled substance:

14 (a) as an incident to his administering or  
15 dispensing of a controlled substance in the course of  
16 his professional practice; or

17 (b) as an incident to lawful research, teaching or  
18 chemical analysis and not for sale.

19 (z-1) (Blank).

20 (aa) "Narcotic drug" means any of the following, whether  
21 produced directly or indirectly by extraction from substances  
22 of natural origin, or independently by means of chemical  
23 synthesis, or by a combination of extraction and chemical  
24 synthesis:

25 (1) opium and opiate, and any salt, compound,  
26 derivative, or preparation of opium or opiate;

1           (2) any salt, compound, isomer, derivative, or  
2 preparation thereof which is chemically equivalent or  
3 identical with any of the substances referred to in clause  
4 (1), but not including the isoquinoline alkaloids of opium;

5           (3) opium poppy and poppy straw;

6           (4) coca leaves and any salts, compound, isomer, salt  
7 of an isomer, derivative, or preparation of coca leaves  
8 including cocaine or ecgonine, and any salt, compound,  
9 isomer, derivative, or preparation thereof which is  
10 chemically equivalent or identical with any of these  
11 substances, but not including decocainized coca leaves or  
12 extractions of coca leaves which do not contain cocaine or  
13 ecgonine (for the purpose of this paragraph, the term  
14 "isomer" includes optical, positional and geometric  
15 isomers).

16           (bb) "Nurse" means a registered nurse licensed under the  
17 Nurse Practice Act.

18           (cc) (Blank).

19           (dd) "Opiate" means any substance having an addiction  
20 forming or addiction sustaining liability similar to morphine  
21 or being capable of conversion into a drug having addiction  
22 forming or addiction sustaining liability.

23           (ee) "Opium poppy" means the plant of the species *Papaver*  
24 *somniferum* L., except its seeds.

25           (ff) "Parole and Pardon Board" means the Parole and Pardon  
26 Board of the State of Illinois or its successor agency.

1 (gg) "Person" means any individual, corporation,  
2 mail-order pharmacy, government or governmental subdivision or  
3 agency, business trust, estate, trust, partnership or  
4 association, or any other entity.

5 (hh) "Pharmacist" means any person who holds a license or  
6 certificate of registration as a registered pharmacist, a local  
7 registered pharmacist or a registered assistant pharmacist  
8 under the Pharmacy Practice Act.

9 (ii) "Pharmacy" means any store, ship or other place in  
10 which pharmacy is authorized to be practiced under the Pharmacy  
11 Practice Act.

12 (jj) "Poppy straw" means all parts, except the seeds, of  
13 the opium poppy, after mowing.

14 (kk) "Practitioner" means a physician licensed to practice  
15 medicine in all its branches, dentist, optometrist,  
16 podiatrist, veterinarian, scientific investigator, pharmacist,  
17 physician assistant, advanced practice nurse, licensed  
18 practical nurse, registered nurse, hospital, laboratory, or  
19 pharmacy, or other person licensed, registered, or otherwise  
20 lawfully permitted by the United States or this State to  
21 distribute, dispense, conduct research with respect to,  
22 administer or use in teaching or chemical analysis, a  
23 controlled substance in the course of professional practice or  
24 research.

25 (ll) "Pre-printed prescription" means a written  
26 prescription upon which the designated drug has been indicated

1 prior to the time of issuance.

2 (mm) "Prescriber" means a physician licensed to practice  
3 medicine in all its branches, dentist, optometrist, podiatrist  
4 or veterinarian who issues a prescription, a physician  
5 assistant who issues a prescription for a Schedule III, IV, or  
6 V controlled substance in accordance with Section 303.05 and  
7 the written guidelines required under Section 7.5 of the  
8 Physician Assistant Practice Act of 1987, or an advanced  
9 practice nurse with prescriptive authority delegated under  
10 Section 65-40 of the Nurse Practice Act and in accordance with  
11 Section 303.05 and a written collaborative agreement under  
12 Section 65-35 of the Nurse Practice Act.

13 (nn) "Prescription" means a lawful written, facsimile, or  
14 verbal order of a physician licensed to practice medicine in  
15 all its branches, dentist, podiatrist or veterinarian for any  
16 controlled substance, of an optometrist for a Schedule III, IV,  
17 or V controlled substance in accordance with Section 15.1 of  
18 the Illinois Optometric Practice Act of 1987, of a physician  
19 assistant for a Schedule III, IV, or V controlled substance in  
20 accordance with Section 303.05 and the written guidelines  
21 required under Section 7.5 of the Physician Assistant Practice  
22 Act of 1987, or of an advanced practice nurse with prescriptive  
23 authority delegated under Section 65-40 of the Nurse Practice  
24 Act who issues a prescription for a Schedule III, IV, or V  
25 controlled substance in accordance with Section 303.05 and a  
26 written collaborative agreement under Section 65-35 of the

1 Nurse Practice Act.

2 (oo) "Production" or "produce" means manufacture,  
3 planting, cultivating, growing, or harvesting of a controlled  
4 substance other than methamphetamine.

5 (pp) "Registrant" means every person who is required to  
6 register under Section 302 of this Act.

7 (qq) "Registry number" means the number assigned to each  
8 person authorized to handle controlled substances under the  
9 laws of the United States and of this State.

10 (rr) "State" includes the State of Illinois and any state,  
11 district, commonwealth, territory, insular possession thereof,  
12 and any area subject to the legal authority of the United  
13 States of America.

14 (ss) "Ultimate user" means a person who lawfully possesses  
15 a controlled substance for his own use or for the use of a  
16 member of his household or for administering to an animal owned  
17 by him or by a member of his household.

18 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;  
19 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; revised  
20 11-19-07.)

21 (720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

22 Sec. 103. Scope of Act. Nothing in this Act limits the  
23 lawful authority granted by the Medical Practice Act of 1987,  
24 the Nurse Practice Act, the Illinois Optometric Practice Act of  
25 1987, or the Pharmacy Practice Act.

1 (Source: P.A. 95-242, eff. 1-1-08; 95-639, eff. 10-5-07;  
2 95-689, eff. 10-29-07; revised 11-19-07.)

3 Section 330. The Methamphetamine Control and Community  
4 Protection Act is amended by changing Section 110 as follows:

5 (720 ILCS 646/110)

6 Sec. 110. Scope of Act. Nothing in this Act limits any  
7 authority or activity authorized by the Illinois Controlled  
8 Substances Act, the Medical Practice Act of 1987, the Nurse  
9 Practice Act, the Pharmacy Practice Act, the Illinois Dental  
10 Practice Act, the Podiatric Medical Practice Act of 1987, or  
11 the Veterinary Medicine and Surgery Practice Act of 2004.  
12 Nothing in this Act limits the authority or activity of any law  
13 enforcement officer acting within the scope of his or her  
14 employment.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-639, eff. 10-5-07;  
16 95-689, eff. 10-29-07; revised 11-19-07.)

17 Section 335. The Methamphetamine Precursor Control Act is  
18 amended by changing Sections 25, 40, and 50 as follows:

19 (720 ILCS 648/25)

20 (Text of Section before amendment by P.A. 95-640)

21 Sec. 25. Pharmacies.

22 (a) No targeted methamphetamine precursor may be knowingly

1 distributed through a pharmacy, including a pharmacy located  
2 within, owned by, operated by, or associated with a retail  
3 distributor unless all terms of this Section are satisfied.

4 (b) Any targeted methamphetamine precursor other than a  
5 convenience package or a liquid, including but not limited to  
6 any targeted methamphetamine precursor in liquid-filled  
7 capsules, shall: be packaged in blister packs, with each  
8 blister containing not more than 2 dosage units, or when the  
9 use of blister packs is technically infeasible, in unit dose  
10 packets. Each targeted package shall contain no more than 3,000  
11 milligrams of ephedrine or pseudoephedrine, their salts or  
12 optical isomers, or salts of optical isomers.

13 (c) The targeted methamphetamine precursor shall be stored  
14 behind the pharmacy counter and distributed by a pharmacist or  
15 pharmacy technician licensed under the Pharmacy Practice Act.

16 (d) Any retail distributor operating a pharmacy, and any  
17 pharmacist or pharmacy technician involved in the transaction  
18 or transactions, shall ensure that any person purchasing,  
19 receiving, or otherwise acquiring the targeted methamphetamine  
20 precursor complies with subsection (a) of Section 20 of this  
21 Act.

22 (e) Any retail distributor operating a pharmacy, and any  
23 pharmacist or pharmacy technician involved in the transaction  
24 or transactions, shall verify that:

25 (1) The person purchasing, receiving, or otherwise  
26 acquiring the targeted methamphetamine precursor is 18



1           years of age or older and resembles the photograph of the  
2           person on the government-issued identification presented  
3           by the person; and

4           (2) The name entered into the log referred to in  
5           subsection (a) of Section 20 of this Act corresponds to the  
6           name on the government-issued identification presented by  
7           the person.

8           (f) The logs referred to in subsection (a) of Section 20 of  
9           this Act shall be kept confidential, maintained for not less  
10          than 2 years, and made available for inspection and copying by  
11          any law enforcement officer upon request of that officer. These  
12          logs may be kept in an electronic format if they include all  
13          the information specified in subsection (a) of Section 20 of  
14          this Act in a manner that is readily retrievable and  
15          reproducible in hard-copy format.

16          (g) No retail distributor operating a pharmacy, and no  
17          pharmacist or pharmacy technician, shall knowingly distribute  
18          any targeted methamphetamine precursor to any person under 18  
19          years of age.

20          (h) No retail distributor operating a pharmacy, and no  
21          pharmacist or pharmacy technician, shall knowingly distribute  
22          to a single person more than 2 targeted packages in a single  
23          retail transaction.

24          (i) No retail distributor operating a pharmacy, and no  
25          pharmacist or pharmacy technician, shall knowingly distribute  
26          to a single person in any 30-day period products containing

1 more than a total of 7,500 milligrams of ephedrine or  
2 pseudoephedrine, their salts or optical isomers, or salts of  
3 optical isomers.

4 (j) A pharmacist or pharmacy technician may distribute a  
5 targeted methamphetamine precursor to a person who is without a  
6 form of identification specified in paragraph (1) of subsection  
7 (a) of Section 20 of this Act only if all other provisions of  
8 this Act are followed and either:

9 (1) the person presents a driver's license issued  
10 without a photograph by the State of Illinois pursuant to  
11 the Illinois Administrative Code, Title 92, Section  
12 1030.90(b)(1) or 1030.90(b)(2); or

13 (2) the person is known to the pharmacist or pharmacy  
14 technician, the person presents some form of  
15 identification, and the pharmacist or pharmacy technician  
16 reasonably believes that the targeted methamphetamine  
17 precursor will be used for a legitimate medical purpose and  
18 not to manufacture methamphetamine.

19 (k) When a pharmacist or pharmacy technician distributes a  
20 targeted methamphetamine precursor to a person according to the  
21 procedures set forth in this Act, and the pharmacist or  
22 pharmacy technician does not have access to a working cash  
23 register at the pharmacy counter, the pharmacist or pharmacy  
24 technician may instruct the person to pay for the targeted  
25 methamphetamine precursor at a cash register located elsewhere  
26 in the retail establishment, whether that register is operated

1 by a pharmacist, pharmacy technician, or other employee or  
2 agent of the retail establishment.

3 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;  
4 95-689, eff. 10-29-07.)

5 (Text of Section after amendment by P.A. 95-640)

6 Sec. 25. Pharmacies.

7 (a) No targeted methamphetamine precursor may be knowingly  
8 distributed through a pharmacy, including a pharmacy located  
9 within, owned by, operated by, or associated with a retail  
10 distributor unless all terms of this Section are satisfied.

11 (b) Any targeted methamphetamine precursor other than a  
12 convenience package or a liquid, including but not limited to  
13 any targeted methamphetamine precursor in liquid-filled  
14 capsules, shall: be packaged in blister packs, with each  
15 blister containing not more than 2 dosage units, or when the  
16 use of blister packs is technically infeasible, in unit dose  
17 packets. Each targeted package shall contain no more than 3,000  
18 milligrams of ephedrine or pseudoephedrine, their salts or  
19 optical isomers, or salts of optical isomers.

20 (c) The targeted methamphetamine precursor shall be stored  
21 behind the pharmacy counter and distributed by a pharmacist or  
22 pharmacy technician licensed under the Pharmacy Practice Act.

23 (d) Any retail distributor operating a pharmacy, and any  
24 pharmacist or pharmacy technician involved in the transaction  
25 or transactions, shall ensure that any person purchasing,

1 receiving, or otherwise acquiring the targeted methamphetamine  
2 precursor complies with subsection (a) of Section 20 of this  
3 Act.

4 (e) Any retail distributor operating a pharmacy, and any  
5 pharmacist or pharmacy technician involved in the transaction  
6 or transactions, shall verify that:

7 (1) The person purchasing, receiving, or otherwise  
8 acquiring the targeted methamphetamine precursor is 18  
9 years of age or older and resembles the photograph of the  
10 person on the government-issued identification presented  
11 by the person; and

12 (2) The name entered into the log referred to in  
13 subsection (a) of Section 20 of this Act corresponds to the  
14 name on the government-issued identification presented by  
15 the person.

16 (f) The logs referred to in subsection (a) of Section 20 of  
17 this Act shall be kept confidential, maintained for not less  
18 than 2 years, and made available for inspection and copying by  
19 any law enforcement officer upon request of that officer. These  
20 logs may be kept in an electronic format if they include all  
21 the information specified in subsection (a) of Section 20 of  
22 this Act in a manner that is readily retrievable and  
23 reproducible in hard-copy format. Pharmacies covered by the  
24 Williamson County Pilot Program described in Sections 36, 37,  
25 38, 39, and 39.5 of this Act are required to transmit  
26 electronic transaction records or handwritten logs to the Pilot

1 Program Authority in the manner described in those Sections.

2 (g) No retail distributor operating a pharmacy, and no  
3 pharmacist or pharmacy technician, shall knowingly distribute  
4 any targeted methamphetamine precursor to any person under 18  
5 years of age.

6 (h) No retail distributor operating a pharmacy, and no  
7 pharmacist or pharmacy technician, shall knowingly distribute  
8 to a single person more than 2 targeted packages in a single  
9 retail transaction.

10 (i) No retail distributor operating a pharmacy, and no  
11 pharmacist or pharmacy technician, shall knowingly distribute  
12 to a single person in any 30-day period products containing  
13 more than a total of 7,500 milligrams of ephedrine or  
14 pseudoephedrine, their salts or optical isomers, or salts of  
15 optical isomers.

16 (j) A pharmacist or pharmacy technician may distribute a  
17 targeted methamphetamine precursor to a person who is without a  
18 form of identification specified in paragraph (1) of subsection  
19 (a) of Section 20 of this Act only if all other provisions of  
20 this Act are followed and either:

21 (1) the person presents a driver's license issued  
22 without a photograph by the State of Illinois pursuant to  
23 the Illinois Administrative Code, Title 92, Section  
24 1030.90(b)(1) or 1030.90(b)(2); or

25 (2) the person is known to the pharmacist or pharmacy  
26 technician, the person presents some form of

1 identification, and the pharmacist or pharmacy technician  
2 reasonably believes that the targeted methamphetamine  
3 precursor will be used for a legitimate medical purpose and  
4 not to manufacture methamphetamine.

5 (k) When a pharmacist or pharmacy technician distributes a  
6 targeted methamphetamine precursor to a person according to the  
7 procedures set forth in this Act, and the pharmacist or  
8 pharmacy technician does not have access to a working cash  
9 register at the pharmacy counter, the pharmacist or pharmacy  
10 technician may instruct the person to pay for the targeted  
11 methamphetamine precursor at a cash register located elsewhere  
12 in the retail establishment, whether that register is operated  
13 by a pharmacist, pharmacy technician, or other employee or  
14 agent of the retail establishment.

15 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;  
16 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; revised 11-19-07.)

17 (720 ILCS 648/40)

18 (Text of Section before amendment by P.A. 95-640)

19 Sec. 40. Penalties.

20 (a) Any pharmacy or retail distributor that violates this  
21 Act is guilty of a petty offense and subject to a fine of \$500  
22 for a first offense; and \$1,000 for a second offense occurring  
23 at the same retail location as and within 3 years of the prior  
24 offense. A pharmacy or retail distributor that violates this  
25 Act is guilty of a business offense and subject to a fine of

1 \$5,000 for a third or subsequent offense occurring at the same  
2 retail location as and within 3 years of the prior offenses.

3 (b) An employee or agent of a pharmacy or retail  
4 distributor who violates this Act is guilty of a Class A  
5 misdemeanor for a first offense, a Class 4 felony for a second  
6 offense, and a Class 1 felony for a third or subsequent  
7 offense.

8 (c) Any other person who violates this Act is guilty of a  
9 Class B misdemeanor for a first offense, a Class A misdemeanor  
10 for a second offense, and a Class 4 felony for a third or  
11 subsequent offense.

12 (d) Any person who, in order to acquire a targeted  
13 methamphetamine precursor, knowingly uses or provides the  
14 driver's license or government-issued identification of  
15 another person, or who knowingly uses or provides a fictitious  
16 or unlawfully altered driver's license or government-issued  
17 identification, or who otherwise knowingly provides false  
18 information, is guilty of a Class 4 felony for a first offense,  
19 a Class 3 felony for a second offense, and a Class 2 felony for  
20 a third or subsequent offense.

21 For purposes of this subsection (d), the terms "fictitious  
22 driver's license", "unlawfully altered driver's license", and  
23 "false information" have the meanings ascribed to them in  
24 Section 6-301.1 of the Illinois Vehicle Code.

25 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08.)

1 (Text of Section after amendment by P.A. 95-640)

2 Sec. 40. Penalties.

3 (a) Violations of subsection (b) of Section 20 of this Act.

4 (1) Any person who knowingly purchases, receives, or  
5 otherwise acquires, within any 30-day period, products  
6 containing more than a total of 7,500 milligrams of  
7 ephedrine or pseudoephedrine, their salts or optical  
8 isomers, or salts of optical isomers in violation of  
9 subsection (b) of Section 20 of this Act is subject to the  
10 following penalties:

11 (A) More than 7,500 milligrams but less than 15,000  
12 milligrams, Class B misdemeanor;

13 (B) 15,000 or more but less than 22,500 milligrams,  
14 Class A misdemeanor;

15 (C) 22,500 or more but less than 30,000 milligrams,  
16 Class 4 felony;

17 (D) 30,000 or more but less than 37,500 milligrams,  
18 Class 3 felony;

19 (E) 37,500 or more but less than 45,000 milligrams,  
20 Class 2 felony:

21 (F) 45,000 or more milligrams, Class 1 felony.

22 (2) Any person who knowingly purchases, receives, or  
23 otherwise acquires, within any 30-day period, products  
24 containing more than a total of 7,500 milligrams of  
25 ephedrine or pseudoephedrine, their salts or optical  
26 isomers, or salts of optical isomers in violation of



1 subsection (b) of Section 20 of this Act, and who has  
2 previously been convicted of any methamphetamine-related  
3 offense under any State or federal law, is subject to the  
4 following penalties:

5 (A) More than 7,500 milligrams but less than 15,000  
6 milligrams, Class A misdemeanor;

7 (B) 15,000 or more but less than 22,500 milligrams,  
8 Class 4 felony;

9 (C) 22,500 or more but less than 30,000 milligrams,  
10 Class 3 felony;

11 (D) 30,000 or more but less than 37,500 milligrams,  
12 Class 2 felony;

13 (E) 37,500 or more milligrams, Class 1 felony.

14 (3) Any person who knowingly purchases, receives, or  
15 otherwise acquires, within any 30-day period, products  
16 containing more than a total of 7,500 milligrams of  
17 ephedrine or pseudoephedrine, their salts or optical  
18 isomers, or salts of optical isomers in violation of  
19 subsection (b) of Section 20 of this Act, and who has  
20 previously been convicted 2 or more times of any  
21 methamphetamine-related offense under State or federal  
22 law, is subject to the following penalties:

23 (A) More than 7,500 milligrams but less than 15,000  
24 milligrams, Class 4 felony;

25 (B) 15,000 or more but less than 22,500 milligrams,  
26 Class 3 felony;

1                   (C) 22,500 or more but less than 30,000 milligrams,  
2                   Class 2 felony;

3                   (D) 30,000 or more milligrams, Class 1 felony.

4           (b) Violations of Section 15, 20, 25, 30, or 35 of this  
5 Act, other than violations of subsection (b) of Section 20 of  
6 this Act.

7           (1) Any pharmacy or retail distributor that violates  
8 Section 15, 20, 25, 30, or 35 of this Act, other than  
9 subsection (b) of Section 20 of this Act, is guilty of a  
10 petty offense and subject to a fine of \$500 for a first  
11 offense; and \$1,000 for a second offense occurring at the  
12 same retail location as and within 3 years of the prior  
13 offense. A pharmacy or retail distributor that violates  
14 this Act is guilty of a business offense and subject to a  
15 fine of \$5,000 for a third or subsequent offense occurring  
16 at the same retail location as and within 3 years of the  
17 prior offenses.

18           (2) An employee or agent of a pharmacy or retail  
19 distributor who violates Section 15, 20, 25, 30, or 35 of  
20 this Act, other than subsection (b) of Section 20 of this  
21 Act, is guilty of a Class A misdemeanor for a first  
22 offense, a Class 4 felony for a second offense, and a Class  
23 1 felony for a third or subsequent offense.

24           (3) Any other person who violates Section 15, 20, 25,  
25 30, or 35 of this Act, other than subsection (b) of Section  
26 20 of this Act, is guilty of a Class B misdemeanor for a

1 first offense, a Class A misdemeanor for a second offense,  
2 and a Class 4 felony for a third or subsequent offense.

3 (c) Any pharmacy or retail distributor that violates  
4 Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty  
5 offense and subject to a fine of \$100 for a first offense, \$250  
6 for a second offense, or \$500 for a third or subsequent  
7 offense.

8 (d) Any person that violates Section 39.5 of this Act is  
9 guilty of a Class B misdemeanor for a first offense, a Class A  
10 misdemeanor for a second offense, and a Class 4 felony for a  
11 third offense.

12 (e) ~~(d)~~ Any person who, in order to acquire a targeted  
13 methamphetamine precursor, knowingly uses or provides the  
14 driver's license or government-issued identification of  
15 another person, or who knowingly uses or provides a fictitious  
16 or unlawfully altered driver's license or government-issued  
17 identification, or who otherwise knowingly provides false  
18 information, is guilty of a Class 4 felony for a first offense,  
19 a Class 3 felony for a second offense, and a Class 2 felony for  
20 a third or subsequent offense.

21 For purposes of this subsection (e) ~~(d)~~, the terms  
22 "fictitious driver's license", "unlawfully altered driver's  
23 license", and "false information" have the meanings ascribed to  
24 them in Section 6-301.1 of the Illinois Vehicle Code.

25 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08;  
26 95-640, eff. 6-1-08; revised 12-12-07.)

1 (720 ILCS 648/50)

2 Sec. 50. Scope of Act.

3 (a) Nothing in this Act limits the scope, terms, or effect  
4 of the Methamphetamine Control and Community Protection Act.

5 (b) Nothing in this Act limits the lawful authority granted  
6 by the Medical Practice Act of 1987, the Nurse Practice Act, or  
7 the Pharmacy Practice Act.

8 (c) Nothing in this Act limits the authority or activity of  
9 any law enforcement officer acting within the scope of his or  
10 her employment.

11 (Source: P.A. 94-694, eff. 1-15-06; 95-639, eff. 10-5-07;  
12 95-689, eff. 10-29-07; revised 11-19-07.)

13 Section 340. The Rights of Crime Victims and Witnesses Act  
14 is amended by changing Section 3 as follows:

15 (725 ILCS 120/3) (from Ch. 38, par. 1403)

16 (Text of Section before amendment by P.A. 95-591)

17 Sec. 3. The terms used in this Act, unless the context  
18 clearly requires otherwise, shall have the following meanings:

19 (a) "Crime victim" means (1) a person physically injured in  
20 this State as a result of a violent crime perpetrated or  
21 attempted against that person or (2) a person who suffers  
22 injury to or loss of property as a result of a violent crime  
23 perpetrated or attempted against that person or (3) a single

1 representative who may be the spouse, parent, child or sibling  
2 of a person killed as a result of a violent crime perpetrated  
3 against the person killed or the spouse, parent, child or  
4 sibling of any person granted rights under this Act who is  
5 physically or mentally incapable of exercising such rights,  
6 except where the spouse, parent, child or sibling is also the  
7 defendant or prisoner or (4) any person against whom a violent  
8 crime has been committed or (5) any person who has suffered  
9 personal injury as a result of a violation of Section 11-501 of  
10 the Illinois Vehicle Code, or of a similar provision of a local  
11 ordinance, or of Section 9-3 of the Criminal Code of 1961, as  
12 amended or (6) in proceedings under the Juvenile Court Act of  
13 1987, both parents of a deceased minor who is a crime victim.†

14 (b) "Witness" means any person who personally observed the  
15 commission of a violent crime and who will testify on behalf of  
16 the State of Illinois in the criminal prosecution of the  
17 violent crime.†

18 (c) "Violent Crime" means any felony in which force or  
19 threat of force was used against the victim, or any offense  
20 involving sexual exploitation, sexual conduct or sexual  
21 penetration, domestic battery, violation of an order of  
22 protection, stalking, or any misdemeanor which results in death  
23 or great bodily harm to the victim or any violation of Section  
24 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
25 Illinois Vehicle Code, or a similar provision of a local  
26 ordinance, if the violation resulted in personal injury or

1 death, and includes any action committed by a juvenile that  
2 would be a violent crime if committed by an adult. For the  
3 purposes of this paragraph, "personal injury" shall include any  
4 Type A injury as indicated on the traffic accident report  
5 completed by a law enforcement officer that requires immediate  
6 professional attention in either a doctor's office or medical  
7 facility. A type A injury shall include severely bleeding  
8 wounds, distorted extremities, and injuries that require the  
9 injured party to be carried from the scene.†

10 (d) "Sentencing Hearing" means any hearing where a sentence  
11 is imposed by the court on a convicted defendant and includes  
12 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
13 and 5-7-7 of the Unified Code of Corrections except those cases  
14 in which both parties have agreed to the imposition of a  
15 specific sentence.

16 (e) "Court proceedings" includes the preliminary hearing,  
17 any hearing the effect of which may be the release of the  
18 defendant from custody or to alter the conditions of bond, the  
19 trial, sentencing hearing, notice of appeal, any modification  
20 of sentence, probation revocation hearings or parole hearings.

21 (Source: P.A. 94-271, eff. 1-1-06; revised 11-16-07.)

22 (Text of Section after amendment by P.A. 95-591)

23 Sec. 3. The terms used in this Act, unless the context  
24 clearly requires otherwise, shall have the following meanings:

25 (a) "Crime victim" means (1) a person physically injured in

1 this State as a result of a violent crime perpetrated or  
2 attempted against that person or (2) a person who suffers  
3 injury to or loss of property as a result of a violent crime  
4 perpetrated or attempted against that person or (3) a single  
5 representative who may be the spouse, parent, child or sibling  
6 of a person killed as a result of a violent crime perpetrated  
7 against the person killed or the spouse, parent, child or  
8 sibling of any person granted rights under this Act who is  
9 physically or mentally incapable of exercising such rights,  
10 except where the spouse, parent, child or sibling is also the  
11 defendant or prisoner or (4) any person against whom a violent  
12 crime has been committed or (5) any person who has suffered  
13 personal injury as a result of a violation of Section 11-501 of  
14 the Illinois Vehicle Code, or of a similar provision of a local  
15 ordinance, or of Section 9-3 of the Criminal Code of 1961, as  
16 amended or (6) in proceedings under the Juvenile Court Act of  
17 1987, both parents, legal guardians, foster parents, or a  
18 single adult representative of a minor or disabled person who  
19 is a crime victim.†

20 (b) "Witness" means any person who personally observed the  
21 commission of a violent crime and who will testify on behalf of  
22 the State of Illinois in the criminal prosecution of the  
23 violent crime.†

24 (c) "Violent Crime" means any felony in which force or  
25 threat of force was used against the victim, or any offense  
26 involving sexual exploitation, sexual conduct or sexual

1 penetration, domestic battery, violation of an order of  
2 protection, stalking, or any misdemeanor which results in death  
3 or great bodily harm to the victim or any violation of Section  
4 9-3 of the Criminal Code of 1961, or Section 11-501 of the  
5 Illinois Vehicle Code, or a similar provision of a local  
6 ordinance, if the violation resulted in personal injury or  
7 death, and includes any action committed by a juvenile that  
8 would be a violent crime if committed by an adult. For the  
9 purposes of this paragraph, "personal injury" shall include any  
10 Type A injury as indicated on the traffic accident report  
11 completed by a law enforcement officer that requires immediate  
12 professional attention in either a doctor's office or medical  
13 facility. A type A injury shall include severely bleeding  
14 wounds, distorted extremities, and injuries that require the  
15 injured party to be carried from the scene. ~~+~~

16 (d) "Sentencing Hearing" means any hearing where a sentence  
17 is imposed by the court on a convicted defendant and includes  
18 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
19 and 5-7-7 of the Unified Code of Corrections except those cases  
20 in which both parties have agreed to the imposition of a  
21 specific sentence.

22 (e) "Court proceedings" includes the preliminary hearing,  
23 any hearing the effect of which may be the release of the  
24 defendant from custody or to alter the conditions of bond, the  
25 trial, sentencing hearing, notice of appeal, any modification  
26 of sentence, probation revocation hearings or parole hearings.



1 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; revised  
2 11-16-07.)

3 Section 345. The Privacy of Child Victims of Criminal  
4 Sexual Offenses Act is amended by changing Section 3 as  
5 follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 (Text of Section before amendment by P.A. 95-599)

8 Sec. 3. Confidentiality of Law Enforcement and Court  
9 Records. Notwithstanding any other law to the contrary,  
10 inspection and copying of law enforcement records maintained by  
11 any law enforcement agency or circuit court records maintained  
12 by any circuit clerk relating to any investigation or  
13 proceeding pertaining to a criminal sexual offense, by any  
14 person, except a judge, state's attorney, assistant state's  
15 attorney, psychologist, psychiatrist, social worker, doctor,  
16 parent, parole agent, probation officer, defendant or  
17 defendant's attorney in any criminal proceeding or  
18 investigation related thereto, shall be restricted to exclude  
19 the identity of any child who is a victim of such criminal  
20 sexual offense or alleged criminal sexual offense. A court may  
21 for the child's protection and for good cause shown, prohibit  
22 any person or agency present in court from further disclosing  
23 the child's identity.

24 When a criminal sexual offense is committed or alleged to

1 have been committed by a school district employee on the  
2 premises under the jurisdiction of a public school district or  
3 during an official school sponsored activity, a copy of the law  
4 enforcement records maintained by any law enforcement agency or  
5 circuit court records maintained by any circuit clerk relating  
6 to the investigation of the offense or alleged offense shall be  
7 made available for inspection and copying by the superintendent  
8 of schools of the district. The superintendent shall be  
9 restricted from specifically revealing the name of the victim  
10 without written consent of the victim or victim's parent or  
11 guardian.

12 A court may prohibit such disclosure only after giving  
13 notice and a hearing to all affected parties. In determining  
14 whether to prohibit disclosure of the minor's identity the  
15 court shall consider:

- 16 (a) the best interest of the child; and  
17 (b) whether such nondisclosure would further a  
18 compelling State interest.

19 (Source: P.A. 95-69, eff. 1-1-08.)

20 (Text of Section after amendment by P.A. 95-599)

21 Sec. 3. Confidentiality of Law Enforcement and Court  
22 Records. Notwithstanding any other law to the contrary,  
23 inspection and copying of law enforcement records maintained by  
24 any law enforcement agency or circuit court records maintained  
25 by any circuit clerk relating to any investigation or

1 proceeding pertaining to a criminal sexual offense, by any  
2 person, except a judge, state's attorney, assistant state's  
3 attorney, psychologist, psychiatrist, social worker, doctor,  
4 parent, parole agent, probation officer, defendant or  
5 defendant's attorney in any criminal proceeding or  
6 investigation related thereto, shall be restricted to exclude  
7 the identity of any child who is a victim of such criminal  
8 sexual offense or alleged criminal sexual offense. A court may  
9 for the child's protection and for good cause shown, prohibit  
10 any person or agency present in court from further disclosing  
11 the child's identity.

12 When a criminal sexual offense is committed or alleged to  
13 have been committed by a school district employee or any  
14 individual contractually employed by a school district, a copy  
15 of the criminal history record information relating to the  
16 investigation of the offense or alleged offense shall be  
17 transmitted to the superintendent of schools of the district  
18 immediately upon request or if the law enforcement agency knows  
19 that a school district employee or any individual contractually  
20 employed by a school district has committed or is alleged to  
21 have committed a criminal sexual offense, the superintendent of  
22 schools of the district shall be immediately provided a copy of  
23 the criminal history record information. The superintendent  
24 shall be restricted from specifically revealing the name of the  
25 victim without written consent of the victim or victim's parent  
26 or guardian.

1           A court may prohibit such disclosure only after giving  
2 notice and a hearing to all affected parties. In determining  
3 whether to prohibit disclosure of the minor's identity the  
4 court shall consider:

5           (a) the best interest of the child; and

6           (b) whether such nondisclosure would further a  
7 compelling State interest.

8           For the purposes of this Act, "criminal history record  
9 information" means:

10           (i) chronologically maintained arrest information,  
11 such as traditional arrest logs or blotters;

12           (ii) the name of a person in the custody of a law  
13 enforcement agency and the charges for which that person is  
14 being held;

15           (iii) court records that are public;

16           (iv) records that are otherwise available under State  
17 or local law; or

18           (v) records in which the requesting party is the  
19 individual identified, except as provided under part (vii)  
20 of paragraph (c) of subsection (1) of Section 7 of the  
21 Freedom of Information Act.

22           (Source: P.A. 95-69, eff. 1-1-08; 95-599, eff. 6-1-08; revised  
23 11-19-07.)

24           Section 350. The State's Attorneys Appellate Prosecutor's  
25 Act is amended by changing Section 4.11 as follows:

1 (725 ILCS 210/4.11)

2 Sec. 4.11. Juvenile Justice Resource Center. The Office may  
3 develop a Juvenile Justice Resource Center to: (i) study,  
4 design, develop, and implement model systems for the  
5 adjudication of juveniles in the justice system; (ii) in cases  
6 in which a sentence of incarceration or an adult sentence, or  
7 both, is an authorized disposition, provide trial counsel with  
8 legal advice and the assistance of expert witnesses and  
9 investigators from funds appropriated to the Office by the  
10 General Assembly specifically for that purpose; (iii) develop  
11 and provide training to assistant State's Attorneys on juvenile  
12 justice issues, and~~7~~ (iv) make an annual report to the General  
13 Assembly.

14 (Source: P.A. 95-376, eff. 1-1-08; revised 11-16-07.)

15 Section 355. The Unified Code of Corrections is amended by  
16 changing Sections 3-3-7, 3-6-3, 5-5-3, 5-5-3.2, 5-6-1, 5-6-3,  
17 5-6-3.1, and 5-9-3 and by setting forth and renumbering  
18 multiple versions of Section 5-9-1.14 as follows:

19 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

20 (Text of Section before amendment by P.A. 95-464, 95-579,  
21 and 95-640)

22 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
23 Release.

1           (a) The conditions of parole or mandatory supervised  
2 release shall be such as the Prisoner Review Board deems  
3 necessary to assist the subject in leading a law-abiding life.  
4 The conditions of every parole and mandatory supervised release  
5 are that the subject:

6           (1) not violate any criminal statute of any  
7 jurisdiction during the parole or release term;

8           (2) refrain from possessing a firearm or other  
9 dangerous weapon;

10          (3) report to an agent of the Department of  
11 Corrections;

12          (4) permit the agent to visit him or her at his or her  
13 home, employment, or elsewhere to the extent necessary for  
14 the agent to discharge his or her duties;

15          (5) attend or reside in a facility established for the  
16 instruction or residence of persons on parole or mandatory  
17 supervised release;

18          (6) secure permission before visiting or writing a  
19 committed person in an Illinois Department of Corrections  
20 facility;

21          (7) report all arrests to an agent of the Department of  
22 Corrections as soon as permitted by the arresting authority  
23 but in no event later than 24 hours after release from  
24 custody;

25          (7.5) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, the individual shall

1           undergo and successfully complete sex offender treatment  
2           conducted in conformance with the standards developed by  
3           the Sex Offender Management Board Act by a treatment  
4           provider approved by the Board;

5           (7.6) if convicted of a sex offense as defined in the  
6           Sex Offender Management Board Act, refrain from residing at  
7           the same address or in the same condominium unit or  
8           apartment unit or in the same condominium complex or  
9           apartment complex with another person he or she knows or  
10          reasonably should know is a convicted sex offender or has  
11          been placed on supervision for a sex offense; the  
12          provisions of this paragraph do not apply to a person  
13          convicted of a sex offense who is placed in a Department of  
14          Corrections licensed transitional housing facility for sex  
15          offenders, or is in any facility operated or licensed by  
16          the Department of Children and Family Services or by the  
17          Department of Human Services, or is in any licensed medical  
18          facility;

19          (7.7) if convicted for an offense that would qualify  
20          the accused as a sexual predator under the Sex Offender  
21          Registration Act on or after the effective date of this  
22          amendatory Act of the 94th General Assembly, wear an  
23          approved electronic monitoring device as defined in  
24          Section 5-8A-2 for the duration of the person's parole,  
25          mandatory supervised release term, or extended mandatory  
26          supervised release term, provided funding is appropriated

1 by the General Assembly;

2 (8) obtain permission of an agent of the Department of  
3 Corrections before leaving the State of Illinois;

4 (9) obtain permission of an agent of the Department of  
5 Corrections before changing his or her residence or  
6 employment;

7 (10) consent to a search of his or her person,  
8 property, or residence under his or her control;

9 (11) refrain from the use or possession of narcotics or  
10 other controlled substances in any form, or both, or any  
11 paraphernalia related to those substances and submit to a  
12 urinalysis test as instructed by a parole agent of the  
13 Department of Corrections;

14 (12) not frequent places where controlled substances  
15 are illegally sold, used, distributed, or administered;

16 (13) not knowingly associate with other persons on  
17 parole or mandatory supervised release without prior  
18 written permission of his or her parole agent and not  
19 associate with persons who are members of an organized gang  
20 as that term is defined in the Illinois Streetgang  
21 Terrorism Omnibus Prevention Act;

22 (14) provide true and accurate information, as it  
23 relates to his or her adjustment in the community while on  
24 parole or mandatory supervised release or to his or her  
25 conduct while incarcerated, in response to inquiries by his  
26 or her parole agent or of the Department of Corrections;



1           (15) follow any specific instructions provided by the  
2 parole agent that are consistent with furthering  
3 conditions set and approved by the Prisoner Review Board or  
4 by law, exclusive of placement on electronic detention, to  
5 achieve the goals and objectives of his or her parole or  
6 mandatory supervised release or to protect the public.  
7 These instructions by the parole agent may be modified at  
8 any time, as the agent deems appropriate; and

9           (16) if convicted of a sex offense as defined in  
10 subsection (a-5) of Section 3-1-2 of this Code, unless the  
11 offender is a parent or guardian of the person under 18  
12 years of age present in the home and no non-familial minors  
13 are present, not participate in a holiday event involving  
14 children under 18 years of age, such as distributing candy  
15 or other items to children on Halloween, wearing a Santa  
16 Claus costume on or preceding Christmas, being employed as  
17 a department store Santa Claus, or wearing an Easter Bunny  
18 costume on or preceding Easter.

19           (b) The Board may in addition to other conditions require  
20 that the subject:

21           (1) work or pursue a course of study or vocational  
22 training;

23           (2) undergo medical or psychiatric treatment, or  
24 treatment for drug addiction or alcoholism;

25           (3) attend or reside in a facility established for the  
26 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;

1           (4) obtain the approval of an agent of the Department  
2 of Corrections prior to accepting employment or pursuing a  
3 course of study or vocational training and notify the  
4 Department prior to any change in employment, study, or  
5 training;

6           (5) not be employed or participate in any volunteer  
7 activity that involves contact with children, except under  
8 circumstances approved in advance and in writing by an  
9 agent of the Department of Corrections;

10          (6) be electronically monitored for a minimum of 12  
11 months from the date of release as determined by the Board;

12          (7) refrain from entering into a designated geographic  
13 area except upon terms approved in advance by an agent of  
14 the Department of Corrections. The terms may include  
15 consideration of the purpose of the entry, the time of day,  
16 and others accompanying the person;

17          (8) refrain from having any contact, including written  
18 or oral communications, directly or indirectly, personally  
19 or by telephone, letter, or through a third party with  
20 certain specified persons including, but not limited to,  
21 the victim or the victim's family without the prior written  
22 approval of an agent of the Department of Corrections;

23          (9) refrain from all contact, directly or indirectly,  
24 personally, by telephone, letter, or through a third party,  
25 with minor children without prior identification and  
26 approval of an agent of the Department of Corrections;

1           (10) neither possess or have under his or her control  
2           any material that is sexually oriented, sexually  
3           stimulating, or that shows male or female sex organs or any  
4           pictures depicting children under 18 years of age nude or  
5           any written or audio material describing sexual  
6           intercourse or that depicts or alludes to sexual activity,  
7           including but not limited to visual, auditory, telephonic,  
8           or electronic media, or any matter obtained through access  
9           to any computer or material linked to computer access use;

10          (11) not patronize any business providing sexually  
11          stimulating or sexually oriented entertainment nor utilize  
12          "900" or adult telephone numbers;

13          (12) not reside near, visit, or be in or about parks,  
14          schools, day care centers, swimming pools, beaches,  
15          theaters, or any other places where minor children  
16          congregate without advance approval of an agent of the  
17          Department of Corrections and immediately report any  
18          incidental contact with minor children to the Department;

19          (13) not possess or have under his or her control  
20          certain specified items of contraband related to the  
21          incidence of sexually offending as determined by an agent  
22          of the Department of Corrections;

23          (14) may be required to provide a written daily log of  
24          activities if directed by an agent of the Department of  
25          Corrections;

26          (15) comply with all other special conditions that the

1 Department may impose that restrict the person from  
2 high-risk situations and limit access to potential  
3 victims.

4 (c) The conditions under which the parole or mandatory  
5 supervised release is to be served shall be communicated to the  
6 person in writing prior to his release, and he shall sign the  
7 same before release. A signed copy of these conditions,  
8 including a copy of an order of protection where one had been  
9 issued by the criminal court, shall be retained by the person  
10 and another copy forwarded to the officer in charge of his  
11 supervision.

12 (d) After a hearing under Section 3-3-9, the Prisoner  
13 Review Board may modify or enlarge the conditions of parole or  
14 mandatory supervised release.

15 (e) The Department shall inform all offenders committed to  
16 the Department of the optional services available to them upon  
17 release and shall assist inmates in availing themselves of such  
18 optional services upon their release on a voluntary basis.

19 (f) When the subject is in compliance with all conditions  
20 of his or her parole or mandatory supervised release, the  
21 subject shall receive a reduction of the period of his or her  
22 parole or mandatory supervised release of 90 days upon passage  
23 of the high school level Test of General Educational  
24 Development during the period of his or her parole or mandatory  
25 supervised release. This reduction in the period of a subject's  
26 term of parole or mandatory supervised release shall be

1 available only to subjects who have not previously earned a  
2 high school diploma or who have not previously passed the high  
3 school level Test of General Educational Development.

4 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
5 94-988, eff. 1-1-07; 95-539, eff. 1-1-08.)

6 (Text of Section after amendment by P.A. 95-464, 95-579,  
7 and 95-640)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
9 Release.

10 (a) The conditions of parole or mandatory supervised  
11 release shall be such as the Prisoner Review Board deems  
12 necessary to assist the subject in leading a law-abiding life.  
13 The conditions of every parole and mandatory supervised release  
14 are that the subject:

15 (1) not violate any criminal statute of any  
16 jurisdiction during the parole or release term;

17 (2) refrain from possessing a firearm or other  
18 dangerous weapon;

19 (3) report to an agent of the Department of  
20 Corrections;

21 (4) permit the agent to visit him or her at his or her  
22 home, employment, or elsewhere to the extent necessary for  
23 the agent to discharge his or her duties;

24 (5) attend or reside in a facility established for the  
25 instruction or residence of persons on parole or mandatory

1 supervised release;

2 (6) secure permission before visiting or writing a  
3 committed person in an Illinois Department of Corrections  
4 facility;

5 (7) report all arrests to an agent of the Department of  
6 Corrections as soon as permitted by the arresting authority  
7 but in no event later than 24 hours after release from  
8 custody;

9 (7.5) if convicted of a sex offense as defined in the  
10 Sex Offender Management Board Act, the individual shall  
11 undergo and successfully complete sex offender treatment  
12 conducted in conformance with the standards developed by  
13 the Sex Offender Management Board Act by a treatment  
14 provider approved by the Board;

15 (7.6) if convicted of a sex offense as defined in the  
16 Sex Offender Management Board Act, refrain from residing at  
17 the same address or in the same condominium unit or  
18 apartment unit or in the same condominium complex or  
19 apartment complex with another person he or she knows or  
20 reasonably should know is a convicted sex offender or has  
21 been placed on supervision for a sex offense; the  
22 provisions of this paragraph do not apply to a person  
23 convicted of a sex offense who is placed in a Department of  
24 Corrections licensed transitional housing facility for sex  
25 offenders, or is in any facility operated or licensed by  
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed medical  
2 facility;

3 (7.7) if convicted for an offense that would qualify  
4 the accused as a sexual predator under the Sex Offender  
5 Registration Act on or after the effective date of this  
6 amendatory Act of the 94th General Assembly, wear an  
7 approved electronic monitoring device as defined in  
8 Section 5-8A-2 for the duration of the person's parole,  
9 mandatory supervised release term, or extended mandatory  
10 supervised release term;

11 (7.8) if convicted for an offense committed on or after  
12 the effective date of this amendatory Act of the 95th  
13 General Assembly that would qualify the accused as a child  
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
15 Criminal Code of 1961, refrain from communicating with or  
16 contacting, by means of the Internet, a person who is not  
17 related to the accused and whom the accused reasonably  
18 believes to be under 18 years of age; for purposes of this  
19 paragraph (7.8), "Internet" has the meaning ascribed to it  
20 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
21 ~~Public Act 94-179~~; and a person is not related to the  
22 accused if the person is not: (i) the spouse, brother, or  
23 sister of the accused; (ii) a descendant of the accused;  
24 (iii) a first or second cousin of the accused; or (iv) a  
25 step-child or adopted child of the accused;

26 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,



1 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
2 search of computers, PDAs, cellular phones, and other  
3 devices under his or her control that are capable of  
4 accessing the Internet or storing electronic files, in  
5 order to confirm Internet protocol addresses reported in  
6 accordance with the Sex Offender Registration Act and  
7 compliance with conditions in this Act;

8 (7.10) ~~(7.8)~~ if convicted for an offense that would  
9 qualify the accused as a sex offender or sexual predator  
10 under the Sex Offender Registration Act on or after the  
11 effective date of this amendatory Act of the 95th General  
12 Assembly, not possess prescription drugs for erectile  
13 dysfunction;

14 (8) obtain permission of an agent of the Department of  
15 Corrections before leaving the State of Illinois;

16 (9) obtain permission of an agent of the Department of  
17 Corrections before changing his or her residence or  
18 employment;

19 (10) consent to a search of his or her person,  
20 property, or residence under his or her control;

21 (11) refrain from the use or possession of narcotics or  
22 other controlled substances in any form, or both, or any  
23 paraphernalia related to those substances and submit to a  
24 urinalysis test as instructed by a parole agent of the  
25 Department of Corrections;

26 (12) not frequent places where controlled substances

1 are illegally sold, used, distributed, or administered;

2 (13) not knowingly associate with other persons on  
3 parole or mandatory supervised release without prior  
4 written permission of his or her parole agent and not  
5 associate with persons who are members of an organized gang  
6 as that term is defined in the Illinois Streetgang  
7 Terrorism Omnibus Prevention Act;

8 (14) provide true and accurate information, as it  
9 relates to his or her adjustment in the community while on  
10 parole or mandatory supervised release or to his or her  
11 conduct while incarcerated, in response to inquiries by his  
12 or her parole agent or of the Department of Corrections;

13 (15) follow any specific instructions provided by the  
14 parole agent that are consistent with furthering  
15 conditions set and approved by the Prisoner Review Board or  
16 by law, exclusive of placement on electronic detention, to  
17 achieve the goals and objectives of his or her parole or  
18 mandatory supervised release or to protect the public.  
19 These instructions by the parole agent may be modified at  
20 any time, as the agent deems appropriate; and

21 (16) if convicted of a sex offense as defined in  
22 subsection (a-5) of Section 3-1-2 of this Code, unless the  
23 offender is a parent or guardian of the person under 18  
24 years of age present in the home and no non-familial minors  
25 are present, not participate in a holiday event involving  
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa  
2 Claus costume on or preceding Christmas, being employed as  
3 a department store Santa Claus, or wearing an Easter Bunny  
4 costume on or preceding Easter.

5 (b) The Board may in addition to other conditions require  
6 that the subject:

7 (1) work or pursue a course of study or vocational  
8 training;

9 (2) undergo medical or psychiatric treatment, or  
10 treatment for drug addiction or alcoholism;

11 (3) attend or reside in a facility established for the  
12 instruction or residence of persons on probation or parole;

13 (4) support his dependents;

14 (5) (blank);

15 (6) (blank);

16 (7) comply with the terms and conditions of an order of  
17 protection issued pursuant to the Illinois Domestic  
18 Violence Act of 1986, enacted by the 84th General Assembly,  
19 or an order of protection issued by the court of another  
20 state, tribe, or United States territory;

21 (7.5) if convicted for an offense committed on or after  
22 the effective date of this amendatory Act of the 95th  
23 General Assembly that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961, refrain from communicating with or  
26 contacting, by means of the Internet, a person who is

1 related to the accused and whom the accused reasonably  
2 believes to be under 18 years of age; for purposes of this  
3 paragraph (7.5), "Internet" has the meaning ascribed to it  
4 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
5 ~~Public Act 94-179~~; and a person is related to the accused  
6 if the person is: (i) the spouse, brother, or sister of the  
7 accused; (ii) a descendant of the accused; (iii) a first or  
8 second cousin of the accused; or (iv) a step-child or  
9 adopted child of the accused; and

10 (8) in addition, if a minor:

11 (i) reside with his parents or in a foster home;

12 (ii) attend school;

13 (iii) attend a non-residential program for youth;

14 or

15 (iv) contribute to his own support at home or in a

16 foster home.

17 (b-1) In addition to the conditions set forth in  
18 subsections (a) and (b), persons required to register as sex  
19 offenders pursuant to the Sex Offender Registration Act, upon  
20 release from the custody of the Illinois Department of  
21 Corrections, may be required by the Board to comply with the  
22 following specific conditions of release:

23 (1) reside only at a Department approved location;

24 (2) comply with all requirements of the Sex Offender  
25 Registration Act;

26 (3) notify third parties of the risks that may be

1 occasioned by his or her criminal record;

2 (4) obtain the approval of an agent of the Department  
3 of Corrections prior to accepting employment or pursuing a  
4 course of study or vocational training and notify the  
5 Department prior to any change in employment, study, or  
6 training;

7 (5) not be employed or participate in any volunteer  
8 activity that involves contact with children, except under  
9 circumstances approved in advance and in writing by an  
10 agent of the Department of Corrections;

11 (6) be electronically monitored for a minimum of 12  
12 months from the date of release as determined by the Board;

13 (7) refrain from entering into a designated geographic  
14 area except upon terms approved in advance by an agent of  
15 the Department of Corrections. The terms may include  
16 consideration of the purpose of the entry, the time of day,  
17 and others accompanying the person;

18 (8) refrain from having any contact, including written  
19 or oral communications, directly or indirectly, personally  
20 or by telephone, letter, or through a third party with  
21 certain specified persons including, but not limited to,  
22 the victim or the victim's family without the prior written  
23 approval of an agent of the Department of Corrections;

24 (9) refrain from all contact, directly or indirectly,  
25 personally, by telephone, letter, or through a third party,  
26 with minor children without prior identification and

1 approval of an agent of the Department of Corrections;

2 (10) neither possess or have under his or her control  
3 any material that is sexually oriented, sexually  
4 stimulating, or that shows male or female sex organs or any  
5 pictures depicting children under 18 years of age nude or  
6 any written or audio material describing sexual  
7 intercourse or that depicts or alludes to sexual activity,  
8 including but not limited to visual, auditory, telephonic,  
9 or electronic media, or any matter obtained through access  
10 to any computer or material linked to computer access use;

11 (11) not patronize any business providing sexually  
12 stimulating or sexually oriented entertainment nor utilize  
13 "900" or adult telephone numbers;

14 (12) not reside near, visit, or be in or about parks,  
15 schools, day care centers, swimming pools, beaches,  
16 theaters, or any other places where minor children  
17 congregate without advance approval of an agent of the  
18 Department of Corrections and immediately report any  
19 incidental contact with minor children to the Department;

20 (13) not possess or have under his or her control  
21 certain specified items of contraband related to the  
22 incidence of sexually offending as determined by an agent  
23 of the Department of Corrections;

24 (14) may be required to provide a written daily log of  
25 activities if directed by an agent of the Department of  
26 Corrections;

1           (15) comply with all other special conditions that the  
2           Department may impose that restrict the person from  
3           high-risk situations and limit access to potential  
4           victims;

5           (16) take an annual polygraph exam;

6           (17) maintain a log of his or her travel; or

7           (18) obtain prior approval of his or her parole officer  
8           before driving alone in a motor vehicle.

9           (c) The conditions under which the parole or mandatory  
10          supervised release is to be served shall be communicated to the  
11          person in writing prior to his release, and he shall sign the  
12          same before release. A signed copy of these conditions,  
13          including a copy of an order of protection where one had been  
14          issued by the criminal court, shall be retained by the person  
15          and another copy forwarded to the officer in charge of his  
16          supervision.

17          (d) After a hearing under Section 3-3-9, the Prisoner  
18          Review Board may modify or enlarge the conditions of parole or  
19          mandatory supervised release.

20          (e) The Department shall inform all offenders committed to  
21          the Department of the optional services available to them upon  
22          release and shall assist inmates in availing themselves of such  
23          optional services upon their release on a voluntary basis.

24          (f) When the subject is in compliance with all conditions  
25          of his or her parole or mandatory supervised release, the  
26          subject shall receive a reduction of the period of his or her

1 parole or mandatory supervised release of 90 days upon passage  
2 of the high school level Test of General Educational  
3 Development during the period of his or her parole or mandatory  
4 supervised release. This reduction in the period of a subject's  
5 term of parole or mandatory supervised release shall be  
6 available only to subjects who have not previously earned a  
7 high school diploma or who have not previously passed the high  
8 school level Test of General Educational Development.

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
10 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
11 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

12 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

13 (Text of Section before amendment by P.A. 95-585, 95-625,  
14 and 95-640)

15 Sec. 3-6-3. Rules and Regulations for Early Release.

16 (a) (1) The Department of Corrections shall prescribe  
17 rules and regulations for the early release on account of  
18 good conduct of persons committed to the Department which  
19 shall be subject to review by the Prisoner Review Board.

20 (2) The rules and regulations on early release shall  
21 provide, with respect to offenses listed in clause (i),  
22 (ii), or (iii) of this paragraph (2) committed on or after  
23 June 19, 1998 or with respect to the offense listed in  
24 clause (iv) of this paragraph (2) committed on or after  
25 June 23, 2005 (the effective date of Public Act 94-71) or



1 with respect to the offense of being an armed habitual  
2 criminal committed on or after August 2, 2005 (the  
3 effective date of Public Act 94-398) or with respect to the  
4 offenses listed in clause (v) of this paragraph (2)  
5 committed on or after August 13, 2007 (the effective date  
6 of Public Act 95-134) ~~this amendatory Act of the 95th~~  
7 ~~General Assembly~~, the following:

8 (i) that a prisoner who is serving a term of  
9 imprisonment for first degree murder or for the offense  
10 of terrorism shall receive no good conduct credit and  
11 shall serve the entire sentence imposed by the court;

12 (ii) that a prisoner serving a sentence for attempt  
13 to commit first degree murder, solicitation of murder,  
14 solicitation of murder for hire, intentional homicide  
15 of an unborn child, predatory criminal sexual assault  
16 of a child, aggravated criminal sexual assault,  
17 criminal sexual assault, aggravated kidnapping,  
18 aggravated battery with a firearm, heinous battery,  
19 being an armed habitual criminal, aggravated battery  
20 of a senior citizen, or aggravated battery of a child  
21 shall receive no more than 4.5 days of good conduct  
22 credit for each month of his or her sentence of  
23 imprisonment;

24 (iii) that a prisoner serving a sentence for home  
25 invasion, armed robbery, aggravated vehicular  
26 hijacking, aggravated discharge of a firearm, or armed

1 violence with a category I weapon or category II  
2 weapon, when the court has made and entered a finding,  
3 pursuant to subsection (c-1) of Section 5-4-1 of this  
4 Code, that the conduct leading to conviction for the  
5 enumerated offense resulted in great bodily harm to a  
6 victim, shall receive no more than 4.5 days of good  
7 conduct credit for each month of his or her sentence of  
8 imprisonment;

9 (iv) that a prisoner serving a sentence for  
10 aggravated discharge of a firearm, whether or not the  
11 conduct leading to conviction for the offense resulted  
12 in great bodily harm to the victim, shall receive no  
13 more than 4.5 days of good conduct credit for each  
14 month of his or her sentence of imprisonment; and

15 (v) that a person serving a sentence for  
16 gunrunning, narcotics racketeering, controlled  
17 substance trafficking, methamphetamine trafficking,  
18 drug-induced homicide, aggravated  
19 methamphetamine-related child endangerment, money  
20 laundering pursuant to clause (c) (4) or (5) of Section  
21 29B-1 of the Criminal Code of 1961, or a Class X felony  
22 conviction for delivery of a controlled substance,  
23 possession of a controlled substance with intent to  
24 manufacture or deliver, calculated criminal drug  
25 conspiracy, criminal drug conspiracy, street gang  
26 criminal drug conspiracy, participation in

1           methamphetamine           manufacturing,           aggravated  
2           participation   in   methamphetamine   manufacturing,  
3           delivery of methamphetamine, possession with intent to  
4           deliver   methamphetamine,   aggravated   delivery   of  
5           methamphetamine, aggravated possession with intent to  
6           deliver   methamphetamine,   methamphetamine   conspiracy  
7           when the substance containing the controlled substance  
8           or methamphetamine is 100 grams or more shall receive  
9           no more than 7.5 days good conduct credit for each  
10          month of his or her sentence of imprisonment.

11          (2.1) For all offenses, other than those enumerated in  
12          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
13          June 19, 1998 or subdivision (a)(2)(iv) committed on or  
14          after June 23, 2005 (the effective date of Public Act  
15          94-71) or subdivision (a)(2)(v) committed on or after  
16          August 13, 2007 (the effective date of Public Act 95-134)  
17          ~~the effective date of this amendatory Act of the 95th~~  
18          ~~General Assembly~~, and other than the offense of reckless  
19          homicide as defined in subsection (e) of Section 9-3 of the  
20          Criminal Code of 1961 committed on or after January 1,  
21          1999, or aggravated driving under the influence of alcohol,  
22          other drug or drugs, or intoxicating compound or compounds,  
23          or any combination thereof as defined in subparagraph (F)  
24          of paragraph (1) of subsection (d) of Section 11-501 of the  
25          Illinois Vehicle Code, the rules and regulations shall  
26          provide that a prisoner who is serving a term of

1 imprisonment shall receive one day of good conduct credit  
2 for each day of his or her sentence of imprisonment or  
3 recommitment under Section 3-3-9. Each day of good conduct  
4 credit shall reduce by one day the prisoner's period of  
5 imprisonment or recommitment under Section 3-3-9.

6 (2.2) A prisoner serving a term of natural life  
7 imprisonment or a prisoner who has been sentenced to death  
8 shall receive no good conduct credit.

9 (2.3) The rules and regulations on early release shall  
10 provide that a prisoner who is serving a sentence for  
11 reckless homicide as defined in subsection (e) of Section  
12 9-3 of the Criminal Code of 1961 committed on or after  
13 January 1, 1999, or aggravated driving under the influence  
14 of alcohol, other drug or drugs, or intoxicating compound  
15 or compounds, or any combination thereof as defined in  
16 subparagraph (F) of paragraph (1) of subsection (d) of  
17 Section 11-501 of the Illinois Vehicle Code, shall receive  
18 no more than 4.5 days of good conduct credit for each month  
19 of his or her sentence of imprisonment.

20 (2.4) The rules and regulations on early release shall  
21 provide with respect to the offenses of aggravated battery  
22 with a machine gun or a firearm equipped with any device or  
23 attachment designed or used for silencing the report of a  
24 firearm or aggravated discharge of a machine gun or a  
25 firearm equipped with any device or attachment designed or  
26 used for silencing the report of a firearm, committed on or

1 after July 15, 1999 (the effective date of Public Act  
2 91-121), that a prisoner serving a sentence for any of  
3 these offenses shall receive no more than 4.5 days of good  
4 conduct credit for each month of his or her sentence of  
5 imprisonment.

6 (2.5) The rules and regulations on early release shall  
7 provide that a prisoner who is serving a sentence for  
8 aggravated arson committed on or after July 27, 2001 (the  
9 effective date of Public Act 92-176) shall receive no more  
10 than 4.5 days of good conduct credit for each month of his  
11 or her sentence of imprisonment.

12 (3) The rules and regulations shall also provide that  
13 the Director may award up to 180 days additional good  
14 conduct credit for meritorious service in specific  
15 instances as the Director deems proper; except that no more  
16 than 90 days of good conduct credit for meritorious service  
17 shall be awarded to any prisoner who is serving a sentence  
18 for conviction of first degree murder, reckless homicide  
19 while under the influence of alcohol or any other drug, or  
20 aggravated driving under the influence of alcohol, other  
21 drug or drugs, or intoxicating compound or compounds, or  
22 any combination thereof as defined in subparagraph (F) of  
23 paragraph (1) of subsection (d) of Section 11-501 of the  
24 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
25 predatory criminal sexual assault of a child, aggravated  
26 criminal sexual assault, criminal sexual assault, deviate

1 sexual assault, aggravated criminal sexual abuse,  
2 aggravated indecent liberties with a child, indecent  
3 liberties with a child, child pornography, heinous  
4 battery, aggravated battery of a spouse, aggravated  
5 battery of a spouse with a firearm, stalking, aggravated  
6 stalking, aggravated battery of a child, endangering the  
7 life or health of a child, or cruelty to a child.  
8 Notwithstanding the foregoing, good conduct credit for  
9 meritorious service shall not be awarded on a sentence of  
10 imprisonment imposed for conviction of: (i) one of the  
11 offenses enumerated in subdivision (a)(2)(i), (ii), or  
12 (iii) when the offense is committed on or after June 19,  
13 1998 or subdivision (a)(2)(iv) when the offense is  
14 committed on or after June 23, 2005 (the effective date of  
15 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
16 is committed on or after August 13, 2007 (the effective  
17 date of Public Act 95-134) ~~the effective date of this~~  
18 ~~amendatory Act of the 95th General Assembly~~, (ii) reckless  
19 homicide as defined in subsection (e) of Section 9-3 of the  
20 Criminal Code of 1961 when the offense is committed on or  
21 after January 1, 1999, or aggravated driving under the  
22 influence of alcohol, other drug or drugs, or intoxicating  
23 compound or compounds, or any combination thereof as  
24 defined in subparagraph (F) of paragraph (1) of subsection  
25 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)  
26 one of the offenses enumerated in subdivision (a)(2.4) when

1 the offense is committed on or after July 15, 1999 (the  
2 effective date of Public Act 91-121), or (iv) aggravated  
3 arson when the offense is committed on or after July 27,  
4 2001 (the effective date of Public Act 92-176).

5 (4) The rules and regulations shall also provide that  
6 the good conduct credit accumulated and retained under  
7 paragraph (2.1) of subsection (a) of this Section by any  
8 inmate during specific periods of time in which such inmate  
9 is engaged full-time in substance abuse programs,  
10 correctional industry assignments, or educational programs  
11 provided by the Department under this paragraph (4) and  
12 satisfactorily completes the assigned program as  
13 determined by the standards of the Department, shall be  
14 multiplied by a factor of 1.25 for program participation  
15 before August 11, 1993 and 1.50 for program participation  
16 on or after that date. However, no inmate shall be eligible  
17 for the additional good conduct credit under this paragraph  
18 (4) or (4.1) of this subsection (a) while assigned to a  
19 boot camp or electronic detention, or if convicted of an  
20 offense enumerated in subdivision (a)(2)(i), (ii), or  
21 (iii) of this Section that is committed on or after June  
22 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
23 committed on or after June 23, 2005 (the effective date of  
24 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
25 that is committed on or after August 13, 2007 (the  
26 effective date of Public Act 95-134) ~~this amendatory Act of~~

1 ~~the 95th General Assembly~~, or if convicted of reckless  
2 homicide as defined in subsection (e) of Section 9-3 of the  
3 Criminal Code of 1961 if the offense is committed on or  
4 after January 1, 1999, or aggravated driving under the  
5 influence of alcohol, other drug or drugs, or intoxicating  
6 compound or compounds, or any combination thereof as  
7 defined in subparagraph (F) of paragraph (1) of subsection  
8 (d) of Section 11-501 of the Illinois Vehicle Code, or if  
9 convicted of an offense enumerated in paragraph (a) (2.4) of  
10 this Section that is committed on or after July 15, 1999  
11 (the effective date of Public Act 91-121), or first degree  
12 murder, a Class X felony, criminal sexual assault, felony  
13 criminal sexual abuse, aggravated criminal sexual abuse,  
14 aggravated battery with a firearm, or any predecessor or  
15 successor offenses with the same or substantially the same  
16 elements, or any inchoate offenses relating to the  
17 foregoing offenses. No inmate shall be eligible for the  
18 additional good conduct credit under this paragraph (4) who  
19 (i) has previously received increased good conduct credit  
20 under this paragraph (4) and has subsequently been  
21 convicted of a felony, or (ii) has previously served more  
22 than one prior sentence of imprisonment for a felony in an  
23 adult 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



1 paragraph (4.1) of this subsection (a) shall be evaluated  
2 by the Department on the basis of documented standards. The  
3 Department shall report the results of these evaluations to  
4 the Governor and the General Assembly by September 30th of  
5 each year. The reports shall include data relating to the  
6 recidivism rate among program participants.

7 Availability of these programs shall be subject to the  
8 limits of fiscal resources appropriated by the General  
9 Assembly for these purposes. Eligible inmates who are  
10 denied immediate admission shall be placed on a waiting  
11 list under criteria established by the Department. The  
12 inability of any inmate to become engaged in any such  
13 programs by reason of insufficient program resources or for  
14 any other reason established under the rules and  
15 regulations of the Department shall not be deemed a cause  
16 of action under which the Department or any employee or  
17 agent of the Department shall be liable for damages to the  
18 inmate.

19 (4.1) The rules and regulations shall also provide that  
20 an additional 60 days of good conduct credit shall be  
21 awarded to any prisoner who passes the high school level  
22 Test of General Educational Development (GED) while the  
23 prisoner is incarcerated. The good conduct credit awarded  
24 under this paragraph (4.1) shall be in addition to, and  
25 shall not affect, the award of good conduct under any other  
26 paragraph of this Section, but shall also be pursuant to

1 the guidelines and restrictions set forth in paragraph (4)  
2 of subsection (a) of this Section. The good conduct credit  
3 provided for in this paragraph shall be available only to  
4 those prisoners who have not previously earned a high  
5 school diploma or a GED. If, after an award of the GED good  
6 conduct credit has been made and the Department determines  
7 that the prisoner was not eligible, then the award shall be  
8 revoked.

9 (4.5) The rules and regulations on early release shall  
10 also provide that when the court's sentencing order  
11 recommends a prisoner for substance abuse treatment and the  
12 crime was committed on or after September 1, 2003 (the  
13 effective date of Public Act 93-354), the prisoner shall  
14 receive no good conduct credit awarded under clause (3) of  
15 this subsection (a) unless he or she participates in and  
16 completes a substance abuse treatment program. The  
17 Director may waive the requirement to participate in or  
18 complete a substance abuse treatment program and award the  
19 good conduct credit in specific instances if the prisoner  
20 is not a good candidate for a substance abuse treatment  
21 program for medical, programming, or operational reasons.  
22 Availability of substance abuse treatment shall be subject  
23 to the limits of fiscal resources appropriated by the  
24 General Assembly for these purposes. If treatment is not  
25 available and the requirement to participate and complete  
26 the treatment has not been waived by the Director, the

1 prisoner shall be placed on a waiting list under criteria  
2 established by the Department. The Director may allow a  
3 prisoner placed on a waiting list to participate in and  
4 complete a substance abuse education class or attend  
5 substance abuse self-help meetings in lieu of a substance  
6 abuse treatment program. A prisoner on a waiting list who  
7 is not placed in a substance abuse program prior to release  
8 may be eligible for a waiver and receive good conduct  
9 credit under clause (3) of this subsection (a) at the  
10 discretion of the Director.

11 (5) Whenever the Department is to release any inmate  
12 earlier than it otherwise would because of a grant of good  
13 conduct credit for meritorious service given at any time  
14 during the term, the Department shall give reasonable  
15 advance notice of the impending release to the State's  
16 Attorney of the county where the prosecution of the inmate  
17 took place.

18 (b) Whenever a person is or has been committed under  
19 several convictions, with separate sentences, the sentences  
20 shall be construed under Section 5-8-4 in granting and  
21 forfeiting of good time.

22 (c) The Department shall prescribe rules and regulations  
23 for revoking good conduct credit, or suspending or reducing the  
24 rate of accumulation of good conduct credit for specific rule  
25 violations, during imprisonment. These rules and regulations  
26 shall provide that no inmate may be penalized more than one

1 year of good conduct credit for any one infraction.

2       When the Department seeks to revoke, suspend or reduce the  
3 rate of accumulation of any good conduct credits for an alleged  
4 infraction of its rules, it shall bring charges therefor  
5 against the prisoner sought to be so deprived of good conduct  
6 credits before the Prisoner Review Board as provided in  
7 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
8 amount of credit at issue exceeds 30 days or when during any 12  
9 month period, the cumulative amount of credit revoked exceeds  
10 30 days except where the infraction is committed or discovered  
11 within 60 days of scheduled release. In those cases, the  
12 Department of Corrections may revoke up to 30 days of good  
13 conduct credit. The Board may subsequently approve the  
14 revocation of additional good conduct credit, if the Department  
15 seeks to revoke good conduct credit in excess of 30 days.  
16 However, the Board shall not be empowered to review the  
17 Department's decision with respect to the loss of 30 days of  
18 good conduct credit within any calendar year for any prisoner  
19 or to increase any penalty beyond the length requested by the  
20 Department.

21       The Director of the Department of Corrections, in  
22 appropriate cases, may restore up to 30 days good conduct  
23 credits which have been revoked, suspended or reduced. Any  
24 restoration of good conduct credits in excess of 30 days shall  
25 be subject to review by the Prisoner Review Board. However, the  
26 Board may not restore good conduct credit in excess of the

1 amount requested by the Director.

2 Nothing contained in this Section shall prohibit the  
3 Prisoner Review Board from ordering, pursuant to Section  
4 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
5 sentence imposed by the court that was not served due to the  
6 accumulation of good conduct credit.

7 (d) If a lawsuit is filed by a prisoner in an Illinois or  
8 federal court against the State, the Department of Corrections,  
9 or the Prisoner Review Board, or against any of their officers  
10 or employees, and the court makes a specific finding that a  
11 pleading, motion, or other paper filed by the prisoner is  
12 frivolous, the Department of Corrections shall conduct a  
13 hearing to revoke up to 180 days of good conduct credit by  
14 bringing charges against the prisoner sought to be deprived of  
15 the good conduct credits before the Prisoner Review Board as  
16 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
17 If the prisoner has not accumulated 180 days of good conduct  
18 credit at the time of the finding, then the Prisoner Review  
19 Board may revoke all good conduct credit accumulated by the  
20 prisoner.

21 For purposes of this subsection (d):

22 (1) "Frivolous" means that a pleading, motion, or other  
23 filing which purports to be a legal document filed by a  
24 prisoner in his or her lawsuit meets any or all of the  
25 following criteria:

26 (A) it lacks an arguable basis either in law or in

1 fact;

2 (B) it is being presented for any improper purpose,  
3 such as to harass or to cause unnecessary delay or  
4 needless increase in the cost of litigation;

5 (C) the claims, defenses, and other legal  
6 contentions therein are not warranted by existing law  
7 or by a nonfrivolous argument for the extension,  
8 modification, or reversal of existing law or the  
9 establishment of new law;

10 (D) the allegations and other factual contentions  
11 do not have evidentiary support or, if specifically so  
12 identified, are not likely to have evidentiary support  
13 after a reasonable opportunity for further  
14 investigation or discovery; or

15 (E) the denials of factual contentions are not  
16 warranted on the evidence, or if specifically so  
17 identified, are not reasonably based on a lack of  
18 information or belief.

19 (2) "Lawsuit" means a petition for post-conviction  
20 relief under Article 122 of the Code of Criminal Procedure  
21 of 1963, a motion pursuant to Section 116-3 of the Code of  
22 Criminal Procedure of 1963, a habeas corpus action under  
23 Article X of the Code of Civil Procedure or under federal  
24 law (28 U.S.C. 2254), a petition for claim under the Court  
25 of Claims Act or an action under the federal Civil Rights  
26 Act (42 U.S.C. 1983).

1 (e) Nothing in Public Act 90-592 or 90-593 affects the  
2 validity of Public Act 89-404.

3 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,  
4 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,  
5 eff. 5-8-06; 95-134, eff. 8-13-07.)

6 (Text of Section after amendment by P.A. 95-585, 95-625,  
7 and 95-640)

8 Sec. 3-6-3. Rules and Regulations for Early Release.

9 (a) (1) The Department of Corrections shall prescribe  
10 rules and regulations for the early release on account of  
11 good conduct of persons committed to the Department which  
12 shall be subject to review by the Prisoner Review Board.

13 (2) The rules and regulations on early release shall  
14 provide, with respect to offenses listed in clause (i),  
15 (ii), or (iii) of this paragraph (2) committed on or after  
16 June 19, 1998 or with respect to the offense listed in  
17 clause (iv) of this paragraph (2) committed on or after  
18 June 23, 2005 (the effective date of Public Act 94-71) or  
19 with respect to offense listed in clause (vi) ~~(v)~~ committed  
20 on or after June 1, 2008 (the effective date of Public Act  
21 95-625) ~~this amendatory Act of the 95th General Assembly~~ or  
22 with respect to the offense of being an armed habitual  
23 criminal committed on or after August 2, 2005 (the  
24 effective date of Public Act 94-398) or with respect to the  
25 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date  
2 of Public Act 95-134) ~~this amendatory Act of the 95th~~  
3 ~~General Assembly~~, the following:

4 (i) that a prisoner who is serving a term of  
5 imprisonment for first degree murder or for the offense  
6 of terrorism shall receive no good conduct credit and  
7 shall serve the entire sentence imposed by the court;

8 (ii) that a prisoner serving a sentence for attempt  
9 to commit first degree murder, solicitation of murder,  
10 solicitation of murder for hire, intentional homicide  
11 of an unborn child, predatory criminal sexual assault  
12 of a child, aggravated criminal sexual assault,  
13 criminal sexual assault, aggravated kidnapping,  
14 aggravated battery with a firearm, heinous battery,  
15 being an armed habitual criminal, aggravated battery  
16 of a senior citizen, or aggravated battery of a child  
17 shall receive no more than 4.5 days of good conduct  
18 credit for each month of his or her sentence of  
19 imprisonment;

20 (iii) that a prisoner serving a sentence for home  
21 invasion, armed robbery, aggravated vehicular  
22 hijacking, aggravated discharge of a firearm, or armed  
23 violence with a category I weapon or category II  
24 weapon, when the court has made and entered a finding,  
25 pursuant to subsection (c-1) of Section 5-4-1 of this  
26 Code, that the conduct leading to conviction for the



1 enumerated offense resulted in great bodily harm to a  
2 victim, shall receive no more than 4.5 days of good  
3 conduct credit for each month of his or her sentence of  
4 imprisonment;

5 (iv) that a prisoner serving a sentence for  
6 aggravated discharge of a firearm, whether or not the  
7 conduct leading to conviction for the offense resulted  
8 in great bodily harm to the victim, shall receive no  
9 more than 4.5 days of good conduct credit for each  
10 month of his or her sentence of imprisonment; ~~and~~

11 (v) that a person serving a sentence for  
12 gunrunning, narcotics racketeering, controlled  
13 substance trafficking, methamphetamine trafficking,  
14 drug-induced homicide, aggravated  
15 methamphetamine-related child endangerment, money  
16 laundering pursuant to clause (c) (4) or (5) of Section  
17 29B-1 of the Criminal Code of 1961, or a Class X felony  
18 conviction for delivery of a controlled substance,  
19 possession of a controlled substance with intent to  
20 manufacture or deliver, calculated criminal drug  
21 conspiracy, criminal drug conspiracy, street gang  
22 criminal drug conspiracy, participation in  
23 methamphetamine manufacturing, aggravated  
24 participation in methamphetamine manufacturing,  
25 delivery of methamphetamine, possession with intent to  
26 deliver methamphetamine, aggravated delivery of

1           methamphetamine, aggravated possession with intent to  
2           deliver methamphetamine, methamphetamine conspiracy  
3           when the substance containing the controlled substance  
4           or methamphetamine is 100 grams or more shall receive  
5           no more than 7.5 days good conduct credit for each  
6           month of his or her sentence of imprisonment; and-

7           (vi) ~~(v)~~ that a prisoner serving a sentence for a  
8           second or subsequent offense of luring a minor shall  
9           receive no more than 4.5 days of good conduct credit  
10          for each month of his or her sentence of imprisonment.

11          (2.1) For all offenses, other than those enumerated in  
12          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
13          June 19, 1998 or subdivision (a)(2)(iv) committed on or  
14          after June 23, 2005 (the effective date of Public Act  
15          94-71) or subdivision (a)(2)(v) committed on or after  
16          August 13, 2007 (the effective date of Public Act 95-134)  
17          ~~this amendatory Act of the 95th General Assembly~~ or  
18          subdivision (a)(2)(vi) ~~(v)~~ committed on or after June 1,  
19          2008 (the effective date of Public Act 95-625) ~~this~~  
20          ~~amendatory Act of the 95th General Assembly~~, and other than  
21          the offense of reckless homicide as defined in subsection  
22          (e) of Section 9-3 of the Criminal Code of 1961 committed  
23          on or after January 1, 1999, or aggravated driving under  
24          the influence of alcohol, other drug or drugs, or  
25          intoxicating compound or compounds, or any combination  
26          thereof as defined in subparagraph (F) of paragraph (1) of

1 subsection (d) of Section 11-501 of the Illinois Vehicle  
2 Code, the rules and regulations shall provide that a  
3 prisoner who is serving a term of imprisonment shall  
4 receive one day of good conduct credit for each day of his  
5 or her sentence of imprisonment or recommitment under  
6 Section 3-3-9. Each day of good conduct credit shall reduce  
7 by one day the prisoner's period of imprisonment or  
8 recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life  
10 imprisonment or a prisoner who has been sentenced to death  
11 shall receive no good conduct credit.

12 (2.3) The rules and regulations on early release shall  
13 provide that a prisoner who is serving a sentence for  
14 reckless homicide as defined in subsection (e) of Section  
15 9-3 of the Criminal Code of 1961 committed on or after  
16 January 1, 1999, or aggravated driving under the influence  
17 of alcohol, other drug or drugs, or intoxicating compound  
18 or compounds, or any combination thereof as defined in  
19 subparagraph (F) of paragraph (1) of subsection (d) of  
20 Section 11-501 of the Illinois Vehicle Code, shall receive  
21 no more than 4.5 days of good conduct credit for each month  
22 of his or her sentence of imprisonment.

23 (2.4) The rules and regulations on early release shall  
24 provide with respect to the offenses of aggravated battery  
25 with a machine gun or a firearm equipped with any device or  
26 attachment designed or used for silencing the report of a

1 firearm or aggravated discharge of a machine gun or a  
2 firearm equipped with any device or attachment designed or  
3 used for silencing the report of a firearm, committed on or  
4 after July 15, 1999 (the effective date of Public Act  
5 91-121), that a prisoner serving a sentence for any of  
6 these offenses shall receive no more than 4.5 days of good  
7 conduct credit for each month of his or her sentence of  
8 imprisonment.

9 (2.5) The rules and regulations on early release shall  
10 provide that a prisoner who is serving a sentence for  
11 aggravated arson committed on or after July 27, 2001 (the  
12 effective date of Public Act 92-176) shall receive no more  
13 than 4.5 days of good conduct credit for each month of his  
14 or her sentence of imprisonment.

15 (3) The rules and regulations shall also provide that  
16 the Director may award up to 180 days additional good  
17 conduct credit for meritorious service in specific  
18 instances as the Director deems proper; except that no more  
19 than 90 days of good conduct credit for meritorious service  
20 shall be awarded to any prisoner who is serving a sentence  
21 for conviction of first degree murder, reckless homicide  
22 while under the influence of alcohol or any other drug, or  
23 aggravated driving under the influence of alcohol, other  
24 drug or drugs, or intoxicating compound or compounds, or  
25 any combination thereof as defined in subparagraph (F) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
2 predatory criminal sexual assault of a child, aggravated  
3 criminal sexual assault, criminal sexual assault, deviate  
4 sexual assault, aggravated criminal sexual abuse,  
5 aggravated indecent liberties with a child, indecent  
6 liberties with a child, child pornography, heinous  
7 battery, aggravated battery of a spouse, aggravated  
8 battery of a spouse with a firearm, stalking, aggravated  
9 stalking, aggravated battery of a child, endangering the  
10 life or health of a child, or cruelty to a child.  
11 Notwithstanding the foregoing, good conduct credit for  
12 meritorious service shall not be awarded on a sentence of  
13 imprisonment imposed for conviction of: (i) one of the  
14 offenses enumerated in subdivision (a)(2)(i), (ii), or  
15 (iii) when the offense is committed on or after June 19,  
16 1998 or subdivision (a)(2)(iv) when the offense is  
17 committed on or after June 23, 2005 (the effective date of  
18 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
19 is committed on or after August 13, 2007 (the effective  
20 date of Public Act 95-134) ~~this amendatory Act of the 95th~~  
21 ~~General Assembly~~ or subdivision (a)(2)(vi) ~~(v)~~ when the  
22 offense is committed on or after June 1, 2008 (the  
23 effective date of Public Act 95-625) ~~this amendatory Act of~~  
24 ~~the 95th General Assembly~~, (ii) reckless homicide as  
25 defined in subsection (e) of Section 9-3 of the Criminal  
26 Code of 1961 when the offense is committed on or after

1 January 1, 1999, or aggravated driving under the influence  
2 of alcohol, other drug or drugs, or intoxicating compound  
3 or compounds, or any combination thereof as defined in  
4 subparagraph (F) of paragraph (1) of subsection (d) of  
5 Section 11-501 of the Illinois Vehicle Code, (iii) one of  
6 the offenses enumerated in subdivision (a)(2.4) when the  
7 offense is committed on or after July 15, 1999 (the  
8 effective date of Public Act 91-121), or (iv) aggravated  
9 arson when the offense is committed on or after July 27,  
10 2001 (the effective date of Public Act 92-176).

11 (4) The rules and regulations shall also provide that  
12 the good conduct credit accumulated and retained under  
13 paragraph (2.1) of subsection (a) of this Section by any  
14 inmate during specific periods of time in which such inmate  
15 is engaged full-time in substance abuse programs,  
16 correctional industry assignments, or educational programs  
17 provided by the Department under this paragraph (4) and  
18 satisfactorily completes the assigned program as  
19 determined by the standards of the Department, shall be  
20 multiplied by a factor of 1.25 for program participation  
21 before August 11, 1993 and 1.50 for program participation  
22 on or after that date. However, no inmate shall be eligible  
23 for the additional good conduct credit under this paragraph  
24 (4) or (4.1) of this subsection (a) while assigned to a  
25 boot camp or electronic detention, or if convicted of an  
26 offense enumerated in subdivision (a)(2)(i), (ii), or

1 (iii) of this Section that is committed on or after June  
2 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
3 committed on or after June 23, 2005 (the effective date of  
4 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
5 that is committed on or after August 13, 2007 (the  
6 effective date of Public Act 95-134) ~~this amendatory Act of~~  
7 ~~the 95th General Assembly~~ or subdivision (a)(2)(vi)(~~v~~)  
8 when the offense is committed on or after June 1, 2008 (the  
9 effective date of Public Act 95-625) ~~this amendatory Act of~~  
10 ~~the 95th General Assembly~~, or if convicted of reckless  
11 homicide as defined in subsection (e) of Section 9-3 of the  
12 Criminal Code of 1961 if the offense is committed on or  
13 after January 1, 1999, or aggravated driving under the  
14 influence of alcohol, other drug or drugs, or intoxicating  
15 compound or compounds, or any combination thereof as  
16 defined in subparagraph (F) of paragraph (1) of subsection  
17 (d) of Section 11-501 of the Illinois Vehicle Code, or if  
18 convicted of an offense enumerated in paragraph (a)(2.4) of  
19 this Section that is committed on or after July 15, 1999  
20 (the effective date of Public Act 91-121), or first degree  
21 murder, a Class X felony, criminal sexual assault, felony  
22 criminal sexual abuse, aggravated criminal sexual abuse,  
23 aggravated battery with a firearm, or any predecessor or  
24 successor offenses with the same or substantially the same  
25 elements, or any inchoate offenses relating to the  
26 foregoing offenses. No inmate shall be eligible for the

1 additional good conduct credit under this paragraph (4) who  
2 (i) has previously received increased good conduct credit  
3 under this paragraph (4) and has subsequently been  
4 convicted of a felony, or (ii) has previously served more  
5 than one prior sentence of imprisonment for a felony in an  
6 adult correctional facility.

7 Educational, vocational, substance abuse and  
8 correctional industry programs under which good conduct  
9 credit may be increased under this paragraph (4) and  
10 paragraph (4.1) of this subsection (a) shall be evaluated  
11 by the Department on the basis of documented standards. The  
12 Department shall report the results of these evaluations to  
13 the Governor and the General Assembly by September 30th of  
14 each year. The reports shall include data relating to the  
15 recidivism rate among program participants.

16 Availability of these programs shall be subject to the  
17 limits of fiscal resources appropriated by the General  
18 Assembly for these purposes. Eligible inmates who are  
19 denied immediate admission shall be placed on a waiting  
20 list under criteria established by the Department. The  
21 inability of any inmate to become engaged in any such  
22 programs by reason of insufficient program resources or for  
23 any other reason established under the rules and  
24 regulations of the Department shall not be deemed a cause  
25 of action under which the Department or any employee or  
26 agent of the Department shall be liable for damages to the



1 inmate.

2 (4.1) The rules and regulations shall also provide that  
3 an additional 60 days of good conduct credit shall be  
4 awarded to any prisoner who passes the high school level  
5 Test of General Educational Development (GED) while the  
6 prisoner is incarcerated. The good conduct credit awarded  
7 under this paragraph (4.1) shall be in addition to, and  
8 shall not affect, the award of good conduct under any other  
9 paragraph of this Section, but shall also be pursuant to  
10 the guidelines and restrictions set forth in paragraph (4)  
11 of subsection (a) of this Section. The good conduct credit  
12 provided for in this paragraph shall be available only to  
13 those prisoners who have not previously earned a high  
14 school diploma or a GED. If, after an award of the GED good  
15 conduct credit has been made and the Department determines  
16 that the prisoner was not eligible, then the award shall be  
17 revoked.

18 (4.5) The rules and regulations on early release shall  
19 also provide that when the court's sentencing order  
20 recommends a prisoner for substance abuse treatment and the  
21 crime was committed on or after September 1, 2003 (the  
22 effective date of Public Act 93-354), the prisoner shall  
23 receive no good conduct credit awarded under clause (3) of  
24 this subsection (a) unless he or she participates in and  
25 completes a substance abuse treatment program. The  
26 Director may waive the requirement to participate in or

1 complete a substance abuse treatment program and award the  
2 good conduct credit in specific instances if the prisoner  
3 is not a good candidate for a substance abuse treatment  
4 program for medical, programming, or operational reasons.  
5 Availability of substance abuse treatment shall be subject  
6 to the limits of fiscal resources appropriated by the  
7 General Assembly for these purposes. If treatment is not  
8 available and the requirement to participate and complete  
9 the treatment has not been waived by the Director, the  
10 prisoner shall be placed on a waiting list under criteria  
11 established by the Department. The Director may allow a  
12 prisoner placed on a waiting list to participate in and  
13 complete a substance abuse education class or attend  
14 substance abuse self-help meetings in lieu of a substance  
15 abuse treatment program. A prisoner on a waiting list who  
16 is not placed in a substance abuse program prior to release  
17 may be eligible for a waiver and receive good conduct  
18 credit under clause (3) of this subsection (a) at the  
19 discretion of the Director.

20 (4.6) The rules and regulations on early release shall  
21 also provide that a prisoner who has been convicted of a  
22 sex offense as defined in Section 2 of the Sex Offender  
23 Registration Act shall receive no good conduct credit  
24 unless he or she either has successfully completed or is  
25 participating in sex offender treatment as defined by the  
26 Sex Offender Management Board. However, prisoners who are

1           waiting to receive such treatment, but who are unable to do  
2           so due solely to the lack of resources on the part of the  
3           Department, may, at the Director's sole discretion, be  
4           awarded good conduct credit at such rate as the Director  
5           shall determine.

6           (5) Whenever the Department is to release any inmate  
7           earlier than it otherwise would because of a grant of good  
8           conduct credit for meritorious service given at any time  
9           during the term, the Department shall give reasonable  
10          advance notice of the impending release to the State's  
11          Attorney of the county where the prosecution of the inmate  
12          took place.

13          (b) Whenever a person is or has been committed under  
14          several convictions, with separate sentences, the sentences  
15          shall be construed under Section 5-8-4 in granting and  
16          forfeiting of good time.

17          (c) The Department shall prescribe rules and regulations  
18          for revoking good conduct credit, or suspending or reducing the  
19          rate of accumulation of good conduct credit for specific rule  
20          violations, during imprisonment. These rules and regulations  
21          shall provide that no inmate may be penalized more than one  
22          year of good conduct credit for any one infraction.

23          When the Department seeks to revoke, suspend or reduce the  
24          rate of accumulation of any good conduct credits for an alleged  
25          infraction of its rules, it shall bring charges therefor  
26          against the prisoner sought to be so deprived of good conduct

1 credits before the Prisoner Review Board as provided in  
2 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
3 amount of credit at issue exceeds 30 days or when during any 12  
4 month period, the cumulative amount of credit revoked exceeds  
5 30 days except where the infraction is committed or discovered  
6 within 60 days of scheduled release. In those cases, the  
7 Department of Corrections may revoke up to 30 days of good  
8 conduct credit. The Board may subsequently approve the  
9 revocation of additional good conduct credit, if the Department  
10 seeks to revoke good conduct credit in excess of 30 days.  
11 However, the Board shall not be empowered to review the  
12 Department's decision with respect to the loss of 30 days of  
13 good conduct credit within any calendar year for any prisoner  
14 or to increase any penalty beyond the length requested by the  
15 Department.

16 The Director of the Department of Corrections, in  
17 appropriate cases, may restore up to 30 days good conduct  
18 credits which have been revoked, suspended or reduced. Any  
19 restoration of good conduct credits in excess of 30 days shall  
20 be subject to review by the Prisoner Review Board. However, the  
21 Board may not restore good conduct credit in excess of the  
22 amount requested by the Director.

23 Nothing contained in this Section shall prohibit the  
24 Prisoner Review Board from ordering, pursuant to Section  
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
26 sentence imposed by the court that was not served due to the

1 accumulation of good conduct credit.

2 (d) If a lawsuit is filed by a prisoner in an Illinois or  
3 federal court against the State, the Department of Corrections,  
4 or the Prisoner Review Board, or against any of their officers  
5 or employees, and the court makes a specific finding that a  
6 pleading, motion, or other paper filed by the prisoner is  
7 frivolous, the Department of Corrections shall conduct a  
8 hearing to revoke up to 180 days of good conduct credit by  
9 bringing charges against the prisoner sought to be deprived of  
10 the good conduct credits before the Prisoner Review Board as  
11 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.  
12 If the prisoner has not accumulated 180 days of good conduct  
13 credit at the time of the finding, then the Prisoner Review  
14 Board may revoke all good conduct credit accumulated by the  
15 prisoner.

16 For purposes of this subsection (d):

17 (1) "Frivolous" means that a pleading, motion, or other  
18 filing which purports to be a legal document filed by a  
19 prisoner in his or her lawsuit meets any or all of the  
20 following criteria:

21 (A) it lacks an arguable basis either in law or in  
22 fact;

23 (B) it is being presented for any improper purpose,  
24 such as to harass or to cause unnecessary delay or  
25 needless increase in the cost of litigation;

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law  
2 or by a nonfrivolous argument for the extension,  
3 modification, or reversal of existing law or the  
4 establishment of new law;

5 (D) the allegations and other factual contentions  
6 do not have evidentiary support or, if specifically so  
7 identified, are not likely to have evidentiary support  
8 after a reasonable opportunity for further  
9 investigation or discovery; or

10 (E) the denials of factual contentions are not  
11 warranted on the evidence, or if specifically so  
12 identified, are not reasonably based on a lack of  
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3  
15 of the Code of Criminal Procedure of 1963, a habeas corpus  
16 action under Article X of the Code of Civil Procedure or  
17 under federal law (28 U.S.C. 2254), a petition for claim  
18 under the Court of Claims Act, an action under the federal  
19 Civil Rights Act (42 U.S.C. 1983), or a second or  
20 subsequent petition for post-conviction relief under  
21 Article 122 of the Code of Criminal Procedure of 1963  
22 whether filed with or without leave of court or a second or  
23 subsequent petition for relief from judgment under Section  
24 2-1401 of the Code of Civil Procedure.

25 (e) Nothing in Public Act 90-592 or 90-593 affects the  
26 validity of Public Act 89-404.

1 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,  
2 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,  
3 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,  
4 eff. 6-1-08; 95-640, eff. 6-1-08; revised 11-19-07.)

5 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

6 (Text of Section before amendment by P.A. 95-579)

7 Sec. 5-5-3. Disposition.

8 (a) Except as provided in Section 11-501 of the Illinois  
9 Vehicle Code, every person convicted of an offense shall be  
10 sentenced as provided in this Section.

11 (b) The following options shall be appropriate  
12 dispositions, alone or in combination, for all felonies and  
13 misdemeanors other than those identified in subsection (c) of  
14 this Section:

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) An order directing the offender to clean up and  
20 repair the damage, if the offender was convicted under  
21 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
22 (now repealed).

23 (6) A fine.

24 (7) An order directing the offender to make restitution  
25 to the victim under Section 5-5-6 of this Code.

1           (8) A sentence of participation in a county impact  
2 incarceration program under Section 5-8-1.2 of this Code.

3           (9) A term of imprisonment in combination with a term  
4 of probation when the offender has been admitted into a  
5 drug court program under Section 20 of the Drug Court  
6 Treatment Act.

7           Neither a fine nor restitution shall be the sole  
8 disposition for a felony and either or both may be imposed only  
9 in conjunction with another disposition.

10          (c) (1) When a defendant is found guilty of first degree  
11 murder the State may either seek a sentence of imprisonment  
12 under Section 5-8-1 of this Code, or where appropriate seek  
13 a sentence of death under Section 9-1 of the Criminal Code  
14 of 1961.

15          (2) A period of probation, a term of periodic  
16 imprisonment or conditional discharge shall not be imposed  
17 for the following offenses. The court shall sentence the  
18 offender to not less than the minimum term of imprisonment  
19 set forth in this Code for the following offenses, and may  
20 order a fine or restitution or both in conjunction with  
21 such term of imprisonment:

22                 (A) First degree murder where the death penalty is  
23 not imposed.

24                 (B) Attempted first degree murder.

25                 (C) A Class X felony.

26                 (D) A violation of Section 401.1 or 407 of the



1 Illinois Controlled Substances Act, or a violation of  
2 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
3 of that Act which relates to more than 5 grams of a  
4 substance containing heroin, cocaine, fentanyl, or an  
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis  
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had  
9 been convicted of a Class 2 or greater felony within 10  
10 years of the date on which the offender committed the  
11 offense for which he or she is being sentenced, except  
12 as otherwise provided in Section 40-10 of the  
13 Alcoholism and Other Drug Abuse and Dependency Act.

14 (F-5) A violation of Section 24-1, 24-1.1, or  
15 24-1.6 of the Criminal Code of 1961 for which  
16 imprisonment is prescribed in those Sections.

17 (G) Residential burglary, except as otherwise  
18 provided in Section 40-10 of the Alcoholism and Other  
19 Drug Abuse and Dependency Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen.

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

24 Before July 1, 1994, for the purposes of this  
25 paragraph, "organized gang" means an association of 5  
26 or more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate  
2 crimes or provides support to the members of the  
3 association who do commit crimes.

4 Beginning July 1, 1994, for the purposes of this  
5 paragraph, "organized gang" has the meaning ascribed  
6 to it in Section 10 of the Illinois Streetgang  
7 Terrorism Omnibus Prevention Act.

8 (K) Vehicular hijacking.

9 (L) A second or subsequent conviction for the  
10 offense of hate crime when the underlying offense upon  
11 which the hate crime is based is felony aggravated  
12 assault or felony mob action.

13 (M) A second or subsequent conviction for the  
14 offense of institutional vandalism if the damage to the  
15 property exceeds \$300.

16 (N) A Class 3 felony violation of paragraph (1) of  
17 subsection (a) of Section 2 of the Firearm Owners  
18 Identification Card Act.

19 (O) A violation of Section 12-6.1 of the Criminal  
20 Code of 1961.

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

24 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
25 Criminal Code of 1961.

26 (R) A violation of Section 24-3A of the Criminal

1 Code of 1961.

2 (S) (Blank).

3 (T) A second or subsequent violation of the  
4 Methamphetamine Control and Community Protection Act.

5 (U) A second or subsequent violation of Section  
6 6-303 of the Illinois Vehicle Code committed while his  
7 or her driver's license, permit, or privilege was  
8 revoked because of a violation of Section 9-3 of the  
9 Criminal Code of 1961, relating to the offense of  
10 reckless homicide, or a similar provision of a law of  
11 another state.

12 (3) (Blank).

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

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
19 of this subsection (c), a minimum of 100 hours of community  
20 service shall be imposed for a second violation of Section  
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300  
23 hours of community service, as determined by the court,  
24 shall be imposed for a second violation of subsection (c)  
25 of Section 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6),

1 and (4.9) of this subsection (c), a minimum term of  
2 imprisonment of 30 days or 300 hours of community service,  
3 as determined by the court, shall be imposed for a third or  
4 subsequent violation of Section 6-303 of the Illinois  
5 Vehicle Code.

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

9 (4.6) Except as provided in paragraph (4.10) of this  
10 subsection (c), a minimum term of imprisonment of 180 days  
11 shall be imposed for a fourth or subsequent violation of  
12 subsection (c) of Section 6-303 of the Illinois Vehicle  
13 Code.

14 (4.7) A minimum term of imprisonment of not less than  
15 30 consecutive days, or 300 hours of community service,  
16 shall be imposed for a violation of subsection (a-5) of  
17 Section 6-303 of the Illinois Vehicle Code, as provided in  
18 subsection (b-5) of that Section.

19 (4.8) A mandatory prison sentence shall be imposed for  
20 a second violation of subsection (a-5) of Section 6-303 of  
21 the Illinois Vehicle Code, as provided in subsection (c-5)  
22 of that Section. The person's driving privileges shall be  
23 revoked for a period of not less than 5 years from the date  
24 of his or her release from prison.

25 (4.9) A mandatory prison sentence of not less than 4  
26 and not more than 15 years shall be imposed for a third

1 violation of subsection (a-5) of Section 6-303 of the  
2 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
3 that Section. The person's driving privileges shall be  
4 revoked for the remainder of his or her life.

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

12 (5) The court may sentence an offender convicted of a  
13 business offense or a petty offense or a corporation or  
14 unincorporated association convicted of any offense to:

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section  
18 5-5-6 of this Code.

19 (5.1) In addition to any penalties imposed under  
20 paragraph (5) of this subsection (c), and except as  
21 provided in paragraph (5.2) or (5.3), a person convicted of  
22 violating subsection (c) of Section 11-907 of the Illinois  
23 Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for at least 90 days but  
25 not more than one year, if the violation resulted in damage  
26 to the property of another person.

1           (5.2) In addition to any penalties imposed under  
2 paragraph (5) of this subsection (c), and except as  
3 provided in paragraph (5.3), a person convicted of  
4 violating subsection (c) of Section 11-907 of the Illinois  
5 Vehicle Code shall have his or her driver's license,  
6 permit, or privileges suspended for at least 180 days but  
7 not more than 2 years, if the violation resulted in injury  
8 to another person.

9           (5.3) In addition to any penalties imposed under  
10 paragraph (5) of this subsection (c), a person convicted of  
11 violating subsection (c) of Section 11-907 of the Illinois  
12 Vehicle Code shall have his or her driver's license,  
13 permit, or privileges suspended for 2 years, if the  
14 violation resulted in the death of another person.

15           (5.4) In addition to any penalties imposed under  
16 paragraph (5) of this subsection (c), a person convicted of  
17 violating Section 3-707 of the Illinois Vehicle Code shall  
18 have his or her driver's license, permit, or privileges  
19 suspended for 3 months and until he or she has paid a  
20 reinstatement fee of \$100.

21           (5.5) In addition to any penalties imposed under  
22 paragraph (5) of this subsection (c), a person convicted of  
23 violating Section 3-707 of the Illinois Vehicle Code during  
24 a period in which his or her driver's license, permit, or  
25 privileges were suspended for a previous violation of that  
26 Section shall have his or her driver's license, permit, or

1 privileges suspended for an additional 6 months after the  
2 expiration of the original 3-month suspension and until he  
3 or she has paid a reinstatement fee of \$100.

4 (6) In no case shall an offender be eligible for a  
5 disposition of probation or conditional discharge for a  
6 Class 1 felony committed while he was serving a term of  
7 probation or conditional discharge for a felony.

8 (7) When a defendant is adjudged a habitual criminal  
9 under Article 33B of the Criminal Code of 1961, the court  
10 shall sentence the defendant to a term of natural life  
11 imprisonment.

12 (8) When a defendant, over the age of 21 years, is  
13 convicted of a Class 1 or Class 2 felony, after having  
14 twice been convicted in any state or federal court of an  
15 offense that contains the same elements as an offense now  
16 classified in Illinois as a Class 2 or greater Class felony  
17 and such charges are separately brought and tried and arise  
18 out of different series of acts, such defendant shall be  
19 sentenced as a Class X offender. This paragraph shall not  
20 apply unless (1) the first felony was committed after the  
21 effective date of this amendatory Act of 1977; and (2) the  
22 second felony was committed after conviction on the first;  
23 and (3) the third felony was committed after conviction on  
24 the second. A person sentenced as a Class X offender under  
25 this paragraph is not eligible to apply for treatment as a  
26 condition of probation as provided by Section 40-10 of the

1 Alcoholism and Other Drug Abuse and Dependency Act.

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

5 (10) (Blank).

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

23 (12) A person may not receive a disposition of court  
24 supervision for a violation of Section 5-16 of the Boat  
25 Registration and Safety Act if that person has previously  
26 received a disposition of court supervision for a violation



1 of that Section.

2 (13) A person convicted of or placed on court  
3 supervision for an assault or aggravated assault when the  
4 victim and the offender are family or household members as  
5 defined in Section 103 of the Illinois Domestic Violence  
6 Act of 1986 or convicted of domestic battery or aggravated  
7 domestic battery may be required to attend a Partner Abuse  
8 Intervention Program under protocols set forth by the  
9 Illinois Department of Human Services under such terms and  
10 conditions imposed by the court. The costs of such classes  
11 shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is  
13 vacated, the case shall be remanded to the trial court. The  
14 trial court shall hold a hearing under Section 5-4-1 of the  
15 Unified Code of Corrections which may include evidence of the  
16 defendant's life, moral character and occupation during the  
17 time since the original sentence was passed. The trial court  
18 shall then impose sentence upon the defendant. The trial court  
19 may impose any sentence which could have been imposed at the  
20 original trial subject to Section 5-5-4 of the Unified Code of  
21 Corrections. If a sentence is vacated on appeal or on  
22 collateral attack due to the failure of the trier of fact at  
23 trial to determine beyond a reasonable doubt the existence of a  
24 fact (other than a prior conviction) necessary to increase the  
25 punishment for the offense beyond the statutory maximum  
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State  
2 files notice of its intention to again seek the extended  
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal  
5 sexual abuse under Section 12-16 of the Criminal Code of 1961  
6 results in conviction of a defendant who was a family member of  
7 the victim at the time of the commission of the offense, the  
8 court shall consider the safety and welfare of the victim and  
9 may impose a sentence of probation only where:

10 (1) the court finds (A) or (B) or both are appropriate:

11 (A) the defendant is willing to undergo a court  
12 approved counseling program for a minimum duration of 2  
13 years; or

14 (B) the defendant is willing to participate in a  
15 court approved plan including but not limited to the  
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the  
20 family;

21 (iv) restitution for harm done to the victim;

22 and

23 (v) compliance with any other measures that  
24 the court may deem appropriate; and

25 (2) the court orders the defendant to pay for the  
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and  
2 assets, that the defendant is financially capable of paying  
3 for such services, if the victim was under 18 years of age  
4 at the time the offense was committed and requires  
5 counseling as a result of the offense.

6 Probation may be revoked or modified pursuant to Section  
7 5-6-4; except where the court determines at the hearing that  
8 the defendant violated a condition of his or her probation  
9 restricting contact with the victim or other family members or  
10 commits another offense with the victim or other family  
11 members, the court shall revoke the defendant's probation and  
12 impose a term of imprisonment.

13 For the purposes of this Section, "family member" and  
14 "victim" shall have the meanings ascribed to them in Section  
15 12-12 of the Criminal Code of 1961.

16 (f) This Article shall not deprive a court in other  
17 proceedings to order a forfeiture of property, to suspend or  
18 cancel a license, to remove a person from office, or to impose  
19 any other civil penalty.

20 (g) Whenever a defendant is convicted of an offense under  
21 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
22 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
23 of the Criminal Code of 1961, the defendant shall undergo  
24 medical testing to determine whether the defendant has any  
25 sexually transmissible disease, including a test for infection  
26 with human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).  
2 Any such medical test shall be performed only by appropriately  
3 licensed medical practitioners and may include an analysis of  
4 any bodily fluids as well as an examination of the defendant's  
5 person. Except as otherwise provided by law, the results of  
6 such test shall be kept strictly confidential by all medical  
7 personnel involved in the testing and must be personally  
8 delivered in a sealed envelope to the judge of the court in  
9 which the conviction was entered for the judge's inspection in  
10 camera. Acting in accordance with the best interests of the  
11 victim and the public, the judge shall have the discretion to  
12 determine to whom, if anyone, the results of the testing may be  
13 revealed. The court shall notify the defendant of the test  
14 results. The court shall also notify the victim if requested by  
15 the victim, and if the victim is under the age of 15 and if  
16 requested by the victim's parents or legal guardian, the court  
17 shall notify the victim's parents or legal guardian of the test  
18 results. The court shall provide information on the  
19 availability of HIV testing and counseling at Department of  
20 Public Health facilities to all parties to whom the results of  
21 the testing are revealed and shall direct the State's Attorney  
22 to provide the information to the victim when possible. A  
23 State's Attorney may petition the court to obtain the results  
24 of any HIV test administered under this Section, and the court  
25 shall grant the disclosure if the State's Attorney shows it is  
26 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

1 discretion to determine to whom, if anyone, the results of the  
2 testing may be revealed. The court shall notify the defendant  
3 of a positive test showing an infection with the human  
4 immunodeficiency virus (HIV). The court shall provide  
5 information on the availability of HIV testing and counseling  
6 at Department of Public Health facilities to all parties to  
7 whom the results of the testing are revealed and shall direct  
8 the State's Attorney to provide the information to the victim  
9 when possible. A State's Attorney may petition the court to  
10 obtain the results of any HIV test administered under this  
11 Section, and the court shall grant the disclosure if the  
12 State's Attorney shows it is relevant in order to prosecute a  
13 charge of criminal transmission of HIV under Section 12-16.2 of  
14 the Criminal Code of 1961 against the defendant. The court  
15 shall order that the cost of any such test shall be paid by the  
16 county and may be taxed as costs against the convicted  
17 defendant.

18 (i) All fines and penalties imposed under this Section for  
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
20 Vehicle Code, or a similar provision of a local ordinance, and  
21 any violation of the Child Passenger Protection Act, or a  
22 similar provision of a local ordinance, shall be collected and  
23 disbursed by the circuit clerk as provided under Section 27.5  
24 of the Clerks of Courts Act.

25 (j) In cases when prosecution for any violation of Section  
26 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
2 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
3 Code of 1961, any violation of the Illinois Controlled  
4 Substances Act, any violation of the Cannabis Control Act, or  
5 any violation of the Methamphetamine Control and Community  
6 Protection Act results in conviction, a disposition of court  
7 supervision, or an order of probation granted under Section 10  
8 of the Cannabis Control Act, Section 410 of the Illinois  
9 Controlled Substance Act, or Section 70 of the Methamphetamine  
10 Control and Community Protection Act of a defendant, the court  
11 shall determine whether the defendant is employed by a facility  
12 or center as defined under the Child Care Act of 1969, a public  
13 or private elementary or secondary school, or otherwise works  
14 with children under 18 years of age on a daily basis. When a  
15 defendant is so employed, the court shall order the Clerk of  
16 the Court to send a copy of the judgment of conviction or order  
17 of supervision or probation to the defendant's employer by  
18 certified mail. If the employer of the defendant is a school,  
19 the Clerk of the Court shall direct the mailing of a copy of  
20 the judgment of conviction or order of supervision or probation  
21 to the appropriate regional superintendent of schools. The  
22 regional superintendent of schools shall notify the State Board  
23 of Education of any notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted  
25 of a felony and who has not been previously convicted of a  
26 misdemeanor or felony and who is sentenced to a term of

1 imprisonment in the Illinois Department of Corrections shall as  
2 a condition of his or her sentence be required by the court to  
3 attend educational courses designed to prepare the defendant  
4 for a high school diploma and to work toward a high school  
5 diploma or to work toward passing the high school level Test of  
6 General Educational Development (GED) or to work toward  
7 completing a vocational training program offered by the  
8 Department of Corrections. If a defendant fails to complete the  
9 educational training required by his or her sentence during the  
10 term of incarceration, the Prisoner Review Board shall, as a  
11 condition of mandatory supervised release, require the  
12 defendant, at his or her own expense, to pursue a course of  
13 study toward a high school diploma or passage of the GED test.  
14 The Prisoner Review Board shall revoke the mandatory supervised  
15 release of a defendant who wilfully fails to comply with this  
16 subsection (j-5) upon his or her release from confinement in a  
17 penal institution while serving a mandatory supervised release  
18 term; however, the inability of the defendant after making a  
19 good faith effort to obtain financial aid or pay for the  
20 educational training shall not be deemed a wilful failure to  
21 comply. The Prisoner Review Board shall recommit the defendant  
22 whose mandatory supervised release term has been revoked under  
23 this subsection (j-5) as provided in Section 3-3-9. This  
24 subsection (j-5) does not apply to a defendant who has a high  
25 school diploma or has successfully passed the GED test. This  
26 subsection (j-5) does not apply to a defendant who is



1 determined by the court to be developmentally disabled or  
2 otherwise mentally incapable of completing the educational or  
3 vocational program.

4 (k) A court may not impose a sentence or disposition for a  
5 felony or misdemeanor that requires the defendant to be  
6 implanted or injected with or to use any form of birth control.

7 (l) (A) Except as provided in paragraph (C) of subsection  
8 (l), whenever a defendant, who is an alien as defined by  
9 the Immigration and Nationality Act, is convicted of any  
10 felony or misdemeanor offense, the court after sentencing  
11 the defendant may, upon motion of the State's Attorney,  
12 hold sentence in abeyance and remand the defendant to the  
13 custody of the Attorney General of the United States or his  
14 or her designated agent to be deported when:

15 (1) a final order of deportation has been issued  
16 against the defendant pursuant to proceedings under  
17 the Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not  
19 deprecate the seriousness of the defendant's conduct  
20 and would not be inconsistent with the ends of justice.

21 Otherwise, the defendant shall be sentenced as  
22 provided in this Chapter V.

23 (B) If the defendant has already been sentenced for a  
24 felony or misdemeanor offense, or has been placed on  
25 probation under Section 10 of the Cannabis Control Act,  
26 Section 410 of the Illinois Controlled Substances Act, or

1 Section 70 of the Methamphetamine Control and Community  
2 Protection Act, the court may, upon motion of the State's  
3 Attorney to suspend the sentence imposed, commit the  
4 defendant to the custody of the Attorney General of the  
5 United States or his or her designated agent when:

6 (1) a final order of deportation has been issued  
7 against the defendant pursuant to proceedings under  
8 the Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not  
10 deprecate the seriousness of the defendant's conduct  
11 and would not be inconsistent with the ends of justice.

12 (C) This subsection (1) does not apply to offenders who  
13 are subject to the provisions of paragraph (2) of  
14 subsection (a) of Section 3-6-3.

15 (D) Upon motion of the State's Attorney, if a defendant  
16 sentenced under this Section returns to the jurisdiction of  
17 the United States, the defendant shall be recommitted to  
18 the custody of the county from which he or she was  
19 sentenced. Thereafter, the defendant shall be brought  
20 before the sentencing court, which may impose any sentence  
21 that was available under Section 5-5-3 at the time of  
22 initial sentencing. In addition, the defendant shall not be  
23 eligible for additional good conduct credit for  
24 meritorious service as provided under Section 3-6-6.

25 (m) A person convicted of criminal defacement of property  
26 under Section 21-1.3 of the Criminal Code of 1961, in which the

1 property damage exceeds \$300 and the property damaged is a  
2 school building, shall be ordered to perform community service  
3 that may include cleanup, removal, or painting over the  
4 defacement.

5 (n) The court may sentence a person convicted of a  
6 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
7 Code of 1961 (i) to an impact incarceration program if the  
8 person is otherwise eligible for that program under Section  
9 5-8-1.1, (ii) to community service, or (iii) if the person is  
10 an addict or alcoholic, as defined in the Alcoholism and Other  
11 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
12 program licensed under that Act.

13 (o) Whenever a person is convicted of a sex offense as  
14 defined in Section 2 of the Sex Offender Registration Act, the  
15 defendant's driver's license or permit shall be subject to  
16 renewal on an annual basis in accordance with the provisions of  
17 license renewal established by the Secretary of State.

18 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,  
19 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;  
20 95-259, eff 8-17-07; 95-331, eff. 8-21-07; 95-377, eff. 1-1-08;  
21 revised 11-19-07.)

22 (Text of Section after amendment by P.A. 95-579)

23 Sec. 5-5-3. Disposition.

24 (a) Except as provided in Section 11-501 of the Illinois  
25 Vehicle Code, every person convicted of an offense shall be

1 sentenced as provided in this Section.

2 (b) The following options shall be appropriate  
3 dispositions, alone or in combination, for all felonies and  
4 misdemeanors other than those identified in subsection (c) of  
5 this Section:

6 (1) A period of probation.

7 (2) A term of periodic imprisonment.

8 (3) A term of conditional discharge.

9 (4) A term of imprisonment.

10 (5) An order directing the offender to clean up and  
11 repair the damage, if the offender was convicted under  
12 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
13 (now repealed).

14 (6) A fine.

15 (7) An order directing the offender to make restitution  
16 to the victim under Section 5-5-6 of this Code.

17 (8) A sentence of participation in a county impact  
18 incarceration program under Section 5-8-1.2 of this Code.

19 (9) A term of imprisonment in combination with a term  
20 of probation when the offender has been admitted into a  
21 drug court program under Section 20 of the Drug Court  
22 Treatment Act.

23 Neither a fine nor restitution shall be the sole  
24 disposition for a felony and either or both may be imposed only  
25 in conjunction with another disposition.

26 (c) (1) When a defendant is found guilty of first degree

1 murder the State may either seek a sentence of imprisonment  
2 under Section 5-8-1 of this Code, or where appropriate seek  
3 a sentence of death under Section 9-1 of the Criminal Code  
4 of 1961.

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

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

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the  
17 Illinois Controlled Substances Act, or a violation of  
18 subdivision (c)(1), (c)(1.5), or (c)(2) of Section 401  
19 of that Act which relates to more than 5 grams of a  
20 substance containing heroin, cocaine, fentanyl, or an  
21 analog thereof.

22 (E) A violation of Section 5.1 or 9 of the Cannabis  
23 Control Act.

24 (F) A Class 2 or greater felony if the offender had  
25 been convicted of a Class 2 or greater felony within 10  
26 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except  
2 as otherwise provided in Section 40-10 of the  
3 Alcoholism and Other Drug Abuse and Dependency Act.

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

7 (G) Residential burglary, except as otherwise  
8 provided in Section 40-10 of the Alcoholism and Other  
9 Drug Abuse and Dependency Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

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

14 Before July 1, 1994, for the purposes of this  
15 paragraph, "organized gang" means an association of 5  
16 or more persons, with an established hierarchy, that  
17 encourages members of the association to perpetrate  
18 crimes or provides support to the members of the  
19 association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of this  
21 paragraph, "organized gang" has the meaning ascribed  
22 to it in Section 10 of the Illinois Streetgang  
23 Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the  
26 offense of hate crime when the underlying offense upon

1           which the hate crime is based is felony aggravated  
2           assault or felony mob action.

3           (M) A second or subsequent conviction for the  
4           offense of institutional vandalism if the damage to the  
5           property exceeds \$300.

6           (N) A Class 3 felony violation of paragraph (1) of  
7           subsection (a) of Section 2 of the Firearm Owners  
8           Identification Card Act.

9           (O) A violation of Section 12-6.1 of the Criminal  
10          Code of 1961.

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

14          (Q) A violation of Section 20-1.2 or 20-1.3 of the  
15          Criminal Code of 1961.

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

18          (S) (Blank).

19          (T) A second or subsequent violation of the  
20          Methamphetamine Control and Community Protection Act.

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

1 another state.

2 (V) ~~(U)~~ A violation of paragraph (4) of subsection  
3 (c) of Section 11-20.3 of the Criminal Code of 1961.

4 (3) (Blank).

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

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
11 of this subsection (c), a minimum of 100 hours of community  
12 service shall be imposed for a second violation of Section  
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300  
15 hours of community service, as determined by the court,  
16 shall be imposed for a second violation of subsection (c)  
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6),  
19 and (4.9) of this subsection (c), a minimum term of  
20 imprisonment of 30 days or 300 hours of community service,  
21 as determined by the court, shall be imposed for a third or  
22 subsequent violation of Section 6-303 of the Illinois  
23 Vehicle Code.

24 (4.5) A minimum term of imprisonment of 30 days shall  
25 be imposed for a third violation of subsection (c) of  
26 Section 6-303 of the Illinois Vehicle Code.



1           (4.6) Except as provided in paragraph (4.10) of this  
2 subsection (c), a minimum term of imprisonment of 180 days  
3 shall be imposed for a fourth or subsequent violation of  
4 subsection (c) of Section 6-303 of the Illinois Vehicle  
5 Code.

6           (4.7) A minimum term of imprisonment of not less than  
7 30 consecutive days, or 300 hours of community service,  
8 shall be imposed for a violation of subsection (a-5) of  
9 Section 6-303 of the Illinois Vehicle Code, as provided in  
10 subsection (b-5) of that Section.

11           (4.8) A mandatory prison sentence shall be imposed for  
12 a second violation of subsection (a-5) of Section 6-303 of  
13 the Illinois Vehicle Code, as provided in subsection (c-5)  
14 of that Section. The person's driving privileges shall be  
15 revoked for a period of not less than 5 years from the date  
16 of his or her release from prison.

17           (4.9) A mandatory prison sentence of not less than 4  
18 and not more than 15 years shall be imposed for a third  
19 violation of subsection (a-5) of Section 6-303 of the  
20 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
21 that Section. The person's driving privileges shall be  
22 revoked for the remainder of his or her life.

23           (4.10) A mandatory prison sentence for a Class 1 felony  
24 shall be imposed, and the person shall be eligible for an  
25 extended term sentence, for a fourth or subsequent  
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
2 that Section. The person's driving privileges shall be  
3 revoked for the remainder of his or her life.

4 (5) The court may sentence an offender convicted of a  
5 business offense or a petty offense or a corporation or  
6 unincorporated association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section  
10 5-5-6 of this Code.

11 (5.1) In addition to any penalties imposed under  
12 paragraph (5) of this subsection (c), and except as  
13 provided in paragraph (5.2) or (5.3), a person convicted of  
14 violating subsection (c) of Section 11-907 of the Illinois  
15 Vehicle Code shall have his or her driver's license,  
16 permit, or privileges suspended for at least 90 days but  
17 not more than one year, if the violation resulted in damage  
18 to the property of another person.

19 (5.2) In addition to any penalties imposed under  
20 paragraph (5) of this subsection (c), and except as  
21 provided in paragraph (5.3), a person convicted of  
22 violating subsection (c) of Section 11-907 of the Illinois  
23 Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for at least 180 days but  
25 not more than 2 years, if the violation resulted in injury  
26 to another person.

1           (5.3) In addition to any penalties imposed under  
2 paragraph (5) of this subsection (c), a person convicted of  
3 violating subsection (c) of Section 11-907 of the Illinois  
4 Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for 2 years, if the  
6 violation resulted in the death of another person.

7           (5.4) In addition to any penalties imposed under  
8 paragraph (5) of this subsection (c), a person convicted of  
9 violating Section 3-707 of the Illinois Vehicle Code shall  
10 have his or her driver's license, permit, or privileges  
11 suspended for 3 months and until he or she has paid a  
12 reinstatement fee of \$100.

13           (5.5) In addition to any penalties imposed under  
14 paragraph (5) of this subsection (c), a person convicted of  
15 violating Section 3-707 of the Illinois Vehicle Code during  
16 a period in which his or her driver's license, permit, or  
17 privileges were suspended for a previous violation of that  
18 Section shall have his or her driver's license, permit, or  
19 privileges suspended for an additional 6 months after the  
20 expiration of the original 3-month suspension and until he  
21 or she has paid a reinstatement fee of \$100.

22           (6) In no case shall an offender be eligible for a  
23 disposition of probation or conditional discharge for a  
24 Class 1 felony committed while he was serving a term of  
25 probation or conditional discharge for a felony.

26           (7) When a defendant is adjudged a habitual criminal

1 under Article 33B of the Criminal Code of 1961, the court  
2 shall sentence the defendant to a term of natural life  
3 imprisonment.

4 (8) When a defendant, over the age of 21 years, is  
5 convicted of a Class 1 or Class 2 felony, after having  
6 twice been convicted in any state or federal court of an  
7 offense that contains the same elements as an offense now  
8 classified in Illinois as a Class 2 or greater Class felony  
9 and such charges are separately brought and tried and arise  
10 out of different series of acts, such defendant shall be  
11 sentenced as a Class X offender. This paragraph shall not  
12 apply unless (1) the first felony was committed after the  
13 effective date of this amendatory Act of 1977; and (2) the  
14 second felony was committed after conviction on the first;  
15 and (3) the third felony was committed after conviction on  
16 the second. A person sentenced as a Class X offender under  
17 this paragraph is not eligible to apply for treatment as a  
18 condition of probation as provided by Section 40-10 of the  
19 Alcoholism and Other Drug Abuse and Dependency Act.

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000  
25 for a first offense and \$2,000 for a second or subsequent  
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports  
2 official or coach at any level of competition and the act  
3 causing harm to the sports official or coach occurred  
4 within an athletic facility or within the immediate  
5 vicinity of the athletic facility at which the sports  
6 official or coach was an active participant of the athletic  
7 contest held at the athletic facility. For the purposes of  
8 this paragraph (11), "sports official" means a person at an  
9 athletic contest who enforces the rules of the contest,  
10 such as an umpire or referee; "athletic facility" means an  
11 indoor or outdoor playing field or recreational area where  
12 sports activities are conducted; and "coach" means a person  
13 recognized as a coach by the sanctioning authority that  
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court  
16 supervision for a violation of Section 5-16 of the Boat  
17 Registration and Safety Act if that person has previously  
18 received a disposition of court supervision for a violation  
19 of that Section.

20 (13) A person convicted of or placed on court  
21 supervision for an assault or aggravated assault when the  
22 victim and the offender are family or household members as  
23 defined in Section 103 of the Illinois Domestic Violence  
24 Act of 1986 or convicted of domestic battery or aggravated  
25 domestic battery may be required to attend a Partner Abuse  
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and  
2 conditions imposed by the court. The costs of such classes  
3 shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is  
5 vacated, the case shall be remanded to the trial court. The  
6 trial court shall hold a hearing under Section 5-4-1 of the  
7 Unified Code of Corrections which may include evidence of the  
8 defendant's life, moral character and occupation during the  
9 time since the original sentence was passed. The trial court  
10 shall then impose sentence upon the defendant. The trial court  
11 may impose any sentence which could have been imposed at the  
12 original trial subject to Section 5-5-4 of the Unified Code of  
13 Corrections. If a sentence is vacated on appeal or on  
14 collateral attack due to the failure of the trier of fact at  
15 trial to determine beyond a reasonable doubt the existence of a  
16 fact (other than a prior conviction) necessary to increase the  
17 punishment for the offense beyond the statutory maximum  
18 otherwise applicable, either the defendant may be re-sentenced  
19 to a term within the range otherwise provided or, if the State  
20 files notice of its intention to again seek the extended  
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal  
23 sexual abuse under Section 12-16 of the Criminal Code of 1961  
24 results in conviction of a defendant who was a family member of  
25 the victim at the time of the commission of the offense, the  
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court  
4 approved counseling program for a minimum duration of 2  
5 years; or

6 (B) the defendant is willing to participate in a  
7 court approved plan including but not limited to the  
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the  
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that  
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the  
18 victim's counseling services, to the extent that the court  
19 finds, after considering the defendant's income and  
20 assets, that the defendant is financially capable of paying  
21 for such services, if the victim was under 18 years of age  
22 at the time the offense was committed and requires  
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section  
25 5-6-4; except where the court determines at the hearing that  
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or  
2 commits another offense with the victim or other family  
3 members, the court shall revoke the defendant's probation and  
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and  
6 "victim" shall have the meanings ascribed to them in Section  
7 12-12 of the Criminal Code of 1961.

8 (f) This Article shall not deprive a court in other  
9 proceedings to order a forfeiture of property, to suspend or  
10 cancel a license, to remove a person from office, or to impose  
11 any other civil penalty.

12 (g) Whenever a defendant is convicted of an offense under  
13 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
14 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
15 of the Criminal Code of 1961, the defendant shall undergo  
16 medical testing to determine whether the defendant has any  
17 sexually transmissible disease, including a test for infection  
18 with human immunodeficiency virus (HIV) or any other identified  
19 causative agent of acquired immunodeficiency syndrome (AIDS).  
20 Any such medical test shall be performed only by appropriately  
21 licensed medical practitioners and may include an analysis of  
22 any bodily fluids as well as an examination of the defendant's  
23 person. Except as otherwise provided by law, the results of  
24 such test shall be kept strictly confidential by all medical  
25 personnel involved in the testing and must be personally  
26 delivered in a sealed envelope to the judge of the court in



1 which the conviction was entered for the judge's inspection in  
2 camera. Acting in accordance with the best interests of the  
3 victim and the public, the judge shall have the discretion to  
4 determine to whom, if anyone, the results of the testing may be  
5 revealed. The court shall notify the defendant of the test  
6 results. The court shall also notify the victim if requested by  
7 the victim, and if the victim is under the age of 15 and if  
8 requested by the victim's parents or legal guardian, the court  
9 shall notify the victim's parents or legal guardian of the test  
10 results. The court shall provide information on the  
11 availability of HIV testing and counseling at Department of  
12 Public Health facilities to all parties to whom the results of  
13 the testing are revealed and shall direct the State's Attorney  
14 to provide the information to the victim when possible. A  
15 State's Attorney may petition the court to obtain the results  
16 of any HIV test administered under this Section, and the court  
17 shall grant the disclosure if the State's Attorney shows it is  
18 relevant in order to prosecute a charge of criminal  
19 transmission of HIV under Section 12-16.2 of the Criminal Code  
20 of 1961 against the defendant. The court shall order that the  
21 cost of any such test shall be paid by the county and may be  
22 taxed as costs against the convicted defendant.

23 (g-5) When an inmate is tested for an airborne communicable  
24 disease, as determined by the Illinois Department of Public  
25 Health including but not limited to tuberculosis, the results  
26 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court  
2 in which the inmate must appear for the judge's inspection in  
3 camera if requested by the judge. Acting in accordance with the  
4 best interests of those in the courtroom, the judge shall have  
5 the discretion to determine what if any precautions need to be  
6 taken to prevent transmission of the disease in the courtroom.

7 (h) Whenever a defendant is convicted of an offense under  
8 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
9 defendant shall undergo medical testing to determine whether  
10 the defendant has been exposed to human immunodeficiency virus  
11 (HIV) or any other identified causative agent of acquired  
12 immunodeficiency syndrome (AIDS). Except as otherwise provided  
13 by law, the results of such test shall be kept strictly  
14 confidential by all medical personnel involved in the testing  
15 and must be personally delivered in a sealed envelope to the  
16 judge of the court in which the conviction was entered for the  
17 judge's inspection in camera. Acting in accordance with the  
18 best interests of the public, the judge shall have the  
19 discretion to determine to whom, if anyone, the results of the  
20 testing may be revealed. The court shall notify the defendant  
21 of a positive test showing an infection with the human  
22 immunodeficiency virus (HIV). The court shall provide  
23 information on the availability of HIV testing and counseling  
24 at Department of Public Health facilities to all parties to  
25 whom the results of the testing are revealed and shall direct  
26 the State's Attorney to provide the information to the victim

1 when possible. A State's Attorney may petition the court to  
2 obtain the results of any HIV test administered under this  
3 Section, and the court shall grant the disclosure if the  
4 State's Attorney shows it is relevant in order to prosecute a  
5 charge of criminal transmission of HIV under Section 12-16.2 of  
6 the Criminal Code of 1961 against the defendant. The court  
7 shall order that the cost of any such test shall be paid by the  
8 county and may be taxed as costs against the convicted  
9 defendant.

10 (i) All fines and penalties imposed under this Section for  
11 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
12 Vehicle Code, or a similar provision of a local ordinance, and  
13 any violation of the Child Passenger Protection Act, or a  
14 similar provision of a local ordinance, shall be collected and  
15 disbursed by the circuit clerk as provided under Section 27.5  
16 of the Clerks of Courts Act.

17 (j) In cases when prosecution for any violation of Section  
18 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
20 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
21 Code of 1961, any violation of the Illinois Controlled  
22 Substances Act, any violation of the Cannabis Control Act, or  
23 any violation of the Methamphetamine Control and Community  
24 Protection Act results in conviction, a disposition of court  
25 supervision, or an order of probation granted under Section 10  
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substance Act, or Section 70 of the Methamphetamine  
2 Control and Community Protection Act of a defendant, the court  
3 shall determine whether the defendant is employed by a facility  
4 or center as defined under the Child Care Act of 1969, a public  
5 or private elementary or secondary school, or otherwise works  
6 with children under 18 years of age on a daily basis. When a  
7 defendant is so employed, the court shall order the Clerk of  
8 the Court to send a copy of the judgment of conviction or order  
9 of supervision or probation to the defendant's employer by  
10 certified mail. If the employer of the defendant is a school,  
11 the Clerk of the Court shall direct the mailing of a copy of  
12 the judgment of conviction or order of supervision or probation  
13 to the appropriate regional superintendent of schools. The  
14 regional superintendent of schools shall notify the State Board  
15 of Education of any notification under this subsection.

16 (j-5) A defendant at least 17 years of age who is convicted  
17 of a felony and who has not been previously convicted of a  
18 misdemeanor or felony and who is sentenced to a term of  
19 imprisonment in the Illinois Department of Corrections shall as  
20 a condition of his or her sentence be required by the court to  
21 attend educational courses designed to prepare the defendant  
22 for a high school diploma and to work toward a high school  
23 diploma or to work toward passing the high school level Test of  
24 General Educational Development (GED) or to work toward  
25 completing a vocational training program offered by the  
26 Department of Corrections. If a defendant fails to complete the

1 educational training required by his or her sentence during the  
2 term of incarceration, the Prisoner Review Board shall, as a  
3 condition of mandatory supervised release, require the  
4 defendant, at his or her own expense, to pursue a course of  
5 study toward a high school diploma or passage of the GED test.  
6 The Prisoner Review Board shall revoke the mandatory supervised  
7 release of a defendant who wilfully fails to comply with this  
8 subsection (j-5) upon his or her release from confinement in a  
9 penal institution while serving a mandatory supervised release  
10 term; however, the inability of the defendant after making a  
11 good faith effort to obtain financial aid or pay for the  
12 educational training shall not be deemed a wilful failure to  
13 comply. The Prisoner Review Board shall recommit the defendant  
14 whose mandatory supervised release term has been revoked under  
15 this subsection (j-5) as provided in Section 3-3-9. This  
16 subsection (j-5) does not apply to a defendant who has a high  
17 school diploma or has successfully passed the GED test. This  
18 subsection (j-5) does not apply to a defendant who is  
19 determined by the court to be developmentally disabled or  
20 otherwise mentally incapable of completing the educational or  
21 vocational program.

22 (k) A court may not impose a sentence or disposition for a  
23 felony or misdemeanor that requires the defendant to be  
24 implanted or injected with or to use any form of birth control.

25 (l) (A) Except as provided in paragraph (C) of subsection

26 (l), whenever a defendant, who is an alien as defined by

1 the Immigration and Nationality Act, is convicted of any  
2 felony or misdemeanor offense, the court after sentencing  
3 the defendant may, upon motion of the State's Attorney,  
4 hold sentence in abeyance and remand the defendant to the  
5 custody of the Attorney General of the United States or his  
6 or her designated agent to be deported when:

7 (1) a final order of deportation has been issued  
8 against the defendant pursuant to proceedings under  
9 the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not  
11 deprecate the seriousness of the defendant's conduct  
12 and would not be inconsistent with the ends of justice.

13 Otherwise, the defendant shall be sentenced as  
14 provided in this Chapter V.

15 (B) If the defendant has already been sentenced for a  
16 felony or misdemeanor offense, or has been placed on  
17 probation under Section 10 of the Cannabis Control Act,  
18 Section 410 of the Illinois Controlled Substances Act, or  
19 Section 70 of the Methamphetamine Control and Community  
20 Protection Act, the court may, upon motion of the State's  
21 Attorney to suspend the sentence imposed, commit the  
22 defendant to the custody of the Attorney General of the  
23 United States or his or her designated agent when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under  
26 the Immigration and Nationality Act, and

1           (2) the deportation of the defendant would not  
2           deprecate the seriousness of the defendant's conduct  
3           and would not be inconsistent with the ends of justice.

4           (C) This subsection (1) does not apply to offenders who  
5           are subject to the provisions of paragraph (2) of  
6           subsection (a) of Section 3-6-3.

7           (D) Upon motion of the State's Attorney, if a defendant  
8           sentenced under this Section returns to the jurisdiction of  
9           the United States, the defendant shall be recommitted to  
10          the custody of the county from which he or she was  
11          sentenced. Thereafter, the defendant shall be brought  
12          before the sentencing court, which may impose any sentence  
13          that was available under Section 5-5-3 at the time of  
14          initial sentencing. In addition, the defendant shall not be  
15          eligible for additional good conduct credit for  
16          meritorious service as provided under Section 3-6-6.

17          (m) A person convicted of criminal defacement of property  
18          under Section 21-1.3 of the Criminal Code of 1961, in which the  
19          property damage exceeds \$300 and the property damaged is a  
20          school building, shall be ordered to perform community service  
21          that may include cleanup, removal, or painting over the  
22          defacement.

23          (n) The court may sentence a person convicted of a  
24          violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
25          Code of 1961 (i) to an impact incarceration program if the  
26          person is otherwise eligible for that program under Section

1 5-8-1.1, (ii) to community service, or (iii) if the person is  
2 an addict or alcoholic, as defined in the Alcoholism and Other  
3 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
4 program licensed under that Act.

5 (o) Whenever a person is convicted of a sex offense as  
6 defined in Section 2 of the Sex Offender Registration Act, the  
7 defendant's driver's license or permit shall be subject to  
8 renewal on an annual basis in accordance with the provisions of  
9 license renewal established by the Secretary of State.

10 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,  
11 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;  
12 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.  
13 1-1-08; 95-579, eff. 6-1-08; revised 11-19-07.)

14 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

15 (Text of Section before amendment by P.A. 95-569)

16 Sec. 5-5-3.2. Factors in Aggravation.

17 (a) The following factors shall be accorded weight in favor  
18 of imposing a term of imprisonment or may be considered by the  
19 court as reasons to impose a more severe sentence under Section  
20 5-8-1:

21 (1) the defendant's conduct caused or threatened  
22 serious harm;

23 (2) the defendant received compensation for committing  
24 the offense;

25 (3) the defendant has a history of prior delinquency or



1 criminal activity;

2 (4) the defendant, by the duties of his office or by  
3 his position, was obliged to prevent the particular offense  
4 committed or to bring the offenders committing it to  
5 justice;

6 (5) the defendant held public office at the time of the  
7 offense, and the offense related to the conduct of that  
8 office;

9 (6) the defendant utilized his professional reputation  
10 or position in the community to commit the offense, or to  
11 afford him an easier means of committing it;

12 (7) the sentence is necessary to deter others from  
13 committing the same crime;

14 (8) the defendant committed the offense against a  
15 person 60 years of age or older or such person's property;

16 (9) the defendant committed the offense against a  
17 person who is physically handicapped or such person's  
18 property;

19 (10) by reason of another individual's actual or  
20 perceived race, color, creed, religion, ancestry, gender,  
21 sexual orientation, physical or mental disability, or  
22 national origin, the defendant committed the offense  
23 against (i) the person or property of that individual; (ii)  
24 the person or property of a person who has an association  
25 with, is married to, or has a friendship with the other  
26 individual; or (iii) the person or property of a relative

1 (by blood or marriage) of a person described in clause (i)  
2 or (ii). For the purposes of this Section, "sexual  
3 orientation" means heterosexuality, homosexuality, or  
4 bisexuality;

5 (11) the offense took place in a place of worship or on  
6 the grounds of a place of worship, immediately prior to,  
7 during or immediately following worship services. For  
8 purposes of this subparagraph, "place of worship" shall  
9 mean any church, synagogue or other building, structure or  
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed  
12 while he was released on bail or his own recognizance  
13 pending trial for a prior felony and was convicted of such  
14 prior felony, or the defendant was convicted of a felony  
15 committed while he was serving a period of probation,  
16 conditional discharge, or mandatory supervised release  
17 under subsection (d) of Section 5-8-1 for a prior felony;

18 (13) the defendant committed or attempted to commit a  
19 felony while he was wearing a bulletproof vest. For the  
20 purposes of this paragraph (13), a bulletproof vest is any  
21 device which is designed for the purpose of protecting the  
22 wearer from bullets, shot or other lethal projectiles;

23 (14) the defendant held a position of trust or  
24 supervision such as, but not limited to, family member as  
25 defined in Section 12-12 of the Criminal Code of 1961,  
26 teacher, scout leader, baby sitter, or day care worker, in

1 relation to a victim under 18 years of age, and the  
2 defendant committed an offense in violation of Section  
3 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
4 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
5 against that victim;

6 (15) the defendant committed an offense related to the  
7 activities of an organized gang. For the purposes of this  
8 factor, "organized gang" has the meaning ascribed to it in  
9 Section 10 of the Streetgang Terrorism Omnibus Prevention  
10 Act;

11 (16) the defendant committed an offense in violation of  
12 one of the following Sections while in a school, regardless  
13 of the time of day or time of year; on any conveyance  
14 owned, leased, or contracted by a school to transport  
15 students to or from school or a school related activity; on  
16 the real property of a school; or on a public way within  
17 1,000 feet of the real property comprising any school:  
18 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
20 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
21 33A-2 of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation  
23 of one of the following Sections while in a day care  
24 center, regardless of the time of day or time of year; on  
25 the real property of a day care center, regardless of the  
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care  
2 center, regardless of the time of day or time of year:  
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 (17) the defendant committed the offense by reason of  
8 any person's activity as a community policing volunteer or  
9 to prevent any person from engaging in activity as a  
10 community policing volunteer. For the purpose of this  
11 Section, "community policing volunteer" has the meaning  
12 ascribed to it in Section 2-3.5 of the Criminal Code of  
13 1961;

14 (18) the defendant committed the offense in a nursing  
15 home or on the real property comprising a nursing home. For  
16 the purposes of this paragraph (18), "nursing home" means a  
17 skilled nursing or intermediate long term care facility  
18 that is subject to license by the Illinois Department of  
19 Public Health under the Nursing Home Care Act;

20 (19) the defendant was a federally licensed firearm  
21 dealer and was previously convicted of a violation of  
22 subsection (a) of Section 3 of the Firearm Owners  
23 Identification Card Act and has now committed either a  
24 felony violation of the Firearm Owners Identification Card  
25 Act or an act of armed violence while armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of  
2 1961 or the offense of driving under the influence of  
3 alcohol, other drug or drugs, intoxicating compound or  
4 compounds or any combination thereof under Section 11-501  
5 of the Illinois Vehicle Code or a similar provision of a  
6 local ordinance and (ii) was operating a motor vehicle in  
7 excess of 20 miles per hour over the posted speed limit as  
8 provided in Article VI of Chapter 11 of the Illinois  
9 Vehicle Code;

10 (21) the defendant (i) committed the offense of  
11 reckless driving or aggravated reckless driving under  
12 Section 11-503 of the Illinois Vehicle Code and (ii) was  
13 operating a motor vehicle in excess of 20 miles per hour  
14 over the posted speed limit as provided in Article VI of  
15 Chapter 11 of the Illinois Vehicle Code; or

16 (22) the defendant committed the offense against a  
17 person that the defendant knew, or reasonably should have  
18 known, was a member of the Armed Forces of the United  
19 States serving on active duty. For purposes of this clause  
20 (22), the term "Armed Forces" means any of the Armed Forces  
21 of the United States, including a member of any reserve  
22 component thereof or National Guard unit called to active  
23 duty.

24 For the purposes of this Section:

25 "School" is defined as a public or private elementary or  
26 secondary school, community college, college, or university.

1 "Day care center" means a public or private State certified  
2 and licensed day care center as defined in Section 2.09 of the  
3 Child Care Act of 1969 that displays a sign in plain view  
4 stating that the property is a day care center.

5 (b) The following factors may be considered by the court as  
6 reasons to impose an extended term sentence under Section 5-8-2  
7 upon any offender:

8 (1) When a defendant is convicted of any felony, after  
9 having been previously convicted in Illinois or any other  
10 jurisdiction of the same or similar class felony or greater  
11 class felony, when such conviction has occurred within 10  
12 years after the previous conviction, excluding time spent  
13 in custody, and such charges are separately brought and  
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the  
16 court finds that the offense was accompanied by  
17 exceptionally brutal or heinous behavior indicative of  
18 wanton cruelty; or

19 (3) When a defendant is convicted of voluntary  
20 manslaughter, second degree murder, involuntary  
21 manslaughter or reckless homicide in which the defendant  
22 has been convicted of causing the death of more than one  
23 individual; or

24 (4) When a defendant is convicted of any felony  
25 committed against:

26 (i) a person under 12 years of age at the time of

1 the offense or such person's property;

2 (ii) a person 60 years of age or older at the time  
3 of the offense or such person's property; or

4 (iii) a person physically handicapped at the time  
5 of the offense or such person's property; or

6 (5) In the case of a defendant convicted of aggravated  
7 criminal sexual assault or criminal sexual assault, when  
8 the court finds that aggravated criminal sexual assault or  
9 criminal sexual assault was also committed on the same  
10 victim by one or more other individuals, and the defendant  
11 voluntarily participated in the crime with the knowledge of  
12 the participation of the others in the crime, and the  
13 commission of the crime was part of a single course of  
14 conduct during which there was no substantial change in the  
15 nature of the criminal objective; or

16 (6) When a defendant is convicted of any felony and the  
17 offense involved any of the following types of specific  
18 misconduct committed as part of a ceremony, rite,  
19 initiation, observance, performance, practice or activity  
20 of any actual or ostensible religious, fraternal, or social  
21 group:

22 (i) the brutalizing or torturing of humans or  
23 animals;

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (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



1           this paragraph (10), "laser sight" has the meaning ascribed  
2           to it in Section 24.6-5 of the Criminal Code of 1961; or

3           (11) When a defendant who was at least 17 years of age  
4           at the time of the commission of the offense is convicted  
5           of a felony and has been previously adjudicated a  
6           delinquent minor under the Juvenile Court Act of 1987 for  
7           an act that if committed by an adult would be a Class X or  
8           Class 1 felony when the conviction has occurred within 10  
9           years after the previous adjudication, excluding time  
10          spent in custody; or

11          (12) When a defendant commits an offense involving the  
12          illegal manufacture of a controlled substance under  
13          Section 401 of the Illinois Controlled Substances Act, the  
14          illegal manufacture of methamphetamine under Section 25 of  
15          the Methamphetamine Control and Community Protection Act,  
16          or the illegal possession of explosives and an emergency  
17          response officer in the performance of his or her duties is  
18          killed or injured at the scene of the offense while  
19          responding to the emergency caused by the commission of the  
20          offense. In this paragraph (12), "emergency" means a  
21          situation in which a person's life, health, or safety is in  
22          jeopardy; and "emergency response officer" means a peace  
23          officer, community policing volunteer, fireman, emergency  
24          medical technician-ambulance, emergency medical  
25          technician-intermediate, emergency medical  
26          technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency  
2 room personnel; or

3 (13) When a defendant commits any felony and the  
4 defendant used, possessed, exercised control over, or  
5 otherwise directed an animal to assault a law enforcement  
6 officer engaged in the execution of his or her official  
7 duties or in furtherance of the criminal activities of an  
8 organized gang in which the defendant is engaged.

9 (b-1) For the purposes of this Section, "organized gang"  
10 has the meaning ascribed to it in Section 10 of the Illinois  
11 Streetgang Terrorism Omnibus Prevention Act.

12 (c) The court may impose an extended term sentence under  
13 Section 5-8-2 upon any offender who was convicted of aggravated  
14 criminal sexual assault or predatory criminal sexual assault of  
15 a child under subsection (a)(1) of Section 12-14.1 of the  
16 Criminal Code of 1961 where the victim was under 18 years of  
17 age at the time of the commission of the offense.

18 (d) The court may impose an extended term sentence under  
19 Section 5-8-2 upon any offender who was convicted of unlawful  
20 use of weapons under Section 24-1 of the Criminal Code of 1961  
21 for possessing a weapon that is not readily distinguishable as  
22 one of the weapons enumerated in Section 24-1 of the Criminal  
23 Code of 1961.

24 (e) The court may impose an extended term sentence under  
25 Section 5-8-2 upon an offender who has been convicted of first  
26 degree murder when the offender has previously been convicted

1 of domestic battery or aggravated domestic battery committed  
2 against the murdered individual or has previously been  
3 convicted of violation of an order of protection in which the  
4 murdered individual was the protected person.

5 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,  
6 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,  
7 eff. 1-1-08; revised 11-19-07.)

8 (Text of Section after amendment by P.A. 95-569)

9 Sec. 5-5-3.2. Factors in Aggravation.

10 (a) The following factors shall be accorded weight in favor  
11 of imposing a term of imprisonment or may be considered by the  
12 court as reasons to impose a more severe sentence under Section  
13 5-8-1:

14 (1) the defendant's conduct caused or threatened  
15 serious harm;

16 (2) the defendant received compensation for committing  
17 the offense;

18 (3) the defendant has a history of prior delinquency or  
19 criminal activity;

20 (4) the defendant, by the duties of his office or by  
21 his position, was obliged to prevent the particular offense  
22 committed or to bring the offenders committing it to  
23 justice;

24 (5) the defendant held public office at the time of the  
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation  
3 or position in the community to commit the offense, or to  
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from  
6 committing the same crime;

7 (8) the defendant committed the offense against a  
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a  
10 person who is physically handicapped or such person's  
11 property;

12 (10) by reason of another individual's actual or  
13 perceived race, color, creed, religion, ancestry, gender,  
14 sexual orientation, physical or mental disability, or  
15 national origin, the defendant committed the offense  
16 against (i) the person or property of that individual; (ii)  
17 the person or property of a person who has an association  
18 with, is married to, or has a friendship with the other  
19 individual; or (iii) the person or property of a relative  
20 (by blood or marriage) of a person described in clause (i)  
21 or (ii). For the purposes of this Section, "sexual  
22 orientation" means heterosexuality, homosexuality, or  
23 bisexuality;

24 (11) the offense took place in a place of worship or on  
25 the grounds of a place of worship, immediately prior to,  
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall  
2 mean any church, synagogue or other building, structure or  
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed  
5 while he was released on bail or his own recognizance  
6 pending trial for a prior felony and was convicted of such  
7 prior felony, or the defendant was convicted of a felony  
8 committed while he was serving a period of probation,  
9 conditional discharge, or mandatory supervised release  
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a  
12 felony while he was wearing a bulletproof vest. For the  
13 purposes of this paragraph (13), a bulletproof vest is any  
14 device which is designed for the purpose of protecting the  
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or  
17 supervision such as, but not limited to, family member as  
18 defined in Section 12-12 of the Criminal Code of 1961,  
19 teacher, scout leader, baby sitter, or day care worker, in  
20 relation to a victim under 18 years of age, and the  
21 defendant committed an offense in violation of Section  
22 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
23 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
24 against that victim;

25 (15) the defendant committed an offense related to the  
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in  
2 Section 10 of the Streetgang Terrorism Omnibus Prevention  
3 Act;

4 (16) the defendant committed an offense in violation of  
5 one of the following Sections while in a school, regardless  
6 of the time of day or time of year; on any conveyance  
7 owned, leased, or contracted by a school to transport  
8 students to or from school or a school related activity; on  
9 the real property of a school; or on a public way within  
10 1,000 feet of the real property comprising any school:  
11 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
13 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
14 33A-2 of the Criminal Code of 1961;

15 (16.5) the defendant committed an offense in violation  
16 of one of the following Sections while in a day care  
17 center, regardless of the time of day or time of year; on  
18 the real property of a day care center, regardless of the  
19 time of day or time of year; or on a public way within  
20 1,000 feet of the real property comprising any day care  
21 center, regardless of the time of day or time of year:  
22 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
24 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
25 33A-2 of the Criminal Code of 1961;

26 (17) the defendant committed the offense by reason of

1 any person's activity as a community policing volunteer or  
2 to prevent any person from engaging in activity as a  
3 community policing volunteer. For the purpose of this  
4 Section, "community policing volunteer" has the meaning  
5 ascribed to it in Section 2-3.5 of the Criminal Code of  
6 1961;

7 (18) the defendant committed the offense in a nursing  
8 home or on the real property comprising a nursing home. For  
9 the purposes of this paragraph (18), "nursing home" means a  
10 skilled nursing or intermediate long term care facility  
11 that is subject to license by the Illinois Department of  
12 Public Health under the Nursing Home Care Act;

13 (19) the defendant was a federally licensed firearm  
14 dealer and was previously convicted of a violation of  
15 subsection (a) of Section 3 of the Firearm Owners  
16 Identification Card Act and has now committed either a  
17 felony violation of the Firearm Owners Identification Card  
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of  
20 reckless homicide under Section 9-3 of the Criminal Code of  
21 1961 or the offense of driving under the influence of  
22 alcohol, other drug or drugs, intoxicating compound or  
23 compounds or any combination thereof under Section 11-501  
24 of the Illinois Vehicle Code or a similar provision of a  
25 local ordinance and (ii) was operating a motor vehicle in  
26 excess of 20 miles per hour over the posted speed limit as

1 provided in Article VI of Chapter 11 of the Illinois  
2 Vehicle Code;

3 (21) the defendant (i) committed the offense of  
4 reckless driving or aggravated reckless driving under  
5 Section 11-503 of the Illinois Vehicle Code and (ii) was  
6 operating a motor vehicle in excess of 20 miles per hour  
7 over the posted speed limit as provided in Article VI of  
8 Chapter 11 of the Illinois Vehicle Code; ~~or~~

9 (22) the defendant committed the offense against a  
10 person that the defendant knew, or reasonably should have  
11 known, was a member of the Armed Forces of the United  
12 States serving on active duty. For purposes of this clause  
13 (22), the term "Armed Forces" means any of the Armed Forces  
14 of the United States, including a member of any reserve  
15 component thereof or National Guard unit called to active  
16 duty; or ~~or~~

17 (23) ~~(22)~~ the defendant committed the offense against a  
18 person who was elderly, disabled, or infirm by taking  
19 advantage of a family or fiduciary relationship with the  
20 elderly, disabled, or infirm person.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or  
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State certified  
25 and licensed day care center as defined in Section 2.09 of the  
26 Child Care Act of 1969 that displays a sign in plain view



1 stating that the property is a day care center.

2 (b) The following factors may be considered by the court as  
3 reasons to impose an extended term sentence under Section 5-8-2  
4 upon any offender:

5 (1) When a defendant is convicted of any felony, after  
6 having been previously convicted in Illinois or any other  
7 jurisdiction of the same or similar class felony or greater  
8 class felony, when such conviction has occurred within 10  
9 years after the previous conviction, excluding time spent  
10 in custody, and such charges are separately brought and  
11 tried and arise out of different series of acts; or

12 (2) When a defendant is convicted of any felony and the  
13 court finds that the offense was accompanied by  
14 exceptionally brutal or heinous behavior indicative of  
15 wanton cruelty; or

16 (3) When a defendant is convicted of voluntary  
17 manslaughter, second degree murder, involuntary  
18 manslaughter or reckless homicide in which the defendant  
19 has been convicted of causing the death of more than one  
20 individual; or

21 (4) When a defendant is convicted of any felony  
22 committed against:

23 (i) a person under 12 years of age at the time of  
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time  
26 of the offense or such person's property; or

1 (iii) a person physically handicapped at the time  
2 of the offense or such person's property; or

3 (5) In the case of a defendant convicted of aggravated  
4 criminal sexual assault or criminal sexual assault, when  
5 the court finds that aggravated criminal sexual assault or  
6 criminal sexual assault was also committed on the same  
7 victim by one or more other individuals, and the defendant  
8 voluntarily participated in the crime with the knowledge of  
9 the participation of the others in the crime, and the  
10 commission of the crime was part of a single course of  
11 conduct during which there was no substantial change in the  
12 nature of the criminal objective; or

13 (6) When a defendant is convicted of any felony and the  
14 offense involved any of the following types of specific  
15 misconduct committed as part of a ceremony, rite,  
16 initiation, observance, performance, practice or activity  
17 of any actual or ostensible religious, fraternal, or social  
18 group:

19 (i) the brutalizing or torturing of humans or  
20 animals;

21 (ii) the theft of human corpses;

22 (iii) the kidnapping of humans;

23 (iv) the desecration of any cemetery, religious,  
24 fraternal, business, governmental, educational, or  
25 other building or property; or

26 (v) ritualized abuse of a child; or

1           (7) When a defendant is convicted of first degree  
2 murder, after having been previously convicted in Illinois  
3 of any offense listed under paragraph (c)(2) of Section  
4 5-5-3, when such conviction has occurred within 10 years  
5 after the previous conviction, excluding time spent in  
6 custody, and such charges are separately brought and tried  
7 and arise out of different series of acts; or

8           (8) When a defendant is convicted of a felony other  
9 than conspiracy and the court finds that the felony was  
10 committed under an agreement with 2 or more other persons  
11 to commit that offense and the defendant, with respect to  
12 the other individuals, occupied a position of organizer,  
13 supervisor, financier, or any other position of management  
14 or leadership, and the court further finds that the felony  
15 committed was related to or in furtherance of the criminal  
16 activities of an organized gang or was motivated by the  
17 defendant's leadership in an organized gang; or

18           (9) When a defendant is convicted of a felony violation  
19 of Section 24-1 of the Criminal Code of 1961 and the court  
20 finds that the defendant is a member of an organized gang;  
21 or

22           (10) When a defendant committed the offense using a  
23 firearm with a laser sight attached to it. For purposes of  
24 this paragraph (10), "laser sight" has the meaning ascribed  
25 to it in Section 24.6-5 of the Criminal Code of 1961; or

26           (11) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted  
2 of a felony and has been previously adjudicated a  
3 delinquent minor under the Juvenile Court Act of 1987 for  
4 an act that if committed by an adult would be a Class X or  
5 Class 1 felony when the conviction has occurred within 10  
6 years after the previous adjudication, excluding time  
7 spent in custody; or

8 (12) When a defendant commits an offense involving the  
9 illegal manufacture of a controlled substance under  
10 Section 401 of the Illinois Controlled Substances Act, the  
11 illegal manufacture of methamphetamine under Section 25 of  
12 the Methamphetamine Control and Community Protection Act,  
13 or the illegal possession of explosives and an emergency  
14 response officer in the performance of his or her duties is  
15 killed or injured at the scene of the offense while  
16 responding to the emergency caused by the commission of the  
17 offense. In this paragraph (12), "emergency" means a  
18 situation in which a person's life, health, or safety is in  
19 jeopardy; and "emergency response officer" means a peace  
20 officer, community policing volunteer, fireman, emergency  
21 medical technician-ambulance, emergency medical  
22 technician-intermediate, emergency medical  
23 technician-paramedic, ambulance driver, other medical  
24 assistance or first aid personnel, or hospital emergency  
25 room personnel; or

26 (13) When a defendant commits any felony and the

1           defendant used, possessed, exercised control over, or  
2           otherwise directed an animal to assault a law enforcement  
3           officer engaged in the execution of his or her official  
4           duties or in furtherance of the criminal activities of an  
5           organized gang in which the defendant is engaged.

6           (b-1) For the purposes of this Section, "organized gang"  
7           has the meaning ascribed to it in Section 10 of the Illinois  
8           Streetgang Terrorism Omnibus Prevention Act.

9           (c) The court may impose an extended term sentence under  
10          Section 5-8-2 upon any offender who was convicted of aggravated  
11          criminal sexual assault or predatory criminal sexual assault of  
12          a child under subsection (a)(1) of Section 12-14.1 of the  
13          Criminal Code of 1961 where the victim was under 18 years of  
14          age at the time of the commission of the offense.

15          (d) The court may impose an extended term sentence under  
16          Section 5-8-2 upon any offender who was convicted of unlawful  
17          use of weapons under Section 24-1 of the Criminal Code of 1961  
18          for possessing a weapon that is not readily distinguishable as  
19          one of the weapons enumerated in Section 24-1 of the Criminal  
20          Code of 1961.

21          (e) The court may impose an extended term sentence under  
22          Section 5-8-2 upon an offender who has been convicted of first  
23          degree murder when the offender has previously been convicted  
24          of domestic battery or aggravated domestic battery committed  
25          against the murdered individual or has previously been  
26          convicted of violation of an order of protection in which the

1 murdered individual was the protected person.

2 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,  
3 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,  
4 eff. 1-1-08; 95-569, eff. 6-1-08; revised 11-19-07.)

5 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

6 (Text of Section before amendment by P.A. 95-400)

7 Sec. 5-6-1. Sentences of Probation and of Conditional  
8 Discharge and Disposition of Supervision. The General Assembly  
9 finds that in order to protect the public, the criminal justice  
10 system must compel compliance with the conditions of probation  
11 by responding to violations with swift, certain and fair  
12 punishments and intermediate sanctions. The Chief Judge of each  
13 circuit shall adopt a system of structured, intermediate  
14 sanctions for violations of the terms and conditions of a  
15 sentence of probation, conditional discharge or disposition of  
16 supervision.

17 (a) Except where specifically prohibited by other  
18 provisions of this Code, the court shall impose a sentence of  
19 probation or conditional discharge upon an offender unless,  
20 having regard to the nature and circumstance of the offense,  
21 and to the history, character and condition of the offender,  
22 the court is of the opinion that:

23 (1) his imprisonment or periodic imprisonment is  
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would deprecate

1 the seriousness of the offender's conduct and would be  
2 inconsistent with the ends of justice; or

3 (3) a combination of imprisonment with concurrent or  
4 consecutive probation when an offender has been admitted  
5 into a drug court program under Section 20 of the Drug  
6 Court Treatment Act is necessary for the protection of the  
7 public and for the rehabilitation of the offender.

8 The court shall impose as a condition of a sentence of  
9 probation, conditional discharge, or supervision, that the  
10 probation agency may invoke any sanction from the list of  
11 intermediate sanctions adopted by the chief judge of the  
12 circuit court for violations of the terms and conditions of the  
13 sentence of probation, conditional discharge, or supervision,  
14 subject to the provisions of Section 5-6-4 of this Act.

15 (b) The court may impose a sentence of conditional  
16 discharge for an offense if the court is of the opinion that  
17 neither a sentence of imprisonment nor of periodic imprisonment  
18 nor of probation supervision is appropriate.

19 (b-1) Subsections (a) and (b) of this Section do not apply  
20 to a defendant charged with a misdemeanor or felony under the  
21 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
22 the Criminal Code of 1961 if the defendant within the past 12  
23 months has been convicted of or pleaded guilty to a misdemeanor  
24 or felony under the Illinois Vehicle Code or reckless homicide  
25 under Section 9-3 of the Criminal Code of 1961.

26 (c) The court may, upon a plea of guilty or a stipulation

1 by the defendant of the facts supporting the charge or a  
2 finding of guilt, defer further proceedings and the imposition  
3 of a sentence, and enter an order for supervision of the  
4 defendant, if the defendant is not charged with: (i) a Class A  
5 misdemeanor, as defined by the following provisions of the  
6 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
7 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
8 paragraph (1) through (5), (8), (10), and (11) of subsection  
9 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
10 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
11 Act; or (iii) felony. If the defendant is not barred from  
12 receiving an order for supervision as provided in this  
13 subsection, the court may enter an order for supervision after  
14 considering the circumstances of the offense, and the history,  
15 character and condition of the offender, if the court is of the  
16 opinion that:

17 (1) the offender is not likely to commit further  
18 crimes;

19 (2) the defendant and the public would be best served  
20 if the defendant were not to receive a criminal record; and

21 (3) in the best interests of justice an order of  
22 supervision is more appropriate than a sentence otherwise  
23 permitted under this Code.

24 (c-5) Subsections (a), (b), and (c) of this Section do not  
25 apply to a defendant charged with a second or subsequent  
26 violation of Section 6-303 of the Illinois Vehicle Code



1 committed while his or her driver's license, permit or  
2 privileges were revoked because of a violation of Section 9-3  
3 of the Criminal Code of 1961, relating to the offense of  
4 reckless homicide, or a similar provision of a law of another  
5 state.

6 (d) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 11-501 of the Illinois  
8 Vehicle Code or a similar provision of a local ordinance when  
9 the defendant has previously been:

10 (1) convicted for a violation of Section 11-501 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance or any similar law or ordinance of another state;  
13 or

14 (2) assigned supervision for a violation of Section  
15 11-501 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance or any similar law or ordinance of  
17 another state; or

18 (3) pleaded guilty to or stipulated to the facts  
19 supporting a charge or a finding of guilty to a violation  
20 of Section 11-503 of the Illinois Vehicle Code or a similar  
21 provision of a local ordinance or any similar law or  
22 ordinance of another state, and the plea or stipulation was  
23 the result of a plea agreement.

24 The court shall consider the statement of the prosecuting  
25 authority with regard to the standards set forth in this  
26 Section.

1 (e) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 16A-3 of the Criminal  
3 Code of 1961 if said defendant has within the last 5 years  
4 been:

5 (1) convicted for a violation of Section 16A-3 of the  
6 Criminal Code of 1961; or

7 (2) assigned supervision for a violation of Section  
8 16A-3 of the Criminal Code of 1961.

9 The court shall consider the statement of the prosecuting  
10 authority with regard to the standards set forth in this  
11 Section.

12 (f) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Sections 15-111, 15-112,  
14 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
15 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance.

17 (g) Except as otherwise provided in paragraph (i) of this  
18 Section, the provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 3-707, 3-708, 3-710,  
20 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
21 of a local ordinance if the defendant has within the last 5  
22 years been:

23 (1) convicted for a violation of Section 3-707, 3-708,  
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
25 provision of a local ordinance; or

26 (2) assigned supervision for a violation of Section

1           3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
2           Code or a similar provision of a local ordinance.

3           The court shall consider the statement of the prosecuting  
4           authority with regard to the standards set forth in this  
5           Section.

6           (h) The provisions of paragraph (c) shall not apply to a  
7           defendant under the age of 21 years charged with violating a  
8           serious traffic offense as defined in Section 1-187.001 of the  
9           Illinois Vehicle Code:

10           (1) unless the defendant, upon payment of the fines,  
11           penalties, and costs provided by law, agrees to attend and  
12           successfully complete a traffic safety program approved by  
13           the court under standards set by the Conference of Chief  
14           Circuit Judges. The accused shall be responsible for  
15           payment of any traffic safety program fees. If the accused  
16           fails to file a certificate of successful completion on or  
17           before the termination date of the supervision order, the  
18           supervision shall be summarily revoked and conviction  
19           entered. The provisions of Supreme Court Rule 402 relating  
20           to pleas of guilty do not apply in cases when a defendant  
21           enters a guilty plea under this provision; or

22           (2) if the defendant has previously been sentenced  
23           under the provisions of paragraph (c) on or after January  
24           1, 1998 for any serious traffic offense as defined in  
25           Section 1-187.001 of the Illinois Vehicle Code.

26           (h-1) The provisions of paragraph (c) shall not apply to a

1 defendant under the age of 21 years charged with an offense  
2 against traffic regulations governing the movement of vehicles  
3 or any violation of Section 6-107 or Section 12-603.1 of the  
4 Illinois Vehicle Code, unless the defendant, upon payment of  
5 the fines, penalties, and costs provided by law, agrees to  
6 attend and successfully complete a traffic safety program  
7 approved by the court under standards set by the Conference of  
8 Chief Circuit Judges. The accused shall be responsible for  
9 payment of any traffic safety program fees. If the accused  
10 fails to file a certificate of successful completion on or  
11 before the termination date of the supervision order, the  
12 supervision shall be summarily revoked and conviction entered.  
13 The provisions of Supreme Court Rule 402 relating to pleas of  
14 guilty do not apply in cases when a defendant enters a guilty  
15 plea under this provision.

16 (i) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating Section 3-707 of the Illinois  
18 Vehicle Code or a similar provision of a local ordinance if the  
19 defendant has been assigned supervision for a violation of  
20 Section 3-707 of the Illinois Vehicle Code or a similar  
21 provision of a local ordinance.

22 (j) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Section 6-303 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance when  
25 the revocation or suspension was for a violation of Section  
26 11-501 or a similar provision of a local ordinance or a

1 violation of Section 11-501.1 or paragraph (b) of Section  
2 11-401 of the Illinois Vehicle Code, if the defendant has  
3 within the last 10 years been:

4 (1) convicted for a violation of Section 6-303 of the  
5 Illinois Vehicle Code or a similar provision of a local  
6 ordinance; or

7 (2) assigned supervision for a violation of Section  
8 6-303 of the Illinois Vehicle Code or a similar provision  
9 of a local ordinance.

10 (k) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating any provision of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance that  
13 governs the movement of vehicles if, within the 12 months  
14 preceding the date of the defendant's arrest, the defendant has  
15 been assigned court supervision on 2 occasions for a violation  
16 that governs the movement of vehicles under the Illinois  
17 Vehicle Code or a similar provision of a local ordinance.

18 (l) A defendant charged with violating any provision of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance who, after a court appearance in the same matter,  
21 receives a disposition of supervision under subsection (c)  
22 shall pay an additional fee of \$20, to be collected as provided  
23 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In  
24 addition to the \$20 fee, the person shall also pay a fee of \$5,  
25 which, if not waived by the court, shall be collected as  
26 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.

1 The \$20 fee shall be disbursed as provided in Section 16-104c  
2 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
3 of the fee shall be deposited into the Circuit Court Clerk  
4 Operation and Administrative Fund created by the Clerk of the  
5 Circuit Court and 50 cents of the fee shall be deposited into  
6 the Prisoner Review Board Vehicle and Equipment Fund in the  
7 State treasury.

8 (m) Any person convicted of or pleading guilty to a serious  
9 traffic violation, as defined in Section 1-187.001 of the  
10 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
11 be disbursed as provided in Section 16-104d of that Code.

12 This subsection (m) becomes inoperative 7 years after  
13 October 13, 2007 (the effective date of Public Act 95-154) ~~this~~  
14 ~~amendatory Act of the 95th General Assembly.~~

15 (n) ~~(m)~~ The provisions of paragraph (c) shall not apply to  
16 any person under the age of 18 who commits an offense against  
17 traffic regulations governing the movement of vehicles or any  
18 violation of Section 6-107 or Section 12-603.1 of the Illinois  
19 Vehicle Code, except upon personal appearance of the defendant  
20 in court and upon the written consent of the defendant's parent  
21 or legal guardian, executed before the presiding judge. The  
22 presiding judge shall have the authority to waive this  
23 requirement upon the showing of good cause by the defendant.

24 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,  
25 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
26 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;

1 95-428, 8-24-07; revised 11-19-07.)

2 (Text of Section after amendment by P.A. 95-400)

3 Sec. 5-6-1. Sentences of Probation and of Conditional  
4 Discharge and Disposition of Supervision. The General Assembly  
5 finds that in order to protect the public, the criminal justice  
6 system must compel compliance with the conditions of probation  
7 by responding to violations with swift, certain and fair  
8 punishments and intermediate sanctions. The Chief Judge of each  
9 circuit shall adopt a system of structured, intermediate  
10 sanctions for violations of the terms and conditions of a  
11 sentence of probation, conditional discharge or disposition of  
12 supervision.

13 (a) Except where specifically prohibited by other  
14 provisions of this Code, the court shall impose a sentence of  
15 probation or conditional discharge upon an offender unless,  
16 having regard to the nature and circumstance of the offense,  
17 and to the history, character and condition of the offender,  
18 the court is of the opinion that:

19 (1) his imprisonment or periodic imprisonment is  
20 necessary for the protection of the public; or

21 (2) probation or conditional discharge would deprecate  
22 the seriousness of the offender's conduct and would be  
23 inconsistent with the ends of justice; or

24 (3) a combination of imprisonment with concurrent or  
25 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



1 misdemeanor, as defined by the following provisions of the  
2 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
3 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
4 paragraph (1) through (5), (8), (10), and (11) of subsection  
5 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
6 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
7 Act; or (iii) felony. If the defendant is not barred from  
8 receiving an order for supervision as provided in this  
9 subsection, the court may enter an order for supervision after  
10 considering the circumstances of the offense, and the history,  
11 character and condition of the offender, if the court is of the  
12 opinion that:

13 (1) the offender is not likely to commit further  
14 crimes;

15 (2) the defendant and the public would be best served  
16 if the defendant were not to receive a criminal record; and

17 (3) in the best interests of justice an order of  
18 supervision is more appropriate than a sentence otherwise  
19 permitted under this Code.

20 (c-5) Subsections (a), (b), and (c) of this Section do not  
21 apply to a defendant charged with a second or subsequent  
22 violation of Section 6-303 of the Illinois Vehicle Code  
23 committed while his or her driver's license, permit or  
24 privileges were revoked because of a violation of Section 9-3  
25 of the Criminal Code of 1961, relating to the offense of  
26 reckless homicide, or a similar provision of a law of another

1 state.

2 (d) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating Section 11-501 of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance when  
5 the defendant has previously been:

6 (1) convicted for a violation of Section 11-501 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance or any similar law or ordinance of another state;  
9 or

10 (2) assigned supervision for a violation of Section  
11 11-501 of the Illinois Vehicle Code or a similar provision  
12 of a local ordinance or any similar law or ordinance of  
13 another state; or

14 (3) pleaded guilty to or stipulated to the facts  
15 supporting a charge or a finding of guilty to a violation  
16 of Section 11-503 of the Illinois Vehicle Code or a similar  
17 provision of a local ordinance or any similar law or  
18 ordinance of another state, and the plea or stipulation was  
19 the result of a plea agreement.

20 The court shall consider the statement of the prosecuting  
21 authority with regard to the standards set forth in this  
22 Section.

23 (e) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 16A-3 of the Criminal  
25 Code of 1961 if said defendant has within the last 5 years  
26 been:

1           (1) convicted for a violation of Section 16A-3 of the  
2 Criminal Code of 1961; or

3           (2) assigned supervision for a violation of Section  
4 16A-3 of the Criminal Code of 1961.

5           The court shall consider the statement of the prosecuting  
6 authority with regard to the standards set forth in this  
7 Section.

8           (f) The provisions of paragraph (c) shall not apply to a  
9 defendant charged with violating Sections 15-111, 15-112,  
10 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
11 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
12 similar provision of a local ordinance.

13           (g) Except as otherwise provided in paragraph (i) of this  
14 Section, the provisions of paragraph (c) shall not apply to a  
15 defendant charged with violating Section 3-707, 3-708, 3-710,  
16 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
17 of a local ordinance if the defendant has within the last 5  
18 years been:

19           (1) convicted for a violation of Section 3-707, 3-708,  
20 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
21 provision of a local ordinance; or

22           (2) assigned supervision for a violation of Section  
23 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
24 Code or a similar provision of a local ordinance.

25           The court shall consider the statement of the prosecuting  
26 authority with regard to the standards set forth in this

1 Section.

2 (h) The provisions of paragraph (c) shall not apply to a  
3 defendant under the age of 21 years charged with violating a  
4 serious traffic offense as defined in Section 1-187.001 of the  
5 Illinois Vehicle Code:

6 (1) unless the defendant, upon payment of the fines,  
7 penalties, and costs provided by law, agrees to attend and  
8 successfully complete a traffic safety program approved by  
9 the court under standards set by the Conference of Chief  
10 Circuit Judges. The accused shall be responsible for  
11 payment of any traffic safety program fees. If the accused  
12 fails to file a certificate of successful completion on or  
13 before the termination date of the supervision order, the  
14 supervision shall be summarily revoked and conviction  
15 entered. The provisions of Supreme Court Rule 402 relating  
16 to pleas of guilty do not apply in cases when a defendant  
17 enters a guilty plea under this provision; or

18 (2) if the defendant has previously been sentenced  
19 under the provisions of paragraph (c) on or after January  
20 1, 1998 for any serious traffic offense as defined in  
21 Section 1-187.001 of the Illinois Vehicle Code.

22 (h-1) The provisions of paragraph (c) shall not apply to a  
23 defendant under the age of 21 years charged with an offense  
24 against traffic regulations governing the movement of vehicles  
25 or any violation of Section 6-107 or Section 12-603.1 of the  
26 Illinois Vehicle Code, unless the defendant, upon payment of

1 the fines, penalties, and costs provided by law, agrees to  
2 attend and successfully complete a traffic safety program  
3 approved by the court under standards set by the Conference of  
4 Chief Circuit Judges. The accused shall be responsible for  
5 payment of any traffic safety program fees. If the accused  
6 fails to file a certificate of successful completion on or  
7 before the termination date of the supervision order, the  
8 supervision shall be summarily revoked and conviction entered.  
9 The provisions of Supreme Court Rule 402 relating to pleas of  
10 guilty do not apply in cases when a defendant enters a guilty  
11 plea under this provision.

12 (i) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 3-707 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance if the  
15 defendant has been assigned supervision for a violation of  
16 Section 3-707 of the Illinois Vehicle Code or a similar  
17 provision of a local ordinance.

18 (j) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 6-303 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance when  
21 the revocation or suspension was for a violation of Section  
22 11-501 or a similar provision of a local ordinance or a  
23 violation of Section 11-501.1 or paragraph (b) of Section  
24 11-401 of the Illinois Vehicle Code, if the defendant has  
25 within the last 10 years been:

26 (1) convicted for a violation of Section 6-303 of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance; or

3 (2) assigned supervision for a violation of Section  
4 6-303 of the Illinois Vehicle Code or a similar provision  
5 of a local ordinance.

6 (k) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating any provision of the Illinois  
8 Vehicle Code or a similar provision of a local ordinance that  
9 governs the movement of vehicles if, within the 12 months  
10 preceding the date of the defendant's arrest, the defendant has  
11 been assigned court supervision on 2 occasions for a violation  
12 that governs the movement of vehicles under the Illinois  
13 Vehicle Code or a similar provision of a local ordinance.

14 (l) A defendant charged with violating any provision of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance who, after a court appearance in the same matter,  
17 receives a disposition of supervision under subsection (c)  
18 shall pay an additional fee of \$20, to be collected as provided  
19 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In  
20 addition to the \$20 fee, the person shall also pay a fee of \$5,  
21 which, if not waived by the court, shall be collected as  
22 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
23 The \$20 fee shall be disbursed as provided in Section 16-104c  
24 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
25 of the fee shall be deposited into the Circuit Court Clerk  
26 Operation and Administrative Fund created by the Clerk of the

1 Circuit Court and 50 cents of the fee shall be deposited into  
2 the Prisoner Review Board Vehicle and Equipment Fund in the  
3 State treasury.

4 (m) Any person convicted of or pleading guilty to a serious  
5 traffic violation, as defined in Section 1-187.001 of the  
6 Illinois Vehicle Code, shall pay an additional fee of \$20, to  
7 be disbursed as provided in Section 16-104d of that Code.

8 This subsection (m) becomes inoperative 7 years after  
9 October 13, 2007 (the effective date of Public Act 95-154) ~~this~~  
10 ~~amendatory Act of the 95th General Assembly.~~

11 (n) ~~(m)~~ The provisions of paragraph (c) shall not apply to  
12 any person under the age of 18 who commits an offense against  
13 traffic regulations governing the movement of vehicles or any  
14 violation of Section 6-107 or Section 12-603.1 of the Illinois  
15 Vehicle Code, except upon personal appearance of the defendant  
16 in court and upon the written consent of the defendant's parent  
17 or legal guardian, executed before the presiding judge. The  
18 presiding judge shall have the authority to waive this  
19 requirement upon the showing of good cause by the defendant.

20 (o) ~~(m)~~ The provisions of paragraph (c) shall not apply to  
21 a defendant charged with violating Section 6-303 of the  
22 Illinois Vehicle Code or a similar provision of a local  
23 ordinance when the suspension was for a violation of Section  
24 11-501.1 of the Illinois Vehicle Code and when:

25 (1) at the time of the violation of Section 11-501.1 of  
26 the Illinois Vehicle Code, the defendant was a first

1 offender pursuant to Section 11-500 of the Illinois Vehicle  
2 Code and the defendant failed to obtain a monitoring device  
3 driving permit; or

4 (2) at the time of the violation of Section 11-501.1 of  
5 the Illinois Vehicle Code, the defendant was a first  
6 offender pursuant to Section 11-500 of the Illinois Vehicle  
7 Code, had subsequently obtained a monitoring device  
8 driving permit, but was driving a vehicle not equipped with  
9 a breath alcohol ignition interlock device as defined in  
10 Section 1-129.1 of the Illinois Vehicle Code.

11 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,  
12 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;  
13 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;  
14 95-400, eff. 1-1-09; 95-428, 8-24-07; revised 11-19-07.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 (Text of Section before amendment by P.A. 95-464, 95-578,  
17 and 95-696)

18 Sec. 5-6-3. Conditions of Probation and of Conditional  
19 Discharge.

20 (a) The conditions of probation and of conditional  
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any  
23 jurisdiction;

24 (2) report to or appear in person before such person or  
25 agency as directed by the court;



1           (3) refrain from possessing a firearm or other  
2 dangerous weapon;

3           (4) not leave the State without the consent of the  
4 court or, in circumstances in which the reason for the  
5 absence is of such an emergency nature that prior consent  
6 by the court is not possible, without the prior  
7 notification and approval of the person's probation  
8 officer. Transfer of a person's probation or conditional  
9 discharge supervision to another state is subject to  
10 acceptance by the other state pursuant to the Interstate  
11 Compact for Adult Offender Supervision;

12           (5) permit the probation officer to visit him at his  
13 home or elsewhere to the extent necessary to discharge his  
14 duties;

15           (6) perform no less than 30 hours of community service  
16 and not more than 120 hours of community service, if  
17 community service is available in the jurisdiction and is  
18 funded and approved by the county board where the offense  
19 was committed, where the offense was related to or in  
20 furtherance of the criminal activities of an organized gang  
21 and was motivated by the offender's membership in or  
22 allegiance to an organized gang. The community service  
23 shall include, but not be limited to, the cleanup and  
24 repair of any damage caused by a violation of Section  
25 21-1.3 of the Criminal Code of 1961 and similar damage to  
26 property located within the municipality or county in which

1 the violation occurred. When possible and reasonable, the  
2 community service should be performed in the offender's  
3 neighborhood. For purposes of this Section, "organized  
4 gang" has the meaning ascribed to it in Section 10 of the  
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

6 (7) if he or she is at least 17 years of age and has  
7 been sentenced to probation or conditional discharge for a  
8 misdemeanor or felony in a county of 3,000,000 or more  
9 inhabitants and has not been previously convicted of a  
10 misdemeanor or felony, may be required by the sentencing  
11 court to attend educational courses designed to prepare the  
12 defendant for a high school diploma and to work toward a  
13 high school diploma or to work toward passing the high  
14 school level Test of General Educational Development (GED)  
15 or to work toward completing a vocational training program  
16 approved by the court. The person on probation or  
17 conditional discharge must attend a public institution of  
18 education to obtain the educational or vocational training  
19 required by this clause (7). The court shall revoke the  
20 probation or conditional discharge of a person who wilfully  
21 fails to comply with this clause (7). The person on  
22 probation or conditional discharge shall be required to pay  
23 for the cost of the educational courses or GED test, if a  
24 fee is charged for those courses or test. The court shall  
25 resentence the offender whose probation or conditional  
26 discharge has been revoked as provided in Section 5-6-4.

1 This clause (7) does not apply to a person who has a high  
2 school diploma or has successfully passed the GED test.

3 This clause (7) does not apply to a person who is  
4 determined by the court to be developmentally disabled or  
5 otherwise mentally incapable of completing the educational  
6 or vocational program;

7 (8) if convicted of possession of a substance  
8 prohibited by the Cannabis Control Act, the Illinois  
9 Controlled Substances Act, or the Methamphetamine Control  
10 and Community Protection Act after a previous conviction or  
11 disposition of supervision for possession of a substance  
12 prohibited by the Cannabis Control Act or Illinois  
13 Controlled Substances Act or after a sentence of probation  
14 under Section 10 of the Cannabis Control Act, Section 410  
15 of the Illinois Controlled Substances Act, or Section 70 of  
16 the Methamphetamine Control and Community Protection Act  
17 and upon a finding by the court that the person is  
18 addicted, undergo treatment at a substance abuse program  
19 approved by the court;

20 (8.5) if convicted of a felony sex offense as defined  
21 in the Sex Offender Management Board Act, the person shall  
22 undergo and successfully complete sex offender treatment  
23 by a treatment provider approved by the Board and conducted  
24 in conformance with the standards developed under the Sex  
25 Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing at  
2 the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders;

11 (9) if convicted of a felony, physically surrender at a  
12 time and place designated by the court, his or her Firearm  
13 Owner's Identification Card and any and all firearms in his  
14 or her possession; and

15 (10) if convicted of a sex offense as defined in  
16 subsection (a-5) of Section 3-1-2 of this Code, unless the  
17 offender is a parent or guardian of the person under 18  
18 years of age present in the home and no non-familial minors  
19 are present, not participate in a holiday event involving  
20 children under 18 years of age, such as distributing candy  
21 or other items to children on Halloween, wearing a Santa  
22 Claus costume on or preceding Christmas, being employed as  
23 a department store Santa Claus, or wearing an Easter Bunny  
24 costume on or preceding Easter.

25 (b) The Court may in addition to other reasonable  
26 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each  
2 defendant in the proper discretion of the Court require that  
3 the person:

4 (1) serve a term of periodic imprisonment under Article  
5 7 for a period not to exceed that specified in paragraph  
6 (d) of Section 5-7-1;

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational  
9 training;

10 (4) undergo medical, psychological or psychiatric  
11 treatment; or treatment for drug addiction or alcoholism;

12 (5) attend or reside in a facility established for the  
13 instruction or residence of defendants on probation;

14 (6) support his dependents;

15 (7) and in addition, if a minor:

16 (i) reside with his parents or in a foster home;

17 (ii) attend school;

18 (iii) attend a non-residential program for youth;

19 (iv) contribute to his own support at home or in a  
20 foster home;

21 (v) with the consent of the superintendent of the  
22 facility, attend an educational program at a facility  
23 other than the school in which the offense was  
24 committed if he or she is convicted of a crime of  
25 violence as defined in Section 2 of the Crime Victims  
26 Compensation Act committed in a school, on the real

1 property comprising a school, or within 1,000 feet of  
2 the real property comprising a school;

3 (8) make restitution as provided in Section 5-5-6 of  
4 this Code;

5 (9) perform some reasonable public or community  
6 service;

7 (10) serve a term of home confinement. In addition to  
8 any other applicable condition of probation or conditional  
9 discharge, the conditions of home confinement shall be that  
10 the offender:

11 (i) remain within the interior premises of the  
12 place designated for his confinement during the hours  
13 designated by the court;

14 (ii) admit any person or agent designated by the  
15 court into the offender's place of confinement at any  
16 time for purposes of verifying the offender's  
17 compliance with the conditions of his confinement; and

18 (iii) if further deemed necessary by the court or  
19 the Probation or Court Services Department, be placed  
20 on an approved electronic monitoring device, subject  
21 to Article 8A of Chapter V;

22 (iv) for persons convicted of any alcohol,  
23 cannabis or controlled substance violation who are  
24 placed on an approved monitoring device as a condition  
25 of probation or conditional discharge, the court shall  
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in  
2 subsection (g) of this Section, unless after  
3 determining the inability of the offender to pay the  
4 fee, the court assesses a lesser fee or no fee as the  
5 case may be. This fee shall be imposed in addition to  
6 the fees imposed under subsections (g) and (i) of this  
7 Section. The fee shall be collected by the clerk of the  
8 circuit court. The clerk of the circuit court shall pay  
9 all monies collected from this fee to the county  
10 treasurer for deposit in the substance abuse services  
11 fund under Section 5-1086.1 of the Counties Code; and

12 (v) for persons convicted of offenses other than  
13 those referenced in clause (iv) above and who are  
14 placed on an approved monitoring device as a condition  
15 of probation or conditional discharge, the court shall  
16 impose a reasonable fee for each day of the use of the  
17 device, as established by the county board in  
18 subsection (g) of this Section, unless after  
19 determining the inability of the defendant to pay the  
20 fee, the court assesses a lesser fee or no fee as the  
21 case may be. This fee shall be imposed in addition to  
22 the fees imposed under subsections (g) and (i) of this  
23 Section. The fee shall be collected by the clerk of the  
24 circuit court. The clerk of the circuit court shall pay  
25 all monies collected from this fee to the county  
26 treasurer who shall use the monies collected to defray

1           the costs of corrections. The county treasurer shall  
2           deposit the fee collected in the county working cash  
3           fund under Section 6-27001 or Section 6-29002 of the  
4           Counties Code, as the case may be.

5           (11) comply with the terms and conditions of an order  
6           of protection issued by the court pursuant to the Illinois  
7           Domestic Violence Act of 1986, as now or hereafter amended,  
8           or an order of protection issued by the court of another  
9           state, tribe, or United States territory. A copy of the  
10          order of protection shall be transmitted to the probation  
11          officer or agency having responsibility for the case;

12          (12) reimburse any "local anti-crime program" as  
13          defined in Section 7 of the Anti-Crime Advisory Council Act  
14          for any reasonable expenses incurred by the program on the  
15          offender's case, not to exceed the maximum amount of the  
16          fine authorized for the offense for which the defendant was  
17          sentenced;

18          (13) contribute a reasonable sum of money, not to  
19          exceed the maximum amount of the fine authorized for the  
20          offense for which the defendant was sentenced, to a "local  
21          anti-crime program", as defined in Section 7 of the  
22          Anti-Crime Advisory Council Act;

23          (14) refrain from entering into a designated  
24          geographic area except upon such terms as the court finds  
25          appropriate. Such terms may include consideration of the  
26          purpose of the entry, the time of day, other persons



1 accompanying the defendant, and advance approval by a  
2 probation officer, if the defendant has been placed on  
3 probation or advance approval by the court, if the  
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or  
6 indirectly, with certain specified persons or particular  
7 types of persons, including but not limited to members of  
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of his  
14 or her blood or urine or both for tests to determine the  
15 presence of any illicit drug.

16 (c) The court may as a condition of probation or of  
17 conditional discharge require that a person under 18 years of  
18 age found guilty of any alcohol, cannabis or controlled  
19 substance violation, refrain from acquiring a driver's license  
20 during the period of probation or conditional discharge. If  
21 such person is in possession of a permit or license, the court  
22 may require that the minor refrain from driving or operating  
23 any motor vehicle during the period of probation or conditional  
24 discharge, except as may be necessary in the course of the  
25 minor's lawful employment.

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the  
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or  
4 subsequent violation of subsection (c) of Section 6-303 of the  
5 Illinois Vehicle Code, the court shall not require as a  
6 condition of the sentence of probation or conditional discharge  
7 that the offender be committed to a period of imprisonment in  
8 excess of 6 months. This 6 month limit shall not include  
9 periods of confinement given pursuant to a sentence of county  
10 impact incarceration under Section 5-8-1.2. This 6 month limit  
11 does not apply to a person sentenced to probation as a result  
12 of a conviction of a fourth or subsequent violation of  
13 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
14 or a similar provision of a local ordinance.

15 Persons committed to imprisonment as a condition of  
16 probation or conditional discharge shall not be committed to  
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic  
19 imprisonment under Article 7 or a sentence to a county impact  
20 incarceration program under Article 8 with a sentence of  
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional  
23 discharge and who during the term of either undergoes mandatory  
24 drug or alcohol testing, or both, or is assigned to be placed  
25 on an approved electronic monitoring device, shall be ordered  
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved  
2 electronic monitoring in accordance with the defendant's  
3 ability to pay those costs. The county board with the  
4 concurrence of the Chief Judge of the judicial circuit in which  
5 the county is located shall establish reasonable fees for the  
6 cost of maintenance, testing, and incidental expenses related  
7 to the mandatory drug or alcohol testing, or both, and all  
8 costs incidental to approved electronic monitoring, involved  
9 in a successful probation program for the county. The  
10 concurrence of the Chief Judge shall be in the form of an  
11 administrative order. The fees shall be collected by the clerk  
12 of the circuit court. The clerk of the circuit court shall pay  
13 all moneys collected from these fees to the county treasurer  
14 who shall use the moneys collected to defray the costs of drug  
15 testing, alcohol testing, and electronic monitoring. The  
16 county treasurer shall deposit the fees collected in the county  
17 working cash fund under Section 6-27001 or Section 6-29002 of  
18 the Counties Code, as the case may be.

19 (h) Jurisdiction over an offender may be transferred from  
20 the sentencing court to the court of another circuit with the  
21 concurrence of both courts. Further transfers or retransfers of  
22 jurisdiction are also authorized in the same manner. The court  
23 to which jurisdiction has been transferred shall have the same  
24 powers as the sentencing court.

25 (i) The court shall impose upon an offender sentenced to  
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the  
2 supervision of a probation or court services department after  
3 January 1, 2004, as a condition of such probation or  
4 conditional discharge or supervised community service, a fee of  
5 \$50 for each month of probation or conditional discharge  
6 supervision or supervised community service ordered by the  
7 court, unless after determining the inability of the person  
8 sentenced to probation or conditional discharge or supervised  
9 community service to pay the fee, the court assesses a lesser  
10 fee. The court may not impose the fee on a minor who is made a  
11 ward of the State under the Juvenile Court Act of 1987 while  
12 the minor is in placement. The fee shall be imposed only upon  
13 an offender who is actively supervised by the probation and  
14 court services department. The fee shall be collected by the  
15 clerk of the circuit court. The clerk of the circuit court  
16 shall pay all monies collected from this fee to the county  
17 treasurer for deposit in the probation and court services fund  
18 under Section 15.1 of the Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee under this  
20 subsection (i) in excess of \$25 per month unless: (1) the  
21 circuit court has adopted, by administrative order issued by  
22 the chief judge, a standard probation fee guide determining an  
23 offender's ability to pay, under guidelines developed by the  
24 Administrative Office of the Illinois Courts; and (2) the  
25 circuit court has authorized, by administrative order issued by  
26 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her  
2 designee, for services to crime victims and their families. Of  
3 the amount collected as a probation fee, up to \$5 of that fee  
4 collected per month may be used to provide services to crime  
5 victims and their families.

6 This amendatory Act of the 93rd General Assembly deletes  
7 the \$10 increase in the fee under this subsection that was  
8 imposed by Public Act 93-616. This deletion is intended to  
9 control over any other Act of the 93rd General Assembly that  
10 retains or incorporates that fee increase.

11 (i-5) In addition to the fees imposed under subsection (i)  
12 of this Section, in the case of an offender convicted of a  
13 felony sex offense (as defined in the Sex Offender Management  
14 Board Act) or an offense that the court or probation department  
15 has determined to be sexually motivated (as defined in the Sex  
16 Offender Management Board Act), the court or the probation  
17 department shall assess additional fees to pay for all costs of  
18 treatment, assessment, evaluation for risk and treatment, and  
19 monitoring the offender, based on that offender's ability to  
20 pay those costs either as they occur or under a payment plan.

21 (j) All fines and costs imposed under this Section for any  
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
23 Code, or a similar provision of a local ordinance, and any  
24 violation of the Child Passenger Protection Act, or a similar  
25 provision of a local ordinance, shall be collected and  
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) Any offender who is sentenced to probation or  
3 conditional discharge for a felony sex offense as defined in  
4 the Sex Offender Management Board Act or any offense that the  
5 court or probation department has determined to be sexually  
6 motivated as defined in the Sex Offender Management Board Act  
7 shall be required to refrain from any contact, directly or  
8 indirectly, with any persons specified by the court and shall  
9 be available for all evaluations and treatment programs  
10 required by the court or the probation department.

11 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
12 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)

13 (Text of Section after amendment by P.A. 95-464, 95-578,  
14 and 95-696)

15 Sec. 5-6-3. Conditions of Probation and of Conditional  
16 Discharge.

17 (a) The conditions of probation and of conditional  
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any  
20 jurisdiction;

21 (2) report to or appear in person before such person or  
22 agency as directed by the court;

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (4) not leave the State without the consent of the

1 court or, in circumstances in which the reason for the  
2 absence is of such an emergency nature that prior consent  
3 by the court is not possible, without the prior  
4 notification and approval of the person's probation  
5 officer. Transfer of a person's probation or conditional  
6 discharge supervision to another state is subject to  
7 acceptance by the other state pursuant to the Interstate  
8 Compact for Adult Offender Supervision;

9 (5) permit the probation officer to visit him at his  
10 home or elsewhere to the extent necessary to discharge his  
11 duties;

12 (6) perform no less than 30 hours of community service  
13 and not more than 120 hours of community service, if  
14 community service is available in the jurisdiction and is  
15 funded and approved by the county board where the offense  
16 was committed, where the offense was related to or in  
17 furtherance of the criminal activities of an organized gang  
18 and was motivated by the offender's membership in or  
19 allegiance to an organized gang. The community service  
20 shall include, but not be limited to, the cleanup and  
21 repair of any damage caused by a violation of Section  
22 21-1.3 of the Criminal Code of 1961 and similar damage to  
23 property located within the municipality or county in which  
24 the violation occurred. When possible and reasonable, the  
25 community service should be performed in the offender's  
26 neighborhood. For purposes of this Section, "organized

1 gang" has the meaning ascribed to it in Section 10 of the  
2 Illinois Streetgang Terrorism Omnibus Prevention Act;

3 (7) if he or she is at least 17 years of age and has  
4 been sentenced to probation or conditional discharge for a  
5 misdemeanor or felony in a county of 3,000,000 or more  
6 inhabitants and has not been previously convicted of a  
7 misdemeanor or felony, may be required by the sentencing  
8 court to attend educational courses designed to prepare the  
9 defendant for a high school diploma and to work toward a  
10 high school diploma or to work toward passing the high  
11 school level Test of General Educational Development (GED)  
12 or to work toward completing a vocational training program  
13 approved by the court. The person on probation or  
14 conditional discharge must attend a public institution of  
15 education to obtain the educational or vocational training  
16 required by this clause (7). The court shall revoke the  
17 probation or conditional discharge of a person who wilfully  
18 fails to comply with this clause (7). The person on  
19 probation or conditional discharge shall be required to pay  
20 for the cost of the educational courses or GED test, if a  
21 fee is charged for those courses or test. The court shall  
22 resentence the offender whose probation or conditional  
23 discharge has been revoked as provided in Section 5-6-4.  
24 This clause (7) does not apply to a person who has a high  
25 school diploma or has successfully passed the GED test.  
26 This clause (7) does not apply to a person who is



1 determined by the court to be developmentally disabled or  
2 otherwise mentally incapable of completing the educational  
3 or vocational program;

4 (8) if convicted of possession of a substance  
5 prohibited by the Cannabis Control Act, the Illinois  
6 Controlled Substances Act, or the Methamphetamine Control  
7 and Community Protection Act after a previous conviction or  
8 disposition of supervision for possession of a substance  
9 prohibited by the Cannabis Control Act or Illinois  
10 Controlled Substances Act or after a sentence of probation  
11 under Section 10 of the Cannabis Control Act, Section 410  
12 of the Illinois Controlled Substances Act, or Section 70 of  
13 the Methamphetamine Control and Community Protection Act  
14 and upon a finding by the court that the person is  
15 addicted, undergo treatment at a substance abuse program  
16 approved by the court;

17 (8.5) if convicted of a felony sex offense as defined  
18 in the Sex Offender Management Board Act, the person shall  
19 undergo and successfully complete sex offender treatment  
20 by a treatment provider approved by the Board and conducted  
21 in conformance with the standards developed under the Sex  
22 Offender Management Board Act;

23 (8.6) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, refrain from residing at  
25 the same address or in the same condominium unit or  
26 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  
3 been placed on supervision for a sex offense; the  
4 provisions of this paragraph do not apply to a person  
5 convicted of a sex offense who is placed in a Department of  
6 Corrections licensed transitional housing facility for sex  
7 offenders;

8 (8.7) if convicted for an offense committed on or after  
9 the effective date of this amendatory Act of the 95th  
10 General Assembly that would qualify the accused as a child  
11 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
12 Criminal Code of 1961, refrain from communicating with or  
13 contacting, by means of the Internet, a person who is not  
14 related to the accused and whom the accused reasonably  
15 believes to be under 18 years of age; for purposes of this  
16 paragraph (8.7), "Internet" has the meaning ascribed to it  
17 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
18 ~~Public Act 94-179~~; and a person is not related to the  
19 accused if the person is not: (i) the spouse, brother, or  
20 sister of the accused; (ii) a descendant of the accused;  
21 (iii) a first or second cousin of the accused; or (iv) a  
22 step-child or adopted child of the accused;

23 (9) if convicted of a felony, physically surrender at a  
24 time and place designated by the court, his or her Firearm  
25 Owner's Identification Card and any and all firearms in his  
26 or her possession; and

1           (10) if convicted of a sex offense as defined in  
2 subsection (a-5) of Section 3-1-2 of this Code, unless the  
3 offender is a parent or guardian of the person under 18  
4 years of age present in the home and no non-familial minors  
5 are present, not participate in a holiday event involving  
6 children under 18 years of age, such as distributing candy  
7 or other items to children on Halloween, wearing a Santa  
8 Claus costume on or preceding Christmas, being employed as  
9 a department store Santa Claus, or wearing an Easter Bunny  
10 costume on or preceding Easter.

11           (b) The Court may in addition to other reasonable  
12 conditions relating to the nature of the offense or the  
13 rehabilitation of the defendant as determined for each  
14 defendant in the proper discretion of the Court require that  
15 the person:

16           (1) serve a term of periodic imprisonment under Article  
17 7 for a period not to exceed that specified in paragraph  
18 (d) of Section 5-7-1;

19           (2) pay a fine and costs;

20           (3) work or pursue a course of study or vocational  
21 training;

22           (4) undergo medical, psychological or psychiatric  
23 treatment; or treatment for drug addiction or alcoholism;

24           (5) attend or reside in a facility established for the  
25 instruction or residence of defendants on probation;

26           (6) support his dependents;

- 1           (7) and in addition, if a minor:
- 2                 (i) reside with his parents or in a foster home;
- 3                 (ii) attend school;
- 4                 (iii) attend a non-residential program for youth;
- 5                 (iv) contribute to his own support at home or in a
- 6 foster home;
- 7                 (v) with the consent of the superintendent of the
- 8 facility, attend an educational program at a facility
- 9 other than the school in which the offense was
- 10 committed if he or she is convicted of a crime of
- 11 violence as defined in Section 2 of the Crime Victims
- 12 Compensation Act committed in a school, on the real
- 13 property comprising a school, or within 1,000 feet of
- 14 the real property comprising a school;
- 15           (8) make restitution as provided in Section 5-5-6 of
- 16 this Code;
- 17           (9) perform some reasonable public or community
- 18 service;
- 19           (10) serve a term of home confinement. In addition to
- 20 any other applicable condition of probation or conditional
- 21 discharge, the conditions of home confinement shall be that
- 22 the offender:
- 23                 (i) remain within the interior premises of the
- 24 place designated for his confinement during the hours
- 25 designated by the court;
- 26                 (ii) admit any person or agent designated by the

1 court into the offender's place of confinement at any  
2 time for purposes of verifying the offender's  
3 compliance with the conditions of his confinement; and

4 (iii) if further deemed necessary by the court or  
5 the Probation or Court Services Department, be placed  
6 on an approved electronic monitoring device, subject  
7 to Article 8A of Chapter V;

8 (iv) for persons convicted of any alcohol,  
9 cannabis or controlled substance violation who are  
10 placed on an approved monitoring device as a condition  
11 of probation or conditional discharge, the court shall  
12 impose a reasonable fee for each day of the use of the  
13 device, as established by the county board in  
14 subsection (g) of this Section, unless after  
15 determining the inability of the offender to pay the  
16 fee, the court assesses a lesser fee or no fee as the  
17 case may be. This fee shall be imposed in addition to  
18 the fees imposed under subsections (g) and (i) of this  
19 Section. The fee shall be collected by the clerk of the  
20 circuit court. The clerk of the circuit court shall pay  
21 all monies collected from this fee to the county  
22 treasurer for deposit in the substance abuse services  
23 fund under Section 5-1086.1 of the Counties Code; and

24 (v) for persons convicted of offenses other than  
25 those referenced in clause (iv) above and who are  
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall  
2 impose a reasonable fee for each day of the use of the  
3 device, as established by the county board in  
4 subsection (g) of this Section, unless after  
5 determining the inability of the defendant to pay the  
6 fee, the court assesses a lesser fee or no fee as the  
7 case may be. This fee shall be imposed in addition to  
8 the fees imposed under subsections (g) and (i) of this  
9 Section. The fee shall be collected by the clerk of the  
10 circuit court. The clerk of the circuit court shall pay  
11 all monies collected from this fee to the county  
12 treasurer who shall use the monies collected to defray  
13 the costs of corrections. The county treasurer shall  
14 deposit the fee collected in the county working cash  
15 fund under Section 6-27001 or Section 6-29002 of the  
16 Counties Code, as the case may be.

17 (11) comply with the terms and conditions of an order  
18 of protection issued by the court pursuant to the Illinois  
19 Domestic Violence Act of 1986, as now or hereafter amended,  
20 or an order of protection issued by the court of another  
21 state, tribe, or United States territory. A copy of the  
22 order of protection shall be transmitted to the probation  
23 officer or agency having responsibility for the case;

24 (12) reimburse any "local anti-crime program" as  
25 defined in Section 7 of the Anti-Crime Advisory Council Act  
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the  
2 fine authorized for the offense for which the defendant was  
3 sentenced;

4 (13) contribute a reasonable sum of money, not to  
5 exceed the maximum amount of the fine authorized for the  
6 offense for which the defendant was sentenced, (i) to a  
7 "local anti-crime program", as defined in Section 7 of the  
8 Anti-Crime Advisory Council Act, or (ii) for offenses under  
9 the jurisdiction of the Department of Natural Resources, to  
10 the fund established by the Department of Natural Resources  
11 for the purchase of evidence for investigation purposes and  
12 to conduct investigations as outlined in Section 805-105 of  
13 the Department of Natural Resources (Conservation) Law;

14 (14) refrain from entering into a designated  
15 geographic area except upon such terms as the court finds  
16 appropriate. Such terms may include consideration of the  
17 purpose of the entry, the time of day, other persons  
18 accompanying the defendant, and advance approval by a  
19 probation officer, if the defendant has been placed on  
20 probation or advance approval by the court, if the  
21 defendant was placed on conditional discharge;

22 (15) refrain from having any contact, directly or  
23 indirectly, with certain specified persons or particular  
24 types of persons, including but not limited to members of  
25 street gangs and drug users or dealers;

26 (16) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis  
2 Control Act, the Illinois Controlled Substances Act, or the  
3 Methamphetamine Control and Community Protection Act,  
4 unless prescribed by a physician, and submit samples of his  
5 or her blood or urine or both for tests to determine the  
6 presence of any illicit drug; and

7 (17) if convicted for an offense committed on or after  
8 the effective date of this amendatory Act of the 95th  
9 General Assembly that would qualify the accused as a child  
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
11 Criminal Code of 1961, refrain from communicating with or  
12 contacting, by means of the Internet, a person who is  
13 related to the accused and whom the accused reasonably  
14 believes to be under 18 years of age; for purposes of this  
15 paragraph (17), "Internet" has the meaning ascribed to it  
16 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~  
17 ~~Public Act 94-179~~; and a person is related to the accused  
18 if the person is: (i) the spouse, brother, or sister of the  
19 accused; (ii) a descendant of the accused; (iii) a first or  
20 second cousin of the accused; or (iv) a step-child or  
21 adopted child of the accused.

22 (c) The court may as a condition of probation or of  
23 conditional discharge require that a person under 18 years of  
24 age found guilty of any alcohol, cannabis or controlled  
25 substance violation, refrain from acquiring a driver's license  
26 during the period of probation or conditional discharge. If



1 such person is in possession of a permit or license, the court  
2 may require that the minor refrain from driving or operating  
3 any motor vehicle during the period of probation or conditional  
4 discharge, except as may be necessary in the course of the  
5 minor's lawful employment.

6 (d) An offender sentenced to probation or to conditional  
7 discharge shall be given a certificate setting forth the  
8 conditions thereof.

9 (e) Except where the offender has committed a fourth or  
10 subsequent violation of subsection (c) of Section 6-303 of the  
11 Illinois Vehicle Code, the court shall not require as a  
12 condition of the sentence of probation or conditional discharge  
13 that the offender be committed to a period of imprisonment in  
14 excess of 6 months. This 6 month limit shall not include  
15 periods of confinement given pursuant to a sentence of county  
16 impact incarceration under Section 5-8-1.2.

17 Persons committed to imprisonment as a condition of  
18 probation or conditional discharge shall not be committed to  
19 the Department of Corrections.

20 (f) The court may combine a sentence of periodic  
21 imprisonment under Article 7 or a sentence to a county impact  
22 incarceration program under Article 8 with a sentence of  
23 probation or conditional discharge.

24 (g) An offender sentenced to probation or to conditional  
25 discharge and who during the term of either undergoes mandatory  
26 drug or alcohol testing, or both, or is assigned to be placed

1 on an approved electronic monitoring device, shall be ordered  
2 to pay all costs incidental to such mandatory drug or alcohol  
3 testing, or both, and all costs incidental to such approved  
4 electronic monitoring in accordance with the defendant's  
5 ability to pay those costs. The county board with the  
6 concurrence of the Chief Judge of the judicial circuit in which  
7 the county is located shall establish reasonable fees for the  
8 cost of maintenance, testing, and incidental expenses related  
9 to the mandatory drug or alcohol testing, or both, and all  
10 costs incidental to approved electronic monitoring, involved  
11 in a successful probation program for the county. The  
12 concurrence of the Chief Judge shall be in the form of an  
13 administrative order. The fees shall be collected by the clerk  
14 of the circuit court. The clerk of the circuit court shall pay  
15 all moneys collected from these fees to the county treasurer  
16 who shall use the moneys collected to defray the costs of drug  
17 testing, alcohol testing, and electronic monitoring. The  
18 county treasurer shall deposit the fees collected in the county  
19 working cash fund under Section 6-27001 or Section 6-29002 of  
20 the Counties Code, as the case may be.

21 (h) Jurisdiction over an offender may be transferred from  
22 the sentencing court to the court of another circuit with the  
23 concurrence of both courts. Further transfers or retransfers of  
24 jurisdiction are also authorized in the same manner. The court  
25 to which jurisdiction has been transferred shall have the same  
26 powers as the sentencing court.

1 (i) The court shall impose upon an offender sentenced to  
2 probation after January 1, 1989 or to conditional discharge  
3 after January 1, 1992 or to community service under the  
4 supervision of a probation or court services department after  
5 January 1, 2004, as a condition of such probation or  
6 conditional discharge or supervised community service, a fee of  
7 \$50 for each month of probation or conditional discharge  
8 supervision or supervised community service ordered by the  
9 court, unless after determining the inability of the person  
10 sentenced to probation or conditional discharge or supervised  
11 community service to pay the fee, the court assesses a lesser  
12 fee. The court may not impose the fee on a minor who is made a  
13 ward of the State under the Juvenile Court Act of 1987 while  
14 the minor is in placement. The fee shall be imposed only upon  
15 an offender who is actively supervised by the probation and  
16 court services department. The fee shall be collected by the  
17 clerk of the circuit court. The clerk of the circuit court  
18 shall pay all monies collected from this fee to the county  
19 treasurer for deposit in the probation and court services fund  
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this  
22 subsection (i) in excess of \$25 per month unless: (1) the  
23 circuit court has adopted, by administrative order issued by  
24 the chief judge, a standard probation fee guide determining an  
25 offender's ability to pay, under guidelines developed by the  
26 Administrative Office of the Illinois Courts; and (2) the

1 circuit court has authorized, by administrative order issued by  
2 the chief judge, the creation of a Crime Victim's Services  
3 Fund, to be administered by the Chief Judge or his or her  
4 designee, for services to crime victims and their families. Of  
5 the amount collected as a probation fee, up to \$5 of that fee  
6 collected per month may be used to provide services to crime  
7 victims and their families.

8 This amendatory Act of the 93rd General Assembly deletes  
9 the \$10 increase in the fee under this subsection that was  
10 imposed by Public Act 93-616. This deletion is intended to  
11 control over any other Act of the 93rd General Assembly that  
12 retains or incorporates that fee increase.

13 (i-5) In addition to the fees imposed under subsection (i)  
14 of this Section, in the case of an offender convicted of a  
15 felony sex offense (as defined in the Sex Offender Management  
16 Board Act) or an offense that the court or probation department  
17 has determined to be sexually motivated (as defined in the Sex  
18 Offender Management Board Act), the court or the probation  
19 department shall assess additional fees to pay for all costs of  
20 treatment, assessment, evaluation for risk and treatment, and  
21 monitoring the offender, based on that offender's ability to  
22 pay those costs either as they occur or under a payment plan.

23 (j) All fines and costs imposed under this Section for any  
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
25 Code, or a similar provision of a local ordinance, and any  
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under Section 27.5  
3 of the Clerks of Courts Act.

4 (k) Any offender who is sentenced to probation or  
5 conditional discharge for a felony sex offense as defined in  
6 the Sex Offender Management Board Act or any offense that the  
7 court or probation department has determined to be sexually  
8 motivated as defined in the Sex Offender Management Board Act  
9 shall be required to refrain from any contact, directly or  
10 indirectly, with any persons specified by the court and shall  
11 be available for all evaluations and treatment programs  
12 required by the court or the probation department.

13 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
14 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
15 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
16 12-26-07.)

17 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

18 (Text of Section before amendment by P.A. 95-464 and  
19 95-696)

20 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

21 (a) When a defendant is placed on supervision, the court  
22 shall enter an order for supervision specifying the period of  
23 such supervision, and shall defer further proceedings in the  
24 case until the conclusion of the period.

25 (b) The period of supervision shall be reasonable under all

1 of the circumstances of the case, but may not be longer than 2  
2 years, unless the defendant has failed to pay the assessment  
3 required by Section 10.3 of the Cannabis Control Act, Section  
4 411.2 of the Illinois Controlled Substances Act, or Section 80  
5 of the Methamphetamine Control and Community Protection Act, in  
6 which case the court may extend supervision beyond 2 years.  
7 Additionally, the court shall order the defendant to perform no  
8 less than 30 hours of community service and not more than 120  
9 hours of community service, if community service is available  
10 in the jurisdiction and is funded and approved by the county  
11 board where the offense was committed, when the offense (1) was  
12 related to or in furtherance of the criminal activities of an  
13 organized gang or was motivated by the defendant's membership  
14 in or allegiance to an organized gang; or (2) is a violation of  
15 any Section of Article 24 of the Criminal Code of 1961 where a  
16 disposition of supervision is not prohibited by Section 5-6-1  
17 of this Code. The community service shall include, but not be  
18 limited to, the cleanup and repair of any damage caused by  
19 violation of Section 21-1.3 of the Criminal Code of 1961 and  
20 similar damages to property located within the municipality or  
21 county in which the violation occurred. Where possible and  
22 reasonable, the community service should be performed in the  
23 offender's neighborhood.

24 For the purposes of this Section, "organized gang" has the  
25 meaning ascribed to it in Section 10 of the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act.

1           (c) The court may in addition to other reasonable  
2 conditions relating to the nature of the offense or the  
3 rehabilitation of the defendant as determined for each  
4 defendant in the proper discretion of the court require that  
5 the person:

6           (1) make a report to and appear in person before or  
7 participate with the court or such courts, person, or  
8 social service agency as directed by the court in the order  
9 of supervision;

10           (2) pay a fine and costs;

11           (3) work or pursue a course of study or vocational  
12 training;

13           (4) undergo medical, psychological or psychiatric  
14 treatment; or treatment for drug addiction or alcoholism;

15           (5) attend or reside in a facility established for the  
16 instruction or residence of defendants on probation;

17           (6) support his dependents;

18           (7) refrain from possessing a firearm or other  
19 dangerous weapon;

20           (8) and in addition, if a minor:

21           (i) reside with his parents or in a foster home;

22           (ii) attend school;

23           (iii) attend a non-residential program for youth;

24           (iv) contribute to his own support at home or in a  
25 foster home; or

26           (v) with the consent of the superintendent of the

1 facility, attend an educational program at a facility  
2 other than the school in which the offense was  
3 committed if he or she is placed on supervision for a  
4 crime of violence as defined in Section 2 of the Crime  
5 Victims Compensation Act committed in a school, on the  
6 real property comprising a school, or within 1,000 feet  
7 of the real property comprising a school;

8 (9) make restitution or reparation in an amount not to  
9 exceed actual loss or damage to property and pecuniary loss  
10 or make restitution under Section 5-5-6 to a domestic  
11 violence shelter. The court shall determine the amount and  
12 conditions of payment;

13 (10) perform some reasonable public or community  
14 service;

15 (11) comply with the terms and conditions of an order  
16 of protection issued by the court pursuant to the Illinois  
17 Domestic Violence Act of 1986 or an order of protection  
18 issued by the court of another state, tribe, or United  
19 States territory. If the court has ordered the defendant to  
20 make a report and appear in person under paragraph (1) of  
21 this subsection, a copy of the order of protection shall be  
22 transmitted to the person or agency so designated by the  
23 court;

24 (12) reimburse any "local anti-crime program" as  
25 defined in Section 7 of the Anti-Crime Advisory Council Act  
26 for any reasonable expenses incurred by the program on the



1 offender's case, not to exceed the maximum amount of the  
2 fine authorized for the offense for which the defendant was  
3 sentenced;

4 (13) contribute a reasonable sum of money, not to  
5 exceed the maximum amount of the fine authorized for the  
6 offense for which the defendant was sentenced, to a "local  
7 anti-crime program", as defined in Section 7 of the  
8 Anti-Crime Advisory Council Act;

9 (14) refrain from entering into a designated  
10 geographic area except upon such terms as the court finds  
11 appropriate. Such terms may include consideration of the  
12 purpose of the entry, the time of day, other persons  
13 accompanying the defendant, and advance approval by a  
14 probation officer;

15 (15) refrain from having any contact, directly or  
16 indirectly, with certain specified persons or particular  
17 types of person, including but not limited to members of  
18 street gangs and drug users or dealers;

19 (16) refrain from having in his or her body the  
20 presence of any illicit drug prohibited by the Cannabis  
21 Control Act, the Illinois Controlled Substances Act, or the  
22 Methamphetamine Control and Community Protection Act,  
23 unless prescribed by a physician, and submit samples of his  
24 or her blood or urine or both for tests to determine the  
25 presence of any illicit drug;

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in  
2 Section 1-129.1 of the Illinois Vehicle Code; under ~~Under~~  
3 this condition the court may allow a defendant who is not  
4 self-employed to operate a vehicle owned by the defendant's  
5 employer that is not equipped with an ignition interlock  
6 device in the course and scope of the defendant's  
7 employment; and

8 (18) if placed on supervision for a sex offense as  
9 defined in subsection (a-5) of Section 3-1-2 of this Code,  
10 unless the offender is a parent or guardian of the person  
11 under 18 years of age present in the home and no  
12 non-familial minors are present, not participate in a  
13 holiday event involving children under 18 years of age,  
14 such as distributing candy or other items to children on  
15 Halloween, wearing a Santa Claus costume on or preceding  
16 Christmas, being employed as a department store Santa  
17 Claus, or wearing an Easter Bunny costume on or preceding  
18 Easter.

19 (d) The court shall defer entering any judgment on the  
20 charges until the conclusion of the supervision.

21 (e) At the conclusion of the period of supervision, if the  
22 court determines that the defendant has successfully complied  
23 with all of the conditions of supervision, the court shall  
24 discharge the defendant and enter a judgment dismissing the  
25 charges.

26 (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,

1 and costs incidental to such approved electronic monitoring in  
2 accordance with the defendant's ability to pay those costs. The  
3 county board with the concurrence of the Chief Judge of the  
4 judicial circuit in which the county is located shall establish  
5 reasonable fees for the cost of maintenance, testing, and  
6 incidental expenses related to the mandatory drug or alcohol  
7 testing, or both, and all costs incidental to approved  
8 electronic monitoring, of all defendants placed on  
9 supervision. The concurrence of the Chief Judge shall be in the  
10 form of an administrative order. The fees shall be collected by  
11 the clerk of the circuit court. The clerk of the circuit court  
12 shall pay all moneys collected from these fees to the county  
13 treasurer who shall use the moneys collected to defray the  
14 costs of drug testing, alcohol testing, and electronic  
15 monitoring. The county treasurer shall deposit the fees  
16 collected in the county working cash fund under Section 6-27001  
17 or Section 6-29002 of the Counties Code, as the case may be.

18 (h) A disposition of supervision is a final order for the  
19 purposes of appeal.

20 (i) The court shall impose upon a defendant placed on  
21 supervision after January 1, 1992 or to community service under  
22 the supervision of a probation or court services department  
23 after January 1, 2004, as a condition of supervision or  
24 supervised community service, a fee of \$50 for each month of  
25 supervision or supervised community service ordered by the  
26 court, unless after determining the inability of the person

1 placed on supervision or supervised community service to pay  
2 the fee, the court assesses a lesser fee. The court may not  
3 impose the fee on a minor who is made a ward of the State under  
4 the Juvenile Court Act of 1987 while the minor is in placement.  
5 The fee shall be imposed only upon a defendant who is actively  
6 supervised by the probation and court services department. The  
7 fee shall be collected by the clerk of the circuit court. The  
8 clerk of the circuit court shall pay all monies collected from  
9 this fee to the county treasurer for deposit in the probation  
10 and court services fund pursuant to Section 15.1 of the  
11 Probation and Probation Officers Act.

12 A circuit court may not impose a probation fee in excess of  
13 \$25 per month unless: (1) the circuit court has adopted, by  
14 administrative order issued by the chief judge, a standard  
15 probation fee guide determining an offender's ability to pay,  
16 under guidelines developed by the Administrative Office of the  
17 Illinois Courts; and (2) the circuit court has authorized, by  
18 administrative order issued by the chief judge, the creation of  
19 a Crime Victim's Services Fund, to be administered by the Chief  
20 Judge or his or her designee, for services to crime victims and  
21 their families. Of the amount collected as a probation fee, not  
22 to exceed \$5 of that fee collected per month may be used to  
23 provide services to crime victims and their families.

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

1 violation of the Child Passenger Protection Act, or a similar  
2 provision of a local ordinance, shall be collected and  
3 disbursed by the circuit clerk as provided under Section 27.5  
4 of the Clerks of Courts Act.

5 (k) A defendant at least 17 years of age who is placed on  
6 supervision for a misdemeanor in a county of 3,000,000 or more  
7 inhabitants and who has not been previously convicted of a  
8 misdemeanor or felony may as a condition of his or her  
9 supervision be required by the court to attend educational  
10 courses designed to prepare the defendant for a high school  
11 diploma and to work toward a high school diploma or to work  
12 toward passing the high school level Test of General  
13 Educational Development (GED) or to work toward completing a  
14 vocational training program approved by the court. The  
15 defendant placed on supervision must attend a public  
16 institution of education to obtain the educational or  
17 vocational training required by this subsection (k). The  
18 defendant placed on supervision shall be required to pay for  
19 the cost of the educational courses or GED test, if a fee is  
20 charged for those courses or test. The court shall revoke the  
21 supervision of a person who wilfully fails to comply with this  
22 subsection (k). The court shall resentence the defendant upon  
23 revocation of supervision as provided in Section 5-6-4. This  
24 subsection (k) does not apply to a defendant who has a high  
25 school diploma or has successfully passed the GED test. This  
26 subsection (k) does not apply to a defendant who is determined

1 by the court to be developmentally disabled or otherwise  
2 mentally incapable of completing the educational or vocational  
3 program.

4 (1) The court shall require a defendant placed on  
5 supervision for possession of a substance prohibited by the  
6 Cannabis Control Act, the Illinois Controlled Substances Act,  
7 or the Methamphetamine Control and Community Protection Act  
8 after a previous conviction or disposition of supervision for  
9 possession of a substance prohibited by the Cannabis Control  
10 Act, the Illinois Controlled Substances Act, or the  
11 Methamphetamine Control and Community Protection Act or a  
12 sentence of probation under Section 10 of the Cannabis Control  
13 Act or Section 410 of the Illinois Controlled Substances Act  
14 and after a finding by the court that the person is addicted,  
15 to undergo treatment at a substance abuse program approved by  
16 the court.

17 (m) The Secretary of State shall require anyone placed on  
18 court supervision for a violation of Section 3-707 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance to give proof of his or her financial responsibility  
21 as defined in Section 7-315 of the Illinois Vehicle Code. The  
22 proof shall be maintained by the individual in a manner  
23 satisfactory to the Secretary of State for a minimum period of  
24 3 years after the date the proof is first filed. The proof  
25 shall be limited to a single action per arrest and may not be  
26 affected by any post-sentence disposition. The Secretary of

1 State shall suspend the driver's license of any person  
2 determined by the Secretary to be in violation of this  
3 subsection.

4 (n) Any offender placed on supervision for any offense that  
5 the court or probation department has determined to be sexually  
6 motivated as defined in the Sex Offender Management Board Act  
7 shall be required to refrain from any contact, directly or  
8 indirectly, with any persons specified by the court and shall  
9 be available for all evaluations and treatment programs  
10 required by the court or the probation department.

11 (o) An offender placed on supervision for a sex offense as  
12 defined in the Sex Offender Management Board Act shall refrain  
13 from residing at the same address or in the same condominium  
14 unit or apartment unit or in the same condominium complex or  
15 apartment complex with another person he or she knows or  
16 reasonably should know is a convicted sex offender or has been  
17 placed on supervision for a sex offense. The provisions of this  
18 subsection (o) do not apply to a person convicted of a sex  
19 offense who is placed in a Department of Corrections licensed  
20 transitional housing facility for sex offenders.

21 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
22 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
23 8-21-07.)

24 (Text of Section after amendment by P.A. 95-464 and 95-696)  
25 Sec. 5-6-3.1. Incidents and Conditions of Supervision.



1           (a) When a defendant is placed on supervision, the court  
2 shall enter an order for supervision specifying the period of  
3 such supervision, and shall defer further proceedings in the  
4 case until the conclusion of the period.

5           (b) The period of supervision shall be reasonable under all  
6 of the circumstances of the case, but may not be longer than 2  
7 years, unless the defendant has failed to pay the assessment  
8 required by Section 10.3 of the Cannabis Control Act, Section  
9 411.2 of the Illinois Controlled Substances Act, or Section 80  
10 of the Methamphetamine Control and Community Protection Act, in  
11 which case the court may extend supervision beyond 2 years.  
12 Additionally, the court shall order the defendant to perform no  
13 less than 30 hours of community service and not more than 120  
14 hours of community service, if community service is available  
15 in the jurisdiction and is funded and approved by the county  
16 board where the offense was committed, when the offense (1) was  
17 related to or in furtherance of the criminal activities of an  
18 organized gang or was motivated by the defendant's membership  
19 in or allegiance to an organized gang; or (2) is a violation of  
20 any Section of Article 24 of the Criminal Code of 1961 where a  
21 disposition of supervision is not prohibited by Section 5-6-1  
22 of this Code. The community service shall include, but not be  
23 limited to, the cleanup and repair of any damage caused by  
24 violation of Section 21-1.3 of the Criminal Code of 1961 and  
25 similar damages to property located within the municipality or  
26 county in which the violation occurred. Where possible and

1 reasonable, the community service should be performed in the  
2 offender's neighborhood.

3 For the purposes of this Section, "organized gang" has the  
4 meaning ascribed to it in Section 10 of the Illinois Streetgang  
5 Terrorism Omnibus Prevention Act.

6 (c) The court may in addition to other reasonable  
7 conditions relating to the nature of the offense or the  
8 rehabilitation of the defendant as determined for each  
9 defendant in the proper discretion of the court require that  
10 the person:

11 (1) make a report to and appear in person before or  
12 participate with the court or such courts, person, or  
13 social service agency as directed by the court in the order  
14 of supervision;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational  
17 training;

18 (4) undergo medical, psychological or psychiatric  
19 treatment; or treatment for drug addiction or alcoholism;

20 (5) attend or reside in a facility established for the  
21 instruction or residence of defendants on probation;

22 (6) support his dependents;

23 (7) refrain from possessing a firearm or other  
24 dangerous weapon;

25 (8) and in addition, if a minor:

26 (i) reside with his parents or in a foster home;

- 1           (ii) attend school;
- 2           (iii) attend a non-residential program for youth;
- 3           (iv) contribute to his own support at home or in a  
4 foster home; or
- 5           (v) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was  
8 committed if he or she is placed on supervision for a  
9 crime of violence as defined in Section 2 of the Crime  
10 Victims Compensation Act committed in a school, on the  
11 real property comprising a school, or within 1,000 feet  
12 of the real property comprising a school;
- 13       (9) make restitution or reparation in an amount not to  
14 exceed actual loss or damage to property and pecuniary loss  
15 or make restitution under Section 5-5-6 to a domestic  
16 violence shelter. The court shall determine the amount and  
17 conditions of payment;
- 18       (10) perform some reasonable public or community  
19 service;
- 20       (11) comply with the terms and conditions of an order  
21 of protection issued by the court pursuant to the Illinois  
22 Domestic Violence Act of 1986 or an order of protection  
23 issued by the court of another state, tribe, or United  
24 States territory. If the court has ordered the defendant to  
25 make a report and appear in person under paragraph (1) of  
26 this subsection, a copy of the order of protection shall be

1 transmitted to the person or agency so designated by the  
2 court;

3 (12) reimburse any "local anti-crime program" as  
4 defined in Section 7 of the Anti-Crime Advisory Council Act  
5 for any reasonable expenses incurred by the program on the  
6 offender's case, not to exceed the maximum amount of the  
7 fine authorized for the offense for which the defendant was  
8 sentenced;

9 (13) contribute a reasonable sum of money, not to  
10 exceed the maximum amount of the fine authorized for the  
11 offense for which the defendant was sentenced, (i) to a  
12 "local anti-crime program", as defined in Section 7 of the  
13 Anti-Crime Advisory Council Act, or (ii) for offenses under  
14 the jurisdiction of the Department of Natural Resources, to  
15 the fund established by the Department of Natural Resources  
16 for the purchase of evidence for investigation purposes and  
17 to conduct investigations as outlined in Section 805-105 of  
18 the Department of Natural Resources (Conservation) Law;

19 (14) refrain from entering into a designated  
20 geographic area except upon such terms as the court finds  
21 appropriate. Such terms may include consideration of the  
22 purpose of the entry, the time of day, other persons  
23 accompanying the defendant, and advance approval by a  
24 probation officer;

25 (15) refrain from having any contact, directly or  
26 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. ~~Under~~  
13 this 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

1 Claus, or wearing an Easter Bunny costume on or preceding  
2 Easter.

3 (d) The court shall defer entering any judgment on the  
4 charges until the conclusion of the supervision.

5 (e) At the conclusion of the period of supervision, if the  
6 court determines that the defendant has successfully complied  
7 with all of the conditions of supervision, the court shall  
8 discharge the defendant and enter a judgment dismissing the  
9 charges.

10 (f) Discharge and dismissal upon a successful conclusion of  
11 a disposition of supervision shall be deemed without  
12 adjudication of guilt and shall not be termed a conviction for  
13 purposes of disqualification or disabilities imposed by law  
14 upon conviction of a crime. Two years after the discharge and  
15 dismissal under this Section, unless the disposition of  
16 supervision was for a violation of Sections 3-707, 3-708,  
17 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance, or for a violation of  
19 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
20 case it shall be 5 years after discharge and dismissal, a  
21 person may have his record of arrest sealed or expunged as may  
22 be provided by law. However, any defendant placed on  
23 supervision before January 1, 1980, may move for sealing or  
24 expungement of his arrest record, as provided by law, at any  
25 time after discharge and dismissal under this Section. A person  
26 placed on supervision for a sexual offense committed against a

1 minor as defined in subsection (g) of Section 5 of the Criminal  
2 Identification Act or for a violation of Section 11-501 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance shall not have his or her record of arrest sealed or  
5 expunged.

6 (g) A defendant placed on supervision and who during the  
7 period of supervision undergoes mandatory drug or alcohol  
8 testing, or both, or is assigned to be placed on an approved  
9 electronic monitoring device, shall be ordered to pay the costs  
10 incidental to such mandatory drug or alcohol testing, or both,  
11 and costs incidental to such approved electronic monitoring in  
12 accordance with the defendant's ability to pay those costs. The  
13 county board with the concurrence of the Chief Judge of the  
14 judicial circuit in which the county is located shall establish  
15 reasonable fees for the cost of maintenance, testing, and  
16 incidental expenses related to the mandatory drug or alcohol  
17 testing, or both, and all costs incidental to approved  
18 electronic monitoring, of all defendants placed on  
19 supervision. The concurrence of the Chief Judge shall be in the  
20 form of an administrative order. The fees shall be collected by  
21 the clerk of the circuit court. The clerk of the circuit court  
22 shall pay all moneys collected from these fees to the county  
23 treasurer who shall use the moneys collected to defray the  
24 costs of drug testing, alcohol testing, and electronic  
25 monitoring. The county treasurer shall deposit the fees  
26 collected in the county working cash fund under Section 6-27001

1 or Section 6-29002 of the Counties Code, as the case may be.

2 (h) A disposition of supervision is a final order for the  
3 purposes of appeal.

4 (i) The court shall impose upon a defendant placed on  
5 supervision after January 1, 1992 or to community service under  
6 the supervision of a probation or court services department  
7 after January 1, 2004, as a condition of supervision or  
8 supervised community service, a fee of \$50 for each month of  
9 supervision or supervised community service ordered by the  
10 court, unless after determining the inability of the person  
11 placed on supervision or supervised community service to pay  
12 the fee, the court assesses a lesser fee. The court may not  
13 impose the fee on a minor who is made a ward of the State under  
14 the Juvenile Court Act of 1987 while the minor is in placement.  
15 The fee shall be imposed only upon a defendant who is actively  
16 supervised by the probation and court services department. The  
17 fee shall be collected by the clerk of the circuit court. The  
18 clerk of the circuit court shall pay all monies collected from  
19 this fee to the county treasurer for deposit in the probation  
20 and court services fund pursuant to Section 15.1 of the  
21 Probation and Probation Officers Act.

22 A circuit court may not impose a probation fee in excess of  
23 \$25 per month unless: (1) the circuit court has adopted, by  
24 administrative order issued by the chief judge, a standard  
25 probation fee guide determining an offender's ability to pay,  
26 under guidelines developed by the Administrative Office of the



1 Illinois Courts; and (2) the circuit court has authorized, by  
2 administrative order issued by the chief judge, the creation of  
3 a Crime Victim's Services Fund, to be administered by the Chief  
4 Judge or his or her designee, for services to crime victims and  
5 their families. Of the amount collected as a probation fee, not  
6 to exceed \$5 of that fee collected per month may be used to  
7 provide services to crime victims and their families.

8 (j) All fines and costs imposed under this Section for any  
9 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
10 Code, or a similar provision of a local ordinance, and any  
11 violation of the Child Passenger Protection Act, or a similar  
12 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 (k) A defendant at least 17 years of age who is placed on  
16 supervision for a misdemeanor in a county of 3,000,000 or more  
17 inhabitants and who has not been previously convicted of a  
18 misdemeanor or felony may as a condition of his or her  
19 supervision be required by the court to attend educational  
20 courses designed to prepare the defendant for a high school  
21 diploma and to work toward a high school diploma or to work  
22 toward passing the high school level Test of General  
23 Educational Development (GED) or to work toward completing a  
24 vocational training program approved by the court. The  
25 defendant placed on supervision must attend a public  
26 institution of education to obtain the educational or

1 vocational training required by this subsection (k). The  
2 defendant placed on supervision shall be required to pay for  
3 the cost of the educational courses or GED test, if a fee is  
4 charged for those courses or test. The court shall revoke the  
5 supervision of a person who wilfully fails to comply with this  
6 subsection (k). The court shall resentence the defendant upon  
7 revocation of supervision as provided in Section 5-6-4. This  
8 subsection (k) does not apply to a defendant who has a high  
9 school diploma or has successfully passed the GED test. This  
10 subsection (k) does not apply to a defendant who is determined  
11 by the court to be developmentally disabled or otherwise  
12 mentally incapable of completing the educational or vocational  
13 program.

14 (1) The court shall require a defendant placed on  
15 supervision for possession of a substance prohibited by the  
16 Cannabis Control Act, the Illinois Controlled Substances Act,  
17 or the Methamphetamine Control and Community Protection Act  
18 after a previous conviction or disposition of supervision for  
19 possession of a substance prohibited by the Cannabis Control  
20 Act, the Illinois Controlled Substances Act, or the  
21 Methamphetamine Control and Community Protection Act or a  
22 sentence of probation under Section 10 of the Cannabis Control  
23 Act or Section 410 of the Illinois Controlled Substances Act  
24 and after a finding by the court that the person is addicted,  
25 to undergo treatment at a substance abuse program approved by  
26 the court.

1 (m) The Secretary of State shall require anyone placed on  
2 court supervision for a violation of Section 3-707 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance to give proof of his or her financial responsibility  
5 as defined in Section 7-315 of the Illinois Vehicle Code. The  
6 proof shall be maintained by the individual in a manner  
7 satisfactory to the Secretary of State for a minimum period of  
8 3 years after the date the proof is first filed. The proof  
9 shall be limited to a single action per arrest and may not be  
10 affected by any post-sentence disposition. The Secretary of  
11 State shall suspend the driver's license of any person  
12 determined by the Secretary to be in violation of this  
13 subsection.

14 (n) Any offender placed on supervision for any offense that  
15 the court or probation department has determined to be sexually  
16 motivated as defined in the Sex Offender Management Board Act  
17 shall be required to refrain from any contact, directly or  
18 indirectly, with any persons specified by the court and shall  
19 be available for all evaluations and treatment programs  
20 required by the court or the probation department.

21 (o) An offender placed on supervision for a sex offense as  
22 defined in the Sex Offender Management Board Act shall refrain  
23 from residing at the same address or in the same condominium  
24 unit or 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 been

1 placed on supervision for a sex offense. The provisions of this  
2 subsection (o) do not apply to a person convicted of a sex  
3 offense who is placed in a Department of Corrections licensed  
4 transitional housing facility for sex offenders.

5 (p) An offender placed on supervision for an offense  
6 committed on or after June 1, 2008 (the effective date of  
7 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
8 ~~Assembly~~ that would qualify the accused as a child sex offender  
9 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
10 1961 shall refrain from communicating with or contacting, by  
11 means of the Internet, a person who is not related to the  
12 accused and whom the accused reasonably believes to be under 18  
13 years of age. For purposes of this subsection (p), "Internet"  
14 has the meaning ascribed to it in Section 16J-5 of the Criminal  
15 Code of 1961, ~~as added by Public Act 94-179~~; and a person is  
16 not related to the accused if the person is not: (i) the  
17 spouse, brother, or sister of the accused; (ii) a descendant of  
18 the accused; (iii) a first or second cousin of the accused; or  
19 (iv) a step-child or adopted child of the accused.

20 (q) An offender placed on supervision for an offense  
21 committed on or after June 1, 2008 (the effective date of  
22 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
23 ~~Assembly~~ that would qualify the accused as a child sex offender  
24 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
25 1961 shall, if so ordered by the court, refrain from  
26 communicating with or contacting, by means of the Internet, a

1 person who is related to the accused and whom the accused  
2 reasonably believes to be under 18 years of age. For purposes  
3 of this subsection (q), "Internet" has the meaning ascribed to  
4 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
5 ~~Public Act 94-179~~; and a person is related to the accused if  
6 the person is: (i) the spouse, brother, or sister of the  
7 accused; (ii) a descendant of the accused; (iii) a first or  
8 second cousin of the accused; or (iv) a step-child or adopted  
9 child of the accused.

10 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
11 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
12 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
13 11-19-07.)

14 (730 ILCS 5/5-9-1.14)

15 Sec. 5-9-1.14. Additional child pornography fines. In  
16 addition to any other penalty imposed, a fine of \$500 shall be  
17 imposed upon a person convicted of child pornography under  
18 Section 11-20.1 of the Criminal Code of 1961. Such additional  
19 fine shall be assessed by the court imposing sentence and shall  
20 be collected by the circuit clerk. Of this fee, \$5 shall be  
21 deposited into the Circuit Court Clerk Operation and  
22 Administrative Fund created by the Clerk of the Circuit Court  
23 to be used to offset the costs incurred by the Circuit Court  
24 Clerk in performing the additional duties required to collect  
25 and disburse funds to entities of State and local government as

1 provided by law. Each such additional fine shall be remitted by  
2 the Circuit Court Clerk within one month after receipt to the  
3 unit of local government whose law enforcement officers  
4 investigated the case that gave rise to the conviction of the  
5 defendant for child pornography.

6 (Source: P.A. 95-191, eff. 1-1-08.)

7 (730 ILCS 5/5-9-1.15)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 Sec. 5-9-1.15 ~~5-9-1.14~~. Sex offender fines.

11 (a) There shall be added to every penalty imposed in  
12 sentencing for a sex offense as defined in Section 2 of the Sex  
13 Offender Registration Act an additional fine in the amount of  
14 \$500 to be imposed upon a plea of guilty, stipulation of facts  
15 or finding of guilty resulting in a judgment of conviction or  
16 order of supervision.

17 (b) Such additional amount shall be assessed by the court  
18 imposing sentence and shall be collected by the circuit clerk  
19 in addition to the fine, if any, and costs in the case. Each  
20 such additional penalty shall be remitted by the circuit clerk  
21 within one month after receipt to the State Treasurer for  
22 deposit into the Sex Offender Investigation Fund. The circuit  
23 clerk shall retain 10% of such penalty for deposit into the  
24 Circuit Court Clerk Operation and Administrative Fund created  
25 by the Clerk of the Circuit Court to cover the costs incurred

1 in administering and enforcing this Section. Such additional  
2 penalty shall not be considered a part of the fine for purposes  
3 of any reduction in the fine for time served either before or  
4 after sentencing.

5 (c) Not later than March 1 of each year the clerk of the  
6 circuit court shall submit to the State Comptroller a report of  
7 the amount of funds remitted by him or her to the State  
8 Treasurer under this Section during the preceding calendar  
9 year. Except as otherwise provided by Supreme Court Rules, if a  
10 court in sentencing an offender levies a gross amount for fine,  
11 costs, fees and penalties, the amount of the additional penalty  
12 provided for herein shall be collected from the amount  
13 remaining after deducting from the gross amount levied all fees  
14 of the circuit clerk, the State's Attorney, and the sheriff.  
15 After deducting from the gross amount levied the fees and  
16 additional penalty provided for herein, less any other  
17 additional penalties provided by law, the clerk shall remit  
18 \$100 of each \$500 additional fine imposed under this Section to  
19 the State's Attorney of the county which prosecuted the case or  
20 the local law enforcement agency that investigated the case  
21 leading to the defendant's judgment of conviction or order of  
22 supervision and after such remission the net balance remaining  
23 to the entity authorized by law to receive the fine imposed in  
24 the case. For purposes of this Section "fees of the circuit  
25 clerk" shall include, if applicable, the fee provided for under  
26 Section 27.3a of the Clerks of Courts Act and the fee, if

1 applicable, payable to the county in which the violation  
2 occurred under Section 5-1101 of the Counties Code.

3 (d) Subject to appropriation, moneys in the Sex Offender  
4 Investigation Fund shall be used by the Department of State  
5 Police to investigate alleged sex offenses and to make grants  
6 to local law enforcement agencies to investigate alleged sex  
7 offenses as such grants are awarded by the Director of State  
8 Police under rules established by the Director of State Police.  
9 (Source: P.A. 95-600, eff. 6-1-08; revised 12-10-07.)

10 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

11 (Text of Section before amendment by P.A. 95-606)

12 Sec. 5-9-3. Default.

13 (a) An offender who defaults in the payment of a fine or  
14 any installment of that fine may be held in contempt and  
15 imprisoned for nonpayment. The court may issue a summons for  
16 his appearance or a warrant of arrest.

17 (b) Unless the offender shows that his default was not due  
18 to his intentional refusal to pay, or not due to a failure on  
19 his part to make a good faith effort to pay, the court may  
20 order the offender imprisoned for a term not to exceed 6 months  
21 if the fine was for a felony, or 30 days if the fine was for a  
22 misdemeanor, a petty offense or a business offense. Payment of  
23 the fine at any time will entitle the offender to be released,  
24 but imprisonment under this Section shall not satisfy the  
25 payment of the fine.



1           (c) If it appears that the default in the payment of a fine  
2 is not intentional under paragraph (b) of this Section, the  
3 court may enter an order allowing the offender additional time  
4 for payment, reducing the amount of the fine or of each  
5 installment, or revoking the fine or the unpaid portion.

6           (d) When a fine is imposed on a corporation or  
7 unincorporated organization or association, it is the duty of  
8 the person or persons authorized to make disbursement of  
9 assets, and their superiors, to pay the fine from assets of the  
10 corporation or unincorporated organization or association. The  
11 failure of such persons to do so shall render them subject to  
12 proceedings under paragraphs (a) and (b) of this Section.

13           (e) A default in the payment of a fine, judgment order of  
14 forfeiture, order of restitution, or any installment thereof  
15 may be collected by any and all means authorized for the  
16 collection of money judgments. The State's Attorney of the  
17 county in which the fine, judgment order of forfeiture, or  
18 order of restitution was imposed may retain attorneys and  
19 private collection agents for the purpose of collecting any  
20 default in payment of any fine, judgment order of forfeiture,  
21 order of restitution, or installment thereof. The fees and  
22 costs incurred by the State's Attorney in any such collection  
23 and the fees and charges of attorneys and private collection  
24 agents retained by the State's Attorney for those purposes  
25 shall be charged to the offender.

26           (Source: P.A. 95-514, eff. 1-1-08.)

1 (Text of Section after amendment by P.A. 95-606)

2 Sec. 5-9-3. Default.

3 (a) An offender who defaults in the payment of a fine or  
4 any installment of that fine may be held in contempt and  
5 imprisoned for nonpayment. The court may issue a summons for  
6 his appearance or a warrant of arrest.

7 (b) Unless the offender shows that his default was not due  
8 to his intentional refusal to pay, or not due to a failure on  
9 his part to make a good faith effort to pay, the court may  
10 order the offender imprisoned for a term not to exceed 6 months  
11 if the fine was for a felony, or 30 days if the fine was for a  
12 misdemeanor, a petty offense or a business offense. Payment of  
13 the fine at any time will entitle the offender to be released,  
14 but imprisonment under this Section shall not satisfy the  
15 payment of the fine.

16 (c) If it appears that the default in the payment of a fine  
17 is not intentional under paragraph (b) of this Section, the  
18 court may enter an order allowing the offender additional time  
19 for payment, reducing the amount of the fine or of each  
20 installment, or revoking the fine or the unpaid portion.

21 (d) When a fine is imposed on a corporation or  
22 unincorporated organization or association, it is the duty of  
23 the person or persons authorized to make disbursement of  
24 assets, and their superiors, to pay the fine from assets of the  
25 corporation or unincorporated organization or association. The

1 failure of such persons to do so shall render them subject to  
2 proceedings under paragraphs (a) and (b) of this Section.

3 (e) A default in the payment of a fine, fee, cost, order of  
4 restitution, ~~or~~ judgment of bond forfeiture, judgment order of  
5 forfeiture, ~~order of restitution,~~ or any installment thereof  
6 may be collected by any and all means authorized for the  
7 collection of money judgments. The State's Attorney of the  
8 county in which the fine, fee, cost, order of restitution, ~~or~~  
9 judgment of bond forfeiture, or judgment order of forfeiture,  
10 ~~or order of restitution~~ was imposed may retain attorneys and  
11 private collection agents for the purpose of collecting any  
12 default in payment of any fine, fee, cost, order of  
13 restitution, ~~or~~ judgment of bond forfeiture, judgment order of  
14 forfeiture, ~~order of restitution,~~ or installment thereof, ~~fee,~~  
15 ~~cost, restitution, or judgment of bond forfeiture.~~ An  
16 additional fee of 30% of the delinquent amount is to be charged  
17 to the offender for any amount of the fine, fee, cost,  
18 restitution, or judgment of bond forfeiture or installment of  
19 the fine, fee, cost, restitution, or judgment of bond  
20 forfeiture that remains unpaid after the time fixed for payment  
21 of the fine, fee, cost, restitution, or judgment of bond  
22 forfeiture by the court. The additional fee shall be payable to  
23 the State's Attorney in order to compensate the State's  
24 Attorney for costs incurred in collecting the delinquent  
25 amount. The State's Attorney may enter into agreements  
26 assigning any portion of the fee to the retained attorneys or

1 the private collection agent retained by the State's Attorney.  
2 Any agreement between the State's Attorney and the retained  
3 attorneys or collection agents shall require the approval of  
4 the Circuit Clerk of that county. A default in payment of a  
5 fine, fee, cost, restitution, or judgment of bond forfeiture  
6 shall draw interest at the rate of 9% per annum.

7 (Source: P.A. 95-514, eff. 1-1-08; 95-606, eff. 6-1-08; revised  
8 11-19-07.)

9 Section 360. The Sex Offender Registration Act is amended  
10 by changing Sections 2, 3, 6, and 7 as follows:

11 (730 ILCS 150/2) (from Ch. 38, par. 222)

12 (Text of Section before amendment by P.A. 95-579 and  
13 95-625)

14 Sec. 2. Definitions.

15 (A) As used in this Article, "sex offender" means any  
16 person who is:

17 (1) charged pursuant to Illinois law, or any  
18 substantially similar federal, Uniform Code of Military  
19 Justice, sister state, or foreign country law, with a sex  
20 offense set forth in subsection (B) of this Section or the  
21 attempt to commit an included sex offense, and:

22 (a) is convicted of such offense or an attempt to  
23 commit such offense; or

24 (b) is found not guilty by reason of insanity of

1 such offense or an attempt to commit such offense; or

2 (c) is found not guilty by reason of insanity  
3 pursuant to Section 104-25(c) of the Code of Criminal  
4 Procedure of 1963 of such offense or an attempt to  
5 commit such offense; or

6 (d) is the subject of a finding not resulting in an  
7 acquittal at a hearing conducted pursuant to Section  
8 104-25(a) of the Code of Criminal Procedure of 1963 for  
9 the alleged commission or attempted commission of such  
10 offense; or

11 (e) is found not guilty by reason of insanity  
12 following a hearing conducted pursuant to a federal,  
13 Uniform Code of Military Justice, sister state, or  
14 foreign country law substantially similar to Section  
15 104-25(c) of the Code of Criminal Procedure of 1963 of  
16 such offense or of the attempted commission of such  
17 offense; or

18 (f) is the subject of a finding not resulting in an  
19 acquittal at a hearing conducted pursuant to a federal,  
20 Uniform Code of Military Justice, sister state, or  
21 foreign country law substantially similar to Section  
22 104-25(a) of the Code of Criminal Procedure of 1963 for  
23 the alleged violation or attempted commission of such  
24 offense; or

25 (2) certified as a sexually dangerous person pursuant  
26 to the Illinois Sexually Dangerous Persons Act, or any

1 substantially similar federal, Uniform Code of Military  
2 Justice, sister state, or foreign country law; or

3 (3) subject to the provisions of Section 2 of the  
4 Interstate Agreements on Sexually Dangerous Persons Act;  
5 or

6 (4) found to be a sexually violent person pursuant to  
7 the Sexually Violent Persons Commitment Act or any  
8 substantially similar federal, Uniform Code of Military  
9 Justice, sister state, or foreign country law; or

10 (5) adjudicated a juvenile delinquent as the result of  
11 committing or attempting to commit an act which, if  
12 committed by an adult, would constitute any of the offenses  
13 specified in item (B), (C), or (C-5) of this Section or a  
14 violation of any substantially similar federal, Uniform  
15 Code of Military Justice, sister state, or foreign country  
16 law, or found guilty under Article V of the Juvenile Court  
17 Act of 1987 of committing or attempting to commit an act  
18 which, if committed by an adult, would constitute any of  
19 the offenses specified in item (B), (C), or (C-5) of this  
20 Section or a violation of any substantially similar  
21 federal, Uniform Code of Military Justice, sister state, or  
22 foreign country law.

23 Convictions that result from or are connected with the same  
24 act, or result from offenses committed at the same time, shall  
25 be counted for the purpose of this Article as one conviction.  
26 Any conviction set aside pursuant to law is not a conviction

1 for purposes of this Article.

2 For purposes of this Section, "convicted" shall have the  
3 same meaning as "adjudicated".

4 (B) As used in this Article, "sex offense" means:

5 (1) A violation of any of the following Sections of the  
6 Criminal Code of 1961:

7 11-20.1 (child pornography),

8 11-6 (indecent solicitation of a child),

9 11-9.1 (sexual exploitation of a child),

10 11-9.2 (custodial sexual misconduct),

11 11-9.5 (sexual misconduct with a person with a  
12 disability),

13 11-15.1 (soliciting for a juvenile prostitute),

14 11-18.1 (patronizing a juvenile prostitute),

15 11-17.1 (keeping a place of juvenile  
16 prostitution),

17 11-19.1 (juvenile pimping),

18 11-19.2 (exploitation of a child),

19 12-13 (criminal sexual assault),

20 12-14 (aggravated criminal sexual assault),

21 12-14.1 (predatory criminal sexual assault of a  
22 child),

23 12-15 (criminal sexual abuse),

24 12-16 (aggravated criminal sexual abuse),

25 12-33 (ritualized abuse of a child).

26 An attempt to commit any of these offenses.

1           (1.5) A violation of any of the following Sections of  
2           the Criminal Code of 1961, when the victim is a person  
3           under 18 years of age, the defendant is not a parent of the  
4           victim, the offense was sexually motivated as defined in  
5           Section 10 of the Sex Offender Management Board Act, and  
6           the offense was committed on or after January 1, 1996:

7                     10-1 (kidnapping),

8                     10-2 (aggravated kidnapping),

9                     10-3 (unlawful restraint),

10                    10-3.1 (aggravated unlawful restraint).

11           (1.6) First degree murder under Section 9-1 of the  
12           Criminal Code of 1961, when the victim was a person under  
13           18 years of age and the defendant was at least 17 years of  
14           age at the time of the commission of the offense, provided  
15           the offense was sexually motivated as defined in Section 10  
16           of the Sex Offender Management Board Act.

17           (1.7) (Blank).

18           (1.8) A violation or attempted violation of Section  
19           11-11 (sexual relations within families) of the Criminal  
20           Code of 1961, and the offense was committed on or after  
21           June 1, 1997.

22           (1.9) Child abduction under paragraph (10) of  
23           subsection (b) of Section 10-5 of the Criminal Code of 1961  
24           committed by luring or attempting to lure a child under the  
25           age of 16 into a motor vehicle, building, house trailer, or  
26           dwelling place without the consent of the parent or lawful



1           custodian of the child for other than a lawful purpose and  
2           the offense was committed on or after January 1, 1998,  
3           provided the offense was sexually motivated as defined in  
4           Section 10 of the Sex Offender Management Board Act.

5           (1.10) A violation or attempted violation of any of the  
6           following Sections of the Criminal Code of 1961 when the  
7           offense was committed on or after July 1, 1999:

8                   10-4 (forcible detention, if the victim is under 18  
9                   years of age), provided the offense was sexually  
10                   motivated as defined in Section 10 of the Sex Offender  
11                   Management Board Act,

12                   11-6.5 (indecent solicitation of an adult),

13                   11-15 (soliciting for a prostitute, if the victim  
14                   is under 18 years of age),

15                   11-16 (pandering, if the victim is under 18 years  
16                   of age),

17                   11-18 (patronizing a prostitute, if the victim is  
18                   under 18 years of age),

19                   11-19 (pimping, if the victim is under 18 years of  
20                   age).

21           (1.11) A violation or attempted violation of any of the  
22           following Sections of the Criminal Code of 1961 when the  
23           offense was committed on or after August 22, 2002:

24                   11-9 (public indecency for a third or subsequent  
25                   conviction).

26           (1.12) A violation or attempted violation of Section

1           5.1 of the Wrongs to Children Act (permitting sexual abuse)  
2           when the offense was committed on or after August 22, 2002.

3           (2) A violation of any former law of this State  
4           substantially equivalent to any offense listed in  
5           subsection (B) of this Section.

6           (C) A conviction for an offense of federal law, Uniform  
7           Code of Military Justice, or the law of another state or a  
8           foreign country that is substantially equivalent to any offense  
9           listed in subsections (B), (C), and (E) of this Section shall  
10          constitute a conviction for the purpose of this Article. A  
11          finding or adjudication as a sexually dangerous person or a  
12          sexually violent person under any federal law, Uniform Code of  
13          Military Justice, or the law of another state or foreign  
14          country that is substantially equivalent to the Sexually  
15          Dangerous Persons Act or the Sexually Violent Persons  
16          Commitment Act shall constitute an adjudication for the  
17          purposes of this Article.

18          (C-5) A person at least 17 years of age at the time of the  
19          commission of the offense who is convicted of first degree  
20          murder under Section 9-1 of the Criminal Code of 1961, against  
21          a person under 18 years of age, shall be required to register  
22          for natural life. A conviction for an offense of federal,  
23          Uniform Code of Military Justice, sister state, or foreign  
24          country law that is substantially equivalent to any offense  
25          listed in subsection (C-5) of this Section shall constitute a  
26          conviction for the purpose of this Article. This subsection

1 (C-5) applies to a person who committed the offense before June  
2 1, 1996 only if the person is incarcerated in an Illinois  
3 Department of Corrections facility on August 20, 2004 (the  
4 effective date of Public Act 93-977).

5 (D) As used in this Article, "law enforcement agency having  
6 jurisdiction" means the Chief of Police in each of the  
7 municipalities in which the sex offender expects to reside,  
8 work, or attend school (1) upon his or her discharge, parole or  
9 release or (2) during the service of his or her sentence of  
10 probation or conditional discharge, or the Sheriff of the  
11 county, in the event no Police Chief exists or if the offender  
12 intends to reside, work, or attend school in an unincorporated  
13 area. "Law enforcement agency having jurisdiction" includes  
14 the location where out-of-state students attend school and  
15 where out-of-state employees are employed or are otherwise  
16 required to register.

17 (D-1) As used in this Article, "supervising officer" means  
18 the assigned Illinois Department of Corrections parole agent or  
19 county probation officer.

20 (E) As used in this Article, "sexual predator" means any  
21 person who, after July 1, 1999, is:

22 (1) Convicted for an offense of federal, Uniform Code  
23 of Military Justice, sister state, or foreign country law  
24 that is substantially equivalent to any offense listed in  
25 subsection (E) of this Section shall constitute a  
26 conviction for the purpose of this Article. Convicted of a

1 violation or attempted violation of any of the following  
2 Sections of the Criminal Code of 1961, if the conviction  
3 occurred after July 1, 1999:

4 11-17.1 (keeping a place of juvenile  
5 prostitution),

6 11-19.1 (juvenile pimping),

7 11-19.2 (exploitation of a child),

8 11-20.1 (child pornography),

9 12-13 (criminal sexual assault),

10 12-14 (aggravated criminal sexual assault),

11 12-14.1 (predatory criminal sexual assault of a  
12 child),

13 12-16 (aggravated criminal sexual abuse),

14 12-33 (ritualized abuse of a child); or

15 (2) (blank); or

16 (3) certified as a sexually dangerous person pursuant  
17 to the Sexually Dangerous Persons Act or any substantially  
18 similar federal, Uniform Code of Military Justice, sister  
19 state, or foreign country law; or

20 (4) found to be a sexually violent person pursuant to  
21 the Sexually Violent Persons Commitment Act or any  
22 substantially similar federal, Uniform Code of Military  
23 Justice, sister state, or foreign country law; or

24 (5) convicted of a second or subsequent offense which  
25 requires registration pursuant to this Act. The conviction  
26 for the second or subsequent offense must have occurred

1 after July 1, 1999. For purposes of this paragraph (5),  
2 "convicted" shall include a conviction under any  
3 substantially similar Illinois, federal, Uniform Code of  
4 Military Justice, sister state, or foreign country law.

5 (F) As used in this Article, "out-of-state student" means  
6 any sex offender, as defined in this Section, or sexual  
7 predator who is enrolled in Illinois, on a full-time or  
8 part-time basis, in any public or private educational  
9 institution, including, but not limited to, any secondary  
10 school, trade or professional institution, or institution of  
11 higher learning.

12 (G) As used in this Article, "out-of-state employee" means  
13 any sex offender, as defined in this Section, or sexual  
14 predator who works in Illinois, regardless of whether the  
15 individual receives payment for services performed, for a  
16 period of time of 10 or more days or for an aggregate period of  
17 time of 30 or more days during any calendar year. Persons who  
18 operate motor vehicles in the State accrue one day of  
19 employment time for any portion of a day spent in Illinois.

20 (H) As used in this Article, "school" means any public or  
21 private educational institution, including, but not limited  
22 to, any elementary or secondary school, trade or professional  
23 institution, or institution of higher education.

24 (I) As used in this Article, "fixed residence" means any  
25 and all places that a sex offender resides for an aggregate  
26 period of time of 5 or more days in a calendar year.

1 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945,  
2 eff. 6-27-06; 94-1053, eff. 7-24-06; 95-331, eff. 8-21-07;  
3 95-658, eff. 10-11-07.)

4 (Text of Section after amendment by P.A. 95-579 and 95-625)  
5 Sec. 2. Definitions.

6 (A) As used in this Article, "sex offender" means any  
7 person who is:

8 (1) charged pursuant to Illinois law, or any  
9 substantially similar federal, Uniform Code of Military  
10 Justice, sister state, or foreign country law, with a sex  
11 offense set forth in subsection (B) of this Section or the  
12 attempt to commit an included sex offense, and:

13 (a) is convicted of such offense or an attempt to  
14 commit such offense; or

15 (b) is found not guilty by reason of insanity of  
16 such offense or an attempt to commit such offense; or

17 (c) is found not guilty by reason of insanity  
18 pursuant to Section 104-25(c) of the Code of Criminal  
19 Procedure of 1963 of such offense or an attempt to  
20 commit such offense; or

21 (d) is the subject of a finding not resulting in an  
22 acquittal at a hearing conducted pursuant to Section  
23 104-25(a) of the Code of Criminal Procedure of 1963 for  
24 the alleged commission or attempted commission of such  
25 offense; or

1 (e) is found not guilty by reason of insanity  
2 following a hearing conducted pursuant to a federal,  
3 Uniform Code of Military Justice, sister state, or  
4 foreign country law substantially similar to Section  
5 104-25(c) of the Code of Criminal Procedure of 1963 of  
6 such offense or of the attempted commission of such  
7 offense; or

8 (f) is the subject of a finding not resulting in an  
9 acquittal at a hearing conducted pursuant to a federal,  
10 Uniform Code of Military Justice, sister state, or  
11 foreign country law substantially similar to Section  
12 104-25(a) of the Code of Criminal Procedure of 1963 for  
13 the alleged violation or attempted commission of such  
14 offense; or

15 (2) certified as a sexually dangerous person pursuant  
16 to the Illinois Sexually Dangerous Persons Act, or any  
17 substantially similar federal, Uniform Code of Military  
18 Justice, sister state, or foreign country law; or

19 (3) subject to the provisions of Section 2 of the  
20 Interstate Agreements on Sexually Dangerous Persons Act;  
21 or

22 (4) found to be a sexually violent person pursuant to  
23 the Sexually Violent Persons Commitment Act or any  
24 substantially similar federal, Uniform Code of Military  
25 Justice, sister state, or foreign country law; or

26 (5) adjudicated a juvenile delinquent as the result of

1 committing or attempting to commit an act which, if  
2 committed by an adult, would constitute any of the offenses  
3 specified in item (B), (C), or (C-5) of this Section or a  
4 violation of any substantially similar federal, Uniform  
5 Code of Military Justice, sister state, or foreign country  
6 law, or found guilty under Article V of the Juvenile Court  
7 Act of 1987 of committing or attempting to commit an act  
8 which, if committed by an adult, would constitute any of  
9 the offenses specified in item (B), (C), or (C-5) of this  
10 Section or a violation of any substantially similar  
11 federal, Uniform Code of Military Justice, sister state, or  
12 foreign country law.

13 Convictions that result from or are connected with the same  
14 act, or result from offenses committed at the same time, shall  
15 be counted for the purpose of this Article as one conviction.  
16 Any conviction set aside pursuant to law is not a conviction  
17 for purposes of this Article.

18 For purposes of this Section, "convicted" shall have the  
19 same meaning as "adjudicated".

20 (B) As used in this Article, "sex offense" means:

21 (1) A violation of any of the following Sections of the  
22 Criminal Code of 1961:

23 11-20.1 (child pornography),

24 11-20.3 (aggravated child pornography),

25 11-6 (indecent solicitation of a child),

26 11-9.1 (sexual exploitation of a child),



1           11-9.2 (custodial sexual misconduct),  
2           11-9.5 (sexual misconduct with a person with a  
3           disability),  
4           11-15.1 (soliciting for a juvenile prostitute),  
5           11-18.1 (patronizing a juvenile prostitute),  
6           11-17.1 (keeping a place of juvenile  
7           prostitution),  
8           11-19.1 (juvenile pimping),  
9           11-19.2 (exploitation of a child),  
10          12-13 (criminal sexual assault),  
11          12-14 (aggravated criminal sexual assault),  
12          12-14.1 (predatory criminal sexual assault of a  
13          child),  
14          12-15 (criminal sexual abuse),  
15          12-16 (aggravated criminal sexual abuse),  
16          12-33 (ritualized abuse of a child).

17           An attempt to commit any of these offenses.

18           (1.5) A violation of any of the following Sections of  
19           the Criminal Code of 1961, when the victim is a person  
20           under 18 years of age, the defendant is not a parent of the  
21           victim, the offense was sexually motivated as defined in  
22           Section 10 of the Sex Offender Management Board Act, and  
23           the offense was committed on or after January 1, 1996:

24           10-1 (kidnapping),  
25           10-2 (aggravated kidnapping),  
26           10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint).

2           (1.6) First degree murder under Section 9-1 of the  
3 Criminal Code of 1961, when the victim was a person under  
4 18 years of age and the defendant was at least 17 years of  
5 age at the time of the commission of the offense, provided  
6 the offense was sexually motivated as defined in Section 10  
7 of the Sex Offender Management Board Act.

8           (1.7) (Blank).

9           (1.8) A violation or attempted violation of Section  
10 11-11 (sexual relations within families) of the Criminal  
11 Code of 1961, and the offense was committed on or after  
12 June 1, 1997.

13           (1.9) Child abduction under paragraph (10) of  
14 subsection (b) of Section 10-5 of the Criminal Code of 1961  
15 committed by luring or attempting to lure a child under the  
16 age of 16 into a motor vehicle, building, house trailer, or  
17 dwelling place without the consent of the parent or lawful  
18 custodian of the child for other than a lawful purpose and  
19 the offense was committed on or after January 1, 1998,  
20 provided the offense was sexually motivated as defined in  
21 Section 10 of the Sex Offender Management Board Act.

22           (1.10) A violation or attempted violation of any of the  
23 following Sections of the Criminal Code of 1961 when the  
24 offense was committed on or after July 1, 1999:

25           10-4 (forcible detention, if the victim is under 18  
26 years of age), provided the offense was sexually

1 motivated as defined in Section 10 of the Sex Offender  
2 Management Board Act,

3 11-6.5 (indecent solicitation of an adult),

4 11-15 (soliciting for a prostitute, if the victim  
5 is under 18 years of age),

6 11-16 (pandering, if the victim is under 18 years  
7 of age),

8 11-18 (patronizing a prostitute, if the victim is  
9 under 18 years of age),

10 11-19 (pimping, if the victim is under 18 years of  
11 age).

12 (1.11) A violation or attempted violation of any of the  
13 following Sections of the Criminal Code of 1961 when the  
14 offense was committed on or after August 22, 2002:

15 11-9 (public indecency for a third or subsequent  
16 conviction).

17 (1.12) A violation or attempted violation of Section  
18 5.1 of the Wrongs to Children Act (permitting sexual abuse)  
19 when the offense was committed on or after August 22, 2002.

20 (2) A violation of any former law of this State  
21 substantially equivalent to any offense listed in  
22 subsection (B) of this Section.

23 (C) A conviction for an offense of federal law, Uniform  
24 Code of Military Justice, or the law of another state or a  
25 foreign country that is substantially equivalent to any offense  
26 listed in subsections (B), (C), and (E) of this Section shall

1 constitute a conviction for the purpose of this Article. A  
2 finding or adjudication as a sexually dangerous person or a  
3 sexually violent person under any federal law, Uniform Code of  
4 Military Justice, or the law of another state or foreign  
5 country that is substantially equivalent to the Sexually  
6 Dangerous Persons Act or the Sexually Violent Persons  
7 Commitment Act shall constitute an adjudication for the  
8 purposes of this Article.

9 (C-5) A person at least 17 years of age at the time of the  
10 commission of the offense who is convicted of first degree  
11 murder under Section 9-1 of the Criminal Code of 1961, against  
12 a person under 18 years of age, shall be required to register  
13 for natural life. A conviction for an offense of federal,  
14 Uniform Code of Military Justice, sister state, or foreign  
15 country law that is substantially equivalent to any offense  
16 listed in subsection (C-5) of this Section shall constitute a  
17 conviction for the purpose of this Article. This subsection  
18 (C-5) applies to a person who committed the offense before June  
19 1, 1996 only if the person is incarcerated in an Illinois  
20 Department of Corrections facility on August 20, 2004 (the  
21 effective date of Public Act 93-977).

22 (D) As used in this Article, "law enforcement agency having  
23 jurisdiction" means the Chief of Police in each of the  
24 municipalities in which the sex offender expects to reside,  
25 work, or attend school (1) upon his or her discharge, parole or  
26 release or (2) during the service of his or her sentence of

1 probation or conditional discharge, or the Sheriff of the  
2 county, in the event no Police Chief exists or if the offender  
3 intends to reside, work, or attend school in an unincorporated  
4 area. "Law enforcement agency having jurisdiction" includes  
5 the location where out-of-state students attend school and  
6 where out-of-state employees are employed or are otherwise  
7 required to register.

8 (D-1) As used in this Article, "supervising officer" means  
9 the assigned Illinois Department of Corrections parole agent or  
10 county probation officer.

11 (E) As used in this Article, "sexual predator" means any  
12 person who, after July 1, 1999, is:

13 (1) Convicted for an offense of federal, Uniform Code  
14 of Military Justice, sister state, or foreign country law  
15 that is substantially equivalent to any offense listed in  
16 subsection (E) of this Section shall constitute a  
17 conviction for the purpose of this Article. Convicted of a  
18 violation or attempted violation of any of the following  
19 Sections of the Criminal Code of 1961, if the conviction  
20 occurred after July 1, 1999:

21 11-17.1 (keeping a place of juvenile  
22 prostitution),

23 11-19.1 (juvenile pimping),

24 11-19.2 (exploitation of a child),

25 11-20.1 (child pornography),

26 11-20.3 (aggravated child pornography),

- 1                   12-13 (criminal sexual assault),  
2                   12-14 (aggravated criminal sexual assault),  
3                   12-14.1 (predatory criminal sexual assault of a  
4 child),  
5                   12-16 (aggravated criminal sexual abuse),  
6                   12-33 (ritualized abuse of a child); ~~or~~  
7                   (2) (blank); ~~or~~  
8                   (3) certified as a sexually dangerous person pursuant  
9 to the Sexually Dangerous Persons Act or any substantially  
10 similar federal, Uniform Code of Military Justice, sister  
11 state, or foreign country law; ~~or~~  
12                   (4) found to be a sexually violent person pursuant to  
13 the Sexually Violent Persons Commitment Act or any  
14 substantially similar federal, Uniform Code of Military  
15 Justice, sister state, or foreign country law;  
16                   (5) convicted of a second or subsequent offense which  
17 requires registration pursuant to this Act. The conviction  
18 for the second or subsequent offense must have occurred  
19 after July 1, 1999. For purposes of this paragraph (5),  
20 "convicted" shall include a conviction under any  
21 substantially similar Illinois, federal, Uniform Code of  
22 Military Justice, sister state, or foreign country law; or  
23                   (6) convicted of a second or subsequent offense of  
24 luring a minor under Section 10-5.1 of the Criminal Code of  
25 1961.  
26                   (F) As used in this Article, "out-of-state student" means

1 any sex offender, as defined in this Section, or sexual  
2 predator who is enrolled in Illinois, on a full-time or  
3 part-time basis, in any public or private educational  
4 institution, including, but not limited to, any secondary  
5 school, trade or professional institution, or institution of  
6 higher learning.

7 (G) As used in this Article, "out-of-state employee" means  
8 any sex offender, as defined in this Section, or sexual  
9 predator who works in Illinois, regardless of whether the  
10 individual receives payment for services performed, for a  
11 period of time of 10 or more days or for an aggregate period of  
12 time of 30 or more days during any calendar year. Persons who  
13 operate motor vehicles in the State accrue one day of  
14 employment time for any portion of a day spent in Illinois.

15 (H) As used in this Article, "school" means any public or  
16 private educational institution, including, but not limited  
17 to, any elementary or secondary school, trade or professional  
18 institution, or institution of higher education.

19 (I) As used in this Article, "fixed residence" means any  
20 and all places that a sex offender resides for an aggregate  
21 period of time of 5 or more days in a calendar year.

22 (J) As used in this Article, "Internet protocol address"  
23 means the string of numbers by which a location on the Internet  
24 is identified by routers or other computers connected to the  
25 Internet.

26 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945,

1 eff. 6-27-06; 94-1053, eff. 7-24-06; 95-331, eff. 8-21-07;  
2 95-579, eff. 6-1-08; 95-625, eff. 6-1-08; 95-658, eff.  
3 10-11-07; revised 11-19-07.)

4 (730 ILCS 150/3)

5 (Text of Section before amendment by P.A. 95-579 and  
6 95-640)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or  
9 sexual predator shall, within the time period prescribed in  
10 subsections (b) and (c), register in person and provide  
11 accurate information as required by the Department of State  
12 Police. Such information shall include a current photograph,  
13 current address, current place of employment, the employer's  
14 telephone number, school attended, all e-mail addresses,  
15 instant messaging identities, chat room identities, and other  
16 Internet communications identities that the sex offender uses  
17 or plans to use, all Uniform Resource Locators (URLs)  
18 registered or used by the sex offender, all blogs and other  
19 Internet sites maintained by the sex offender or to which the  
20 sex offender has uploaded any content or posted any messages or  
21 information, extensions of the time period for registering as  
22 provided in this Article and, if an extension was granted, the  
23 reason why the extension was granted and the date the sex  
24 offender was notified of the extension. The information shall  
25 also include the county of conviction, license plate numbers



1 for every vehicle registered in the name of the sex offender,  
2 the age of the sex offender at the time of the commission of  
3 the offense, the age of the victim at the time of the  
4 commission of the offense, and any distinguishing marks located  
5 on the body of the sex offender. The sex offender or sexual  
6 predator shall register:

7 (1) with the chief of police in the municipality in  
8 which he or she resides or is temporarily domiciled for a  
9 period of time of 5 or more days, unless the municipality  
10 is the City of Chicago, in which case he or she shall  
11 register at the Chicago Police Department Headquarters; or

12 (2) with the sheriff in the county in which he or she  
13 resides or is temporarily domiciled for a period of time of  
14 5 or more days in an unincorporated area or, if  
15 incorporated, no police chief exists.

16 If the sex offender or sexual predator is employed at or  
17 attends an institution of higher education, he or she shall  
18 register:

19 (i) with the chief of police in the municipality in  
20 which he or she is employed at or attends an institution of  
21 higher education, unless the municipality is the City of  
22 Chicago, in which case he or she shall register at the  
23 Chicago Police Department Headquarters; or

24 (ii) with the sheriff in the county in which he or she  
25 is employed or attends an institution of higher education  
26 located in an unincorporated area, or if incorporated, no

1 police chief exists.

2 For purposes of this Article, the place of residence or  
3 temporary domicile is defined as any and all places where the  
4 sex offender resides for an aggregate period of time of 5 or  
5 more days during any calendar year. Any person required to  
6 register under this Article who lacks a fixed address or  
7 temporary domicile must notify, in person, the agency of  
8 jurisdiction of his or her last known address within 5 days  
9 after ceasing to have a fixed residence.

10 Any person who lacks a fixed residence must report weekly,  
11 in person, with the sheriff's office of the county in which he  
12 or she is located in an unincorporated area, or with the chief  
13 of police in the municipality in which he or she is located.  
14 The agency of jurisdiction will document each weekly  
15 registration to include all the locations where the person has  
16 stayed during the past 7 days.

17 The sex offender or sexual predator shall provide accurate  
18 information as required by the Department of State Police. That  
19 information shall include the sex offender's or sexual  
20 predator's current place of employment.

21 (a-5) An out-of-state student or out-of-state employee  
22 shall, within 5 days after beginning school or employment in  
23 this State, register in person and provide accurate information  
24 as required by the Department of State Police. Such information  
25 will include current place of employment, school attended, and  
26 address in state of residence. The out-of-state student or

1 out-of-state employee shall register:

2 (1) with the chief of police in the municipality in  
3 which he or she attends school or is employed for a period  
4 of time of 5 or more days or for an aggregate period of  
5 time of more than 30 days during any calendar year, unless  
6 the municipality is the City of Chicago, in which case he  
7 or she shall register at the Chicago Police Department  
8 Headquarters; or

9 (2) with the sheriff in the county in which he or she  
10 attends school or is employed for a period of time of 5 or  
11 more days or for an aggregate period of time of more than  
12 30 days during any calendar year in an unincorporated area  
13 or, if incorporated, no police chief exists.

14 The out-of-state student or out-of-state employee shall  
15 provide accurate information as required by the Department of  
16 State Police. That information shall include the out-of-state  
17 student's current place of school attendance or the  
18 out-of-state employee's current place of employment.

19 (b) Any sex offender, as defined in Section 2 of this Act,  
20 or sexual predator, regardless of any initial, prior, or other  
21 registration, shall, within 5 days of beginning school, or  
22 establishing a residence, place of employment, or temporary  
23 domicile in any county, register in person as set forth in  
24 subsection (a) or (a-5).

25 (c) The registration for any person required to register  
26 under this Article shall be as follows:

1           (1) Any person registered under the Habitual Child Sex  
2 Offender Registration Act or the Child Sex Offender  
3 Registration Act prior to January 1, 1996, shall be deemed  
4 initially registered as of January 1, 1996; however, this  
5 shall not be construed to extend the duration of  
6 registration set forth in Section 7.

7           (2) Except as provided in subsection (c)(4), any person  
8 convicted or adjudicated prior to January 1, 1996, whose  
9 liability for registration under Section 7 has not expired,  
10 shall register in person prior to January 31, 1996.

11           (2.5) Except as provided in subsection (c)(4), any  
12 person who has not been notified of his or her  
13 responsibility to register shall be notified by a criminal  
14 justice entity of his or her responsibility to register.  
15 Upon notification the person must then register within 5  
16 days of notification of his or her requirement to register.  
17 If notification is not made within the offender's 10 year  
18 registration requirement, and the Department of State  
19 Police determines no evidence exists or indicates the  
20 offender attempted to avoid registration, the offender  
21 will no longer be required to register under this Act.

22           (3) Except as provided in subsection (c)(4), any person  
23 convicted on or after January 1, 1996, shall register in  
24 person within 5 days after the entry of the sentencing  
25 order based upon his or her conviction.

26           (4) Any person unable to comply with the registration

1 requirements of this Article because he or she is confined,  
2 institutionalized, or imprisoned in Illinois on or after  
3 January 1, 1996, shall register in person within 5 days of  
4 discharge, parole or release.

5 (5) The person shall provide positive identification  
6 and documentation that substantiates proof of residence at  
7 the registering address.

8 (6) The person shall pay a \$20 initial registration fee  
9 and a \$10 annual renewal fee. The fees shall be used by the  
10 registering agency for official purposes. The agency shall  
11 establish procedures to document receipt and use of the  
12 funds. The law enforcement agency having jurisdiction may  
13 waive the registration fee if it determines that the person  
14 is indigent and unable to pay the registration fee. Ten  
15 dollars for the initial registration fee and \$5 of the  
16 annual renewal fee shall be used by the registering agency  
17 for official purposes. Ten dollars of the initial  
18 registration fee and \$5 of the annual fee shall be  
19 deposited into the Sex Offender Management Board Fund under  
20 Section 19 of the Sex Offender Management Board Act. Money  
21 deposited into the Sex Offender Management Board Fund shall  
22 be administered by the Sex Offender Management Board and  
23 shall be used to fund practices endorsed or required by the  
24 Sex Offender Management Board Act including but not limited  
25 to sex offenders evaluation, treatment, or monitoring  
26 programs that are or may be developed, as well as for

1 administrative costs, including staff, incurred by the  
2 Board.

3 (d) Within 5 days after obtaining or changing employment  
4 and, if employed on January 1, 2000, within 5 days after that  
5 date, a person required to register under this Section must  
6 report, in person to the law enforcement agency having  
7 jurisdiction, the business name and address where he or she is  
8 employed. If the person has multiple businesses or work  
9 locations, every business and work location must be reported to  
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,  
12 eff. 1-1-07; 95-229, eff. 8-16-07; 95-658, eff. 10-11-07;  
13 revised 11-19-07.)

14 (Text of Section after amendment by P.A. 95-579 and 95-640)  
15 Sec. 3. Duty to register.

16 (a) A sex offender, as defined in Section 2 of this Act, or  
17 sexual predator shall, within the time period prescribed in  
18 subsections (b) and (c), register in person and provide  
19 accurate information as required by the Department of State  
20 Police. Such information shall include a current photograph,  
21 current address, current place of employment, the employer's  
22 telephone number, school attended, all e-mail addresses,  
23 instant messaging identities, chat room identities, and other  
24 Internet communications identities that the sex offender uses  
25 or plans to use, all Uniform Resource Locators (URLs)

1 registered or used by the sex offender, all blogs and other  
2 Internet sites maintained by the sex offender or to which the  
3 sex offender has uploaded any content or posted any messages or  
4 information, extensions of the time period for registering as  
5 provided in this Article and, if an extension was granted, the  
6 reason why the extension was granted and the date the sex  
7 offender was notified of the extension. The information shall  
8 also include the county of conviction, license plate numbers  
9 for every vehicle registered in the name of the sex offender,  
10 the age of the sex offender at the time of the commission of  
11 the offense, the age of the victim at the time of the  
12 commission of the offense, and any distinguishing marks located  
13 on the body of the sex offender. A sex offender convicted under  
14 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code  
15 of 1961 shall provide all Internet protocol (IP) addresses in  
16 his or her residence, registered in his or her name, accessible  
17 at his or her place of employment, or otherwise under his or  
18 her control or custody. The sex offender or sexual predator  
19 shall register:

20 (1) with the chief of police in the municipality in  
21 which he or she resides or is temporarily domiciled for a  
22 period of time of 5 or more days, unless the municipality  
23 is the City of Chicago, in which case he or she shall  
24 register at the Chicago Police Department Headquarters; or

25 (2) with the sheriff in the county in which he or she  
26 resides or is temporarily domiciled for a period of time of

1           5 or more days in an unincorporated area or, if  
2           incorporated, no police chief exists.

3           If the sex offender or sexual predator is employed at or  
4           attends an institution of higher education, he or she shall  
5           register:

6                   (i) with the chief of police in the municipality in  
7                   which he or she is employed at or attends an institution of  
8                   higher education, unless the municipality is the City of  
9                   Chicago, in which case he or she shall register at the  
10                  Chicago Police Department Headquarters; or

11                   (ii) with the sheriff in the county in which he or she  
12                   is employed or attends an institution of higher education  
13                   located in an unincorporated area, or if incorporated, no  
14                   police chief exists.

15           For purposes of this Article, the place of residence or  
16           temporary domicile is defined as any and all places where the  
17           sex offender resides for an aggregate period of time of 5 or  
18           more days during any calendar year. Any person required to  
19           register under this Article who lacks a fixed address or  
20           temporary domicile must notify, in person, the agency of  
21           jurisdiction of his or her last known address within 3 days  
22           after ceasing to have a fixed residence.

23           Any person who lacks a fixed residence must report weekly,  
24           in person, with the sheriff's office of the county in which he  
25           or she is located in an unincorporated area, or with the chief  
26           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 3 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. A sex offender convicted under  
14 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code  
15 of 1961 shall provide all Internet protocol (IP) addresses in  
16 his or her residence, registered in his or her name, accessible  
17 at his or her place of employment, or otherwise under his or  
18 her control or custody. The out-of-state student or  
19 out-of-state employee shall register:

20 (1) with the chief of police in the municipality in  
21 which he or she attends school or is employed for a period  
22 of time of 5 or more days or for an aggregate period of  
23 time of more than 30 days during any calendar year, unless  
24 the municipality is the City of Chicago, in which case he  
25 or she shall register at the Chicago Police Department  
26 Headquarters; or

1           (2) with the sheriff in the county in which he or she  
2 attends school or is employed for a period of time of 5 or  
3 more days or for an aggregate period of time of more than  
4 30 days during any calendar year in an unincorporated area  
5 or, if incorporated, no police chief exists.

6           The out-of-state student or out-of-state employee shall  
7 provide accurate information as required by the Department of  
8 State Police. That information shall include the out-of-state  
9 student's current place of school attendance or the  
10 out-of-state employee's current place of employment.

11           (a-10) Any law enforcement agency registering sex  
12 offenders or sexual predators in accordance with subsections  
13 (a) or (a-5) of this Section shall forward to the Attorney  
14 General a copy of sex offender registration forms from persons  
15 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the  
16 Criminal Code of 1961, including periodic and annual  
17 registrations under Section 6 of this Act.

18           (b) Any sex offender, as defined in Section 2 of this Act,  
19 or sexual predator, regardless of any initial, prior, or other  
20 registration, shall, within 3 days of beginning school, or  
21 establishing a residence, place of employment, or temporary  
22 domicile in any county, register in person as set forth in  
23 subsection (a) or (a-5).

24           (c) The registration for any person required to register  
25 under this Article shall be as follows:

26           (1) Any person registered under the Habitual Child Sex

1 Offender Registration Act or the Child Sex Offender  
2 Registration Act prior to January 1, 1996, shall be deemed  
3 initially registered as of January 1, 1996; however, this  
4 shall not be construed to extend the duration of  
5 registration set forth in Section 7.

6 (2) Except as provided in subsection (c)(4), any person  
7 convicted or adjudicated prior to January 1, 1996, whose  
8 liability for registration under Section 7 has not expired,  
9 shall register in person prior to January 31, 1996.

10 (2.5) Except as provided in subsection (c)(4), any  
11 person who has not been notified of his or her  
12 responsibility to register shall be notified by a criminal  
13 justice entity of his or her responsibility to register.  
14 Upon notification the person must then register within 3  
15 days of notification of his or her requirement to register.  
16 If notification is not made within the offender's 10 year  
17 registration requirement, and the Department of State  
18 Police determines no evidence exists or indicates the  
19 offender attempted to avoid registration, the offender  
20 will no longer be required to register under this Act.

21 (3) Except as provided in subsection (c)(4), any person  
22 convicted on or after January 1, 1996, shall register in  
23 person within 3 days after the entry of the sentencing  
24 order based upon his or her conviction.

25 (4) Any person unable to comply with the registration  
26 requirements of this Article because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after  
2 January 1, 1996, shall register in person within 3 days of  
3 discharge, parole or release.

4 (5) The person shall provide positive identification  
5 and documentation that substantiates proof of residence at  
6 the registering address.

7 (6) The person shall pay a \$20 initial registration fee  
8 and a \$10 annual renewal fee. The fees shall be used by the  
9 registering agency for official purposes. The agency shall  
10 establish procedures to document receipt and use of the  
11 funds. The law enforcement agency having jurisdiction may  
12 waive the registration fee if it determines that the person  
13 is indigent and unable to pay the registration fee. Ten  
14 dollars for the initial registration fee and \$5 of the  
15 annual renewal fee shall be used by the registering agency  
16 for official purposes. Ten dollars of the initial  
17 registration fee and \$5 of the annual fee shall be  
18 deposited into the Sex Offender Management Board Fund under  
19 Section 19 of the Sex Offender Management Board Act. Money  
20 deposited into the Sex Offender Management Board Fund shall  
21 be administered by the Sex Offender Management Board and  
22 shall be used to fund practices endorsed or required by the  
23 Sex Offender Management Board Act including but not limited  
24 to sex offenders evaluation, treatment, or monitoring  
25 programs that are or may be developed, as well as for  
26 administrative costs, including staff, incurred by the

1 Board.

2 (d) Within 3 days after obtaining or changing employment  
3 and, if employed on January 1, 2000, within 5 days after that  
4 date, a person required to register under this Section must  
5 report, in person to the law enforcement agency having  
6 jurisdiction, the business name and address where he or she is  
7 employed. If the person has multiple businesses or work  
8 locations, every business and work location must be reported to  
9 the law enforcement agency having jurisdiction.

10 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,  
11 eff. 1-1-07; 95-229, eff. 8-16-07; 95-579, eff. 6-1-08; 95-640,  
12 eff. 6-1-08; 95-658, eff. 10-11-07; revised 11-19-07.)

13 (730 ILCS 150/6) (from Ch. 38, par. 226)

14 (Text of Section before amendment by P.A. 95-640)

15 Sec. 6. Duty to report; change of address, school, or  
16 employment; duty to inform. A person who has been adjudicated  
17 to be sexually dangerous or is a sexually violent person and is  
18 later released, or found to be no longer sexually dangerous or  
19 no longer a sexually violent person and discharged, or  
20 convicted of a violation of this Act after July 1, 2005, shall  
21 report in person to the law enforcement agency with whom he or  
22 she last registered no later than 90 days after the date of his  
23 or her last registration and every 90 days thereafter and at  
24 such other times at the request of the law enforcement agency  
25 not to exceed 4 times a year. Such sexually dangerous or

1 sexually violent person must report all new or changed e-mail  
2 addresses, all new or changed instant messaging identities, all  
3 new or changed chat room identities, and all other new or  
4 changed Internet communications identities that the sexually  
5 dangerous or sexually violent person uses or plans to use, all  
6 new or changed Uniform Resource Locators (URLs) registered or  
7 used by the sexually dangerous or sexually violent person, and  
8 all new or changed blogs and other Internet sites maintained by  
9 the sexually dangerous or sexually violent person or to which  
10 the sexually dangerous or sexually violent person has uploaded  
11 any content or posted any messages or information. Any person  
12 who lacks a fixed residence must report weekly, in person, to  
13 the appropriate law enforcement agency where the sex offender  
14 is located. Any other person who is required to register under  
15 this Article shall report in person to the appropriate law  
16 enforcement agency with whom he or she last registered within  
17 one year from the date of last registration and every year  
18 thereafter and at such other times at the request of the law  
19 enforcement agency not to exceed 4 times a year. If any person  
20 required to register under this Article lacks a fixed residence  
21 or temporary domicile, he or she must notify, in person, the  
22 agency of jurisdiction of his or her last known address within  
23 5 days after ceasing to have a fixed residence and if the  
24 offender leaves the last jurisdiction of residence, he or she,  
25 must within 48 hours after leaving register in person with the  
26 new agency of jurisdiction. If any other person required to

1 register under this Article changes his or her residence  
2 address, place of employment, or school, he or she shall report  
3 in person to the law enforcement agency with whom he or she  
4 last registered of his or her new address, change in  
5 employment, or school, all new or changed e-mail addresses, all  
6 new or changed instant messaging identities, all new or changed  
7 chat room identities, and all other new or changed Internet  
8 communications identities that the sex offender uses or plans  
9 to use, all new or changed Uniform Resource Locators (URLs)  
10 registered or used by the sex offender, and all new or changed  
11 blogs and other Internet sites maintained by the sex offender  
12 or to which the sex offender has uploaded any content or posted  
13 any messages or information, and register, in person, with the  
14 appropriate law enforcement agency within the time period  
15 specified in Section 3. The law enforcement agency shall,  
16 within 3 days of the reporting in person by the person required  
17 to register under this Article, notify the Department of State  
18 Police of the new place of residence, change in employment, or  
19 school.

20 If any person required to register under this Article  
21 intends to establish a residence or employment outside of the  
22 State of Illinois, at least 10 days before establishing that  
23 residence or employment, he or she shall report in person to  
24 the law enforcement agency with which he or she last registered  
25 of his or her out-of-state intended residence or employment.  
26 The law enforcement agency with which such person last

1 registered shall, within 3 days after the reporting in person  
2 of the person required to register under this Article of an  
3 address or employment change, notify the Department of State  
4 Police. The Department of State Police shall forward such  
5 information to the out-of-state law enforcement agency having  
6 jurisdiction in the form and manner prescribed by the  
7 Department of State Police.

8 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-229,  
9 eff. 8-16-07; 95-331, eff. 8-21-07.)

10 (Text of Section after amendment by P.A. 95-640)

11 Sec. 6. Duty to report; change of address, school, or  
12 employment; duty to inform. A person who has been adjudicated  
13 to be sexually dangerous or is a sexually violent person and is  
14 later released, or found to be no longer sexually dangerous or  
15 no longer a sexually violent person and discharged, or  
16 convicted of a violation of this Act after July 1, 2005, shall  
17 report in person to the law enforcement agency with whom he or  
18 she last registered no later than 90 days after the date of his  
19 or her last registration and every 90 days thereafter and at  
20 such other times at the request of the law enforcement agency  
21 not to exceed 4 times a year. Such sexually dangerous or  
22 sexually violent person must report all new or changed e-mail  
23 addresses, all new or changed instant messaging identities, all  
24 new or changed chat room identities, and all other new or  
25 changed Internet communications identities that the sexually



1 dangerous or sexually violent person uses or plans to use, all  
2 new or changed Uniform Resource Locators (URLs) registered or  
3 used by the sexually dangerous or sexually violent person, and  
4 all new or changed blogs and other Internet sites maintained by  
5 the sexually dangerous or sexually violent person or to which  
6 the sexually dangerous or sexually violent person has uploaded  
7 any content or posted any messages or information. Any person  
8 who lacks a fixed residence must report weekly, in person, to  
9 the appropriate law enforcement agency where the sex offender  
10 is located. Any other person who is required to register under  
11 this Article shall report in person to the appropriate law  
12 enforcement agency with whom he or she last registered within  
13 one year from the date of last registration and every year  
14 thereafter and at such other times at the request of the law  
15 enforcement agency not to exceed 4 times a year. If any person  
16 required to register under this Article lacks a fixed residence  
17 or temporary domicile, he or she must notify, in person, the  
18 agency of jurisdiction of his or her last known address within  
19 3 days after ceasing to have a fixed residence and if the  
20 offender leaves the last jurisdiction of residence, he or she,  
21 must within 3 days after leaving register in person with the  
22 new agency of jurisdiction. If any other person required to  
23 register under this Article changes his or her residence  
24 address, place of employment, or school, he or she shall report  
25 in person to the law enforcement agency with whom he or she  
26 last registered of his or her new address, change in

1 employment, or school, all new or changed e-mail addresses, all  
2 new or changed instant messaging identities, all new or changed  
3 chat room identities, and all other new or changed Internet  
4 communications identities that the sex offender uses or plans  
5 to use, all new or changed Uniform Resource Locators (URLs)  
6 registered or used by the sex offender, and all new or changed  
7 blogs and other Internet sites maintained by the sex offender  
8 or to which the sex offender has uploaded any content or posted  
9 any messages or information, and register, in person, with the  
10 appropriate law enforcement agency within the time period  
11 specified in Section 3. The law enforcement agency shall,  
12 within 3 days of the reporting in person by the person required  
13 to register under this Article, notify the Department of State  
14 Police of the new place of residence, change in employment, or  
15 school.

16 If any person required to register under this Article  
17 intends to establish a residence or employment outside of the  
18 State of Illinois, at least 10 days before establishing that  
19 residence or employment, he or she shall report in person to  
20 the law enforcement agency with which he or she last registered  
21 of his or her out-of-state intended residence or employment.  
22 The law enforcement agency with which such person last  
23 registered shall, within 3 days after the reporting in person  
24 of the person required to register under this Article of an  
25 address or employment change, notify the Department of State  
26 Police. The Department of State Police shall forward such

1 information to the out-of-state law enforcement agency having  
2 jurisdiction in the form and manner prescribed by the  
3 Department of State Police.

4 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-229,  
5 eff. 8-16-07; 95-331, eff. 8-21-07; 95-640, eff. 6-1-08;  
6 revised 11-19-07.)

7 (730 ILCS 150/7) (from Ch. 38, par. 227)

8 (Text of Section before amendment by P.A. 95-513 and  
9 95-640)

10 Sec. 7. Duration of registration. A person who has been  
11 adjudicated to be sexually dangerous and is later released or  
12 found to be no longer sexually dangerous and discharged, shall  
13 register for the period of his or her natural life. A sexually  
14 violent person or sexual predator shall register for the period  
15 of his or her natural life after conviction or adjudication if  
16 not confined to a penal institution, hospital, or other  
17 institution or facility, and if confined, for the period of his  
18 or her natural life after parole, discharge, or release from  
19 any such facility. A person who becomes subject to registration  
20 under this Article who has previously been subject to  
21 registration under this Article or under the Child Murderer and  
22 Violent Offender Against Youth Registration Act or similar  
23 registration requirements of other jurisdictions shall  
24 register for the period of his or her natural life if not  
25 confined to a penal institution, hospital, or other institution

1 or facility, and if confined, for the period of his or her  
2 natural life after parole, discharge, or release from any such  
3 facility. Any other person who is required to register under  
4 this Article shall be required to register for a period of 10  
5 years after conviction or adjudication if not confined to a  
6 penal institution, hospital or any other institution or  
7 facility, and if confined, for a period of 10 years after  
8 parole, discharge or release from any such facility. A sex  
9 offender who is allowed to leave a county, State, or federal  
10 facility for the purposes of work release, education, or  
11 overnight visitations shall be required to register within 5  
12 days of beginning such a program. Liability for registration  
13 terminates at the expiration of 10 years from the date of  
14 conviction or adjudication if not confined to a penal  
15 institution, hospital or any other institution or facility and  
16 if confined, at the expiration of 10 years from the date of  
17 parole, discharge or release from any such facility, providing  
18 such person does not, during that period, again become liable  
19 to register under the provisions of this Article. Reconfinement  
20 due to a violation of parole or other circumstances that  
21 relates to the original conviction or adjudication shall extend  
22 the period of registration to 10 years after final parole,  
23 discharge, or release. The Director of State Police, consistent  
24 with administrative rules, shall extend for 10 years the  
25 registration period of any sex offender, as defined in Section  
26 2 of this Act, who fails to comply with the provisions of this

1 Article. The registration period for any sex offender who fails  
2 to comply with any provision of the Act shall extend the period  
3 of registration by 10 years beginning from the first date of  
4 registration after the violation. If the registration period is  
5 extended, the Department of State Police shall send a  
6 registered letter to the law enforcement agency where the sex  
7 offender resides within 3 days after the extension of the  
8 registration period. The sex offender shall report to that law  
9 enforcement agency and sign for that letter. One copy of that  
10 letter shall be kept on file with the law enforcement agency of  
11 the jurisdiction where the sex offender resides and one copy  
12 shall be returned to the Department of State Police.

13 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,  
14 eff. 8-14-07; 95-331, eff. 8-21-07.)

15 (Text of Section after amendment by P.A. 95-513 and 95-640)

16 Sec. 7. Duration of registration. A person who has been  
17 adjudicated to be sexually dangerous and is later released or  
18 found to be no longer sexually dangerous and discharged, shall  
19 register for the period of his or her natural life. A sexually  
20 violent person or sexual predator shall register for the period  
21 of his or her natural life after conviction or adjudication if  
22 not confined to a penal institution, hospital, or other  
23 institution or facility, and if confined, for the period of his  
24 or her natural life after parole, discharge, or release from  
25 any such facility. A person who becomes subject to registration

1 under this Article who has previously been subject to  
2 registration under this Article or under the Child Murderer and  
3 Violent Offender Against Youth Registration Act or similar  
4 registration requirements of other jurisdictions shall  
5 register for the period of his or her natural life if not  
6 confined to a penal institution, hospital, or other institution  
7 or facility, and if confined, for the period of his or her  
8 natural life after parole, discharge, or release from any such  
9 facility. Any other person who is required to register under  
10 this Article shall be required to register for a period of 10  
11 years after conviction or adjudication if not confined to a  
12 penal institution, hospital or any other institution or  
13 facility, and if confined, for a period of 10 years after  
14 parole, discharge or release from any such facility. A sex  
15 offender who is allowed to leave a county, State, or federal  
16 facility for the purposes of work release, education, or  
17 overnight visitations shall be required to register within 3  
18 days of beginning such a program. Liability for registration  
19 terminates at the expiration of 10 years from the date of  
20 conviction or adjudication if not confined to a penal  
21 institution, hospital or any other institution or facility and  
22 if confined, at the expiration of 10 years from the date of  
23 parole, discharge or release from any such facility, providing  
24 such person does not, during that period, again become liable  
25 to register under the provisions of this Article. Reconfinement  
26 due to a violation of parole or other circumstances that

1 relates to the original conviction or adjudication shall extend  
2 the period of registration to 10 years after final parole,  
3 discharge, or release. Reconfinement due to a violation of  
4 parole or other circumstances that do not relate to the  
5 original conviction or adjudication shall toll the running of  
6 the balance of the 10-year period of registration, which shall  
7 not commence running until after final parole, discharge, or  
8 release. The Director of State Police, consistent with  
9 administrative rules, shall extend for 10 years the  
10 registration period of any sex offender, as defined in Section  
11 2 of this Act, who fails to comply with the provisions of this  
12 Article. The registration period for any sex offender who fails  
13 to comply with any provision of the Act shall extend the period  
14 of registration by 10 years beginning from the first date of  
15 registration after the violation. If the registration period is  
16 extended, the Department of State Police shall send a  
17 registered letter to the law enforcement agency where the sex  
18 offender resides within 3 days after the extension of the  
19 registration period. The sex offender shall report to that law  
20 enforcement agency and sign for that letter. One copy of that  
21 letter shall be kept on file with the law enforcement agency of  
22 the jurisdiction where the sex offender resides and one copy  
23 shall be returned to the Department of State Police.

24 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,  
25 eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08;  
26 95-640, eff. 6-1-08; revised 11-19-07.)

1 Section 365. The Sex Offender Community Notification Law is  
2 amended by changing Section 120 as follows:

3 (730 ILCS 152/120)

4 (Text of Section before amendment by P.A. 95-640)

5 Sec. 120. Community notification of sex offenders.

6 (a) The sheriff of the county, except Cook County, shall  
7 disclose to the following the name, address, date of birth,  
8 place of employment, school attended, e-mail addresses,  
9 instant messaging identities, chat room identities, other  
10 Internet communications identities, all Uniform Resource  
11 Locators (URLs) registered or used by the sex offender, all  
12 blogs and other Internet sites maintained by the sex offender  
13 or to which the sex offender has uploaded any content or posted  
14 any messages or information, and offense or adjudication of all  
15 sex offenders required to register under Section 3 of the Sex  
16 Offender Registration Act:

17 (1) 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 county where the sex offender is required to register,  
21 resides, is employed, or is attending an institution of  
22 higher education; and

23 (2) School boards of public school districts and the  
24 principal or other appropriate administrative officer of



1 each nonpublic school located in the county where the sex  
2 offender is required to register or is employed; and

3 (3) Child care facilities located in the county where  
4 the sex offender is required to register or is employed;  
5 and

6 (4) Libraries located in the county where the sex  
7 offender is required to register or is employed.

8 (a-2) The sheriff of Cook County shall disclose to the  
9 following the name, address, date of birth, place of  
10 employment, school attended, e-mail addresses, instant  
11 messaging identities, chat room identities, other Internet  
12 communications identities, all Uniform Resource Locators  
13 (URLs) registered or used by the sex offender, all blogs and  
14 other Internet sites maintained by the sex offender or to which  
15 the sex offender has uploaded any content or posted any  
16 messages or information, and offense or adjudication of all sex  
17 offenders required to register under Section 3 of the Sex  
18 Offender Registration Act:

19 (1) School boards of public school districts and the  
20 principal or other appropriate administrative officer of  
21 each nonpublic school located within the region of Cook  
22 County, as those public school districts and nonpublic  
23 schools are identified in LEADS, other than the City of  
24 Chicago, where the sex offender is required to register or  
25 is employed; and

26 (2) Child care facilities located within the region of

1 Cook County, as those child care facilities are identified  
2 in LEADS, other than the City of Chicago, where the sex  
3 offender is required to register or is employed; and

4 (3) 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, other than the City of Chicago, where the sex  
8 offender is required to register, resides, is employed, or  
9 attending an institution of higher education; and

10 (4) Libraries located in the county, other than the  
11 City of Chicago, where the sex offender is required to  
12 register, resides, is employed, or is attending an  
13 institution of higher education.

14 (a-3) The Chicago Police Department shall disclose to the  
15 following the name, address, date of birth, place of  
16 employment, school attended, e-mail addresses, instant  
17 messaging identities, chat room identities, other Internet  
18 communications identities, all Uniform Resource Locators  
19 (URLs) registered or used by the sex offender, all blogs and  
20 other Internet sites maintained by the sex offender or to which  
21 the sex offender has uploaded any content or posted any  
22 messages or information, and offense or adjudication of all sex  
23 offenders required to register under Section 3 of the Sex  
24 Offender Registration Act:

25 (1) School boards of public school districts and the  
26 principal or other appropriate administrative officer of

1 each nonpublic school located in the police district where  
2 the sex offender is required to register or is employed if  
3 the offender is required to register or is employed in the  
4 City of Chicago; and

5 (2) Child care facilities located in the police  
6 district where the sex offender is required to register or  
7 is employed if the offender is required to register or is  
8 employed in the City of Chicago; and

9 (3) The boards of institutions of higher education or  
10 other appropriate administrative offices of each  
11 non-public institution of higher education located in the  
12 police district where the sex offender is required to  
13 register, resides, is employed, or attending an  
14 institution of higher education in the City of Chicago; and

15 (4) Libraries located in the police district where the  
16 sex offender is required to register or is employed if the  
17 offender is required to register or is employed in the City  
18 of Chicago.

19 (a-4) The Department of State Police shall provide a list  
20 of sex offenders required to register to the Illinois  
21 Department of Children and Family Services.

22 (b) The Department of State Police and any law enforcement  
23 agency may disclose, in the Department's or agency's  
24 discretion, the following information to any person likely to  
25 encounter a sex offender, or sexual predator:

26 (1) The offender's name, address, date of birth, e-mail

1 addresses, instant messaging identities, chat room  
2 identities, and other Internet communications identities,  
3 all Uniform Resource Locators (URLs) registered or used by  
4 the sex offender, and all blogs and other Internet sites  
5 maintained by the sex offender or to which the sex offender  
6 has uploaded any content or posted any messages or  
7 information.

8 (2) The offense for which the offender was convicted.

9 (3) Adjudication as a sexually dangerous person.

10 (4) The offender's photograph or other such  
11 information that will help identify the sex offender.

12 (5) Offender employment information, to protect public  
13 safety.

14 (c) The name, address, date of birth, e-mail addresses,  
15 instant messaging identities, chat room identities, other  
16 Internet communications identities, all Uniform Resource  
17 Locators (URLs) registered or used by the sex offender, all  
18 blogs and other Internet sites maintained by the sex offender  
19 or to which the sex offender has uploaded any content or posted  
20 any messages or information, offense or adjudication, the  
21 county of conviction, license plate numbers for every vehicle  
22 registered in the name of the sex offender, the age of the sex  
23 offender at the time of the commission of the offense, the age  
24 of the victim at the time of the commission of the offense, and  
25 any distinguishing marks located on the body of the sex  
26 offender for sex offenders required to register under Section 3

1 of the Sex Offender Registration Act shall be open to  
2 inspection by the public as provided in this Section. Every  
3 municipal police department shall make available at its  
4 headquarters the information on all sex offenders who are  
5 required to register in the municipality under the Sex Offender  
6 Registration Act. The sheriff shall also make available at his  
7 or her headquarters the information on all sex offenders who  
8 are required to register under that Act and who live in  
9 unincorporated areas of the county. Sex offender information  
10 must be made available for public inspection to any person, no  
11 later than 72 hours or 3 business days from the date of the  
12 request. The request must be made in person, in writing, or by  
13 telephone. Availability must include giving the inquirer  
14 access to a facility where the information may be copied. A  
15 department or sheriff may charge a fee, but the fee may not  
16 exceed the actual costs of copying the information. An inquirer  
17 must be allowed to copy this information in his or her own  
18 handwriting. A department or sheriff must allow access to the  
19 information during normal public working hours. The sheriff or  
20 a municipal police department may publish the photographs of  
21 sex offenders where any victim was 13 years of age or younger  
22 and who are required to register in the municipality or county  
23 under the Sex Offender Registration Act in a newspaper or  
24 magazine of general circulation in the municipality or county  
25 or may disseminate the photographs of those sex offenders on  
26 the Internet or on television. The law enforcement agency may

1 make available the information on all sex offenders residing  
2 within any county.

3 (d) The Department of State Police and any law enforcement  
4 agency having jurisdiction may, in the Department's or agency's  
5 discretion, place the information specified in subsection (b)  
6 on the Internet or in other media.

7 (e) (Blank).

8 (f) The administrator of a transitional housing facility  
9 for sex offenders shall comply with the notification procedures  
10 established in paragraph (4) of subsection (b) of Section  
11 3-17-5 of the Unified Code of Corrections.

12 (g) A principal or teacher of a public or private  
13 elementary or secondary school shall notify the parents of  
14 children attending the school during school registration or  
15 during parent-teacher conferences that information about sex  
16 offenders is available to the public as provided in this Act.

17 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;  
18 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.  
19 8-17-07; revised 11-19-07.)

20 (Text of Section after amendment by P.A. 95-640)

21 Sec. 120. Community notification of sex offenders.

22 (a) The sheriff of the county, except Cook County, shall  
23 disclose to the following the name, address, date of birth,  
24 place of employment, school attended, e-mail addresses,  
25 instant messaging identities, chat room identities, other

1 Internet communications identities, all Uniform Resource  
2 Locators (URLs) registered or used by the sex offender, all  
3 blogs and other Internet sites maintained by the sex offender  
4 or to which the sex offender has uploaded any content or posted  
5 any messages or information, and offense or adjudication of all  
6 sex offenders required to register under Section 3 of the Sex  
7 Offender Registration Act:

8 (1) The boards of institutions of higher education or  
9 other appropriate administrative offices of each  
10 non-public institution of higher education located in the  
11 county where the sex offender is required to register,  
12 resides, is employed, or is attending an institution of  
13 higher education;

14 (2) School boards of public school districts and the  
15 principal or other appropriate administrative officer of  
16 each nonpublic school located in the county where the sex  
17 offender is required to register or is employed;

18 (3) Child care facilities located in the county where  
19 the sex offender is required to register or is employed;

20 ~~and~~

21 (4) Libraries located in the county where the sex  
22 offender is required to register or is employed; ~~-~~

23 (5) ~~(4)~~ Public libraries located in the county where  
24 the sex offender is required to register or is employed;

25 (6) ~~(5)~~ Public housing agencies located in the county  
26 where the sex offender is required to register or is

1 employed;

2 (7) ~~(6)~~ The Illinois Department of Children and Family  
3 Services;

4 (8) ~~(7)~~ Social service agencies providing services to  
5 minors located in the county where the sex offender is  
6 required to register or is employed; and

7 (9) ~~(8)~~ Volunteer organizations providing services to  
8 minors located in the county where the sex offender is  
9 required to register or is employed.

10 (a-2) The sheriff of Cook County shall disclose to the  
11 following the name, address, date of birth, place of  
12 employment, school attended, e-mail addresses, instant  
13 messaging identities, chat room identities, other Internet  
14 communications identities, all Uniform Resource Locators  
15 (URLs) registered or used by the sex offender, all blogs and  
16 other Internet sites maintained by the sex offender or to which  
17 the sex offender has uploaded any content or posted any  
18 messages or information, and offense or adjudication of all sex  
19 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



1 is employed;

2 (2) Child care facilities located within the region of  
3 Cook County, as those child care facilities are identified  
4 in LEADS, other than the City of Chicago, where the sex  
5 offender is required to register or is employed;

6 (3) The boards of institutions of higher education or  
7 other appropriate administrative offices of each  
8 non-public institution of higher education located in the  
9 county, other than the City of Chicago, where the sex  
10 offender is required to register, resides, is employed, or  
11 attending an institution of higher education; ~~and~~

12 (4) Libraries located in the county, other than the  
13 City of Chicago, where the sex offender is required to  
14 register, resides, is employed, or is attending an  
15 institution of higher education; ~~and~~

16 (5) ~~(4)~~ Public libraries located in the county, other  
17 than the City of Chicago, where the sex offender is  
18 required to register, resides, is employed, or attending an  
19 institution of higher education;

20 (6) ~~(5)~~ Public housing agencies located in the county,  
21 other than the City of Chicago, where the sex offender is  
22 required to register, resides, is employed, or attending an  
23 institution of higher education;

24 (7) ~~(6)~~ The Illinois Department of Children and Family  
25 Services;

26 (8) ~~(7)~~ Social service agencies providing services to

1 minors located in the county, other than the City of  
2 Chicago, where the sex offender is required to register,  
3 resides, is employed, or attending an institution of higher  
4 education; and

5 (9) ~~(8)~~ Volunteer organizations providing services to  
6 minors located in the county, other than the City of  
7 Chicago, where the sex offender is required to register,  
8 resides, is employed, or attending an institution of higher  
9 education.

10 (a-3) The Chicago Police Department shall disclose to the  
11 following the name, address, date of birth, place of  
12 employment, school attended, e-mail addresses, instant  
13 messaging identities, chat room identities, other Internet  
14 communications identities, all Uniform Resource Locators  
15 (URLs) registered or used by the sex offender, all blogs and  
16 other Internet sites maintained by the sex offender or to which  
17 the sex offender has uploaded any content or posted any  
18 messages or information, and offense or adjudication of all sex  
19 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 in the police district where  
24 the sex offender is required to register or is employed if  
25 the offender is required to register or is employed in the  
26 City of Chicago;

1           (2) Child care facilities located in the police  
2 district where the sex offender is required to register or  
3 is employed if the offender is required to register or is  
4 employed in the City of Chicago;

5           (3) The boards of institutions of higher education or  
6 other appropriate administrative offices of each  
7 non-public institution of higher education located in the  
8 police district where the sex offender is required to  
9 register, resides, is employed, or attending an  
10 institution of higher education in the City of Chicago; ~~and~~

11           (4) Libraries located in the police district where the  
12 sex offender is required to register or is employed if the  
13 offender is required to register or is employed in the City  
14 of Chicago;~~;~~

15           (5) ~~(4)~~ Public libraries located in the police district  
16 where the sex offender is required to register, resides, is  
17 employed, or attending an institution of higher education  
18 in the City of Chicago;

19           (6) ~~(5)~~ Public housing agencies located in the police  
20 district where the sex offender is required to register,  
21 resides, is employed, or attending an institution of higher  
22 education in the City of Chicago;

23           (7) ~~(6)~~ The Illinois Department of Children and Family  
24 Services;

25           (8) ~~(7)~~ Social service agencies providing services to  
26 minors located in the police district where the sex

1 offender is required to register, resides, is employed, or  
2 attending an institution of higher education in the City of  
3 Chicago; and

4 (9) ~~(8)~~ Volunteer organizations providing services to  
5 minors located in the police district where the sex  
6 offender is required to register, resides, is employed, or  
7 attending an institution of higher education in the City of  
8 Chicago.

9 (a-4) The Department of State Police shall provide a list  
10 of sex offenders required to register to the Illinois  
11 Department of Children and Family Services.

12 (b) The Department of State Police and any law enforcement  
13 agency may disclose, in the Department's or agency's  
14 discretion, the following information to any person likely to  
15 encounter a sex offender, or sexual predator:

16 (1) The offender's name, address, date of birth, e-mail  
17 addresses, instant messaging identities, chat room  
18 identities, and other Internet communications identities,  
19 all Uniform Resource Locators (URLs) registered or used by  
20 the sex offender, and all blogs and other Internet sites  
21 maintained by the sex offender or to which the sex offender  
22 has uploaded any content or posted any messages or  
23 information.

24 (2) The offense for which the offender was convicted.

25 (3) Adjudication as a sexually dangerous person.

26 (4) The offender's photograph or other such

1 information that will help identify the sex offender.

2 (5) Offender employment information, to protect public  
3 safety.

4 (c) The name, address, date of birth, e-mail addresses,  
5 instant messaging identities, chat room identities, other  
6 Internet communications identities, all Uniform Resource  
7 Locators (URLs) registered or used by the sex offender, all  
8 blogs and other Internet sites maintained by the sex offender  
9 or to which the sex offender has uploaded any content or posted  
10 any messages or information, offense or adjudication, the  
11 county of conviction, license plate numbers for every vehicle  
12 registered in the name of the sex offender, the age of the sex  
13 offender at the time of the commission of the offense, the age  
14 of the victim at the time of the commission of the offense, and  
15 any distinguishing marks located on the body of the sex  
16 offender for sex offenders required to register under Section 3  
17 of the Sex Offender Registration Act shall be open to  
18 inspection by the public as provided in this Section. Every  
19 municipal police department shall make available at its  
20 headquarters the information on all sex offenders who are  
21 required to register in the municipality under the Sex Offender  
22 Registration Act. The sheriff shall also make available at his  
23 or her headquarters the information on all sex offenders who  
24 are required to register under that Act and who live in  
25 unincorporated areas of the county. Sex offender information  
26 must be made available for public inspection to any person, no

1 later than 72 hours or 3 business days from the date of the  
2 request. The request must be made in person, in writing, or by  
3 telephone. Availability must include giving the inquirer  
4 access to a facility where the information may be copied. A  
5 department or sheriff may charge a fee, but the fee may not  
6 exceed the actual costs of copying the information. An inquirer  
7 must be allowed to copy this information in his or her own  
8 handwriting. A department or sheriff must allow access to the  
9 information during normal public working hours. The sheriff or  
10 a municipal police department may publish the photographs of  
11 sex offenders where any victim was 13 years of age or younger  
12 and who are required to register in the municipality or county  
13 under the Sex Offender Registration Act in a newspaper or  
14 magazine of general circulation in the municipality or county  
15 or may disseminate the photographs of those sex offenders on  
16 the Internet or on television. The law enforcement agency may  
17 make available the information on all sex offenders residing  
18 within any county.

19 (d) The Department of State Police and any law enforcement  
20 agency having jurisdiction may, in the Department's or agency's  
21 discretion, place the information specified in subsection (b)  
22 on the Internet or in other media.

23 (e) (Blank).

24 (f) The administrator of a transitional housing facility  
25 for sex offenders shall comply with the notification procedures  
26 established in paragraph (4) of subsection (b) of Section

1 3-17-5 of the Unified Code of Corrections.

2 (g) A principal or teacher of a public or private  
3 elementary or secondary school shall notify the parents of  
4 children attending the school during school registration or  
5 during parent-teacher conferences that information about sex  
6 offenders is available to the public as provided in this Act.

7 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;  
8 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.  
9 8-17-07; 95-640, eff. 6-1-08; revised 11-19-07.)

10 Section 370. The Eminent Domain Act is amended by  
11 renumbering Section 25-7-103.150 as follows:

12 (735 ILCS 30/25-5-10)

13 Sec. 25-5-10 ~~25-7-103.150~~. Quick-take; City of Champaign,  
14 Village of Savoy and County of Champaign. Quick-take  
15 proceedings under Article 20 may be used for a period of no  
16 more than one year after the effective date of this amendatory  
17 Act of the 95th General Assembly by the City of Champaign, the  
18 Village of Savoy, and the County of Champaign, for the  
19 acquisition of the following described properties for the  
20 purpose of road construction right-of-way, permanent  
21 easements, and temporary easements:

22 Alexander C. Lo, as Trustee - Parcel 040

1 Right-of-Way:

2 A part of the South Half of Section 26, and the North Half of  
3 Section 35, Township 19 North, Range 8 East of the Third  
4 Principal Meridian, Champaign County, Illinois with bearing  
5 datum based on Illinois State Plane Coordinate System, East  
6 Zone;

7 Beginning at the southwest corner of Section 26, Township 19  
8 North, Range 8 East of the Third Principal Meridian; thence  
9 along the west line of said Section 26, North 00 degrees 50  
10 minutes 27 seconds West 887.52 feet; thence North 89 degrees 09  
11 minutes 33 seconds East 45.00 feet; thence South 00 degrees 50  
12 minutes 27 seconds East 50.00 feet; thence South 03 degrees 42  
13 minutes 12 seconds East 300.37 feet; thence along a line  
14 parallel to and 60.00 feet offset easterly from said west line  
15 of Section 26, South 00 degrees 50 minutes 27 seconds East  
16 200.00 feet; thence South 06 degrees 25 minutes 24 seconds East  
17 185.04 feet; thence along a line parallel to and 155.00 feet  
18 offset northerly from the south line of said Section 26, South  
19 89 degrees 36 minutes 45 seconds East 349.35 feet; thence South  
20 86 degrees 45 minutes 01 seconds East 100.12 feet; thence along  
21 a line parallel to and 150.00 feet offset northerly from said  
22 south line of Section 26, South 89 degrees 36 minutes 45  
23 seconds East 850.00 feet; thence South 85 degrees 56 minutes 46  
24 seconds East 703.70 feet; thence along a line parallel to and  
25 105.00 feet offset northerly from said south line of Section



1 26, South 89 degrees 36 minutes 45 seconds East 322.03 feet;  
2 thence South 00 degrees 23 minutes 15 seconds West 22.00 feet;  
3 thence along a line parallel to and 83.00 feet offset northerly  
4 from said south line of Section 26, South 89 degrees 36 minutes  
5 45 seconds East 237.29 feet; thence North 00 degrees 38 minutes  
6 43 seconds West 30.00 feet; thence along a line parallel to and  
7 113.00 feet offset northerly from said south line of Section  
8 26, South 89 degrees 36 minutes 56 seconds East 88.24 feet;  
9 thence South 87 degrees 19 minutes 30 seconds East 300.24 feet;  
10 thence along a line parallel to and 101.00 feet offset  
11 northerly from said south line of Section 26, South 89 degrees  
12 36 minutes 56 seconds East 700.00 feet; thence South 87 degrees  
13 54 minutes 06 seconds East 228.20 feet, to the east line of the  
14 west half of the southeast Quarter of aforesaid Section 26;  
15 thence along said east line, South 00 degrees 39 minutes 19  
16 seconds East 94.19 feet, to the south line of said Section 26;  
17 thence along said south line of Section 26, South 89 degrees 36  
18 minutes 56 seconds East 1316.02 feet, to a point being the  
19 southeast corner of said Section 26, said point also being the  
20 northeast corner of Section 35, Township 19 North, Range 8 East  
21 of the Third Principal Meridian; thence along the east line of  
22 said Section 35, South 00 degrees 27 minutes 33 seconds East  
23 920.45 feet; thence South 89 degrees 32 minutes 27 seconds West  
24 275.00 feet; thence North 00 degrees 27 minutes 33 seconds West  
25 600.00 feet; thence North 89 degrees 32 minutes 27 seconds East  
26 235.00 feet; thence along a line parallel to and 40.00 feet

1 offset westerly from aforesaid east line of Section 35, North  
2 00 degrees 27 minutes 33 seconds West 218.02 feet; thence along  
3 a line parallel to and 103.00 feet offset southerly from the  
4 north line of said Section 35, North 89 degrees 36 minutes 56  
5 seconds West 158.05 feet; thence North 87 degrees 19 minutes 30  
6 seconds West 150.12 feet; thence along a line parallel to and  
7 97.00 feet offset southerly from said north line of Section 35,  
8 North 89 degrees 36 minutes 56 seconds West 401.25 feet; thence  
9 North 85 degrees 58 minutes 01 seconds West 502.84 feet; thence  
10 North 88 degrees 27 minutes 19 seconds West 296.29 feet; thence  
11 along a line parallel to and 59.00 feet offset southerly from  
12 said north line of Section 35, North 89 degrees 36 minutes 56  
13 seconds West 700.00 feet; thence South 88 degrees 28 minutes 31  
14 seconds West 300.17 feet; thence along a line parallel to and  
15 69.00 feet offset southerly from said north line of Section 35,  
16 North 89 degrees 36 minutes 56 seconds West 85.23 feet, to the  
17 west line of the northeast Quarter of said Section 35; thence  
18 along a line parallel to and 69.00 feet offset southerly from  
19 said north line of Section 35, North 89 degrees 36 minutes 45  
20 seconds West 114.77 feet; thence North 87 degrees 54 minutes 07  
21 seconds West 804.04 feet; thence along a line parallel to and  
22 45.00 feet offset southerly from said north line of Section 35,  
23 North 89 degrees 36 minutes 45 seconds West 397.76 feet; thence  
24 North 00 degrees 20 minutes 35 seconds West 45.00 feet, to the  
25 northerly line of said Section 35; thence along said northerly  
26 line of Section 35, North 89 degrees 36 minutes 45 seconds West

1 1315.81 feet, to the Point of Beginning, situated in Champaign  
2 County, Illinois and containing 22.351 acres, more or less  
3 (Part of PIN #03-20-26-300-020; Part of PIN #03-20-26-300-021;  
4 Part of PIN #03-20-26-400-001; Part of PIN #03-20-35-100-002  
5 and Part of PIN #03-20-35-200-001)

6 Permanent Easement #1:

7 A part of the southeast quarter of the southwest quarter of  
8 Section 26, Township 19 North, Range 8 East of the Third  
9 Principal Meridian, Champaign County, Illinois with bearing  
10 datum based on Illinois State Plane Coordinate System, East  
11 Zone;

12 Commencing at the southeast corner or the southwest quarter of  
13 Section 16, Township 19 North, Range 8 East of the Third  
14 Principal Meridian; thence along the easterly line of said  
15 southwest quarter of Section 26, North 00 degrees 38 minutes 43  
16 seconds West 83.01 feet, to the Point of Beginning; thence  
17 North 89 degrees 36 minutes 45 seconds West 237.29 feet; thence  
18 North 00 degrees 23 minutes 15 seconds East 15.00 feet; thence  
19 South 89 degrees 36 minutes 45 seconds East 237.02 feet; thence  
20 South 00 degrees 38 minutes 43 seconds East 15.00 feet, to the  
21 Point of Beginning, situated in Champaign County, Illinois and  
22 containing 0.082 of an acre, more or less (Part of PIN  
23 #03-20-26-300-021)

1 Permanent Easement #2:

2 A part of the west half of the southwest quarter of Section 26,  
3 and a part of the west half of the northwest quarter of Section  
4 26, Township 19 North, Range 8 East of the Third Principal  
5 Meridian, Champaign County, Illinois with bearing datum based  
6 on Illinois State Plane Coordinate System, East Zone;

7 Commencing at the southwest corner of Section 26, Township 19  
8 North, Range 8 East of the Third Principal Meridian; thence  
9 along the southerly line of said Section 26, South 89 degrees  
10 36 minutes 45 seconds East 1166.28 feet; thence North 00  
11 degrees 23 minutes 15 seconds East 150.00 feet, to the Point of  
12 Beginning; thence along a curve to the left having a radius of  
13 300.00 feet, an arc length of 49.50 feet, a chord bearing of  
14 North 11 degrees 23 minutes 05 seconds West and a chord length  
15 of 49.45 feet; thence North 16 degrees 06 minutes 44 seconds  
16 West 1098.24 feet; thence along a curve to the right having a  
17 radius of 840.00 feet, an arc length of 285.88 feet, a chord  
18 bearing of North 06 degrees 21 minutes 44 seconds West and a  
19 chord length of 284.51 feet; thence North 03 degrees 23 minutes  
20 16 seconds East 1031.54 feet; thence along a curve to the left  
21 having a radius of 760.00 feet, an arc length of 134.77 feet, a  
22 chord bearing of North 01 degrees 41 minutes 32 seconds West  
23 and a chord length of 134.59 feet; thence South 89 degrees 42  
24 minutes 45 seconds East 80.55 feet; thence along a curve to the  
25 right having a radius of 840.00 feet, an arc length of 139.06

1 feet, a chord bearing of South 01 degrees 21 minutes 17 seconds  
2 East and a chord length of 138.90 feet; thence South 03 degrees  
3 23 minutes 16 seconds West 1031.54 feet; thence along a curve  
4 to the left having a radius of 760.00 feet, an arc length of  
5 258.66 feet, a chord bearing of South 06 degrees 21 minutes 44  
6 seconds East and a chord length of 257.41 feet; thence South 16  
7 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a  
8 curve to the right having a radius of 380.00 feet, an arc  
9 length of 72.58 feet, a chord bearing of South 10 degrees 38  
10 minutes 26 seconds East and a chord length of 72.47 feet;  
11 thence North 89 degrees 36 minutes 45 seconds West 80.48 feet,  
12 to the Point of Beginning, situated in Champaign County,  
13 Illinois and containing 4.775 acres or 208,000 square feet,  
14 more or less. (Part of PIN #03-20-26-300-019 and  
15 #03-20-26-300-020)

16 Temporary Easement #1:

17 A part of Section 26, Township 19 North, Range 8 East of the  
18 Third Principal Meridian, Champaign County, Illinois with  
19 bearing datum based on Illinois State Plane Coordinate System,  
20 East Zone;

21 Beginning at a point being 91.50 feet normally offset northerly  
22 from FAP Route 807 (Curtis Road) centerline station 112+31.76;  
23 thence North 89 degrees 36 minutes 56 seconds West 20.00 feet;  
24 thence South 00 degrees 38 minutes 43 seconds East 15.00 feet;

1 thence North 89 degrees 36 minutes 45 seconds West 137.02 feet;  
2 thence North 00 degrees 31 minutes 33 seconds West 113.51 feet;  
3 thence North 89 degrees 36 minutes 45 seconds West 80.00 feet;  
4 thence South 00 degrees 23 minutes 15 seconds West 10.00 feet;  
5 thence North 89 degrees 36 minutes 45 seconds West 50.00 feet;  
6 thence North 00 degrees 23 minutes 15 seconds East 60.00 feet;  
7 thence South 89 degrees 36 minutes 45 seconds East 50.00 feet;  
8 thence South 00 degrees 23 minutes 15 seconds West 10.00 feet;  
9 thence South 89 degrees 36 minutes 45 seconds East 236.07 feet;  
10 thence South 00 degrees 38 minutes 43 seconds East 138.52 feet,  
11 to the Point of Beginning, situated in Champaign County,  
12 Illinois and containing 0.688 of an acre or 29,966 square feet,  
13 more or less. (Part of PIN #03-20-26-300-021)

14 Temporary Easement #2:

15 A part of Section 26, Township 19 North, Range 8 East of the  
16 Third Principal Meridian, Champaign County, Illinois with  
17 bearing datum based on Illinois State Plane Coordinate System,  
18 East Zone;

19 Beginning at a point being 102.49 feet normally offset  
20 northerly from FAP Route 807 (Curtis Road) centerline station  
21 87+50.00; thence North 00 degrees 23 minutes 16 seconds East  
22 46.18 feet; thence South 89 degrees 09 minutes 33 seconds West  
23 99.13 feet; thence North 06 degrees 25 minutes 24 seconds West  
24 90.43 feet; thence North 89 degrees 09 minutes 33 seconds East

1 210.11 feet; thence South 00 degrees 34 minutes 28 seconds West  
2 70.84 feet; thence South 89 degrees 36 minutes 44 seconds East  
3 100.00 feet; thence South 00 degrees 23 minutes 16 seconds West  
4 67.51 feet; thence North 89 degrees 36 minutes 45 seconds West  
5 200.00 feet, to the Point of Beginning, situated in Champaign  
6 County, Illinois and containing 0.686 of an acre or 29,891  
7 square feet more or less. (Part of PIN #03-20-26-300-020)

8 Temporary Easement #3:

9 A part of Section 26, Township 19 North, Range 8 East of the  
10 Third Principal Meridian, Champaign County, Illinois with  
11 bearing datum based on Illinois State Plane Coordinate System,  
12 East Zone;

13 Beginning at a point being 97.50 feet normally offset northerly  
14 from FAP Route 807 (Curtis Road) centerline station 97+00.00;  
15 thence North 35 degrees 20 minutes 49 seconds East 57.33 feet;  
16 thence North 16 degrees 06 minutes 44 seconds West 1098.24  
17 feet; thence along a curve to the right having a radius of  
18 845.00 feet, an arc length of 287.59 feet, a chord bearing of  
19 North 06 degrees 21 minutes 44 seconds West and a chord length  
20 of 286.20 feet; thence North 03 degrees 23 minutes 16 seconds  
21 East 1031.54 feet; thence along a curve to the left having a  
22 radius of 755.00 feet, an arc length of 134.50 feet, a chord  
23 bearing of North 01 degrees 42 minutes 57 seconds West and a  
24 chord length of 134.33 feet; thence South 89 degrees 42 minutes

1 45 seconds East 5.04 feet; thence along a curve to the right  
2 having a radius of 760.00 feet, an arc length of 134.77 feet, a  
3 chord bearing of South 01 degrees 41 minutes 32 seconds East  
4 and a chord length of 134.59 feet; thence South 03 degrees 23  
5 minutes 16 seconds West 1031.54 feet; thence along a curve to  
6 the left having a radius of 840.00 feet, an arc length of  
7 285.88 feet, a chord bearing of South 06 degrees 21 minutes 44  
8 seconds East and a chord length of 284.51 feet; thence South 16  
9 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a  
10 curve to the right having a radius of 300.00 feet, an arc  
11 length of 49.50 feet, a chord bearing of South 11 degrees 23  
12 minutes 05 seconds East and a chord length of 49.45 feet;  
13 thence North 89 degrees 36 minutes 45 seconds West 47.73 feet,  
14 to the Point of Beginning, situated in Champaign County,  
15 Illinois and containing 0.322 acres or 14,034 square feet, more  
16 or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

17 Temporary Easement #4:

18 A part of Sections 26 and 35, Township 19 North, Range 8 East  
19 of the Third Principal Meridian, Champaign County, Illinois  
20 with bearing datum based on Illinois State Plane Coordinate  
21 System, East Zone

22 Beginning at a point being 97.50 feet normally offset northerly  
23 from FAP Route 807 (Curtis Road) centerline station 98+75.00;  
24 thence North 89 degrees 36 minutes 45 seconds West 46.79 feet;



1 thence along a curve to the left having a radius of 380.00  
2 feet, an arc length of 72.58 feet, a chord bearing of North 10  
3 degrees 38 minutes 26 seconds West and a chord length of 72.47  
4 feet; thence North 16 degrees 06 minutes 44 seconds West  
5 1098.24 feet; thence along a curve to the right having a radius  
6 of 760.00 feet, an arc length of 258.66 feet, a chord bearing  
7 of North 06 degrees 21 minutes 44 seconds West and a chord  
8 length of 257.41 feet; thence North 03 degrees 23 minutes 16  
9 seconds East 1031.54 feet; thence along a curve to the left  
10 having a radius of 840.00 feet, an arc length of 139.06 feet, a  
11 chord bearing of North 01 degrees 21 minutes 17 seconds West  
12 and a chord length of 138.90 feet; thence South 89 degrees 42  
13 minutes 45 seconds East 5.03 feet; thence along a curve to the  
14 right having a radius of 845.00 feet, an arc length of 139.33  
15 feet, a chord bearing of South 01 degrees 20 minutes 08 seconds  
16 East and a chord length of 139.17 feet; thence South 03 degrees  
17 23 minutes 16 seconds West 1031.54 feet; thence along a curve  
18 to the left having a radius of 755.00 feet, an arc length of  
19 256.96 feet, a chord bearing of South 06 degrees 21 minutes 44  
20 seconds East and a chord length of 255.72 feet; thence South 16  
21 degrees 06 minutes 44 seconds East 1098.24 feet; thence South  
22 37 degrees 12 minutes 15 seconds East 91.56 feet, to the Point  
23 of Beginning, situated in Champaign County, Illinois and  
24 containing 0.331 acres or 14,428 square feet, more or less.  
25 (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

1 Temporary Easement #5:

2 A part of Sections 26 and 35, Township 19 North, Range 8 East  
3 of the Third Principal Meridian, Champaign County, Illinois  
4 with bearing datum based on Illinois State Plane Coordinate  
5 System, East Zone;

6 Beginning at a point being 94.00 feet normally offset southerly  
7 from FAP Route 807 (Curtis Road) centerline station 137+93.04:  
8 thence South 00 degrees 27 minutes 33 seconds East 218.80 feet;  
9 thence North 89 degrees 32 minutes 27 seconds East 15.00 feet;  
10 thence North 00 degrees 27 minutes 33 seconds West 208.58 feet;  
11 thence North 45 degrees 02 minutes 15 seconds West 14.25 feet;  
12 thence North 89 degrees 36 minutes 56 seconds West 5.00 feet,  
13 to the Point of Beginning, situated in Champaign County,  
14 Illinois and containing 0.074 of an acre or 3230 square feet,  
15 more or less. (Part of PIN #03-20-35-200-001)

16 Adolf M. Lo - Parcel 041

17 Permanent Easement:

18 A part of Sections 26 and 35, Township 19 North, Range 8 East  
19 of the Third Principal Meridian, Champaign County, Illinois  
20 with bearing datum based on Illinois State Plane Coordinate  
21 System, East Zone;

22 Beginning at a point being 94.00 feet normally offset southerly

1 from FAP Route 807 (Curtis Road) centerline station 137+93.04:  
2 thence South 00 degrees 27 minutes 33 seconds East 218.80 feet;  
3 thence North 89 degrees 32 minutes 27 seconds East 15.00 feet;  
4 thence North 00 degrees 27 minutes 33 seconds West 208.58 feet;  
5 thence North 45 degrees 02 minutes 15 seconds West 14.25 feet;  
6 thence North 89 degrees 36 minutes 56 seconds West 5.00 feet,  
7 to the Point of Beginning, situated in Champaign County,  
8 Illinois and containing 0.074 of an acre or 3230 square feet,  
9 more or less. (Part of PIN #03-20-35-200-001)

10 Temporary Easement #1:

11 A part of Section 26, Township 19 North, Range 8 East of the  
12 Third Principal Meridian, Champaign County, Illinois with  
13 bearing datum based on Illinois State Plane Coordinate System,  
14 East Zone;

15 Commencing at the southwest corner of the northwest quarter of  
16 Section 26, Township 19 North, Range 8 East of the Third  
17 Principal Meridian; thence along the west line of said  
18 northwest quarter, North 00 degrees 32 minutes 29 seconds West  
19 60.01 feet; thence along the north line of the south 60 feet of  
20 the south half of the southwest quarter of the northwest  
21 quarter of said Section 26, South 89 degrees 42 minutes 45  
22 seconds East 917.47 feet, to the Point of Beginning; thence  
23 along a curve to the left having a radius of 760.00 feet, an  
24 arc length of 57.56 feet, a chord bearing of North 08 degrees

1 56 minutes 32 seconds West and a chord length of 57.55 feet;  
2 thence North 11 degrees 06 minutes 44 seconds West 466.55 feet;  
3 thence along a curve to the left having a radius of 760.00  
4 feet, an arc length of 93.84 feet, a chord bearing of North 14  
5 degrees 38 minutes 58 seconds West and a chord length of 93.78  
6 feet, to the north line of the south half of the southwest  
7 quarter of the northwest quarter of aforesaid Section 26;  
8 thence along said north line, North 89 degrees 49 minutes 23  
9 seconds West 5.27 feet; thence along a curve to the right  
10 having a radius of 755.00 feet, an arc length of 94.89 feet, a  
11 chord bearing of South 14 degrees 42 minutes 45 seconds East  
12 and a chord length of 94.83 feet; thence South 11 degrees 06  
13 minutes 44 seconds East 466.55 feet; thence along a curve to  
14 the right having a radius of 755.00 feet, an arc length of  
15 56.57 feet, a chord bearing of South 08 degrees 57 minutes 57  
16 seconds East and a chord length of 56.55 feet; thence South 89  
17 degrees 42 minutes 45 seconds East 5.04 feet, to the Point of  
18 Beginning, situated in Champaign County, Illinois and  
19 containing 0.071 of an acre or 3090 square feet, more or less.  
20 (Part of PIN 03-20-26-100-005)

21 Temporary Easement #2:

22 A part of Section 26, Township 19 North, Range 8 East of the  
23 Third Principal Meridian, Champaign County, Illinois with  
24 bearing datum based on Illinois State Plane Coordinate System,  
25 East Zone;

1 Commencing at the southwest corner of the northwest quarter of  
2 Section 26, Township 19 North, Range 8 East of the Third  
3 Principal Meridian; thence along the west line of said  
4 northwest quarter, North 00 degrees 32 minutes 29 seconds West  
5 60.01 feet; thence along the north line of the south 60 feet of  
6 the south half of the southwest quarter of the northwest  
7 quarter of said Section 26, South 89 degrees 42 minutes 45  
8 seconds East 917.47 feet; thence South 89 degrees 42 minutes 45  
9 seconds East 80.55 feet, to the Point of Beginning; thence  
10 South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence  
11 along a curve to the left having a radius of 845.00 feet, an  
12 arc length of 74.52 feet, a chord bearing of North 08 degrees  
13 35 minutes 08 seconds West and a chord length of 74.50 feet;  
14 thence North 11 degrees 06 minutes 44 seconds West 466.55 feet;  
15 thence along a curve to the left having a radius of 845.00  
16 feet, an arc length of 76.27 feet, a chord bearing of North 13  
17 degrees 41 minutes 53 seconds West and a chord length of 76.25  
18 feet, to the north line of the south half of the southwest  
19 quarter of the northwest quarter of aforesaid Section 26;  
20 thence along said north line, North 89 degrees 49 minutes 23  
21 seconds West 5.22 feet; thence along a curve to the right  
22 having a radius of 840.00 feet, an arc length of 77.30 feet, a  
23 chord bearing of South 13 degrees 44 minutes 54 seconds East  
24 and a chord length of 77.27 feet; thence South 11 degrees 06  
25 minutes 44 seconds East 466.55 feet; thence along a curve to

1 the right having a radius of 840.00 feet, an arc length of  
2 73.52 feet, a chord bearing of South 08 degrees 36 minutes 17  
3 seconds East and a chord length of 73.50 feet, to the Point of  
4 Beginning, situated in Champaign County, Illinois and  
5 containing 0.071 acres or 3087 square feet more or less. (Part  
6 of PIN 03-20-26-100-005)

7 Adolf M. & Renee C. Lo - Parcel 044

8 Right-of-Way:

9 A part of the southeast quarter of the southeast quarter of  
10 Section 26, Township 19 North, Range 8 East of the Third  
11 Principal Meridian, Champaign County, Illinois with bearing  
12 datum based on Illinois State Plane Coordinate System, East  
13 Zone;

14 Beginning at the southwest corner of W. W. Young's Fourth  
15 Subdivision as per plat recorded in Book "O" at Page 55,  
16 Champaign County, Illinois; thence along the south line of  
17 Section 26, Township 19 North, Range 8 East of the Third  
18 Principal Meridian, North 89 degrees 36 minutes 56 seconds West  
19 1127.29 feet; thence North 00 degrees 39 minutes 19 seconds  
20 West 94.19 feet; thence South 87 degrees 54 minutes 06 seconds  
21 East 473.99 feet; thence along a line parallel to and offset  
22 80.00 feet northerly from aforesaid southerly line of Section  
23 26, South 89 degrees 36 minutes 56 seconds East 187.22 feet;

1 thence South 00 degrees 33 minutes 07 seconds East 40.51 feet;  
2 thence along a line parallel to and 39.50 feet northerly offset  
3 from said south line of Section 26, South 89 degrees 36 minutes  
4 56 seconds East 466.69 feet, to the westerly line of aforesaid  
5 W.W. Young's Fourth Subdivision; thence along said westerly  
6 line, South 00 degrees 33 minutes 07 seconds East 39.51 feet,  
7 to the Point of Beginning, situated in Champaign County,  
8 Illinois and containing 1.714 acres, more or less. (Part of PIN  
9 #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

10 Temporary Easement:

11 A part of the southeast quarter of the southeast quarter of  
12 Section 26, Township 19 North, Range 8 East of the Third  
13 Principal Meridian, Champaign County, Illinois with bearing  
14 datum based on Illinois State Plane Coordinate System, East  
15 Zone;

16 Beginning at the southwest corner of Lot 16 of W. W. Young's  
17 Fourth Subdivision as per plat recorded in Book "O" at Page 55,  
18 Champaign County, Illinois; thence along the westerly line of  
19 said Lot 16, North 00 degrees 33 minutes 07 seconds West 6.50  
20 feet, to the Point of Beginning; thence North 89 degrees 36  
21 minutes 56 seconds West 466.69 feet; thence North 00 degrees 33  
22 minutes 07 seconds West 2.00 feet; thence South 89 degrees 55  
23 minutes 43 seconds East 274.58 feet; thence North 00 degrees 23  
24 minutes 04 seconds East 18.00 feet; thence South 89 degrees 36

1 minutes 56 seconds East 50.00 feet; thence South 00 degrees 23  
2 minutes 04 seconds West 17.50 feet; thence South 89 degrees 49  
3 minutes 02 seconds East 142.08 feet, to aforesaid westerly line  
4 of Lot 16; thence along said westerly line of Lot 16, South 00  
5 degrees 33 minutes 07 seconds East 4.50 feet, to the Point of  
6 Beginning, situated in Champaign County, Illinois and  
7 containing 0.056 of an acre, more or less. (Part of PIN  
8 #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

9 John R. Thompson - Parcel 034

10 Right of Way:

11 A part of the Northeast Quarter of Section 34, Township 19  
12 North, Range 8 East of the Third Principal Meridian, Champaign  
13 County, Illinois with bearing datum based on Illinois State  
14 Plane Coordinate System, East Zone;

15 Beginning at the northeast corner of Section 34, Township 19  
16 North, Range 8 East of the Third Principal Meridian; thence  
17 along the east line of said Section 34, South 00 degrees 18  
18 minutes 04 seconds East 1812.48 feet; thence South 89 degrees  
19 41 minutes 56 seconds West 45.00 feet; thence North 03 degrees  
20 32 minutes 40 seconds West 300.48 feet; thence along a line  
21 being parallel to and 62.00 feet offset westerly from the  
22 aforesaid east line of Section 34, North 00 degrees 18 minutes  
23 04 seconds West 200.00 feet, thence South 89 degrees 41 minutes



1 56 seconds West 8.00 feet; thence along a line parallel to and  
2 70.00 feet offset westerly from said east line of Section 34,  
3 North 00 degrees 18 minutes 04 seconds West 300.00 feet; thence  
4 North 89 degrees 41 minutes 56 seconds East 8.00 feet; thence  
5 along a line being parallel to and offset 62.00 feet westerly  
6 from said east line of Section 34, North 00 degrees 18 minutes  
7 04 seconds West 600.00 feet; thence North 01 degrees 49 minutes  
8 43 seconds West 300.11 feet; thence North 14 degrees 05 minutes  
9 31 seconds West 62.93 feet; thence North 89 degrees 11 minutes  
10 38 seconds West 47.85 feet; thence North 86 degrees 08 minutes  
11 27 seconds West 150.21 feet; thence along a line being parallel  
12 to and offset 45.00 feet southerly from the north line of  
13 aforesaid Section 34, North 89 degrees 11 minutes 38 seconds  
14 West 750.00 feet; thence North 82 degrees 21 minutes 04 seconds  
15 West 100.72 feet, to a point on the existing southerly Curtis  
16 Road right-of-way line; thence along said southerly  
17 right-of-way line, North 89 degrees 11 minutes 38 seconds West  
18 647.89 feet; thence South 88 degrees 01 minutes 07 seconds West  
19 246.74 feet; thence along a line parallel to and offset 45.00  
20 feet southerly from aforesaid north line of Section 34, North  
21 89 degrees 11 minutes 38 seconds West 412.04 feet; thence North  
22 00 degrees 48 minutes 22 seconds East 45.00 feet, to said north  
23 line of Section 34; thence along said north line of Section 34,  
24 South 89 degrees 11 minutes 38 seconds East 2438.21 feet, to  
25 the Point of Beginning, situated in Champaign County, Illinois  
26 and containing 4.882 acres or 212,664 square feet, more or

1 less. (Part of PIN #03-20-34-200-001 and part of PIN  
2 #03-20-34-200-002).

3 Temporary Easement:

4 A part of the Northeast Quarter of Section 34, Township 19  
5 North, Range 8 East of the Third Principal Meridian, Champaign  
6 County, Illinois with bearing datum based on Illinois State  
7 Plane Coordinate System, East Zone;

8 Beginning at a point being 47.00 feet normally distant  
9 southerly from centerline Station 61+40.88 of FAP Route 807  
10 (Curtis Road); thence South 00 degrees 48 minutes 22 seconds  
11 West 12.00 feet; thence North 89 degrees 33 minutes 09 seconds  
12 West 91.29 feet; thence North 00 degrees 24 minutes 07 seconds  
13 West 10.00 feet, to a point on the southerly existing Curtis  
14 Road right-of-way line; thence along said southerly  
15 right-of-way line, being a curve to the left having a radius of  
16 6507.00 feet, an arc length of 91.54 feet, a chord bearing of  
17 North 89 degrees 11 minutes 42 seconds East and a chord length  
18 of 91.54 feet, to the Point of Beginning, situated in Champaign  
19 County, Illinois and containing 0.023 acres or 996 square feet,  
20 more or less. (Part of PIN 03-20-34-200-001)

21 JOHN E. CROSS - PARCEL 52

22 Right of Way

1 Part of Lot 8 in Arbours Subdivision No. 10, as per plat  
2 recorded in book "Y" at page 253 in Champaign County, Illinois,  
3 with bearing datum based on Illinois State Plane Coordinate  
4 System, East Zone;

5 Beginning at the southeast corner of the above described Lot 8;  
6 thence along the southerly line of said Lot 8, North 89 degrees  
7 27 minutes 54 seconds West 10.59 feet; thence North 24 degrees  
8 20 minutes 36 seconds East 25.14 feet, to the easterly line of  
9 said Lot 8; thence along said easterly line, South 00 degrees  
10 34 minutes 33 seconds East 23.00 feet, to the Point of  
11 Beginning, containing 0.003 acres or 122 square feet, more or  
12 less.

13 PROSPECT POINT PARTNERS - PARCEL 53

14 Right of Way

15 A part of Lot 401 of the Arbour Subdivision No. 4, as per plat  
16 recorded as Document Number 92R37248, Champaign County,  
17 Illinois, with bearing datum based on Illinois State Plane  
18 Coordinate System, East Zone;

19 Beginning at the northwest corner of the above described Lot  
20 401 of Arbour Subdivision No. 4, thence along the northerly  
21 line of said Lot 401, South 89 degrees 27 minutes 54 seconds  
22 East 310.00 feet; thence North 00 degrees 32 minutes 06 seconds

1 East 10.00 feet; thence continuing along the northerly line of  
2 aforesaid Lot 401, South 89 degrees 27 minutes 54 seconds East  
3 60.00 feet, to the northeast corner of said Lot 401; thence  
4 along the easterly line of said Lot 401, South 00 degrees 35  
5 minutes 41 seconds West 11.00 feet; thence North 89 degrees 27  
6 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53  
7 minutes 41 seconds West 89.50 feet, to the northwesterly line  
8 of aforesaid Lot 401; thence along said northwesterly line,  
9 North 45 degrees 02 minutes 16 seconds East 2.80 feet, to the  
10 Point of Beginning, containing 0.023 of an acre, more or less.

11 Temporary Easement

12 A part of Lot 401 of the Arbour Subdivision No. 4, as per plat  
13 recorded as Document Number 92R37248, Champaign County,  
14 Illinois, with bearing datum based on Illinois State Plane  
15 Coordinate System, East Zone;

16 Commencing at the northeast corner of the above described Lot  
17 401 of Arbour Subdivision No. 4, thence along the easterly line  
18 of said Lot 401, South 00 degrees 35 minutes 41 seconds West  
19 11.00 feet, to the Point of Beginning; thence North 89 degrees  
20 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees  
21 53 minutes 41 seconds West 89.50 feet, to the westerly line of  
22 said Lot 401; thence along said westerly line, South 45 degrees  
23 02 minutes 16 seconds West 11.22 feet; thence South 89 degrees  
24 27 minutes 54 seconds East 277.36 feet; thence South 00 degrees

1 32 minutes 06 seconds West 10.00 feet; thence South 89 degrees  
2 27 minutes 54 seconds East 102.44 feet, to aforesaid easterly  
3 line of Lot 401; thence along said easterly line, North 00  
4 degrees 35 minutes 41 seconds East 19.00 feet, to the Point of  
5 Beginning, containing 0.100 acres or 4359 square feet, more or  
6 less.

7 PROSPECT POINT LLC - PARCEL 54

8 Right of Way

9 A part of Lot 402 of the Arbour Subdivision No. 4, as per plat  
10 recorded as Document Number 92R37248, Champaign County,  
11 Illinois, with bearing datum based on Illinois State Plane  
12 Coordinate System, East Zone;

13 Beginning at the northeast corner of the above described Lot  
14 402 of Arbour Subdivision No. 4, thence along the easterly line  
15 of said Lot 402, South 00 degrees 31 minutes 44 seconds West  
16 40.00 feet; thence North 23 degrees 44 minutes 15 seconds West  
17 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West  
18 27.17 feet; thence along a line being parallel to and 11.00  
19 feet offset southerly from the northerly line of said Lot 402,  
20 North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the  
21 westerly line of said Lot 402; thence along said westerly line,  
22 North 00 degrees 35 minutes 41 seconds East 11.00 feet, to the  
23 northwest corner of said Lot 402; thence along the northerly

1 line of said Lot 402, South 89 degrees 27 minutes 54 seconds  
2 East 281.25 feet, to the Point of Beginning, containing 0.076  
3 of an acre or 3322 square feet, more or less.

4 Temporary Easement

5 A part of Lot 402 of the Arbour Meadows Subdivision No. 4, as  
6 per plat recorded as Document Number 92R37248, Champaign  
7 County, Illinois, with bearing datum based on Illinois State  
8 Plane Coordinate System, East Zone:

9 TE-1

10 Beginning at the northeast corner of the above described Lot  
11 402; thence along the easterly line of said Lot 402, South 00  
12 degrees 35 minutes 44 seconds West 40.00 feet, to the Point of  
13 Beginning; thence North 23 degrees 44 minutes 15 seconds West  
14 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West  
15 27.17 feet; thence North 89 degrees 27 minutes 54 seconds West  
16 242.54 feet, to the westerly line of aforesaid Lot 402; thence  
17 along said westerly line, South 00 degrees 35 minutes 41  
18 seconds West 19.00 feet; thence South 89 degrees 27 minutes 54  
19 seconds East 17.56 feet; thence North 00 degrees 32 minutes 06  
20 seconds East 10.00 feet; thence South 89 degrees 27 minutes 54  
21 seconds East 250.00 feet; thence South 00 degrees 32 minutes 06  
22 seconds West 24.00 feet; thence South 89 degrees 27 minutes 54  
23 seconds East 13.72 feet, to the aforesaid easterly line of Lot  
24 402; thence along said easterly line, North 00 degrees 31

1 minutes 44 seconds East 4.00 feet, to the Point of Beginning,  
2 containing 0.064 of an acre or 2808 square feet, more or less.

3 TE-2

4 Beginning at a point on the easterly line of the above  
5 described Lot 402, said point being offset 196.00 feet normally  
6 distant southerly from FAP Route 807 (Curtis Road) centerline;  
7 thence along said easterly line of Lot 402, South 00 degrees 31  
8 minutes 44 seconds West 40.00 feet; thence North 89 degrees 28  
9 minutes 16 seconds West 60.00 feet; thence North 00 degrees 31  
10 minutes 44 seconds East 40.00 feet; thence South 89 degrees 28  
11 minutes 16 seconds East 60.00 feet, to the Point of Beginning,  
12 containing 0.055 of an acre or 2400 square feet, more or less.

13 Tracts TE-1 and TE-2 totaling 0.119 of an acre or 5208 square  
14 feet, more or less.

15 MAIN STREET BANK, TRUSTEE - PARCEL 55

16 Right of Way

17 All of the Commons area of the Arbour Meadows Subdivision No.  
18 4, as per plat recorded December 24, 1992 in Book "BB" at Page  
19 213 as Document 92R 37248, in the Village of Savoy, Champaign  
20 County, Illinois, containing 0.529 of an acre, more or less.

21 PROSPECT POINT EAST, LLC - PARCEL 56

1 Temporary Easement

2 A part of Lot 201 of the Arbour Meadows Subdivision No. 2, as  
3 per plat recorded in Plat Book "AA" at Page 251, Champaign  
4 County, Illinois, with bearing datum based on Illinois State  
5 Plane Coordinate System, East Zone:

6 Beginning at the northwest corner of the above described Lot  
7 201 of the Arbour Meadows Subdivision No. 2; thence along the  
8 northerly line of said Lot 201, South 89 degrees 27 minutes 54  
9 seconds East 15.11 feet; thence South 45 degrees 44 minutes 50  
10 seconds West 21.29 feet, to the westerly line of said Lot 201;  
11 thence along said westerly line, North 00 degrees 31 minutes 44  
12 seconds East 15.00 feet, to the Point of Beginning, containing  
13 0.003 of an acre or 113 square feet, more or less.

14 (Source: P.A. 95-611, eff. 9-11-07; revised 12-10-07.)

15 Section 375. The State Lawsuit Immunity Act is amended by  
16 changing Section 1 as follows:

17 (745 ILCS 5/1) (from Ch. 127, par. 801)

18 Sec. 1. Except as provided in the Illinois Public Labor  
19 Relations Act, the Court of Claims Act, the State Officials and  
20 Employees Ethics Act, ~~and~~ Section 1.5 of this Act, and, except  
21 as provided in and to the extent provided in the Clean Coal  
22 FutureGen for Illinois Act, the State of Illinois shall not be



1 made a defendant or party in any court.

2 (Source: P.A. 95-18, eff. 7-30-07; 95-331, eff. 8-21-07;  
3 revised 11-30-07.)

4 Section 380. The Condominium Property Act is amended by  
5 changing Section 30 as follows:

6 (765 ILCS 605/30) (from Ch. 30, par. 330)

7 Sec. 30. Conversion condominiums; notice; recording.

8 (a) (1) No real estate may be submitted to the provisions of  
9 the Act as a conversion condominium unless (i) a notice of  
10 intent to submit the real estate to this Act (notice of intent)  
11 has been given to all persons who were tenants of the building  
12 located on the real estate on the date the notice is given.  
13 Such notice shall be given at least 30 days, and not more than  
14 1 year prior to the recording of the declaration which submits  
15 the real estate to this Act; and (ii) the developer executes  
16 and acknowledges a certificate which shall be attached to and  
17 made a part of the declaration and which provides that the  
18 developer, prior to the execution by him or his agent of any  
19 agreement for the sale of a unit, has given a copy of the  
20 notice of intent to all persons who were tenants of the  
21 building located on the real estate on the date the notice of  
22 intent was given.

23 (2) ~~(a) (2)~~ If the owner fails to provide a tenant with  
24 notice of the intent to convert as defined in this Section,

1 the tenant permanently vacates the premises as a direct  
2 result of non-renewal of his or her lease by the owner, and  
3 the tenant's unit is converted to a condominium by the  
4 filing of a declaration submitting a property to this Act  
5 without having provided the required notice, then the owner  
6 is liable to the tenant for the following:

7 (A) the tenant's actual moving expenses incurred  
8 when moving from the subject property, not to exceed  
9 \$1,500;

10 (B) three month's rent at the subject property; and

11 (C) reasonable attorney's fees and court costs.

12 (b) Any developer of a conversion condominium must, upon  
13 issuing the notice of intent, publish and deliver along with  
14 such notice of intent, a schedule of selling prices for all  
15 units subject to the condominium instruments and offer to sell  
16 such unit to the current tenants, except for units to be  
17 vacated for rehabilitation subsequent to such notice of intent.  
18 Such offer shall not expire earlier than 30 days after receipt  
19 of the offer by the current tenant, unless the tenant notifies  
20 the developer in writing of his election not to purchase the  
21 condominium unit.

22 (c) Any tenant who was a tenant as of the date of the  
23 notice of intent and whose tenancy expires (other than for  
24 cause) prior to the expiration of 120 days from the date on  
25 which a copy of the notice of intent was given to the tenant  
26 shall have the right to extend his tenancy on the same terms

1 and conditions and for the same rental until the expiration of  
2 such 120 day period by the giving of written notice thereof to  
3 the developer within 30 days of the date upon which a copy of  
4 the notice of intent was given to the tenant by the developer.

5 (d) Each lessee in a conversion condominium shall be  
6 informed by the developer at the time the notice of intent is  
7 given whether his tenancy will be renewed or terminated upon  
8 its expiration. If the tenancy is to be renewed, the tenant  
9 shall be informed of all charges, rental or otherwise, in  
10 connection with the new tenancy and the length of the term of  
11 occupancy proposed in conjunction therewith.

12 (e) For a period of 120 days following his receipt of the  
13 notice of intent, any tenant who was a tenant on the date the  
14 notice of intent was given shall be given the right to purchase  
15 his unit on substantially the same terms and conditions as set  
16 forth in a duly executed contract to purchase the unit, which  
17 contract shall conspicuously disclose the existence of, and  
18 shall be subject to, the right of first refusal. The tenant may  
19 exercise the right of first refusal by giving notice thereof to  
20 the developer prior to the expiration of 30 days from the  
21 giving of notice by the developer to the tenant of the  
22 execution of the contract to purchase the unit. The tenant may  
23 exercise such right of first refusal within 30 days from the  
24 giving of notice by the developer of the execution of a  
25 contract to purchase the unit, notwithstanding the expiration  
26 of the 120 day period following the tenant's receipt of the

1 notice of intent, if such contract was executed prior to the  
2 expiration of the 120 day period. The recording of the deed  
3 conveying the unit to the purchaser which contains a statement  
4 to the effect that the tenant of the unit either waived or  
5 failed to exercise the right of first refusal or option or had  
6 no right of first refusal or option with respect to the unit  
7 shall extinguish any legal or equitable right or interest to  
8 the possession or acquisition of the unit which the tenant may  
9 have or claim with respect to the unit arising out of the right  
10 of first refusal or option provided for in this Section. The  
11 foregoing provision shall not affect any claim which the tenant  
12 may have against the landlord for damages arising out of the  
13 right of first refusal provided for in this Section.

14 (f) During the 30 day period after the giving of notice of  
15 an executed contract in which the tenant may exercise the right  
16 of first refusal, the developer shall grant to such tenant  
17 access to any portion of the building to inspect any of its  
18 features or systems and access to any reports, warranties, or  
19 other documents in the possession of the developer which  
20 reasonably pertain to the condition of the building. Such  
21 access shall be subject to reasonable limitations, including as  
22 to hours. The refusal of the developer to grant such access is  
23 a business offense punishable by a fine of \$500. Each refusal  
24 to an individual lessee who is a potential purchaser is a  
25 separate violation.

26 (g) Any notice provided for in this Section shall be deemed

1 given when a written notice is delivered in person or mailed,  
2 certified or registered mail, return receipt requested to the  
3 party who is being given the notice.

4 (h) Prior to their initial sale, units offered for sale in  
5 a conversion condominium and occupied by a tenant at the time  
6 of the offer shall be shown to prospective purchasers only a  
7 reasonable number of times and at appropriate hours. Units may  
8 only be shown to prospective purchasers during the last 90 days  
9 of any expiring tenancy.

10 (i) Any provision in any lease or other rental agreement,  
11 or any termination of occupancy on account of condominium  
12 conversion, not authorized herein, or contrary to or waiving  
13 the foregoing provisions, shall be deemed to be void as against  
14 public policy.

15 (j) A tenant is entitled to injunctive relief to enforce  
16 the provisions of subsections (a) and (c) of this Section.

17 (k) A non-profit housing organization, suing on behalf of  
18 an aggrieved tenant under this Section, may also recover  
19 compensation for reasonable attorney's fees and court costs  
20 necessary for filing such action.

21 (l) Nothing in this Section shall affect any provision in  
22 any lease or rental agreement in effect before this Act becomes  
23 law.

24 (m) Nothing in this amendatory Act of 1978 shall be  
25 construed to imply that there was previously a requirement to  
26 record the notice provided for in this Section.

1 (Source: P.A. 95-221, eff. 1-1-08; revised 11-16-07.)

2 Section 385. The Illinois Human Rights Act is amended by  
3 changing Sections 1-103 and 2-102 as follows:

4 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

5 Sec. 1-103. General Definitions. When used in this Act,  
6 unless the context requires otherwise, the term:

7 (A) Age. "Age" means the chronological age of a person who  
8 is at least 40 years old, except with regard to any practice  
9 described in Section 2-102, insofar as that practice concerns  
10 training or apprenticeship programs. In the case of training or  
11 apprenticeship programs, for the purposes of Section 2-102,  
12 "age" means the chronological age of a person who is 18 but not  
13 yet 40 years old.

14 (B) Aggrieved Party. "Aggrieved party" means a person who  
15 is alleged or proved to have been injured by a civil rights  
16 violation or believes he or she will be injured by a civil  
17 rights violation under Article 3 that is about to occur.

18 (C) Charge. "Charge" means an allegation filed with the  
19 Department by an aggrieved party or initiated by the Department  
20 under its authority.

21 (D) Civil Rights Violation. "Civil rights violation"  
22 includes and shall be limited to only those specific acts set  
23 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
24 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102, 6-101, and 6-102

1 of this Act.

2 (E) Commission. "Commission" means the Human Rights  
3 Commission created by this Act.

4 (F) Complaint. "Complaint" means the formal pleading filed  
5 by the Department with the Commission following an  
6 investigation and finding of substantial evidence of a civil  
7 rights violation.

8 (G) Complainant. "Complainant" means a person including  
9 the Department who files a charge of civil rights violation  
10 with the Department or the Commission.

11 (H) Department. "Department" means the Department of Human  
12 Rights created by this Act.

13 (I) Disability. "Disability" means a determinable physical  
14 or mental characteristic of a person, including, but not  
15 limited to, a determinable physical characteristic which  
16 necessitates the person's use of a guide, hearing or support  
17 dog, the history of such characteristic, or the perception of  
18 such characteristic by the person complained against, which may  
19 result from disease, injury, congenital condition of birth or  
20 functional disorder and which characteristic:

21 (1) For purposes of Article 2 is unrelated to the  
22 person's ability to perform the duties of a particular job  
23 or position and, pursuant to Section 2-104 of this Act, a  
24 person's illegal use of drugs or alcohol is not a  
25 disability;

26 (2) For purposes of Article 3, is unrelated to the

1 person's ability to acquire, rent or maintain a housing  
2 accommodation;

3 (3) For purposes of Article 4, is unrelated to a  
4 person's ability to repay;

5 (4) For purposes of Article 5, is unrelated to a  
6 person's ability to utilize and benefit from a place of  
7 public accommodation.

8 (J) Marital Status. "Marital status" means the legal status  
9 of being married, single, separated, divorced or widowed.

10 (J-1) Military Status. "Military status" means a person's  
11 status on active duty in or status as a veteran of the armed  
12 forces of the United States, status as a current member or  
13 veteran of any reserve component of the armed forces of the  
14 United States, including the United States Army Reserve, United  
15 States Marine Corps Reserve, United States Navy Reserve, United  
16 States Air Force Reserve, and United States Coast Guard  
17 Reserve, or status as a current member or veteran of the  
18 Illinois Army National Guard or Illinois Air National Guard.

19 (K) National Origin. "National origin" means the place in  
20 which a person or one of his or her ancestors was born.

21 (L) Person. "Person" includes one or more individuals,  
22 partnerships, associations or organizations, labor  
23 organizations, labor unions, joint apprenticeship committees,  
24 or union labor associations, corporations, the State of  
25 Illinois and its instrumentalities, political subdivisions,  
26 units of local government, legal representatives, trustees in



1 bankruptcy or receivers.

2 (M) Public Contract. "Public contract" includes every  
3 contract to which the State, any of its political subdivisions  
4 or any municipal corporation is a party.

5 (N) Religion. "Religion" includes all aspects of religious  
6 observance and practice, as well as belief, except that with  
7 respect to employers, for the purposes of Article 2, "religion"  
8 has the meaning ascribed to it in paragraph (F) of Section  
9 2-101.

10 (O) Sex. "Sex" means the status of being male or female.

11 (O-1) Sexual orientation. "Sexual orientation" means  
12 actual or perceived heterosexuality, homosexuality,  
13 bisexuality, or gender-related identity, whether or not  
14 traditionally associated with the person's designated sex at  
15 birth. "Sexual orientation" does not include a physical or  
16 sexual attraction to a minor by an adult.

17 (P) Unfavorable Military Discharge. "Unfavorable military  
18 discharge" includes discharges from the Armed Forces of the  
19 United States, their Reserve components or any National Guard  
20 or Naval Militia which are classified as RE-3 or the equivalent  
21 thereof, but does not include those characterized as RE-4 or  
22 "Dishonorable".

23 (Q) Unlawful Discrimination. "Unlawful discrimination"  
24 means discrimination against a person because of his or her  
25 race, color, religion, national origin, ancestry, age, sex,  
26 marital status, disability, military status, sexual

1 orientation, or unfavorable discharge from military service as  
2 those terms are defined in this Section.

3 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;  
4 95-668, eff. 10-10-07; revised 11-19-07.)

5 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

6 Sec. 2-102. Civil Rights Violations - Employment. It is a  
7 civil rights violation:

8 (A) Employers. For any employer to refuse to hire, to  
9 segregate, or to act with respect to recruitment, hiring,  
10 promotion, renewal of employment, selection for training or  
11 apprenticeship, discharge, discipline, tenure or terms,  
12 privileges or conditions of employment on the basis of unlawful  
13 discrimination or citizenship status.

14 (A-5) Language. For an employer to impose a restriction  
15 that has the effect of prohibiting a language from being spoken  
16 by an employee in communications that are unrelated to the  
17 employee's duties.

18 For the purposes of this subdivision (A-5), "language"  
19 means a person's native tongue, such as Polish, Spanish, or  
20 Chinese. "Language" does not include such things as slang,  
21 jargon, profanity, or vulgarity.

22 (B) Employment Agency. For any employment agency to fail or  
23 refuse to classify properly, accept applications and register  
24 for employment referral or apprenticeship referral, refer for  
25 employment, or refer for apprenticeship on the basis of

1 unlawful discrimination or citizenship status or to accept from  
2 any person any job order, requisition or request for referral  
3 of applicants for employment or apprenticeship which makes or  
4 has the effect of making unlawful discrimination or  
5 discrimination on the basis of citizenship status a condition  
6 of referral.

7 (C) Labor Organization. For any labor organization to  
8 limit, segregate or classify its membership, or to limit  
9 employment opportunities, selection and training for  
10 apprenticeship in any trade or craft, or otherwise to take, or  
11 fail to take, any action which affects adversely any person's  
12 status as an employee or as an applicant for employment or as  
13 an apprentice, or as an applicant for apprenticeships, or  
14 wages, tenure, hours of employment or apprenticeship  
15 conditions on the basis of unlawful discrimination or  
16 citizenship status.

17 (D) Sexual Harassment. For any employer, employee, agent of  
18 any employer, employment agency or labor organization to engage  
19 in sexual harassment; provided, that an employer shall be  
20 responsible for sexual harassment of the employer's employees  
21 by nonemployees or nonmanagerial and nonsupervisory employees  
22 only if the employer becomes aware of the conduct and fails to  
23 take reasonable corrective measures.

24 (E) Public Employers. For any public employer to refuse to  
25 permit a public employee under its jurisdiction who takes time  
26 off from work in order to practice his or her religious beliefs

1 to engage in work, during hours other than such employee's  
2 regular working hours, consistent with the operational needs of  
3 the employer and in order to compensate for work time lost for  
4 such religious reasons. Any employee who elects such deferred  
5 work shall be compensated at the wage rate which he or she  
6 would have earned during the originally scheduled work period.  
7 The employer may require that an employee who plans to take  
8 time off from work in order to practice his or her religious  
9 beliefs provide the employer with a notice of his or her  
10 intention to be absent from work not exceeding 5 days prior to  
11 the date of absence.

12 (F) Training and Apprenticeship Programs. For any  
13 employer, employment agency or labor organization to  
14 discriminate against a person on the basis of age in the  
15 selection, referral for or conduct of apprenticeship or  
16 training programs.

17 (G) Immigration-Related Practices.

18 (1) for an employer to request for purposes of  
19 satisfying the requirements of Section 1324a(b) of Title 8  
20 of the United States Code, as now or hereafter amended,  
21 more or different documents than are required under such  
22 Section or to refuse to honor documents tendered that on  
23 their face reasonably appear to be genuine; or

24 (2) for an employer participating in the Basic Pilot  
25 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
26 Programs for Employment Eligibility Confirmation (enacted

1 by PL 104-208, div. C title IV, subtitle A) to refuse to  
2 hire, to segregate, or to act with respect to recruitment,  
3 hiring, promotion, renewal of employment, selection for  
4 training or apprenticeship, discharge, discipline, tenure  
5 or terms, privileges or conditions of employment without  
6 following the procedures under the Basic Pilot Program.

7 (H) Pregnancy; peace officers and fire fighters. For a  
8 public employer to refuse to temporarily transfer a pregnant  
9 female peace officer or pregnant female fire fighter to a less  
10 strenuous or hazardous position for the duration of her  
11 pregnancy if she so requests, with the advice of her physician,  
12 where that transfer can be reasonably accommodated. For the  
13 purposes of this subdivision (H), "peace officer" and "fire  
14 fighter" have the meanings ascribed to those terms in Section 3  
15 of the Illinois Public Labor Relations Act.

16 It is not a civil rights violation for an employer to take  
17 any action that is required by Section 1324a of Title 8 of the  
18 United States Code, as now or hereafter amended.

19 (Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; revised  
20 11-19-07.)

21 Section 390. The Franchise Tax and License Fee Amnesty Act  
22 of 2007 is amended by renumbering Section 99 as follows:

23 (805 ILCS 8/99-99)

24 Sec. 99-99 ~~99~~. Effective date. This Act takes effect upon

1 becoming law.

2 (Source: P.A. 95-233, eff. 8-16-07; revised 12-10-07.)

3 Section 395. The Motor Fuel Sales Act is amended by  
4 changing Section 2 as follows:

5 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

6 Sec. 2. Assistance at stations with self-service and  
7 full-service islands.

8 (a) Any attendant on duty at a gasoline station or service  
9 station offering to the public retail sales of motor fuel at  
10 both self-service and full-service islands shall, upon  
11 request, dispense motor fuel for the driver of a car which is  
12 parked at a self-service island and displays: (1) registration  
13 plates issued to a physically disabled person pursuant to  
14 Section 3-616 of the Illinois Vehicle Code; ~~or~~ (2) registration  
15 plates issued to a disabled veteran pursuant to Section 3-609  
16 or 3-609.01 of such Code; or (3) a special decal or device  
17 issued pursuant to Section 11-1301.2 of such Code; and shall  
18 only charge such driver prices as offered to the general public  
19 for motor fuel dispensed at the self-service island. However,  
20 such attendant shall not be required to perform other services  
21 which are offered at the full-service island.

22 (b) Gasoline stations and service stations in this State  
23 are subject to the federal Americans with Disabilities Act and  
24 must:

1           (1) provide refueling assistance upon the request of an  
2 individual with a disability~~+~~ (A gasoline station or  
3 service station is not required to provide such service at  
4 any time that it is operating on a remote control basis  
5 with a single employee, but is encouraged to do so, if  
6 feasible.);

7           (2) let patrons know, through appropriate signs, that  
8 customers with disabilities can obtain refueling  
9 assistance by either honking or otherwise signaling an  
10 employee; and

11           (3) provide the refueling assistance without any  
12 charge beyond the self-serve price.

13           (c) The signage required under paragraph (2) of subsection  
14 (b) shall be designated by the station owner and shall be  
15 posted in a prominently visible place. The sign shall be  
16 clearly visible to customers.

17           (d) The Secretary of State shall provide to persons with  
18 disabilities information regarding the availability of  
19 refueling assistance under this Section by the following  
20 methods:

21           (1) by posting information about that availability on  
22 the Secretary of State's Internet website, along with a  
23 link to the Department of Human Services website; and

24           (2) by publishing a brochure containing information  
25 about that availability, which shall be made available at  
26 all Secretary of State offices throughout the State.

1           (e) The Department of Human Services shall post on its  
2 Internet website information regarding the availability of  
3 refueling assistance for persons with disabilities and the  
4 addresses and telephone numbers of all gasoline and service  
5 stations in Illinois.

6           (f) A person commits a Class C misdemeanor if he or she  
7 telephones a gasoline station or service station to request  
8 refueling assistance and he or she:

9                 (1) is not actually physically present at the gasoline  
10                 or service station; or

11                 (2) is physically present at the gasoline or service  
12                 station but does not actually require refueling  
13                 assistance.

14           (g) The Department of Transportation shall work in  
15 cooperation with appropriate representatives of gasoline and  
16 service station trade associations and the petroleum industry  
17 to increase the signage at gasoline and service stations on  
18 interstate highways in this State with regard to the  
19 availability of refueling assistance for persons with  
20 disabilities.

21           (Source: P.A. 95-167, eff. 1-1-08; 95-193, eff. 1-1-08; revised  
22 11-19-07.)

23           Section 400. The Consumer Fraud and Deceptive Business  
24 Practices Act is amended by changing Section 2Z and by setting  
25 forth and renumbering multiple versions of Section 2ZZ as



1 follows:

2 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

3 (Text of Section before amendment by P.A. 95-562)

4 Sec. 2Z. Violations of other Acts. Any person who knowingly  
5 violates the Automotive Repair Act, the Automotive Collision  
6 Repair Act, the Home Repair and Remodeling Act, the Dance  
7 Studio Act, the Physical Fitness Services Act, the Hearing  
8 Instrument Consumer Protection Act, the Illinois Union Label  
9 Act, the Job Referral and Job Listing Services Consumer  
10 Protection Act, the Travel Promotion Consumer Protection Act,  
11 the Credit Services Organizations Act, the Automatic Telephone  
12 Dialers Act, the Pay-Per-Call Services Consumer Protection  
13 Act, the Telephone Solicitations Act, the Illinois Funeral or  
14 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
15 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
16 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
17 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
18 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
19 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
20 Act, the Internet Caller Identification Act, paragraph (6) of  
21 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
22 Article 3 of the Residential Real Property Disclosure Act, the  
23 Automatic Contract Renewal Act, or the Personal Information  
24 Protection Act commits an unlawful practice within the meaning  
25 of this Act.

1 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,  
2 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,  
3 eff. 1-1-08.)

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5 Sec. 2Z. Violations of other Acts. Any person who knowingly  
6 violates the Automotive Repair Act, the Automotive Collision  
7 Repair Act, the Home Repair and Remodeling Act, the Dance  
8 Studio Act, the Physical Fitness Services Act, the Hearing  
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12 the Credit Services Organizations Act, the Automatic Telephone  
13 Dialers Act, the Pay-Per-Call Services Consumer Protection  
14 Act, the Telephone Solicitations Act, the Illinois Funeral or  
15 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
16 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
17 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
18 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
19 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
20 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
21 Act, the Internet Caller Identification Act, paragraph (6) of  
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
23 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the  
24 Illinois Vehicle Code, Article 3 of the Residential Real  
25 Property Disclosure Act, the Automatic Contract Renewal Act, or

1 the Personal Information Protection Act commits an unlawful  
2 practice within the meaning of this Act.

3 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,  
4 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,  
5 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)

6 (815 ILCS 505/2ZZ)

7 Sec. 2ZZ. Payoff of liens on motor vehicles traded in to  
8 dealer.

9 (a) When a motor vehicle dealer, as defined by Sections  
10 5-101 or 5-102 of the Illinois Vehicle Code, enters into a  
11 retail transaction where a consumer trades in or sells a  
12 vehicle that is subject to a lien, the dealer shall:

13 (1) within 21 calendar days of the date of sale remit  
14 payment to the lien holder to pay off the lien on the  
15 traded-in or sold motor vehicle, unless the underlying  
16 contract has been rescinded before expiration of 21  
17 calendar days; and

18 (2) fully comply with Section 2C of this Act.

19 (b) A motor vehicle dealer who violates this Section  
20 commits an unlawful practice within the meaning of this Act.

21 (c) For the purposes of this Section, the term "date of  
22 sale" shall be the date the parties entered into the  
23 transaction as evidenced by the date written in the contract  
24 executed by the parties, or the date the motor vehicle  
25 dealership took possession of the traded-in or sold vehicle. In

1 the event the date of the contract differs from the date the  
2 motor vehicle dealership took possession of the traded-in  
3 vehicle, the "date of sale" shall be the date the motor vehicle  
4 dealership took possession of the traded-in vehicle.

5 (Source: P.A. 95-393, eff. 1-1-08.)

6 (815 ILCS 505/2AAA)

7 Sec. 2AAA ~~277~~. Mortgage marketing materials.

8 (a) No person may send marketing materials to a consumer  
9 indicating that the person is connected to the consumer's  
10 mortgage company, indicating that there is a problem with the  
11 consumer's mortgage, or stating that the marketing materials  
12 contain information concerning the consumer's mortgage, unless  
13 that person sending the marketing materials is actually  
14 employed by the consumer's mortgage company or an affiliate of  
15 the consumer's mortgage company.

16 (b) Any person who violates this Section commits an  
17 unlawful practice within the meaning of this Act.

18 (Source: P.A. 95-508, eff. 1-1-08; revised 12-10-07.)

19 Section 995. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 996. No revival or extension. This Act does not  
3 revive or extend any Section or Act otherwise repealed.

4 Section 999. Effective date. This Act takes effect upon  
5 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 80/4.18	
4	5 ILCS 80/4.26	
5	5 ILCS 80/4.27	
6	5 ILCS 80/4.28	
7	5 ILCS 80/4.17 rep.	
8	5 ILCS 375/6.11	
9	10 ILCS 5/17-23	from Ch. 46, par. 17-23
10	15 ILCS 205/6.5	
11	15 ILCS 505/16.5	
12	20 ILCS 105/4.01	from Ch. 23, par. 6104.01
13	20 ILCS 105/4.02	from Ch. 23, par. 6104.02
14	20 ILCS 105/4.08	
15	20 ILCS 105/4.09	
16	20 ILCS 505/5	from Ch. 23, par. 5005
17	20 ILCS 515/20	
18	20 ILCS 515/40	
19	20 ILCS 1605/2	from Ch. 120, par. 1152
20	20 ILCS 1605/20	from Ch. 120, par. 1170
21	20 ILCS 1605/21.7	
22	20 ILCS 1605/21.8	
23	20 ILCS 1705/56	from Ch. 91 1/2, par. 100-56
24	20 ILCS 1710/1710-100	was 20 ILCS 1710/53d
25	20 ILCS 2310/2310-140	was 20 ILCS 2310/55.37a

1 20 ILCS 2310/2310-216  
2 20 ILCS 2310/2310-361  
3 20 ILCS 2310/2310-362  
4 20 ILCS 2407/Art. 99  
5 heading new  
6 20 ILCS 2805/2.07 from Ch. 126 1/2, par. 67.07  
7 20 ILCS 2805/20  
8 20 ILCS 2805/25  
9 20 ILCS 3110/5 from Ch. 127, par. 213.5  
10 20 ILCS 3501/801-40  
11 20 ILCS 3501/825-90  
12 20 ILCS 3501/825-95  
13 20 ILCS 3501/845-5  
14 20 ILCS 3855/1-65  
15 20 ILCS 3960/3 from Ch. 111 1/2, par. 1153  
16 20 ILCS 3983/15  
17 30 ILCS 105/5.663  
18 30 ILCS 105/5.675  
19 30 ILCS 105/5.677  
20 30 ILCS 105/5.678  
21 30 ILCS 105/5.679  
22 30 ILCS 105/5.684  
23 30 ILCS 105/5.685  
24 30 ILCS 105/5.686  
25 30 ILCS 105/5.687  
26 30 ILCS 105/5.688

- 1 30 ILCS 105/5.689
- 2 30 ILCS 105/5.690
- 3 30 ILCS 105/5.691
- 4 30 ILCS 105/5.692
- 5 30 ILCS 105/5.693
- 6 30 ILCS 105/5.694
- 7 30 ILCS 105/5.695
- 8 30 ILCS 105/5.696
- 9 30 ILCS 105/5.697
- 10 30 ILCS 105/5.698
- 11 30 ILCS 105/5.699
- 12 30 ILCS 105/5.701
- 13 30 ILCS 105/5.702
- 14 30 ILCS 105/8h
- 15 30 ILCS 500/1-10
- 16 30 ILCS 500/45-75
- 17 30 ILCS 500/45-80
- 18 30 ILCS 500/50-70
- 19 30 ILCS 805/8.30
- 20 30 ILCS 805/8.31
- 21 35 ILCS 5/203
- 22 35 ILCS 5/507PP
- 23 35 ILCS 5/507QQ
- 24 35 ILCS 105/3-5
- 25 35 ILCS 110/3-5
- 26 35 ILCS 115/3-5

from Ch. 120, par. 2-203

from Ch. 120, par. 439.3-5

from Ch. 120, par. 439.33-5

from Ch. 120, par. 439.103-5



1 35 ILCS 120/2-5 from Ch. 120, par. 441-5  
2 35 ILCS 200/Art. 10 Div.  
3 18 heading  
4 35 ILCS 200/15-170  
5 35 ILCS 200/18-185  
6 35 ILCS 200/22-15  
7 35 ILCS 200/22-20  
8 40 ILCS 5/1-110.10  
9 40 ILCS 5/1-110.15  
10 40 ILCS 5/3-110.9  
11 40 ILCS 5/3-110.10  
12 40 ILCS 5/5-152 from Ch. 108 1/2, par. 5-152  
13 40 ILCS 5/7-139 from Ch. 108 1/2, par. 7-139  
14 40 ILCS 5/7-139.12  
15 40 ILCS 5/7-139.13  
16 40 ILCS 5/9-121.6 from Ch. 108 1/2, par. 9-121.6  
17 40 ILCS 5/9-134.5  
18 40 ILCS 5/10-104.5  
19 40 ILCS 5/14-104 from Ch. 108 1/2, par. 14-104  
20 50 ILCS 20/20 from Ch. 85, par. 1050  
21 50 ILCS 751/17  
22 50 ILCS 751/35  
23 55 ILCS 5/5-1069.3  
24 55 ILCS 5/5-1095 from Ch. 34, par. 5-1095  
25 55 ILCS 5/5-1096.5  
26 60 ILCS 1/200-14a

1	65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
2	65 ILCS 5/10-4-2.3	
3	65 ILCS 5/11-5-1.5	
4	65 ILCS 5/11-42-11	from Ch. 24, par. 11-42-11
5	65 ILCS 5/11-42-11.2	
6	65 ILCS 5/11-74.4-3	from Ch. 24, par. 11-74.4-3
7	65 ILCS 5/11-74.4-7	from Ch. 24, par. 11-74.4-7
8	105 ILCS 5/2-3.12	from Ch. 122, par. 2-3.12
9	105 ILCS 5/2-3.142	
10	105 ILCS 5/2-3.144	
11	105 ILCS 5/2-3.145	
12	105 ILCS 5/2-3.147	
13	105 ILCS 5/5-1	from Ch. 122, par. 5-1
14	105 ILCS 5/10-20.40	
15	105 ILCS 5/10-20.41	
16	105 ILCS 5/10-20.42	
17	105 ILCS 5/10-20.43	
18	105 ILCS 5/10-22.3f	
19	105 ILCS 5/10-22.22b	from Ch. 122, par. 10-22.22b
20	105 ILCS 5/10-23.5	from Ch. 122, par. 10-23.5
21	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
22	105 ILCS 5/14C-8	from Ch. 122, par. 14C-8
23	105 ILCS 5/18-12	from Ch. 122, par. 18-12
24	105 ILCS 5/27-8.1	from Ch. 122, par. 27-8.1
25	105 ILCS 5/27-17	from Ch. 122, par. 27-17
26	105 ILCS 5/27-23.7	

1 105 ILCS 5/34-18.34  
2 105 ILCS 5/34-18.35  
3 105 ILCS 5/34-18.36  
4 110 ILCS 520/8 from Ch. 144, par. 658  
5 110 ILCS 805/2-25  
6 210 ILCS 9/35  
7 210 ILCS 9/45  
8 210 ILCS 85/6.09 from Ch. 111 1/2, par. 147.09  
9 210 ILCS 85/6.23  
10 210 ILCS 85/6.24  
11 215 ILCS 5/223 from Ch. 73, par. 835  
12 215 ILCS 5/356z.9  
13 215 ILCS 5/356z.10  
14 215 ILCS 125/5-3 from Ch. 111 1/2, par. 1411.2  
15 215 ILCS 130/4003 from Ch. 73, par. 1504-3  
16 215 ILCS 165/10 from Ch. 32, par. 604  
17 220 ILCS 5/8-103  
18 220 ILCS 5/8-206 from Ch. 111 2/3, par. 8-206  
19 220 ILCS 5/13-507.1  
20 220 ILCS 5/13-701 from Ch. 111 2/3, par. 13-701  
21 220 ILCS 5/16-111  
22 220 ILCS 5/21-101  
23 220 ILCS 5/21-101.1  
24 220 ILCS 5/21-201  
25 220 ILCS 5/21-301  
26 220 ILCS 5/21-401

1 220 ILCS 5/21-601  
2 220 ILCS 5/21-801  
3 220 ILCS 5/21-901  
4 220 ILCS 5/21-1001  
5 220 ILCS 5/21-1101  
6 220 ILCS 5/21-1201  
7 220 ILCS 5/21-1301  
8 220 ILCS 5/Art. XXII  
9 heading  
10 220 ILCS 5/22-501  
11 220 ILCS 5/22-502  
12 220 ILCS 5/22-503  
13 225 ILCS 37/22  
14 225 ILCS 46/25  
15 225 ILCS 46/40  
16 225 ILCS 47/15  
17 225 ILCS 65/50-15 was 225 ILCS 65/5-15  
18 225 ILCS 425/9.1  
19 225 ILCS 447/31-30  
20 305 ILCS 5/8A-7.1 from Ch. 23, par. 8A-7.1  
21 305 ILCS 5/9A-11 from Ch. 23, par. 9A-11  
22 320 ILCS 20/2 from Ch. 23, par. 6602  
23 320 ILCS 25/4 from Ch. 67 1/2, par. 404  
24 325 ILCS 5/4 from Ch. 23, par. 2054  
25 405 ILCS 80/Art. X heading  
26 415 ILCS 5/3.330 was 415 ILCS 5/3.32

1	415 ILCS 5/55.8	from Ch. 111 1/2, par. 1055.8
2	515 ILCS 5/20-92	
3	520 ILCS 5/2.25	from Ch. 61, par. 2.25
4	520 ILCS 5/2.26	from Ch. 61, par. 2.26
5	520 ILCS 5/2.33	from Ch. 61, par. 2.33
6	520 ILCS 5/3.5	from Ch. 61, par. 3.5
7	525 ILCS 37/20	
8	625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
9	625 ILCS 5/3-609	from Ch. 95 1/2, par. 3-609
10	625 ILCS 5/3-664	
11	625 ILCS 5/3-665	
12	625 ILCS 5/3-667	
13	625 ILCS 5/3-668	
14	625 ILCS 5/3-669	
15	625 ILCS 5/3-670	
16	625 ILCS 5/3-671	
17	625 ILCS 5/3-672	
18	625 ILCS 5/3-673	
19	625 ILCS 5/3-674	
20	625 ILCS 5/3-675	
21	625 ILCS 5/3-676	
22	625 ILCS 5/3-677	
23	625 ILCS 5/3-678	
24	625 ILCS 5/3-679	
25	625 ILCS 5/3-707	from Ch. 95 1/2, par. 3-707
26	625 ILCS 5/3-806.1	from Ch. 95 1/2, par. 3-806.1

1	625 ILCS 5/3-806.3	from Ch. 95 1/2, par. 3-806.3
2	625 ILCS 5/3-806.5	
3	625 ILCS 5/3-806.6	
4	625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
5	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
6	625 ILCS 5/6-113	from Ch. 95 1/2, par. 6-113
7	625 ILCS 5/6-201	
8	625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
9	625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
10	625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
11	625 ILCS 5/6-206.1	from Ch. 95 1/2, par. 6-206.1
12	625 ILCS 5/6-206.2	
13	625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
14	625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
15	625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
16	625 ILCS 5/6-510	from Ch. 95 1/2, par. 6-510
17	625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
18	625 ILCS 5/11-501.1	from Ch. 95 1/2, par. 11-501.1
19	625 ILCS 5/11-501.8	
20	625 ILCS 5/11-1301.3	from Ch. 95 1/2, par. 11-1301.3
21	625 ILCS 5/11-1426.1	
22	625 ILCS 5/12-610.1	
23	705 ILCS 105/27.5	from Ch. 25, par. 27.5
24	705 ILCS 105/27.6	
25	705 ILCS 405/2-10	from Ch. 37, par. 802-10
26	705 ILCS 405/2-28	from Ch. 37, par. 802-28

1	705 ILCS 405/5-710	
2	720 ILCS 5/9-3	from Ch. 38, par. 9-3
3	720 ILCS 5/11-9.3	
4	720 ILCS 5/11-9.4	
5	720 ILCS 5/12-2	from Ch. 38, par. 12-2
6	720 ILCS 5/12-4	from Ch. 38, par. 12-4
7	720 ILCS 5/14-3	
8	720 ILCS 5/26-4	from Ch. 38, par. 26-4
9	720 ILCS 5/32-5	from Ch. 38, par. 32-5
10	720 ILCS 510/11	from Ch. 38, par. 81-31
11	720 ILCS 570/102	from Ch. 56 1/2, par. 1102
12	720 ILCS 570/103	from Ch. 56 1/2, par. 1103
13	720 ILCS 646/110	
14	720 ILCS 648/25	
15	720 ILCS 648/40	
16	720 ILCS 648/50	
17	725 ILCS 120/3	from Ch. 38, par. 1403
18	725 ILCS 190/3	from Ch. 38, par. 1453
19	725 ILCS 210/4.11	
20	730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
21	730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
22	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
23	730 ILCS 5/5-5-3.2	from Ch. 38, par. 1005-5-3.2
24	730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1
25	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
26	730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

1	730 ILCS 5/5-9-1.14	
2	730 ILCS 5/5-9-1.15	
3	730 ILCS 5/5-9-3	from Ch. 38, par. 1005-9-3
4	730 ILCS 150/2	from Ch. 38, par. 222
5	730 ILCS 150/3	
6	730 ILCS 150/6	from Ch. 38, par. 226
7	730 ILCS 150/7	from Ch. 38, par. 227
8	730 ILCS 152/120	
9	735 ILCS 30/25-5-10	
10	745 ILCS 5/1	from Ch. 127, par. 801
11	765 ILCS 605/30	from Ch. 30, par. 330
12	775 ILCS 5/1-103	from Ch. 68, par. 1-103
13	775 ILCS 5/2-102	from Ch. 68, par. 2-102
14	805 ILCS 8/99-99	
15	815 ILCS 365/2	from Ch. 121 1/2, par. 1502
16	815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z
17	815 ILCS 505/2ZZ	
18	815 ILCS 505/2AAA	