

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 2009 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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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 95-703 through 95-1003 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of these 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 Section 4.28 as follows:

11 (5 ILCS 80/4.28)

12 Sec. 4.28. Acts repealed on January 1, 2018. The following
13 Acts are repealed on January 1, 2018:

14 The Illinois Petroleum Education and Marketing Act.

15 The Podiatric Medical Practice Act of 1987.

16 The Acupuncture Practice Act.

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

19 The Interpreter for the Deaf Licensure Act of 2007.

20 The Nurse Practice Act.

21 The Clinical Social Work and Social Work Practice Act.

22 The Pharmacy Practice Act.

23 The Home Medical Equipment and Services Provider License
24 Act.

1 The Marriage and Family Therapy Licensing Act.

2 The Nursing Home Administrators Licensing and Disciplinary
3 Act.

4 The Physician Assistant Practice Act of 1987.

5 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
6 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
7 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
8 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
9 revised 9-25-08.)

10 Section 10. The Illinois Administrative Procedure Act is
11 amended by changing Section 10-65 as follows:

12 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)

13 Sec. 10-65. Licenses.

14 (a) When any licensing is required by law to be preceded by
15 notice and an opportunity for a hearing, the provisions of this
16 Act concerning contested cases shall apply.

17 (b) When a licensee has made timely and sufficient
18 application for the renewal of a license or a new license with
19 reference to any activity of a continuing nature, the existing
20 license shall continue in full force and effect until the final
21 agency decision on the application has been made unless a later
22 date is fixed by order of a reviewing court.

23 (c) Except as provided in Section 1-17 ~~1-27~~ of the
24 Department of Natural Resources Act, an application for the

1 renewal of a license or a new license shall include the
2 applicant's social security number. Each agency shall require
3 the licensee to certify on the application form, under penalty
4 of perjury, that he or she is not more than 30 days delinquent
5 in complying with a child support order. Every application
6 shall state that failure to so certify shall result in
7 disciplinary action, and that making a false statement may
8 subject the licensee to contempt of court. The agency shall
9 notify each applicant or licensee who acknowledges a
10 delinquency or who, contrary to his or her certification, is
11 found to be delinquent or who after receiving notice, fails to
12 comply with a subpoena or warrant relating to a paternity or a
13 child support proceeding, that the agency intends to take
14 disciplinary action. Accordingly, the agency shall provide
15 written notice of the facts or conduct upon which the agency
16 will rely to support its proposed action and the applicant or
17 licensee shall be given an opportunity for a hearing in
18 accordance with the provisions of the Act concerning contested
19 cases. Any delinquency in complying with a child support order
20 can be remedied by arranging for payment of past due and
21 current support. Any failure to comply with a subpoena or
22 warrant relating to a paternity or child support proceeding can
23 be remedied by complying with the subpoena or warrant. Upon a
24 final finding of delinquency or failure to comply with a
25 subpoena or warrant, the agency shall suspend, revoke, or
26 refuse to issue or renew the license. In cases in which the

1 Department of Healthcare and Family Services (formerly
2 Department of Public Aid) has previously determined that an
3 applicant or a licensee is more than 30 days delinquent in the
4 payment of child support and has subsequently certified the
5 delinquency to the licensing agency, and in cases in which a
6 court has previously determined that an applicant or licensee
7 has been in violation of the Non-Support Punishment Act for
8 more than 60 days, the licensing agency shall refuse to issue
9 or renew or shall revoke or suspend that person's license based
10 solely upon the certification of delinquency made by the
11 Department of Healthcare and Family Services (formerly
12 Department of Public Aid) or the certification of violation
13 made by the court. Further process, hearings, or
14 redetermination of the delinquency or violation by the
15 licensing agency shall not be required. The licensing agency
16 may issue or renew a license if the licensee has arranged for
17 payment of past and current child support obligations in a
18 manner satisfactory to the Department of Healthcare and Family
19 Services (formerly Department of Public Aid) or the court. The
20 licensing agency may impose conditions, restrictions, or
21 disciplinary action upon that license.

22 (d) Except as provided in subsection (c), no agency shall
23 revoke, suspend, annul, withdraw, amend materially, or refuse
24 to renew any valid license without first giving written notice
25 to the licensee of the facts or conduct upon which the agency
26 will rely to support its proposed action and an opportunity for

1 a hearing in accordance with the provisions of this Act
2 concerning contested cases. At the hearing, the licensee shall
3 have the right to show compliance with all lawful requirements
4 for the retention, continuation, or renewal of the license. If,
5 however, the agency finds that the public interest, safety, or
6 welfare imperatively requires emergency action, and if the
7 agency incorporates a finding to that effect in its order,
8 summary suspension of a license may be ordered pending
9 proceedings for revocation or other action. Those proceedings
10 shall be promptly instituted and determined.

11 (e) Any application for renewal of a license that contains
12 required and relevant information, data, material, or
13 circumstances that were not contained in an application for the
14 existing license shall be subject to the provisions of
15 subsection (a).

16 (Source: P.A. 94-40, eff. 1-1-06; 95-331, eff. 8-21-07; revised
17 10-28-08.)

18 Section 15. The Freedom of Information Act is amended by
19 changing Section 7 as follows:

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 (Text of Section before amendment by P.A. 95-988)

22 Sec. 7. Exemptions.

23 (1) The following shall be exempt from inspection and
24 copying:

1 (a) Information specifically prohibited from
2 disclosure by federal or State law or rules and regulations
3 adopted under federal or State law.

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

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

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

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

1 (iv) information required of any taxpayer in
2 connection with the assessment or collection of any tax
3 unless disclosure is otherwise required by State
4 statute;

5 (v) information revealing the identity of persons
6 who file complaints with or provide information to
7 administrative, investigative, law enforcement or
8 penal agencies; provided, however, that identification
9 of witnesses to traffic accidents, traffic accident
10 reports, and rescue reports may be provided by agencies
11 of local government, except in a case for which a
12 criminal investigation is ongoing, without
13 constituting a clearly unwarranted per se invasion of
14 personal privacy under this subsection; and

15 (vi) the names, addresses, or other personal
16 information of participants and registrants in park
17 district, forest preserve district, and conservation
18 district programs.

19 (c) Records compiled by any public body for
20 administrative enforcement proceedings and any law
21 enforcement or correctional agency for law enforcement
22 purposes or for internal matters of a public body, but only
23 to the extent that disclosure would:

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional

1 agency;

2 (ii) interfere with pending administrative
3 enforcement proceedings conducted by any public body;

4 (iii) deprive a person of a fair trial or an
5 impartial hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source or confidential information
8 furnished only by the confidential source;

9 (v) disclose unique or specialized investigative
10 techniques other than those generally used and known or
11 disclose internal documents of correctional agencies
12 related to detection, observation or investigation of
13 incidents of crime or misconduct;

14 (vi) constitute an invasion of personal privacy
15 under subsection (b) of this Section;

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

18 (viii) obstruct an ongoing criminal investigation.

19 (d) Criminal history record information maintained by
20 State or local criminal justice agencies, except the
21 following which shall be open for public inspection and
22 copying:

23 (i) chronologically maintained arrest information,
24 such as traditional arrest logs or blotters;

25 (ii) the name of a person in the custody of a law
26 enforcement agency and the charges for which that

1 person is being held;

2 (iii) court records that are public;

3 (iv) records that are otherwise available under
4 State or local law; or

5 (v) records in which the requesting party is the
6 individual identified, except as provided under part
7 (vii) of paragraph (c) of subsection (1) of this
8 Section.

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

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

25 (f) Preliminary drafts, notes, recommendations,
26 memoranda and other records in which opinions are

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

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

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

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

1 does not apply to the identity of a privately held
2 company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

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

7 (h) Proposals and bids for any contract, grant, or
8 agreement, including information which if it were
9 disclosed would frustrate procurement or give an advantage
10 to any person proposing to enter into a contractor
11 agreement with the body, until an award or final selection
12 is made. Information prepared by or for the body in
13 preparation of a bid solicitation shall be exempt until an
14 award or final selection is made.

15 (i) Valuable formulae, computer geographic systems,
16 designs, drawings and research data obtained or produced by
17 any public body when disclosure could reasonably be
18 expected to produce private gain or public loss. The
19 exemption for "computer geographic systems" provided in
20 this paragraph (i) does not extend to requests made by news
21 media as defined in Section 2 of this Act when the
22 requested information is not otherwise exempt and the only
23 purpose of the request is to access and disseminate
24 information regarding the health, safety, welfare, or
25 legal rights of the general public.

26 (j) Test questions, scoring keys and other examination

1 data used to administer an academic examination or
2 determined the qualifications of an applicant for a license
3 or employment.

4 (k) Architects' plans, engineers' technical
5 submissions, and other construction related technical
6 documents for projects not constructed or developed in
7 whole or in part with public funds and the same for
8 projects constructed or developed with public funds, but
9 only to the extent that disclosure would compromise
10 security, including but not limited to water treatment
11 facilities, airport facilities, sport stadiums, convention
12 centers, and all government owned, operated, or occupied
13 buildings.

14 (l) Library circulation and order records identifying
15 library users with specific materials.

16 (m) Minutes of meetings of public bodies closed to the
17 public as provided in the Open Meetings Act until the
18 public body makes the minutes available to the public under
19 Section 2.06 of the Open Meetings Act.

20 (n) Communications between a public body and an
21 attorney or auditor representing the public body that would
22 not be subject to discovery in litigation, and materials
23 prepared or compiled by or for a public body in
24 anticipation of a criminal, civil or administrative
25 proceeding upon the request of an attorney advising the
26 public body, and materials prepared or compiled with

1 respect to internal audits of public bodies.

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

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

15 (q) Documents or materials relating to collective
16 negotiating matters between public bodies and their
17 employees or representatives, except that any final
18 contract or agreement shall be subject to inspection and
19 copying.

20 (r) Drafts, notes, recommendations and memoranda
21 pertaining to the financing and marketing transactions of
22 the public body. The records of ownership, registration,
23 transfer, and exchange of municipal debt obligations, and
24 of persons to whom payment with respect to these
25 obligations is made.

26 (s) The records, documents and information relating to

1 real estate purchase negotiations until those negotiations
2 have been completed or otherwise terminated. With regard to
3 a parcel involved in a pending or actually and reasonably
4 contemplated eminent domain proceeding under the Eminent
5 Domain Act, records, documents and information relating to
6 that parcel shall be exempt except as may be allowed under
7 discovery rules adopted by the Illinois Supreme Court. The
8 records, documents and information relating to a real
9 estate sale shall be exempt until a sale is consummated.

10 (t) Any and all proprietary information and records
11 related to the operation of an intergovernmental risk
12 management association or self-insurance pool or jointly
13 self-administered health and accident cooperative or pool.

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

21 (v) Course materials or research materials used by
22 faculty members.

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

25 (x) Information contained in or related to
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions or insurance companies, unless disclosure is
4 otherwise required by State law.

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

7 (z) Manuals or instruction to staff that relate to
8 establishment or collection of liability for any State tax
9 or that relate to investigations by a public body to
10 determine violation of any criminal law.

11 (aa) Applications, related documents, and medical
12 records received by the Experimental Organ Transplantation
13 Procedures Board and any and all documents or other records
14 prepared by the Experimental Organ Transplantation
15 Procedures Board or its staff relating to applications it
16 has received.

17 (bb) Insurance or self insurance (including any
18 intergovernmental risk management association or self
19 insurance pool) claims, loss or risk management
20 information, records, data, advice or communications.

21 (cc) Information and records held by the Department of
22 Public Health and its authorized representatives relating
23 to known or suspected cases of sexually transmissible
24 disease or any information the disclosure of which is
25 restricted under the Illinois Sexually Transmissible
26 Disease Control Act.

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

3 (ee) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (ff) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (gg) Information the disclosure of which is restricted
14 and exempted under Section 50 of the Illinois Prepaid
15 Tuition Act.

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

18 (ii) Beginning July 1, 1999, information that would
19 disclose or might lead to the disclosure of secret or
20 confidential information, codes, algorithms, programs, or
21 private keys intended to be used to create electronic or
22 digital signatures under the Electronic Commerce Security
23 Act.

24 (jj) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a local
26 emergency energy plan ordinance that is adopted under

1 Section 11-21.5-5 of the Illinois Municipal Code.

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

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

20 (mm) Maps and other records regarding the location or
21 security of generation, transmission, distribution,
22 storage, gathering, treatment, or switching facilities
23 owned by a utility or by the Illinois Power Agency.

24 (nn) Law enforcement officer identification
25 information or driver identification information compiled
26 by a law enforcement agency or the Department of

1 Transportation under Section 11-212 of the Illinois
2 Vehicle Code.

3 (oo) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (pp) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (qq) Defense budgets and petitions for certification
12 of compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the Capital
14 Crimes Litigation Act. This subsection (qq) shall apply
15 until the conclusion of the trial of the case, even if the
16 prosecution chooses not to pursue the death penalty prior
17 to trial or sentencing.

18 (rr) Information contained in or related to proposals,
19 bids, or negotiations related to electric power
20 procurement under Section 1-75 of the Illinois Power Agency
21 Act and Section 16-111.5 of the Public Utilities Act that
22 is determined to be confidential and proprietary by the
23 Illinois Power Agency or by the Illinois Commerce
24 Commission.

25 (ss) Information that is prohibited from being
26 disclosed under Section 4 of the Illinois Health and

1 Hazardous Substances Registry Act.

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

6 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
7 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
8 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
9 8-28-07; 95-941, eff. 8-29-08.)

10 (Text of Section after amendment by P.A. 95-988)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and
13 copying:

14 (a) Information specifically prohibited from
15 disclosure by federal or State law or rules and regulations
16 adopted under federal or State law.

17 (b) Information that, if disclosed, would constitute a
18 clearly unwarranted invasion of personal privacy, unless
19 the disclosure is consented to in writing by the individual
20 subjects of the information. The disclosure of information
21 that bears on the public duties of public employees and
22 officials shall not be considered an invasion of personal
23 privacy. Information exempted under this subsection (b)
24 shall include but is not limited to:

25 (i) files and personal information maintained with

1 respect to clients, patients, residents, students or
2 other individuals receiving social, medical,
3 educational, vocational, financial, supervisory or
4 custodial care or services directly or indirectly from
5 federal agencies or public bodies;

6 (ii) personnel files and personal information
7 maintained with respect to employees, appointees or
8 elected officials of any public body or applicants for
9 those positions;

10 (iii) files and personal information maintained
11 with respect to any applicant, registrant or licensee
12 by any public body cooperating with or engaged in
13 professional or occupational registration, licensure
14 or discipline;

15 (iv) information required of any taxpayer in
16 connection with the assessment or collection of any tax
17 unless disclosure is otherwise required by State
18 statute;

19 (v) information revealing the identity of persons
20 who file complaints with or provide information to
21 administrative, investigative, law enforcement or
22 penal agencies; provided, however, that identification
23 of witnesses to traffic accidents, traffic accident
24 reports, and rescue reports may be provided by agencies
25 of local government, except in a case for which a
26 criminal investigation is ongoing, without

1 constituting a clearly unwarranted per se invasion of
2 personal privacy under this subsection;

3 (vi) the names, addresses, or other personal
4 information of participants and registrants in park
5 district, forest preserve district, and conservation
6 district programs; and

7 (vii) the Notarial Record or other medium
8 containing the thumbprint or fingerprint required by
9 Section 3-102(c)(6) of the Illinois Notary Public Act.

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

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

19 (ii) interfere with pending administrative
20 enforcement proceedings conducted by any public body;

21 (iii) deprive a person of a fair trial or an
22 impartial hearing;

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

26 (v) disclose unique or specialized investigative

1 techniques other than those generally used and known or
2 disclose internal documents of correctional agencies
3 related to detection, observation or investigation of
4 incidents of crime or misconduct;

5 (vi) constitute an invasion of personal privacy
6 under subsection (b) of this Section;

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

9 (viii) obstruct an ongoing criminal investigation.

10 (d) Criminal history record information maintained by
11 State or local criminal justice agencies, except the
12 following which shall be open for public inspection and
13 copying:

14 (i) chronologically maintained arrest information,
15 such as traditional arrest logs or blotters;

16 (ii) the name of a person in the custody of a law
17 enforcement agency and the charges for which that
18 person is being held;

19 (iii) court records that are public;

20 (iv) records that are otherwise available under
21 State or local law; or

22 (v) records in which the requesting party is the
23 individual identified, except as provided under part
24 (vii) of paragraph (c) of subsection (1) of this
25 Section.

26 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and the
7 nature of any disposition arising therefrom, including
8 sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

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

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those records
23 of officers and agencies of the General Assembly that
24 pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the

1 trade secrets or information are proprietary, privileged
2 or confidential, or where disclosure of the trade secrets
3 or information may cause competitive harm, including:

4 (i) All information determined to be confidential
5 under Section 4002 of the Technology Advancement and
6 Development Act.

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

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

24 (h) Proposals and bids for any contract, grant, or
25 agreement, including information which if it were
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor
2 agreement with the body, until an award or final selection
3 is made. Information prepared by or for the body in
4 preparation of a bid solicitation shall be exempt until an
5 award or final selection is made.

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

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

21 (k) Architects' plans, engineers' technical
22 submissions, and other construction related technical
23 documents for projects not constructed or developed in
24 whole or in part with public funds and the same for
25 projects constructed or developed with public funds, but
26 only to the extent that disclosure would compromise

1 security, including but not limited to water treatment
2 facilities, airport facilities, sport stadiums, convention
3 centers, and all government owned, operated, or occupied
4 buildings.

5 (l) Library circulation and order records identifying
6 library users with specific materials.

7 (m) Minutes of meetings of public bodies closed to the
8 public as provided in the Open Meetings Act until the
9 public body makes the minutes available to the public under
10 Section 2.06 of the Open Meetings Act.

11 (n) Communications between a public body and an
12 attorney or auditor representing the public body that would
13 not be subject to discovery in litigation, and materials
14 prepared or compiled by or for a public body in
15 anticipation of a criminal, civil or administrative
16 proceeding upon the request of an attorney advising the
17 public body, and materials prepared or compiled with
18 respect to internal audits of public bodies.

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

22 (p) Administrative or technical information associated
23 with automated data processing operations, including but
24 not limited to software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation

1 pertaining to all logical and physical design of
2 computerized systems, employee manuals, and any other
3 information that, if disclosed, would jeopardize the
4 security of the system or its data or the security of
5 materials exempt under this Section.

6 (q) Documents or materials relating to collective
7 negotiating matters between public bodies and their
8 employees or representatives, except that any final
9 contract or agreement shall be subject to inspection and
10 copying.

11 (r) Drafts, notes, recommendations and memoranda
12 pertaining to the financing and marketing transactions of
13 the public body. The records of ownership, registration,
14 transfer, and exchange of municipal debt obligations, and
15 of persons to whom payment with respect to these
16 obligations is made.

17 (s) The records, documents and information relating to
18 real estate purchase negotiations until those negotiations
19 have been completed or otherwise terminated. With regard to
20 a parcel involved in a pending or actually and reasonably
21 contemplated eminent domain proceeding under the Eminent
22 Domain Act, records, documents and information relating to
23 that parcel shall be exempt except as may be allowed under
24 discovery rules adopted by the Illinois Supreme Court. The
25 records, documents and information relating to a real
26 estate sale shall be exempt until a sale is consummated.

1 (t) Any and all proprietary information and records
2 related to the operation of an intergovernmental risk
3 management association or self-insurance pool or jointly
4 self-administered health and accident cooperative or pool.

5 (u) Information concerning a university's adjudication
6 of student or employee grievance or disciplinary cases, to
7 the extent that disclosure would reveal the identity of the
8 student or employee and information concerning any public
9 body's adjudication of student or employee grievances or
10 disciplinary cases, except for the final outcome of the
11 cases.

12 (v) Course materials or research materials used by
13 faculty members.

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

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

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

24 (z) Manuals or instruction to staff that relate to
25 establishment or collection of liability for any State tax
26 or that relate to investigations by a public body to

1 determine violation of any criminal law.

2 (aa) Applications, related documents, and medical
3 records received by the Experimental Organ Transplantation
4 Procedures Board and any and all documents or other records
5 prepared by the Experimental Organ Transplantation
6 Procedures Board or its staff relating to applications it
7 has received.

8 (bb) Insurance or self insurance (including any
9 intergovernmental risk management association or self
10 insurance pool) claims, loss or risk management
11 information, records, data, advice or communications.

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

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

20 (ee) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (ff) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (gg) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

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

9 (ii) Beginning July 1, 1999, information that would
10 disclose or might lead to the disclosure of secret or
11 confidential information, codes, algorithms, programs, or
12 private keys intended to be used to create electronic or
13 digital signatures under the Electronic Commerce Security
14 Act.

15 (jj) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under
18 Section 11-21.5-5 of the Illinois Municipal Code.

19 (kk) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by wireless
21 carriers under the Wireless Emergency Telephone Safety
22 Act.

23 (ll) Vulnerability assessments, security measures, and
24 response policies or plans that are designed to identify,
25 prevent, or respond to potential attacks upon a community's
26 population or systems, facilities, or installations, the

1 destruction or contamination of which would constitute a
2 clear and present danger to the health or safety of the
3 community, but only to the extent that disclosure could
4 reasonably be expected to jeopardize the effectiveness of
5 the measures or the safety of the personnel who implement
6 them or the public. Information exempt under this item may
7 include such things as details pertaining to the
8 mobilization or deployment of personnel or equipment, to
9 the operation of communication systems or protocols, or to
10 tactical operations.

11 (mm) Maps and other records regarding the location or
12 security of generation, transmission, distribution,
13 storage, gathering, treatment, or switching facilities
14 owned by a utility or by the Illinois Power Agency.

15 (nn) Law enforcement officer identification
16 information or driver identification information compiled
17 by a law enforcement agency or the Department of
18 Transportation under Section 11-212 of the Illinois
19 Vehicle Code.

20 (oo) Records and information provided to a residential
21 health care facility resident sexual assault and death
22 review team or the Executive Council under the Abuse
23 Prevention Review Team Act.

24 (pp) Information provided to the predatory lending
25 database created pursuant to Article 3 of the Residential
26 Real Property Disclosure Act, except to the extent

1 authorized under that Article.

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

9 (rr) Information contained in or related to proposals,
10 bids, or negotiations related to electric power
11 procurement under Section 1-75 of the Illinois Power Agency
12 Act and Section 16-111.5 of the Public Utilities Act that
13 is determined to be confidential and proprietary by the
14 Illinois Power Agency or by the Illinois Commerce
15 Commission.

16 (ss) Information that is prohibited from being
17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

19 (2) This Section does not authorize withholding of
20 information or limit the availability of records to the public,
21 except as stated in this Section or otherwise provided in this
22 Act.

23 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,
24 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;
25 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.
26 8-28-07; 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; revised

1 10-20-08.)

2 Section 20. The State Employees Group Insurance Act of 1971
3 is amended by changing Section 6.11 as follows:

4 (5 ILCS 375/6.11)

5 (Text of Section before amendment by P.A. 95-958)

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

16 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
17 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff.
18 1-1-09; revised 10-15-08.)

19 (Text of Section after amendment by P.A. 95-958)

20 Sec. 6.11. Required health benefits; Illinois Insurance
21 Code requirements. The program of health benefits shall provide
22 the post-mastectomy care benefits required to be covered by a
23 policy of accident and health insurance under Section 356t of

1 the Illinois Insurance Code. The program of health benefits
2 shall provide the coverage required under Sections 356g.5,
3 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10,
4 356z.11, ~~and 356z.12,~~ and 356z.13 ~~356z.11~~ of the Illinois
5 Insurance Code. The program of health benefits must comply with
6 Section 155.37 of the Illinois Insurance Code.

7 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
8 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.
9 6-1-09; 95-978, eff. 1-1-09; revised 10-15-08.)

10 Section 25. The Election Code is amended by changing
11 Sections 13-4 and 14-1 as follows:

12 (10 ILCS 5/13-4) (from Ch. 46, par. 13-4)

13 Sec. 13-4. Qualifications.

14 (a) All persons elected or chosen judge of election must:
15 (1) be citizens of the United States and entitled to vote at
16 the next election, except as provided in subsection (b) or (c);
17 (2) be of good repute and character and not subject to the
18 registration requirement of the Sex Offender Registration Act;
19 (3) be able to speak, read and write the English language; (4)
20 be skilled in the four fundamental rules of arithmetic; (5) be
21 of good understanding and capable; (6) not be candidates for
22 any office at the election and not be elected committeemen; and
23 (7) reside in the precinct in which they are selected to act,
24 except that in each precinct, not more than one judge of each

1 party may be appointed from outside such precinct. Any judge
2 selected to serve in any precinct in which he is not entitled
3 to vote must reside within and be entitled to vote elsewhere
4 within the county which encompasses the precinct in which such
5 judge is appointed, except as provided in subsection (b) or
6 (c). Such judge must meet the other qualifications of this
7 Section.

8 (b) An election authority may establish a program to permit
9 a person who is not entitled to vote to be appointed as an
10 election judge if, as of the date of the election at which the
11 person serves as a judge, he or she:

12 (1) is a U.S. citizen;

13 (2) is a junior or senior in good standing enrolled in
14 a public or private secondary school;

15 (3) has a cumulative grade point average equivalent to
16 at least 3.0 on a 4.0 scale;

17 (4) has the written approval of the principal of the
18 secondary school he or she attends at the time of
19 appointment;

20 (5) has the written approval of his or her parent or
21 legal guardian;

22 (6) has satisfactorily completed the training course
23 for judges of election described in Sections 13-2.1 and
24 13-2.2; and

25 (7) meets all other qualifications for appointment and
26 service as an election judge.

1 No more than one election judge qualifying under this
2 subsection may serve per political party per precinct. Prior to
3 appointment, a judge qualifying under this subsection must
4 certify in writing to the election authority the political
5 party the judge chooses to affiliate with.

6 Students appointed as election judges under this
7 subsection shall not be counted as absent from school on the
8 day they serve as judges.

9 (c) An election authority may establish a program to permit
10 a person who is not entitled to vote in that precinct or county
11 to be appointed as an election judge if, as of the date of the
12 election at which the person serves as a judge, he or she:

13 (1) is a U.S. citizen;

14 (2) is currently enrolled in a community college, as
15 defined in the Public Community College Act, or a public or
16 private Illinois university or college;

17 (3) has a cumulative grade point average equivalent to
18 at least 3.0 on a 4.0 scale;

19 (4) has satisfactorily completed the training course
20 for judges of election described in Sections 13-2.1 and
21 13-2.2; and

22 (5) meets all other qualifications for appointment and
23 service as an election judge.

24 No more than one election judge qualifying under this
25 subsection may serve per political party per precinct. Prior to
26 appointment, a judge qualifying under this subsection must

1 certify in writing to the election authority the political
2 party the judge chooses to affiliate with.

3 Students appointed as election judges under this
4 subsection shall not be counted as absent from school on the
5 day they serve as judges.

6 (Source: P.A. 95-699, eff. 11-9-07; 95-818, eff. 1-1-09;
7 revised 9-5-08.)

8 (10 ILCS 5/14-1) (from Ch. 46, par. 14-1)

9 Sec. 14-1. (a) The board of election commissioners
10 established or existing under Article 6 shall, at the time and
11 in the manner provided in Section 14-3.1, select and choose 5
12 persons, men or women, as judges of election for each precinct
13 in such city, village or incorporated town.

14 Where neither voting machines nor electronic, mechanical
15 or electric voting systems are used, the board of election
16 commissioners may, for any precinct with respect to which the
17 board considers such action necessary or desirable in view of
18 the number of voters, and shall for general elections for any
19 precinct containing more than 600 registered voters, appoint in
20 addition to the 5 judges of election a team of 5 tally judges.
21 In such precincts the judges of election shall preside over the
22 election during the hours the polls are open, and the tally
23 judges, with the assistance of the holdover judges designated
24 pursuant to Section 14-5.2, shall count the vote after the
25 closing of the polls. The tally judges shall possess the same

1 qualifications and shall be appointed in the same manner and
2 with the same division between political parties as is provided
3 for judges of election. The foregoing provisions relating to
4 the appointment of tally judges are inapplicable in counties
5 with a population of 1,000,000 or more.

6 (b) To qualify as judges the persons must:

7 (1) be citizens of the United States;

8 (2) be of good repute and character and not subject to
9 the registration requirement of the Sex Offender
10 Registration Act;

11 (3) be able to speak, read and write the English
12 language;

13 (4) be skilled in the 4 fundamental rules of
14 arithmetic;

15 (5) be of good understanding and capable;

16 (6) not be candidates for any office at the election
17 and not be elected committeemen;

18 (7) reside and be entitled to vote in the precinct in
19 which they are selected to serve, except that in each
20 precinct not more than one judge of each party may be
21 appointed from outside such precinct. Any judge so
22 appointed to serve in any precinct in which he is not
23 entitled to vote must be entitled to vote elsewhere within
24 the county which encompasses the precinct in which such
25 judge is appointed and such judge must otherwise meet the
26 qualifications of this Section, except as provided in

1 subsection (c) or (c-5).

2 (c) An election authority may establish a program to permit
3 a person who is not entitled to vote to be appointed as an
4 election judge if, as of the date of the election at which the
5 person serves as a judge, he or she:

6 (1) is a U.S. citizen;

7 (2) is a junior or senior in good standing enrolled in
8 a public or private secondary school;

9 (3) has a cumulative grade point average equivalent to
10 at least 3.0 on a 4.0 scale;

11 (4) has the written approval of the principal of the
12 secondary school he or she attends at the time of
13 appointment;

14 (5) has the written approval of his or her parent or
15 legal guardian;

16 (6) has satisfactorily completed the training course
17 for judges of election described in Sections 13-2.1,
18 13-2.2, and 14-4.1; and

19 (7) meets all other qualifications for appointment and
20 service as an election judge.

21 No more than one election judge qualifying under this
22 subsection may serve per political party per precinct. Prior to
23 appointment, a judge qualifying under this subsection must
24 certify in writing to the election authority the political
25 party the judge chooses to affiliate with.

26 Students appointed as election judges under this

1 subsection shall not be counted as absent from school on the
2 day they serve as judges.

3 (c-5) An election authority may establish a program to
4 permit a person who is not entitled to vote in that precinct or
5 county to be appointed as an election judge if, as of the date
6 of the election at which the person serves as a judge, he or
7 she:

8 (1) is a U.S. citizen;

9 (2) is currently enrolled in a community college, as
10 defined in the Public Community College Act, or a public or
11 private Illinois university or college;

12 (3) has a cumulative grade point average equivalent to
13 at least 3.0 on a 4.0 scale;

14 (4) has satisfactorily completed the training course
15 for judges of election described in Sections 13-2.1,
16 13-2.2, and 14-4.1; and

17 (5) meets all other qualifications for appointment and
18 service as an election judge.

19 No more than one election judge qualifying under this
20 subsection may serve per political party per precinct. Prior to
21 appointment, a judge qualifying under this subsection must
22 certify in writing to the election authority the political
23 party the judge chooses to affiliate with.

24 Students appointed as election judges under this
25 subsection shall not be counted as absent from school on the
26 day they serve as judges.

1 (d) The board of election commissioners may select 2
2 additional judges of election, one from each of the major
3 political parties, for each 200 voters in excess of 600 in any
4 precinct having more than 600 voters as authorized by Section
5 11--3. These additional judges must meet the qualifications
6 prescribed in this Section.

7 (Source: P.A. 95-699, eff. 11-9-07; 95-818, eff. 1-1-09;
8 revised 9-5-08.)

9 Section 30. The Illinois Identification Card Act is amended
10 by changing Section 4 as follows:

11 (15 ILCS 335/4) (from Ch. 124, par. 24)

12 Sec. 4. Identification Card.

13 (a) The Secretary of State shall issue a standard Illinois
14 Identification Card to any natural person who is a resident of
15 the State of Illinois who applies for such card, or renewal
16 thereof, or who applies for a standard Illinois Identification
17 Card upon release as a committed person on parole, mandatory
18 supervised release, final discharge, or pardon from the
19 Department of Corrections by submitting an identification card
20 issued by the Department of Corrections under Section 3-14-1 of
21 the Unified Code of Corrections, together with the prescribed
22 fees. No identification card shall be issued to any person who
23 holds a valid foreign state identification card, license, or
24 permit unless the person first surrenders to the Secretary of

1 State the valid foreign state identification card, license, or
2 permit. The card shall be prepared and supplied by the
3 Secretary of State and shall include a photograph of the
4 applicant. The applicant, upon receipt of a card and prior to
5 its use for any purpose, shall affix his signature thereon in
6 the space provided therefor. The Illinois Identification Card
7 may be used for identification purposes in any lawful situation
8 only by the person to whom it was issued. As used in this Act,
9 "photograph" means any color photograph or digitally produced
10 and captured image of an applicant for an identification card.
11 As used in this Act, "signature" means the name of a person as
12 written by that person and captured in a manner acceptable to
13 the Secretary of State.

14 (b) The Secretary of State shall issue a special Illinois
15 Identification Card, which shall be known as an Illinois
16 Disabled Person Identification Card, to any natural person who
17 is a resident of the State of Illinois, who is a disabled
18 person as defined in Section 4A of this Act, who applies for
19 such card, or renewal thereof. No Disabled Person
20 Identification Card shall be issued to any person who holds a
21 valid foreign state identification card, license, or permit
22 unless the person first surrenders to the Secretary of State
23 the valid foreign state identification card, license, or
24 permit. The Secretary of State shall charge no fee to issue
25 such card. The card shall be prepared and supplied by the
26 Secretary of State, and shall include a photograph of the

1 applicant, a designation indicating that the card is an
2 Illinois Disabled Person Identification Card, and shall
3 include a comprehensible designation of the type and
4 classification of the applicant's disability as set out in
5 Section 4A of this Act. If the applicant so requests, the card
6 shall include a description of the applicant's disability and
7 any information about the applicant's disability or medical
8 history which the Secretary determines would be helpful to the
9 applicant in securing emergency medical care. The applicant,
10 upon receipt of such a card and prior to its use for any
11 purpose, shall have affixed thereon in the space provided
12 therefor his signature or mark. If a mark is used in lieu of a
13 signature, such mark shall be affixed to the card in the
14 presence of two witnesses who attest to the authenticity of the
15 mark. The Illinois Disabled Person Identification Card may be
16 used for identification purposes in any lawful situation by the
17 person to whom it was issued.

18 The Illinois Disabled Person Identification Card may be
19 used as adequate documentation of disability in lieu of a
20 physician's determination of disability, a determination of
21 disability from a physician assistant who has been delegated
22 the authority to make this determination by his or her
23 supervising physician, a determination of disability from an
24 advanced practice nurse who has a written collaborative
25 agreement with a collaborating physician that authorizes the
26 advanced practice nurse to make this determination, or any

1 other documentation of disability whenever any State law
2 requires that a disabled person provide such documentation of
3 disability, however an Illinois Disabled Person Identification
4 Card shall not qualify the cardholder to participate in any
5 program or to receive any benefit which is not available to all
6 persons with like disabilities. Notwithstanding any other
7 provisions of law, an Illinois Disabled Person Identification
8 Card, or evidence that the Secretary of State has issued an
9 Illinois Disabled Person Identification Card, shall not be used
10 by any person other than the person named on such card to prove
11 that the person named on such card is a disabled person or for
12 any other purpose unless the card is used for the benefit of
13 the person named on such card, and the person named on such
14 card consents to such use at the time the card is so used.

15 An optometrist's determination of a visual disability
16 under Section 4A of this Act is acceptable as documentation for
17 the purpose of issuing an Illinois Disabled Person
18 Identification Card.

19 When medical information is contained on an Illinois
20 Disabled Person Identification Card, the Office of the
21 Secretary of State shall not be liable for any actions taken
22 based upon that medical information.

23 (c) Beginning January 1, 1986, the Secretary of State shall
24 provide that each original or renewal Illinois Identification
25 Card or Illinois Disabled Person Identification Card issued to
26 a person under the age of 21, shall be of a distinct nature

1 from those Illinois Identification Cards or Illinois Disabled
2 Person Identification Cards issued to individuals 21 years of
3 age or older. The color designated for Illinois Identification
4 Cards or Illinois Disabled Person Identification Cards for
5 persons under the age of 21 shall be at the discretion of the
6 Secretary of State.

7 (c-1) Beginning January 1, 2003, each original or renewal
8 Illinois Identification Card or Illinois Disabled Person
9 Identification Card issued to a person under the age of 21
10 shall display the date upon which the person becomes 18 years
11 of age and the date upon which the person becomes 21 years of
12 age.

13 (d) The Secretary of State may issue a Senior Citizen
14 discount card, to any natural person who is a resident of the
15 State of Illinois who is 60 years of age or older and who
16 applies for such a card or renewal thereof. The Secretary of
17 State shall charge no fee to issue such card. The card shall be
18 issued in every county and applications shall be made available
19 at, but not limited to, nutrition sites, senior citizen centers
20 and Area Agencies on Aging. The applicant, upon receipt of such
21 card and prior to its use for any purpose, shall have affixed
22 thereon in the space provided therefor his signature or mark.

23 (e) The Secretary of State, in his or her discretion, may
24 designate on each Illinois Identification Card or Illinois
25 Disabled Person Identification Card a space where the card
26 holder may place a sticker or decal, issued by the Secretary of

1 State, of uniform size as the Secretary may specify, that shall
2 indicate in appropriate language that the card holder has
3 renewed his or her Illinois Identification Card or Illinois
4 Disabled Person Identification Card.

5 (Source: P.A. 95-762, eff. 1-1-09; 95-779, eff. 1-1-09; revised
6 9-5-08.)

7 Section 35. The Civil Administrative Code of Illinois is
8 amended by changing Sections 1-5, 5-15, and 5-20 as follows:

9 (20 ILCS 5/1-5)

10 Sec. 1-5. Articles. The Civil Administrative Code of
11 Illinois consists of the following Articles:

12 Article 1. General Provisions (20 ILCS 5/1-1 and
13 following).

14 Article 5. Departments of State Government Law (20 ILCS
15 5/5-1 and following).

16 Article 50. State Budget Law (15 ILCS 20/).

17 Article 110. Department on Aging Law (20 ILCS 110/).

18 Article 205. Department of Agriculture Law (20 ILCS 205/).

19 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

20 Article 310. Department of Human Services (Alcoholism and
21 Substance Abuse) Law (20 ILCS 310/).

22 Article 405. Department of Central Management Services Law
23 (20 ILCS 405/).

24 Article 510. Department of Children and Family Services

1 Powers Law (20 ILCS 510/).

2 Article 605. Department of Commerce and Economic
3 Opportunity Law (20 ILCS 605/).

4 Article 805. Department of Natural Resources
5 (Conservation) Law (20 ILCS 805/).

6 Article 1005. Department of Employment Security Law (20
7 ILCS 1005/).

8 Article 1405. Department of Insurance Law (20 ILCS 1405/).

9 Article 1505. Department of Labor Law (20 ILCS 1505/).

10 Article 1710. Department of Human Services (Mental Health
11 and Developmental Disabilities) Law (20 ILCS 1710/).

12 Article 1905. Department of Natural Resources (Mines and
13 Minerals) Law (20 ILCS 1905/).

14 ~~Article 2005. Department of Nuclear Safety Law (20 ILCS~~
15 ~~2005/).~~

16 Article 2105. Department of Professional Regulation Law
17 (20 ILCS 2105/).

18 Article 2205. Department of Healthcare and Family Services
19 Law (20 ILCS 2205/).

20 Article 2310. Department of Public Health Powers and Duties
21 Law (20 ILCS 2310/).

22 Article 2505. Department of Revenue Law (20 ILCS 2505/).

23 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

24 Article 2605. Department of State Police Law (20 ILCS
25 2605/).

26 Article 2705. Department of Transportation Law (20 ILCS

1 2705/).

2 Article 3000. University of Illinois Exercise of Functions
3 and Duties Law (110 ILCS 355/).

4 (Source: P.A. 95-331, eff. 8-21-07; revised 11-6-08.)

5 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

6 Sec. 5-15. Departments of State government. The
7 Departments of State government are created as follows:

8 The Department on Aging.

9 The Department of Agriculture.

10 The Department of Central Management Services.

11 The Department of Children and Family Services.

12 The Department of Commerce and Economic Opportunity.

13 The Department of Corrections.

14 The Department of Employment Security.

15 The Illinois Emergency Management Agency.

16 The Department of Financial and Professional Regulation.

17 ~~The Department of Financial Institutions.~~

18 The Department of Healthcare and Family Services.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Illinois Power Agency.

22 ~~The Department of Insurance.~~

23 The Department of Juvenile Justice.

24 The Department of Labor.

25 The Department of the Lottery.

1 The Department of Natural Resources.

2 ~~The Department of Professional Regulation.~~

3 The Department of Public Health.

4 The Department of Revenue.

5 The Department of State Police.

6 The Department of Transportation.

7 The Department of Veterans' Affairs.

8 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
9 95-481, eff. 8-28-07; 95-777, eff. 8-4-08; revised 10-23-08.)

10 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

11 Sec. 5-20. Heads of departments. Each department shall have
12 an officer as its head who shall be known as director or
13 secretary and who shall, subject to the provisions of the Civil
14 Administrative Code of Illinois, execute the powers and
15 discharge the duties vested by law in his or her respective
16 department.

17 The following officers are hereby created:

18 Director of Aging, for the Department on Aging.

19 Director of Agriculture, for the Department of
20 Agriculture.

21 Director of Central Management Services, for the
22 Department of Central Management Services.

23 Director of Children and Family Services, for the
24 Department of Children and Family Services.

25 Director of Commerce and Economic Opportunity, for the

1 Department of Commerce and Economic Opportunity.

2 Director of Corrections, for the Department of
3 Corrections.

4 Director of the Illinois Emergency Management Agency, for
5 the Illinois Emergency Management Agency.

6 Director of Employment Security, for the Department of
7 Employment Security.

8 Secretary of Financial and Professional Regulation, for
9 the Department of Financial and Professional Regulation.

10 ~~Director of Financial Institutions, for the Department of~~
11 ~~Financial Institutions.~~

12 Director of Healthcare and Family Services, for the
13 Department of Healthcare and Family Services.

14 Director of Human Rights, for the Department of Human
15 Rights.

16 Secretary of Human Services, for the Department of Human
17 Services.

18 Director of the Illinois Power Agency, for the Illinois
19 Power Agency.

20 ~~Director of Insurance, for the Department of Insurance.~~

21 Director of Juvenile Justice, for the Department of
22 Juvenile Justice.

23 Director of Labor, for the Department of Labor.

24 Director of the Lottery, for the Department of the Lottery.

25 Director of Natural Resources, for the Department of
26 Natural Resources.

1 ~~Director of Professional Regulation, for the Department of~~
2 ~~Professional Regulation.~~

3 Director of Public Health, for the Department of Public
4 Health.

5 Director of Revenue, for the Department of Revenue.

6 Director of State Police, for the Department of State
7 Police.

8 Secretary of Transportation, for the Department of
9 Transportation.

10 Director of Veterans' Affairs, for the Department of
11 Veterans' Affairs.

12 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07;
13 95-481, eff. 8-28-07; 95-777, eff. 8-4-08; revised 10-23-08.)

14 Section 40. The Illinois Act on the Aging is amended by
15 changing Sections 4.03 and 4.04 as follows:

16 (20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

17 Sec. 4.03. The Department on Aging, in cooperation with the
18 Department of Human Services and any other appropriate State,
19 local or federal agency, shall, without regard to income
20 guidelines, establish a nursing home prescreening program to
21 determine whether Alzheimer's Disease and related disorders
22 victims, and persons who are deemed as blind or disabled as
23 defined by the Social Security Act and who are in need of long
24 term care, may be satisfactorily cared for in their homes

1 through the use of home and community based services.
2 Responsibility for prescreening shall be vested with case
3 coordination units. Prescreening shall occur: (i) when
4 hospital discharge planners have advised the case coordination
5 unit of the imminent risk of nursing home placement of a
6 patient who meets the above criteria and in advance of
7 discharge of the patient; or (ii) when a case coordination unit
8 has been advised of the imminent risk of nursing home placement
9 of an individual in the community. The individual who is
10 prescreened shall be informed of all appropriate options,
11 including placement in a nursing home and the availability of
12 in-home and community-based services and shall be advised of
13 her or his right to refuse nursing home, in-home,
14 community-based, or all services. Case coordination units
15 under contract with the Department may charge a fee for the
16 prescreening provided under this Section and the fee shall be
17 no greater than the cost of such services to the case
18 coordination unit. At the time of each prescreening, case
19 coordination units shall provide information regarding the
20 Office of State Long Term Care Ombudsman's Residents Right to
21 Know database as authorized in subsection (c-5) of Section
22 4.04.

23 (Source: P.A. 95-80, eff. 8-13-07; 95-823, eff. 1-1-09; revised
24 9-5-08.)

25 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

1 Sec. 4.04. Long Term Care Ombudsman Program.

2 (a) Long Term Care Ombudsman Program. The Department shall
3 establish a Long Term Care Ombudsman Program, through the
4 Office of State Long Term Care Ombudsman ("the Office"), in
5 accordance with the provisions of the Older Americans Act of
6 1965, as now or hereafter amended.

7 (b) Definitions. As used in this Section, unless the
8 context requires otherwise:

9 (1) "Access" has the same meaning as in Section 1-104
10 of the Nursing Home Care Act, as now or hereafter amended;
11 that is, it means the right to:

12 (i) Enter any long term care facility or assisted
13 living or shared housing establishment or supportive
14 living facility;

15 (ii) Communicate privately and without restriction
16 with any resident, regardless of age, who consents to
17 the communication;

18 (iii) Seek consent to communicate privately and
19 without restriction with any resident, regardless of
20 age;

21 (iv) Inspect the clinical and other records of a
22 resident, regardless of age, with the express written
23 consent of the resident;

24 (v) Observe all areas of the long term care
25 facility or supportive living facilities, assisted
26 living or shared housing establishment except the

1 living area of any resident who protests the
2 observation.

3 (2) "Long Term Care Facility" means (i) any facility as
4 defined by Section 1-113 of the Nursing Home Care Act, as
5 now or hereafter amended; and (ii) any skilled nursing
6 facility or a nursing facility which meets the requirements
7 of Section 1819(a), (b), (c), and (d) or Section 1919(a),
8 (b), (c), and (d) of the Social Security Act, as now or
9 hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d)
10 and 42 U.S.C. 1396r(a), (b), (c), and (d)).

11 (2.5) "Assisted living establishment" and "shared
12 housing establishment" have the meanings given those terms
13 in Section 10 of the Assisted Living and Shared Housing
14 Act.

15 (2.7) "Supportive living facility" means a facility
16 established under Section 5-5.01a of the Illinois Public
17 Aid Code.

18 (3) "State Long Term Care Ombudsman" means any person
19 employed by the Department to fulfill the requirements of
20 the Office of State Long Term Care Ombudsman as required
21 under the Older Americans Act of 1965, as now or hereafter
22 amended, and Departmental policy.

23 (3.1) "Ombudsman" means any designated representative
24 of a regional long term care ombudsman program; provided
25 that the representative, whether he is paid for or
26 volunteers his ombudsman services, shall be qualified and

1 designated by the Office to perform the duties of an
2 ombudsman as specified by the Department in rules and in
3 accordance with the provisions of the Older Americans Act
4 of 1965, as now or hereafter amended.

5 (c) Ombudsman; rules. The Office of State Long Term Care
6 Ombudsman shall be composed of at least one full-time ombudsman
7 and shall include a system of designated regional long term
8 care ombudsman programs. Each regional program shall be
9 designated by the State Long Term Care Ombudsman as a
10 subdivision of the Office and any representative of a regional
11 program shall be treated as a representative of the Office.

12 The Department, in consultation with the Office, shall
13 promulgate administrative rules in accordance with the
14 provisions of the Older Americans Act of 1965, as now or
15 hereafter amended, to establish the responsibilities of the
16 Department and the Office of State Long Term Care Ombudsman and
17 the designated regional Ombudsman programs. The administrative
18 rules shall include the responsibility of the Office and
19 designated regional programs to investigate and resolve
20 complaints made by or on behalf of residents of long term care
21 facilities, supportive living facilities, and assisted living
22 and shared housing establishments, including the option to
23 serve residents under the age of 60, relating to actions,
24 inaction, or decisions of providers, or their representatives,
25 of long term care facilities, of supported living facilities,
26 of assisted living and shared housing establishments, of public

1 agencies, or of social services agencies, which may adversely
2 affect the health, safety, welfare, or rights of such
3 residents. The Office and designated regional programs may
4 represent all residents, but are not required by this Act to
5 represent persons under 60 years of age, except to the extent
6 required by federal law. When necessary and appropriate,
7 representatives of the Office shall refer complaints to the
8 appropriate regulatory State agency. The Department, in
9 consultation with the Office, shall cooperate with the
10 Department of Human Services and other State agencies in
11 providing information and training to designated regional long
12 term care ombudsman programs about the appropriate assessment
13 and treatment (including information about appropriate
14 supportive services, treatment options, and assessment of
15 rehabilitation potential) of the residents they serve,
16 including children, persons with mental illness (other than
17 Alzheimer's disease and related disorders), and persons with
18 developmental disabilities.

19 The State Long Term Care Ombudsman and all other ombudsmen,
20 as defined in paragraph (3.1) of subsection (b) must submit to
21 background checks under the Health Care Worker Background Check
22 Act and receive training, as prescribed by the Illinois
23 Department on Aging, before visiting facilities. The training
24 must include information specific to assisted living
25 establishments, supportive living facilities, and shared
26 housing establishments and to the rights of residents

1 guaranteed under the corresponding Acts and administrative
2 rules.

3 (c-5) Consumer Choice Information Reports. The Office
4 shall:

5 (1) In collaboration with the Attorney General, create
6 a Consumer Choice Information Report form to be completed
7 by all licensed long term care facilities to aid
8 Illinoisans and their families in making informed choices
9 about long term care. The Office shall create a Consumer
10 Choice Information Report for each type of licensed long
11 term care facility.

12 (2) Develop a database of Consumer Choice Information
13 Reports completed by licensed long term care facilities
14 that includes information in the following consumer
15 categories:

- 16 (A) Medical Care, Services, and Treatment.
17 (B) Special Services and Amenities.
18 (C) Staffing.
19 (D) Facility Statistics and Resident Demographics.
20 (E) Ownership and Administration.
21 (F) Safety and Security.
22 (G) Meals and Nutrition.
23 (H) Rooms, Furnishings, and Equipment.
24 (I) Family, Volunteer, and Visitation Provisions.

25 (3) Make this information accessible to the public,
26 including on the Internet by means of a hyperlink labeled

1 "Resident's Right to Know" on the Office's World Wide Web
2 home page.

3 (4) Have the authority, with the Attorney General, to
4 verify that information provided by a facility is accurate.

5 (5) Request a new report from any licensed facility
6 whenever it deems necessary.

7 (d) Access and visitation rights.

8 (1) In accordance with subparagraphs (A) and (E) of
9 paragraph (3) of subsection (c) of Section 1819 and
10 subparagraphs (A) and (E) of paragraph (3) of subsection
11 (c) of Section 1919 of the Social Security Act, as now or
12 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
13 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
14 Older Americans Act of 1965, as now or hereafter amended
15 (42 U.S.C. 3058f), a long term care facility, supportive
16 living facility, assisted living establishment, and shared
17 housing establishment must:

18 (i) permit immediate access to any resident,
19 regardless of age, by a designated ombudsman; and

20 (ii) permit representatives of the Office, with
21 the permission of the resident's legal representative
22 or legal guardian, to examine a resident's clinical and
23 other records, regardless of the age of the resident,
24 and if a resident is unable to consent to such review,
25 and has no legal guardian, permit representatives of
26 the Office appropriate access, as defined by the

1 Department, in consultation with the Office, in
2 administrative rules, to the resident's records.

3 (2) Each long term care facility, supportive living
4 facility, assisted living establishment, and shared
5 housing establishment shall display, in multiple,
6 conspicuous public places within the facility accessible
7 to both visitors and residents and in an easily readable
8 format, the address and phone number of the Office of the
9 Long Term Care Ombudsman, in a manner prescribed by the
10 Office.

11 (e) Immunity. An ombudsman or any representative of the
12 Office participating in the good faith performance of his or
13 her official duties shall have immunity from any liability
14 (civil, criminal or otherwise) in any proceedings (civil,
15 criminal or otherwise) brought as a consequence of the
16 performance of his official duties.

17 (f) Business offenses.

18 (1) No person shall:

19 (i) Intentionally prevent, interfere with, or
20 attempt to impede in any way any representative of the
21 Office in the performance of his official duties under
22 this Act and the Older Americans Act of 1965; or

23 (ii) Intentionally retaliate, discriminate
24 against, or effect reprisals against any long term care
25 facility resident or employee for contacting or
26 providing information to any representative of the

1 Office.

2 (2) A violation of this Section is a business offense,
3 punishable by a fine not to exceed \$501.

4 (3) The Director of Aging, in consultation with the
5 Office, shall notify the State's Attorney of the county in
6 which the long term care facility, supportive living
7 facility, or assisted living or shared housing
8 establishment is located, or the Attorney General, of any
9 violations of this Section.

10 (g) Confidentiality of records and identities. The
11 Department shall establish procedures for the disclosure by the
12 State Ombudsman or the regional ombudsmen entities of files
13 maintained by the program. The procedures shall provide that
14 the files and records may be disclosed only at the discretion
15 of the State Long Term Care Ombudsman or the person designated
16 by the State Ombudsman to disclose the files and records, and
17 the procedures shall prohibit the disclosure of the identity of
18 any complainant, resident, witness, or employee of a long term
19 care provider unless:

20 (1) the complainant, resident, witness, or employee of
21 a long term care provider or his or her legal
22 representative consents to the disclosure and the consent
23 is in writing;

24 (2) the complainant, resident, witness, or employee of
25 a long term care provider gives consent orally; and the
26 consent is documented contemporaneously in writing in

1 accordance with such requirements as the Department shall
2 establish; or

3 (3) the disclosure is required by court order.

4 (h) Legal representation. The Attorney General shall
5 provide legal representation to any representative of the
6 Office against whom suit or other legal action is brought in
7 connection with the performance of the representative's
8 official duties, in accordance with the State Employee
9 Indemnification Act.

10 (i) Treatment by prayer and spiritual means. Nothing in
11 this Act shall be construed to authorize or require the medical
12 supervision, regulation or control of remedial care or
13 treatment of any resident in a long term care facility operated
14 exclusively by and for members or adherents of any church or
15 religious denomination the tenets and practices of which
16 include reliance solely upon spiritual means through prayer for
17 healing.

18 (Source: P.A. 95-620, eff. 9-17-07; 95-823, eff. 1-1-09;
19 revised 9-5-08.)

20 Section 45. The Child Death Review Team Act is amended by
21 changing Section 20 as follows:

22 (20 ILCS 515/20)

23 Sec. 20. Reviews of child deaths.

24 (a) Every child death shall be reviewed by the team in the

1 subregion which has primary case management responsibility.

2 The deceased child must be one of the following:

3 (1) A ward of the Department.

4 (2) The subject of an open service case maintained by
5 the Department.

6 (3) The subject of a pending child abuse or neglect
7 investigation.

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

11 (5) Any other child whose death is reported to the
12 State central register as a result of alleged child abuse
13 or neglect which report is subsequently indicated.

14 A child death review team may, at its discretion, review
15 other sudden, unexpected, or unexplained child deaths, and
16 cases of serious or fatal injuries to a child identified under
17 the Children's Child Advocacy Center Act.

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

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

22 (2) Evaluate means by which the death might have been
23 prevented.

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

1 (4) Promote continuing education for professionals
2 involved in investigating, treating, and preventing child
3 abuse and neglect as a means of preventing child deaths due
4 to abuse or neglect.

5 (5) Make specific recommendations to the Director and
6 the Inspector General of the Department concerning the
7 prevention of child deaths due to abuse or neglect and the
8 establishment of protocols for investigating child deaths.

9 (c) A child death review team shall review a child death as
10 soon as practical and not later than 90 days following the
11 completion by the Department of the investigation of the death
12 under the Abused and Neglected Child Reporting Act. When there
13 has been no investigation by the Department, the child death
14 review team shall review a child's death within 90 days after
15 obtaining the information necessary to complete the review from
16 the coroner, pathologist, medical examiner, or law enforcement
17 agency, depending on the nature of the case. A child death
18 review team shall meet at least once in each calendar quarter.

19 (d) The Director shall, within 90 days, review and reply to
20 recommendations made by a team under item (5) of subsection
21 (b). With respect to each recommendation made by a team, the
22 Director shall submit his or her reply both to the chairperson
23 of that team and to the chairperson of the Executive Council.
24 The Director's reply to each recommendation must include a
25 statement as to whether the Director intends to implement the
26 recommendation.

1 The Director shall implement recommendations as feasible
2 and appropriate and shall respond in writing to explain the
3 implementation or nonimplementation of the recommendations.

4 (e) Within 90 days after the Director submits a reply with
5 respect to a recommendation as required by subsection (d), the
6 Director must submit an additional report that sets forth in
7 detail the way, if any, in which the Director will implement
8 the recommendation and the schedule for implementing the
9 recommendation. The Director shall submit this report to the
10 chairperson of the team that made the recommendation and to the
11 chairperson of the Executive Council.

12 (f) Within 180 days after the Director submits a report
13 under subsection (e) concerning the implementation of a
14 recommendation, the Director shall submit a further report to
15 the chairperson of the team that made the recommendation and to
16 the chairperson of the Executive Council. This report shall set
17 forth the specific changes in the Department's policies and
18 procedures that have been made in response to the
19 recommendation.

20 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; 95-876,
21 eff. 8-21-08; revised 10-23-08.)

22 Section 50. The Department of Public Health Powers and
23 Duties Law of the Civil Administrative Code of Illinois is
24 amended by changing Sections 2310-76 and 2310-90 as follows:

1 (20 ILCS 2310/2310-76)

2 Sec. 2310-76. Chronic Disease Prevention and Health
3 Promotion Task Force.

4 (a) In Illinois, as well as in other parts of the United
5 States, chronic diseases are a significant health and economic
6 problem for our citizens and State government. Chronic diseases
7 such as cancer, diabetes, cardiovascular disease, and
8 arthritis are largely preventable non-communicable conditions
9 associated with risk factors such as poor nutrition, physical
10 inactivity, tobacco or alcohol abuse, as well as other social
11 determinants of chronic illness. It is fully documented by
12 national and State data that significant disparity exists
13 between racial, ethnic, and socioeconomic groups and that the
14 incidence and impact of many of these conditions
15 disproportionately affect these populations.

16 Chronic diseases can take away a person's quality of life
17 or his or her ability to work. The Centers for Disease Control
18 and Prevention reports that 7 out of 10 Americans who die each
19 year, or more than 1.7 million people, die of a chronic
20 disease. In Illinois, studies have indicated that during the
21 study period the State has spent more than \$12.5 billion in
22 health care dollars to treat chronic diseases in our State. The
23 financial burden for Illinois from the impact of lost work days
24 and lower employee productivity during the same time period
25 related to chronic diseases resulted in an annual economic loss
26 of \$43.6 billion. These same studies have concluded that

1 improvements in preventing and managing chronic diseases could
2 drastically reduce future costs associated with chronic
3 disease in Illinois and that the most effective way to trim
4 healthcare spending in Illinois and across the U.S. is to take
5 measures aimed at preventing diseases before we have to treat
6 them. Furthermore, by addressing health disparities and by
7 targeting chronic disease prevention and health promotion
8 services toward the highest risk groups, especially in
9 communities where racial, ethnic, and socioeconomic factors
10 indicate high rates of these diseases, the goals of improving
11 the overall health status for all Illinois residents can be
12 achieved. Health promotion and prevention programs and
13 activities are scattered throughout a number of State agencies
14 with various streams of funding and little coordination. While
15 the State has been looking at making significant changes to
16 healthcare coverage for a portion of the population, in order
17 to have the most effective impact, any changes to the
18 healthcare delivery system in Illinois should take into
19 consideration and integrate the role of prevention and health
20 promotion in that system.

21 (b) Subject to appropriation, within 6 months after the
22 effective date of this amendatory Act of the 95th General
23 Assembly, a Task Force on Chronic Disease Prevention and Health
24 Promotion shall be convened to study and make recommendations
25 regarding the structure of the chronic disease prevention and
26 health promotion system in Illinois, as well as changes that

1 should be made to the system in order to integrate and
2 coordinate efforts in the State and ensure continuity and
3 consistency of purpose and the elimination of disparity in the
4 delivery of this care in Illinois.

5 (c) The Department of Public Health shall have primary
6 responsibility for, and shall provide staffing and technical
7 and administrative support for the Task Force in its efforts.
8 The other State agencies represented on the Task Force shall
9 work cooperatively with the Department of Public Health to
10 provide administrative and technical support to the Task Force
11 in its efforts. Membership of the Task Force shall consist of
12 18 members as follows: the Director of Public Health, who shall
13 serve as Chair; the Secretary of Human Services or his or her
14 designee; the Director of Aging or his or her designee; the
15 Director of Healthcare and Family Services or his or her
16 designee; 4 members of the General Assembly, one from the State
17 Senate appointed by the President of the Senate, one from the
18 State Senate appointed by the Minority Leader of the Senate,
19 one from the House of Representatives appointed by the Speaker
20 of the House, and one from the House of Representatives
21 appointed by the Minority Leader of the House; and 10 members
22 appointed by the Director of Public Health and who shall be
23 representative of State associations and advocacy
24 organizations with a primary focus that includes chronic
25 disease prevention, public health delivery, medicine, health
26 care and disease management, or community health.

1 (d) The Task Force shall seek input from interested parties
2 and shall hold a minimum of 3 public hearings across the State,
3 including one in northern Illinois, one in central Illinois,
4 and one in southern Illinois.

5 (e) On or before July 1, 2010, the Task Force shall, at a
6 minimum, make recommendations to the Director of Public Health
7 on the following: reforming the delivery system for chronic
8 disease prevention and health promotion in Illinois; ensuring
9 adequate funding for infrastructure and delivery of programs;
10 addressing health disparity; and the role of health promotion
11 and chronic disease prevention in support of State spending on
12 health care.

13 (Source: P.A. 95-900, eff. 8-25-08; revised 9-10-08.)

14 (20 ILCS 2310/2310-90) (was 20 ILCS 2310/55.09)

15 Sec. 2310-90. Laboratories; fees; Public Health Laboratory
16 Services Revolving Fund. To maintain physical, chemical,
17 bacteriological, and biological laboratories; to make
18 examinations of milk, water, atmosphere, sewage, wastes, and
19 other substances, and equipment and processes relating
20 thereto; to make diagnostic tests for diseases and tests for
21 the evaluation of health hazards considered necessary for the
22 protection of the people of the State; and to assess a
23 reasonable fee for services provided as established by
24 regulation, under the Illinois Administrative Procedure Act,
25 which shall not exceed the Department's actual costs to provide

1 these services.

2 Excepting fees collected under the Newborn Metabolic
3 Screening Phenylketonuria Testing Act and the Lead Poisoning
4 Prevention Act, all fees shall be deposited into the Public
5 Health Laboratory Services Revolving Fund. Other State and
6 federal funds related to laboratory services may also be
7 deposited into the Fund, and all interest that accrues on the
8 moneys in the Fund shall be deposited into the Fund.

9 Moneys shall be appropriated from the Fund solely for the
10 purposes of testing specimens submitted in support of
11 Department programs established for the protection of human
12 health, welfare, and safety, and for testing specimens
13 submitted by physicians and other health care providers, to
14 determine whether chemically hazardous, biologically
15 infectious substances, or other disease causing conditions are
16 present.

17 (Source: P.A. 91-239, eff. 1-1-00; revised 1-22-08.)

18 Section 55. The Criminal Identification Act is amended by
19 changing Section 5 as follows:

20 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

21 Sec. 5. Arrest reports; expungement.

22 (a) All policing bodies of this State shall furnish to the
23 Department, daily, in the form and detail the Department
24 requires, fingerprints and descriptions of all persons who are

1 arrested on charges of violating any penal statute of this
2 State for offenses that are classified as felonies and Class A
3 or B misdemeanors and of all minors of the age of 10 and over
4 who have been arrested for an offense which would be a felony
5 if committed by an adult, and may forward such fingerprints and
6 descriptions for minors arrested for Class A or B misdemeanors.
7 Moving or nonmoving traffic violations under the Illinois
8 Vehicle Code shall not be reported except for violations of
9 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In
10 addition, conservation offenses, as defined in the Supreme
11 Court Rule 501(c), that are classified as Class B misdemeanors
12 shall not be reported.

13 Whenever an adult or minor prosecuted as an adult, not
14 having previously been convicted of any criminal offense or
15 municipal ordinance violation, charged with a violation of a
16 municipal ordinance or a felony or misdemeanor, is acquitted or
17 released without being convicted, whether the acquittal or
18 release occurred before, on, or after the effective date of
19 this amendatory Act of 1991, the Chief Judge of the circuit
20 wherein the charge was brought, any judge of that circuit
21 designated by the Chief Judge, or in counties of less than
22 3,000,000 inhabitants, the presiding trial judge at the
23 defendant's trial may upon verified petition of the defendant
24 order the record of arrest expunged from the official records
25 of the arresting authority and the Department and order that
26 the records of the clerk of the circuit court be sealed until

1 further order of the court upon good cause shown and the name
2 of the defendant obliterated on the official index required to
3 be kept by the circuit court clerk under Section 16 of the
4 Clerks of Courts Act, but the order shall not affect any index
5 issued by the circuit court clerk before the entry of the
6 order. The Department may charge the petitioner a fee
7 equivalent to the cost of processing any order to expunge or
8 seal the records, and the fee shall be deposited into the State
9 Police Services Fund. The records of those arrests, however,
10 that result in a disposition of supervision for any offense
11 shall not be expunged from the records of the arresting
12 authority or the Department nor impounded by the court until 2
13 years after discharge and dismissal of supervision. Those
14 records that result from a supervision for a violation of
15 Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
16 Vehicle Code or a similar provision of a local ordinance, or
17 for a violation of Section 12-3.2, 12-15 or 16A-3 of the
18 Criminal Code of 1961, or probation under Section 10 of the
19 Cannabis Control Act, Section 410 of the Illinois Controlled
20 Substances Act, Section 70 of the Methamphetamine Control and
21 Community Protection Act, Section 12-4.3(b)(1) and (2) of the
22 Criminal Code of 1961 (as those provisions existed before their
23 deletion by Public Act 89-313), Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act when the judgment of
25 conviction has been vacated, Section 40-10 of the Alcoholism
26 and Other Drug Abuse and Dependency Act when the judgment of

1 conviction has been vacated, or Section 10 of the Steroid
2 Control Act shall not be expunged from the records of the
3 arresting authority nor impounded by the court until 5 years
4 after termination of probation or supervision. Those records
5 that result from a supervision for a violation of Section
6 11-501 of the Illinois Vehicle Code or a similar provision of a
7 local ordinance, shall not be expunged. All records set out
8 above may be ordered by the court to be expunged from the
9 records of the arresting authority and impounded by the court
10 after 5 years, but shall not be expunged by the Department, but
11 shall, on court order be sealed by the Department and may be
12 disseminated by the Department only as required by law or to
13 the arresting authority, the State's Attorney, and the court
14 upon a later arrest for the same or a similar offense or for
15 the purpose of sentencing for any subsequent felony. Upon
16 conviction for any offense, the Department of Corrections shall
17 have access to all sealed records of the Department pertaining
18 to that individual.

19 (a-5) Those records maintained by the Department for
20 persons arrested prior to their 17th birthday shall be expunged
21 as provided in Section 5-915 of the Juvenile Court Act of 1987.

22 (b) Whenever a person has been convicted of a crime or of
23 the violation of a municipal ordinance, in the name of a person
24 whose identity he has stolen or otherwise come into possession
25 of, the aggrieved person from whom the identity was stolen or
26 otherwise obtained without authorization, upon learning of the

1 person having been arrested using his identity, may, upon
2 verified petition to the chief judge of the circuit wherein the
3 arrest was made, have a court order entered nunc pro tunc by
4 the chief judge to correct the arrest record, conviction
5 record, if any, and all official records of the arresting
6 authority, the Department, other criminal justice agencies,
7 the prosecutor, and the trial court concerning such arrest, if
8 any, by removing his name from all such records in connection
9 with the arrest and conviction, if any, and by inserting in the
10 records the name of the offender, if known or ascertainable, in
11 lieu of the aggrieved's name. The records of the clerk of the
12 circuit court clerk shall be sealed until further order of the
13 court upon good cause shown and the name of the aggrieved
14 person obliterated on the official index required to be kept by
15 the circuit court clerk under Section 16 of the Clerks of
16 Courts Act, but the order shall not affect any index issued by
17 the circuit court clerk before the entry of the order. Nothing
18 in this Section shall limit the Department of State Police or
19 other criminal justice agencies or prosecutors from listing
20 under an offender's name the false names he or she has used.
21 For purposes of this Section, convictions for moving and
22 nonmoving traffic violations other than convictions for
23 violations of Chapter 4, Section 11-204.1 or Section 11-501 of
24 the Illinois Vehicle Code shall not be a bar to expunging the
25 record of arrest and court records for violation of a
26 misdemeanor or municipal ordinance.

1 (c) Whenever a person who has been convicted of an offense
2 is granted a pardon by the Governor which specifically
3 authorizes expungement, he may, upon verified petition to the
4 chief judge of the circuit where the person had been convicted,
5 any judge of the circuit designated by the Chief Judge, or in
6 counties of less than 3,000,000 inhabitants, the presiding
7 trial judge at the defendant's trial, ~~may~~ have a court order
8 entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the clerk of the circuit court and the Department be sealed
11 until further order of the court upon good cause shown or as
12 otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by the
14 circuit court clerk under Section 16 of the Clerks of Courts
15 Act in connection with the arrest and conviction for the
16 offense for which he had been pardoned but the order shall not
17 affect any index issued by the circuit court clerk before the
18 entry of the order. All records sealed by the Department may be
19 disseminated by the Department only as required by law or to
20 the arresting authority, the State's Attorney, and the court
21 upon a later arrest for the same or similar offense or for the
22 purpose of sentencing for any subsequent felony. Upon
23 conviction for any subsequent offense, the Department of
24 Corrections shall have access to all sealed records of the
25 Department pertaining to that individual. Upon entry of the
26 order of expungement, the clerk of the circuit court shall

1 promptly mail a copy of the order to the person who was
2 pardoned.

3 (c-5) Whenever a person has been convicted of criminal
4 sexual assault, aggravated criminal sexual assault, predatory
5 criminal sexual assault of a child, criminal sexual abuse, or
6 aggravated criminal sexual abuse, the victim of that offense
7 may request that the State's Attorney of the county in which
8 the conviction occurred file a verified petition with the
9 presiding trial judge at the defendant's trial to have a court
10 order entered to seal the records of the clerk of the circuit
11 court in connection with the proceedings of the trial court
12 concerning that offense. However, the records of the arresting
13 authority and the Department of State Police concerning the
14 offense shall not be sealed. The court, upon good cause shown,
15 shall make the records of the clerk of the circuit court in
16 connection with the proceedings of the trial court concerning
17 the offense available for public inspection.

18 (c-6) If a conviction has been set aside on direct review
19 or on collateral attack and the court determines by clear and
20 convincing evidence that the defendant was factually innocent
21 of the charge, the court shall enter an expungement order as
22 provided in subsection (b) of Section 5-5-4 of the Unified Code
23 of Corrections.

24 (d) Notice of the petition for subsections (a), (b), and
25 (c) shall be served by the clerk upon the State's Attorney or
26 prosecutor charged with the duty of prosecuting the offense,

1 the Department of State Police, the arresting agency and the
2 chief legal officer of the unit of local government affecting
3 the arrest. Unless the State's Attorney or prosecutor, the
4 Department of State Police, the arresting agency or such chief
5 legal officer objects to the petition within 30 days from the
6 date of the notice, the court shall enter an order granting or
7 denying the petition. The clerk of the court shall promptly
8 mail a copy of the order to the person, the arresting agency,
9 the prosecutor, the Department of State Police and such other
10 criminal justice agencies as may be ordered by the judge.

11 (e) Nothing herein shall prevent the Department of State
12 Police from maintaining all records of any person who is
13 admitted to probation upon terms and conditions and who
14 fulfills those terms and conditions pursuant to Section 10 of
15 the Cannabis Control Act, Section 410 of the Illinois
16 Controlled Substances Act, Section 70 of the Methamphetamine
17 Control and Community Protection Act, Section 12-4.3 of the
18 Criminal Code of 1961, Section 10-102 of the Illinois
19 Alcoholism and Other Drug Dependency Act, Section 40-10 of the
20 Alcoholism and Other Drug Abuse and Dependency Act, or Section
21 10 of the Steroid Control Act.

22 (f) No court order issued under the expungement provisions
23 of this Section shall become final for purposes of appeal until
24 30 days after notice is received by the Department. Any court
25 order contrary to the provisions of this Section is void.

26 (g) Except as otherwise provided in subsection (c-5) of

1 this Section, the court shall not order the sealing or
2 expungement of the arrest records and records of the circuit
3 court clerk of any person granted supervision for or convicted
4 of any sexual offense committed against a minor under 18 years
5 of age. For the purposes of this Section, "sexual offense
6 committed against a minor" includes but is not limited to the
7 offenses of indecent solicitation of a child or criminal sexual
8 abuse when the victim of such offense is under 18 years of age.

9 (h) (1) Applicability. Notwithstanding any other provision
10 of this Act to the contrary and cumulative with any rights to
11 expungement of criminal records, this subsection authorizes
12 the sealing of criminal records of adults and of minors
13 prosecuted as adults.

14 (2) Sealable offenses. The following offenses may be
15 sealed:

16 (A) All municipal ordinance violations and
17 misdemeanors, with the exception of the following:

18 (i) violations of Section 11-501 of the Illinois
19 Vehicle Code or a similar provision of a local
20 ordinance;

21 (ii) violations of Article 11 of the Criminal Code
22 of 1961 or a similar provision of a local ordinance,
23 except Section 11-14 of the Criminal Code of 1961 as
24 provided in clause B(i) of this subsection (h);

25 (iii) violations of Section 12-15, 12-30, or 26-5
26 of the Criminal Code of 1961 or a similar provision of

1 a local ordinance;

2 (iv) violations that are a crime of violence as
3 defined in Section 2 of the Crime Victims Compensation
4 Act or a similar provision of a local ordinance;

5 (v) Class A misdemeanor violations of the Humane
6 Care for Animals Act; and

7 (vi) any offense or attempted offense that would
8 subject a person to registration under the Sex Offender
9 Registration Act.

10 (B) Misdemeanor and Class 4 felony violations of:

11 (i) Section 11-14 of the Criminal Code of 1961;

12 (ii) Section 4 of the Cannabis Control Act;

13 (iii) Section 402 of the Illinois Controlled
14 Substances Act; and

15 (iv) Section 60 of the Methamphetamine Control and
16 Community Protection Act.

17 However, for purposes of this subsection (h), a
18 sentence of first offender probation under Section 10 of
19 the Cannabis Control Act, Section 410 of the Illinois
20 Controlled Substances Act, or Section 70 of the
21 Methamphetamine Control and Community Protection Act shall
22 be treated as a Class 4 felony conviction.

23 (3) Requirements for sealing. Records identified as
24 sealable under clause (h) (2) may be sealed when the individual
25 was:

26 (A) Acquitted of the offense or offenses or released

1 without being convicted.

2 (B) Convicted of the offense or offenses and the
3 conviction or convictions were reversed.

4 (C) Placed on misdemeanor supervision for an offense or
5 offenses; and

6 (i) at least 3 years have elapsed since the
7 completion of the term of supervision, or terms of
8 supervision, if more than one term has been ordered;
9 and

10 (ii) the individual has not been convicted of a
11 felony or misdemeanor or placed on supervision for a
12 misdemeanor or felony during the period specified in
13 clause (i).

14 (D) Convicted of an offense or offenses; and

15 (i) at least 4 years have elapsed since the last
16 such conviction or term of any sentence, probation,
17 parole, or supervision, if any, whichever is last in
18 time; and

19 (ii) the individual has not been convicted of a
20 felony or misdemeanor or placed on supervision for a
21 misdemeanor or felony during the period specified in
22 clause (i).

23 (4) Requirements for sealing of records when more than one
24 charge and disposition have been filed. When multiple offenses
25 are petitioned to be sealed under this subsection (h), the
26 requirements of the relevant provisions of clauses (h) (3) (A)

1 through (D) each apply. In instances in which more than one
2 waiting period is applicable under clauses (h)(C)(i) and (ii)
3 and (h)(D)(i) and (ii), the longer applicable period applies,
4 and the requirements of clause (h)(3) shall be considered met
5 when the petition is filed after the passage of the longer
6 applicable waiting period. That period commences on the date of
7 the completion of the last sentence or the end of supervision,
8 probation, or parole, whichever is last in time.

9 (5) Subsequent convictions. A person may not have
10 subsequent felony conviction records sealed as provided in this
11 subsection (h) if he or she is convicted of any felony offense
12 after the date of the sealing of prior felony records as
13 provided in this subsection (h).

14 (6) Notice of eligibility for sealing. Upon acquittal,
15 release without conviction, or being placed on supervision for
16 a sealable offense, or upon conviction of a sealable offense,
17 the person shall be informed by the court of the right to have
18 the records sealed and the procedures for the sealing of the
19 records.

20 (7) Procedure. Upon becoming eligible for the sealing of
21 records under this subsection (h), the person who seeks the
22 sealing of his or her records shall file a petition requesting
23 the sealing of records with the clerk of the court where the
24 charge or charges were brought. The records may be sealed by
25 the Chief Judge of the circuit wherein the charge was brought,
26 any judge of that circuit designated by the Chief Judge, or in

1 counties of less than 3,000,000 inhabitants, the presiding
2 trial judge at the defendant's trial, if any. If charges were
3 brought in multiple jurisdictions, a petition must be filed in
4 each such jurisdiction. The petitioner shall pay the applicable
5 fee, if not waived.

6 (A) Contents of petition. The petition shall contain
7 the petitioner's name, date of birth, current address, each
8 charge, each case number, the date of each charge, the
9 identity of the arresting authority, and such other
10 information as the court may require. During the pendency
11 of the proceeding, the petitioner shall promptly notify the
12 clerk of the court of any change of address.

13 (B) Drug test. A person filing a petition to have his
14 or her records sealed for a Class 4 felony violation of
15 Section 4 of the Cannabis Control Act or for a Class 4
16 felony violation of Section 402 of the Illinois Controlled
17 Substances Act must attach to the petition proof that the
18 petitioner has passed a test taken within the previous 30
19 days before the filing of the petition showing the absence
20 within his or her body of all illegal substances in
21 violation of either the Illinois Controlled Substances Act
22 or the Cannabis Control Act.

23 (C) Service of petition. The clerk shall promptly serve
24 a copy of the petition on the State's Attorney or
25 prosecutor charged with the duty of prosecuting the
26 offense, the Department of State Police, the arresting

1 agency and the chief legal officer of the unit of local
2 government effecting the arrest.

3 (D) Entry of order. Unless the State's Attorney or
4 prosecutor, the Department of State Police, the arresting
5 agency or such chief legal officer objects to sealing of
6 the records within 90 days of notice the court shall enter
7 an order sealing the defendant's records.

8 (E) Hearing upon objection. If an objection is filed,
9 the court shall set a date for a hearing and notify the
10 petitioner and the parties on whom the petition had been
11 served, and shall hear evidence on whether the sealing of
12 the records should or should not be granted, and shall make
13 a determination on whether to issue an order to seal the
14 records based on the evidence presented at the hearing.

15 (F) Service of order. After entering the order to seal
16 records, the court must provide copies of the order to the
17 Department, in a form and manner prescribed by the
18 Department, to the petitioner, to the State's Attorney or
19 prosecutor charged with the duty of prosecuting the
20 offense, to the arresting agency, to the chief legal
21 officer of the unit of local government effecting the
22 arrest, and to such other criminal justice agencies as may
23 be ordered by the court.

24 (8) Fees. Notwithstanding any provision of the Clerk of the
25 Courts Act to the contrary, and subject to the approval of the
26 county board, the clerk may charge a fee equivalent to the cost

1 associated with the sealing of records by the clerk and the
2 Department of State Police. The clerk shall forward the
3 Department of State Police portion of the fee to the Department
4 and it shall be deposited into the State Police Services Fund.

5 (i) Subject to available funding, the Illinois Department
6 of Corrections shall conduct a study of the impact of sealing,
7 especially on employment and recidivism rates, utilizing a
8 random sample of those who apply for the sealing of their
9 criminal records under Public Act 93-211, in accordance to
10 rules adopted by the Department. At the request of the Illinois
11 Department of Corrections, records of the Illinois Department
12 of Employment Security shall be utilized as appropriate to
13 assist in the study. The study shall not disclose any data in a
14 manner that would allow the identification of any particular
15 individual or employing unit. The study shall be made available
16 to the General Assembly no later than September 1, 2006.

17 (j) Notwithstanding any provision of the Clerks of Courts
18 Act to the contrary, the clerk may charge a fee equivalent to
19 the cost associated with the sealing or expungement of records
20 by the clerk. From the total filing fee collected for the
21 Petition to seal or expunge, the clerk shall deposit \$10 into
22 the Circuit Court Clerk Operation and Administrative Fund, to
23 be used to offset the costs incurred by the Circuit Court Clerk
24 in performing the additional duties required to serve the
25 Petition to Seal or Expunge on all parties. The clerk shall
26 also charge a filing fee equivalent to the cost of sealing or

1 expunging the record by the Department of State Police. The
2 clerk shall collect and forward the Department of State Police
3 portion of the fee to the Department and it shall be deposited
4 in the State Police Services Fund.

5 (Source: P.A. 94-556, eff. 9-11-05; 95-955, eff. 1-1-09;
6 revised 10-28-08.)

7 Section 60. The State Finance Act is amended by setting
8 forth and renumbering multiple versions of Sections 5.675,
9 5.676, 5.677, 5.678, 5.701, 5.708, 5.710, and 6z-69 as follows:

10 (30 ILCS 105/5.675)

11 Sec. 5.675. The Employee Classification Fund.

12 (Source: P.A. 95-26, eff. 1-1-08; 95-876, eff. 8-21-08.)

13 (30 ILCS 105/5.676)

14 Sec. 5.676. The Monitoring Device Driving Permit
15 Administration Fee Fund.

16 (Source: P.A. 95-400, eff. 1-1-09.)

17 (30 ILCS 105/5.677)

18 Sec. 5.677. The Sheet Metal Workers International
19 Association of Illinois Fund.

20 (Source: P.A. 95-531, eff. 1-1-08; 95-876, eff. 8-21-08.)

21 (30 ILCS 105/5.678)

1 Sec. 5.678. The Agriculture in the Classroom Fund.

2 (Source: P.A. 95-94, eff. 8-13-07; 95-876, eff. 8-21-08.)

3 (30 ILCS 105/5.701)

4 Sec. 5.701. Comprehensive Regional Planning Fund.

5 (Source: P.A. 95-677, eff. 10-11-07; 95-876, eff. 8-21-08.)

6 (30 ILCS 105/5.703)

7 Sec. 5.703 ~~5.675~~. The Human Services Priority Capital
8 Program Fund.

9 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

10 (30 ILCS 105/5.704)

11 Sec. 5.704 ~~5.676~~. The Predatory Lending Database Program
12 Fund.

13 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

14 (30 ILCS 105/5.705)

15 Sec. 5.705 ~~5.677~~. The Secretary of State Identification
16 Security and Theft Prevention Fund.

17 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

18 (30 ILCS 105/5.706)

19 Sec. 5.706 ~~5.678~~. The Franchise Tax and License Fee Amnesty
20 Administration Fund.

21 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

1 (30 ILCS 105/5.707)

2 Sec. 5.707 ~~5.675~~. The Married Families Domestic Violence
3 Fund.

4 (Source: P.A. 95-711, eff. 6-1-08; revised 10-21-08.)

5 (30 ILCS 105/5.708)

6 Sec. 5.708. The Downstate Transit Improvement Fund.

7 (Source: P.A. 95-708, eff. 1-18-08.)

8 (30 ILCS 105/5.709)

9 Sec. 5.709 ~~5.676~~. The Illinois Affordable Housing Capital
10 Fund.

11 (Source: P.A. 95-710, eff. 6-1-08; revised 10-21-08.)

12 (30 ILCS 105/5.710)

13 Sec. 5.710. The Money Follows the Person Budget Transfer
14 Fund.

15 (Source: P.A. 95-744, eff. 7-18-08.)

16 (30 ILCS 105/5.711)

17 Sec. 5.711 ~~5.710~~. The Domestic Violence Surveillance Fund.

18 (Source: P.A. 95-773, eff. 1-1-09; revised 9-5-08.)

19 (30 ILCS 105/5.712)

20 Sec. 5.712 ~~5.675~~. The Fire Service and Small Equipment

1 Fund.

2 (Source: P.A. 95-717, eff. 4-8-08; revised 9-25-08.)

3 (30 ILCS 105/5.713)

4 Sec. 5.713 ~~5.675~~. Healthy Smiles Fund.

5 (Source: P.A. 95-940, eff. 8-29-08; revised 9-25-08.)

6 (30 ILCS 105/5.714)

7 Sec. 5.714 ~~5.708~~. The Over Dimensional Load Police Escort
8 Fund.

9 (Source: P.A. 95-787, eff. 1-1-09; revised 9-25-08.)

10 (30 ILCS 105/5.715)

11 Sec. 5.715 ~~5.708~~. The Illinois Police Association Fund.

12 (Source: P.A. 95-795, eff. 1-1-09; revised 9-25-08.)

13 (30 ILCS 105/5.716)

14 Sec. 5.716 ~~5.708~~. The Electronics Recycling Fund.

15 (Source: P.A. 95-959, eff. 9-17-08; revised 9-25-08.)

16 (30 ILCS 105/5.717)

17 Sec. 5.717 ~~5.701~~. The Responsible Fathers Fund.

18 (Source: P.A. 95-960, eff. 9-23-08; revised 10-14-08.)

19 (30 ILCS 105/5.718)

20 Sec. 5.718 ~~5.710~~. The FY09 Budget Relief Fund.

1 (Source: P.A. 95-1000, eff. 10-7-08; revised 10-22-08.)

2 (30 ILCS 105/6z-69)

3 Sec. 6z-69. Comprehensive Regional Planning Fund.

4 (a) As soon as possible after July 1, 2007, and on each
5 July 1 thereafter, the State Treasurer shall transfer
6 \$5,000,000 from the General Revenue Fund to the Comprehensive
7 Regional Planning Fund.

8 (b) Subject to appropriation, the Illinois Department of
9 Transportation shall make lump sum distributions from the
10 Comprehensive Regional Planning Fund as soon as possible after
11 each July 1 to the recipients and in the amounts specified in
12 subsection (c). The recipients must use the moneys for
13 comprehensive regional planning purposes.

14 (c) Each year's distribution under subsection (b) shall be
15 as follows: (i) 70% to the Chicago Metropolitan Agency for
16 Planning (CMAP); (ii) 25% to the State's other Metropolitan
17 Planning Organizations (exclusive of CMAP), each Organization
18 receiving a percentage equal to the percent its area population
19 represents to the total population of the areas of all the
20 State's Metropolitan Planning Organizations (exclusive of
21 CMAP); and (iii) 5% to the State's Rural Planning Agencies,
22 each Agency receiving a percentage equal to the percent its
23 area population represents to the total population of the areas
24 of all the State's Rural Planning Agencies.

25 (Source: P.A. 95-677, eff. 10-11-07.)

1 (30 ILCS 105/6z-72)

2 Sec. 6z-72 ~~6z-69~~. Married Families Domestic Violence Fund.
3 The Married Families Domestic Violence Fund is created as a
4 special fund in the State treasury. Subject to appropriation
5 and subject to approval by the Attorney General, the moneys in
6 the Fund shall be paid as grants to public or private nonprofit
7 agencies solely for the purposes of facilitating or providing
8 free domestic violence legal advocacy, assistance, or services
9 to married or formerly married victims of domestic violence
10 related to order of protection proceedings, dissolution of
11 marriage proceedings, declaration of invalidity of marriage
12 proceedings, legal separation proceedings, child custody
13 proceedings, visitation proceedings, or other proceedings for
14 civil remedies for domestic violence. The Attorney General
15 shall adopt rules concerning application for and disbursement
16 of the moneys in the Fund.

17 (Source: P.A. 95-711, eff. 6-1-08; revised 10-21-08.)

18 Section 65. The State Mandates Act is amended by changing
19 Sections 8.31 and 8.32 as follows:

20 (30 ILCS 805/8.31)

21 Sec. 8.31. Exempt mandate.

22 (a) Notwithstanding Sections 6 and 8 of this Act, no
23 reimbursement by the State is required for the implementation

1 of any mandate created by Public Act 95-9, 95-17, 95-148,
2 95-151, 95-194, 95-232, 95-241, 95-279, 95-349, 95-369,
3 95-483, 95-486, 95-504, 95-521, 95-530, 95-586, 95-644,
4 95-654, 95-671, 95-677, ~~or 95-681,~~ or 95-764 ~~this amendatory~~
5 ~~Act of the 95th General Assembly.~~

6 (b) Notwithstanding Sections 6 and 8 of this Act, no
7 reimbursement by the State is required for the implementation
8 of any mandate created by the Green Cleaning Schools Act.

9 (Source: P.A. 95-9, eff. 6-30-07; 95-17, eff. 1-1-08; 95-84,
10 eff. 8-13-07; 95-148, eff. 8-14-07; 95-151, eff. 8-14-07;
11 95-194, eff. 1-1-08; 95-232, eff. 8-16-07; 95-241, eff.
12 8-17-07; 95-279, eff. 1-1-08; 95-349, eff. 8-23-07; 95-369,
13 eff. 8-23-07; 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;
14 95-504, eff. 8-28-07; 95-521, eff. 8-28-07; 95-530, eff.
15 8-28-07; 95-586, eff. 8-31-07; 95-644, eff. 10-12-07; 95-654,
16 eff. 1-1-08; 95-671, eff. 1-1-08; 95-677, eff. 10-11-07;
17 95-681, eff. 10-11-07; 95-764, eff. 1-1-09; 95-876, eff.
18 8-21-08; revised 9-5-08.)

19 (30 ILCS 805/8.32)

20 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by Public Act 95-741,
23 95-812, 95-875, 95-910, 95-950, or 95-978 ~~this amendatory Act~~
24 ~~of the 95th General Assembly.~~

25 (Source: P.A. 95-741, eff. 7-18-08; 95-812, eff. 8-13-08;

1 95-875, eff. 1-1-09; 95-910, eff. 8-26-08; 95-950, eff.
2 8-29-08; 95-978, eff. 1-1-09; revised 10-15-08.)

3 Section 70. The Illinois Income Tax Act is amended by
4 changing Sections 203, 509, 510, and 901 and by setting forth
5 and renumbering multiple versions of Section 507PP as follows:

6 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

7 Sec. 203. Base income defined.

8 (a) Individuals.

9 (1) In general. In the case of an individual, base
10 income means an amount equal to the taxpayer's adjusted
11 gross income for the taxable year as modified by paragraph
12 (2).

13 (2) Modifications. The adjusted gross income referred
14 to in paragraph (1) shall be modified by adding thereto the
15 sum of the 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 adjusted gross income, except
20 stock dividends of qualified public utilities
21 described in Section 305(e) of the Internal Revenue
22 Code;

23 (B) An amount equal to the amount of tax imposed by
24 this Act to the extent deducted from gross income in

1 the computation of adjusted gross income for the
2 taxable year;

3 (C) An amount equal to the amount received during
4 the taxable year as a recovery or refund of real
5 property taxes paid with respect to the taxpayer's
6 principal residence under the Revenue Act of 1939 and
7 for which a deduction was previously taken under
8 subparagraph (L) of this paragraph (2) prior to July 1,
9 1991, the retrospective application date of Article 4
10 of Public Act 87-17. In the case of multi-unit or
11 multi-use structures and farm dwellings, the taxes on
12 the taxpayer's principal residence shall be that
13 portion of the total taxes for the entire property
14 which is attributable to such principal residence;

15 (D) An amount equal to the amount of the capital
16 gain deduction allowable under the Internal Revenue
17 Code, to the extent deducted from gross income in the
18 computation of adjusted gross income;

19 (D-5) An amount, to the extent not included in
20 adjusted gross income, equal to the amount of money
21 withdrawn by the taxpayer in the taxable year from a
22 medical care savings account and the interest earned on
23 the account in the taxable year of a withdrawal
24 pursuant to subsection (b) of Section 20 of the Medical
25 Care Savings Account Act or subsection (b) of Section
26 20 of the Medical Care Savings Account Act of 2000;

1 (D-10) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation costs
3 that the individual deducted in computing adjusted
4 gross income and for which the individual claims a
5 credit under subsection (l) of Section 201;

6 (D-15) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction taken
8 on the taxpayer's federal income tax return for the
9 taxable year under subsection (k) of Section 168 of the
10 Internal Revenue Code;

11 (D-16) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (D-15), then
15 an amount equal to the aggregate amount of the
16 deductions taken in all taxable years under
17 subparagraph (Z) with respect to that property.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which the
20 taxpayer may claim a depreciation deduction for
21 federal income tax purposes and for which the taxpayer
22 was allowed in any taxable year to make a subtraction
23 modification under subparagraph (Z), then an amount
24 equal to that subtraction modification.

25 The taxpayer is required to make the addition
26 modification under this subparagraph only once with

1 respect to any one piece of property;

2 (D-17) An amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, (i) for taxable years ending on or after
6 December 31, 2004, to a foreign person who would be a
7 member of the same unitary business group but for the
8 fact that foreign person's business activity outside
9 the United States is 80% or more of the foreign
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. The addition modification
18 required by this subparagraph shall be reduced to the
19 extent that dividends were included in base income of
20 the unitary group for the same taxable year and
21 received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income under Sections 951 through 964
24 of the Internal Revenue Code and amounts included in
25 gross income under Section 78 of the Internal Revenue
26 Code) with respect to the stock of the same person to

1 whom the interest was paid, accrued, or incurred.

2 This paragraph shall not apply to the following:

3 (i) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person who
5 is subject in a foreign country or state, other
6 than a state which requires mandatory unitary
7 reporting, to a tax on or measured by net income
8 with respect to such interest; or

9 (ii) an item of interest paid, accrued, or
10 incurred, directly or indirectly, to a person if
11 the taxpayer can establish, based on a
12 preponderance of the evidence, both of the
13 following:

14 (a) the person, during the same taxable
15 year, paid, accrued, or incurred, the interest
16 to a person that is not a related member, and

17 (b) the transaction giving rise to the
18 interest expense between the taxpayer and the
19 person did not have as a principal purpose the
20 avoidance of Illinois income tax, and is paid
21 pursuant to a contract or agreement that
22 reflects an arm's-length interest rate and
23 terms; or

24 (iii) the taxpayer can establish, based on
25 clear and convincing evidence, that the interest
26 paid, accrued, or incurred relates to a contract or

1 agreement entered into at arm's-length rates and
2 terms and the principal purpose for the payment is
3 not federal or Illinois tax avoidance; or

4 (iv) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person if
6 the taxpayer establishes by clear and convincing
7 evidence that the adjustments are unreasonable; or
8 if the taxpayer and the Director agree in writing
9 to the application or use of an alternative method
10 of apportionment under Section 304(f).

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act for
14 any tax year beginning after the effective date of
15 this amendment provided such adjustment is made
16 pursuant to regulation adopted by the Department
17 and such regulations provide methods and standards
18 by which the Department will utilize its authority
19 under Section 404 of this Act;

20 (D-18) An amount equal to the amount of intangible
21 expenses and costs otherwise allowed as a deduction in
22 computing base income, and that were paid, accrued, or
23 incurred, directly or indirectly, (i) for taxable
24 years ending on or after December 31, 2004, to a
25 foreign person who would be a member of the same
26 unitary business group but for the fact that the

1 foreign person's business activity outside the United
2 States is 80% or more of that person's total business
3 activity and (ii) for taxable years ending on or after
4 December 31, 2008, to a person who would be a member of
5 the same unitary business group but for the fact that
6 the person is prohibited under Section 1501(a)(27)
7 from being included in the unitary business group
8 because he or she is ordinarily required to apportion
9 business income under different subsections of Section
10 304. The addition modification required by this
11 subparagraph shall be reduced to the extent that
12 dividends were included in base income of the unitary
13 group for the same taxable year and received by the
14 taxpayer or by a member of the taxpayer's unitary
15 business group (including amounts included in gross
16 income under Sections 951 through 964 of the Internal
17 Revenue Code and amounts included in gross income under
18 Section 78 of the Internal Revenue Code) with respect
19 to the stock of the same person to whom the intangible
20 expenses and costs were directly or indirectly paid,
21 incurred, or accrued. The preceding sentence does not
22 apply to the extent that the same dividends caused a
23 reduction to the addition modification required under
24 Section 203(a)(2)(D-17) of this Act. As used in this
25 subparagraph, the term "intangible expenses and costs"
26 includes (1) expenses, losses, and costs for, or

1 related to, the direct or indirect acquisition, use,
2 maintenance or management, ownership, sale, exchange,
3 or any other disposition of intangible property; (2)
4 losses incurred, directly or indirectly, from
5 factoring transactions or discounting transactions;
6 (3) royalty, patent, technical, and copyright fees;
7 (4) licensing fees; and (5) other similar expenses and
8 costs. For purposes of this subparagraph, "intangible
9 property" includes patents, patent applications, trade
10 names, trademarks, service marks, copyrights, mask
11 works, trade secrets, and similar types of intangible
12 assets.

13 This paragraph shall not apply to the following:

14 (i) any item of intangible expenses or costs
15 paid, accrued, or incurred, directly or
16 indirectly, from a transaction with a person who is
17 subject in a foreign country or state, other than a
18 state which requires mandatory unitary reporting,
19 to a tax on or measured by net income with respect
20 to such item; or

21 (ii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, if the taxpayer can establish, based
24 on a preponderance of the evidence, both of the
25 following:

26 (a) the person during the same taxable

1 year paid, accrued, or incurred, the
2 intangible expense or cost to a person that is
3 not a related member, and

4 (b) the transaction giving rise to the
5 intangible expense or cost between the
6 taxpayer and the person did not have as a
7 principal purpose the avoidance of Illinois
8 income tax, and is paid pursuant to a contract
9 or agreement that reflects arm's-length terms;
10 or

11 (iii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person if the
14 taxpayer establishes by clear and convincing
15 evidence, that the adjustments are unreasonable;
16 or if the taxpayer and the Director agree in
17 writing to the application or use of an alternative
18 method of apportionment under Section 304(f);

19 Nothing in this subsection shall preclude the
20 Director from making any other adjustment
21 otherwise allowed under Section 404 of this Act for
22 any tax year beginning after the effective date of
23 this amendment provided such adjustment is made
24 pursuant to regulation adopted by the Department
25 and such regulations provide methods and standards
26 by which the Department will utilize its authority

1 under Section 404 of this Act;

2 (D-19) For taxable years ending on or after
3 December 31, 2008, an amount equal to the amount of
4 insurance premium expenses and costs otherwise allowed
5 as a deduction in computing base income, and that were
6 paid, accrued, or incurred, directly or indirectly, to
7 a person who would be a member of the same unitary
8 business group but for the fact that the person is
9 prohibited under Section 1501(a)(27) from being
10 included in the unitary business group because he or
11 she is ordinarily required to apportion business
12 income under different subsections of Section 304. The
13 addition modification required by this subparagraph
14 shall be reduced to the extent that dividends were
15 included in base income of the unitary group for the
16 same taxable year and received by the taxpayer or by a
17 member of the taxpayer's unitary business group
18 (including amounts included in gross income under
19 Sections 951 through 964 of the Internal Revenue Code
20 and amounts included in gross income under Section 78
21 of the Internal Revenue Code) with respect to the stock
22 of the same person to whom the premiums and costs were
23 directly or indirectly paid, incurred, or accrued. The
24 preceding sentence does not apply to the extent that
25 the same dividends caused a reduction to the addition
26 modification required under Section 203(a)(2)(D-17) or

1 Section 203(a) (2) (D-18) of this Act.

2 (D-20) For taxable years beginning on or after
3 January 1, 2002 and ending on or before December 31,
4 2006, in the case of a distribution from a qualified
5 tuition program under Section 529 of the Internal
6 Revenue Code, other than (i) a distribution from a
7 College Savings Pool created under Section 16.5 of the
8 State Treasurer Act or (ii) a distribution from the
9 Illinois Prepaid Tuition Trust Fund, an amount equal to
10 the amount excluded from gross income under Section
11 529(c) (3) (B). For taxable years beginning on or after
12 January 1, 2007, in the case of a distribution from a
13 qualified tuition program under Section 529 of the
14 Internal Revenue Code, other than (i) a distribution
15 from a College Savings Pool created under Section 16.5
16 of the State Treasurer Act, (ii) a distribution from
17 the Illinois Prepaid Tuition Trust Fund, or (iii) a
18 distribution from a qualified tuition program under
19 Section 529 of the Internal Revenue Code that (I)
20 adopts and determines that its offering materials
21 comply with the College Savings Plans Network's
22 disclosure principles and (II) has made reasonable
23 efforts to inform in-state residents of the existence
24 of in-state qualified tuition programs by informing
25 Illinois residents directly and, where applicable, to
26 inform financial intermediaries distributing the

1 program to inform in-state residents of the existence
2 of in-state qualified tuition programs at least
3 annually, an amount equal to the amount excluded from
4 gross income under Section 529(c) (3) (B).

5 For the purposes of this subparagraph (D-20), a
6 qualified tuition program has made reasonable efforts
7 if it makes disclosures (which may use the term
8 "in-state program" or "in-state plan" and need not
9 specifically refer to Illinois or its qualified
10 programs by name) (i) directly to prospective
11 participants in its offering materials or makes a
12 public disclosure, such as a website posting; and (ii)
13 where applicable, to intermediaries selling the
14 out-of-state program in the same manner that the
15 out-of-state program distributes its offering
16 materials;

17 (D-21) For taxable years beginning on or after
18 January 1, 2007, in the case of transfer of moneys from
19 a qualified tuition program under Section 529 of the
20 Internal Revenue Code that is administered by the State
21 to an out-of-state program, an amount equal to the
22 amount of moneys previously deducted from base income
23 under subsection (a) (2) (Y) of this Section.

24 and by deducting from the total so obtained the sum of the
25 following amounts:

26 (E) For taxable years ending before December 31,

1 2001, any amount included in such total in respect of
2 any compensation (including but not limited to any
3 compensation paid or accrued to a serviceman while a
4 prisoner of war or missing in action) paid to a
5 resident by reason of being on active duty in the Armed
6 Forces of the United States and in respect of any
7 compensation paid or accrued to a resident who as a
8 governmental employee was a prisoner of war or missing
9 in action, and in respect of any compensation paid to a
10 resident in 1971 or thereafter for annual training
11 performed pursuant to Sections 502 and 503, Title 32,
12 United States Code as a member of the Illinois National
13 Guard or, beginning with taxable years ending on or
14 after December 31, 2007, the National Guard of any
15 other state. For taxable years ending on or after
16 December 31, 2001, any amount included in such total in
17 respect of any compensation (including but not limited
18 to any compensation paid or accrued to a serviceman
19 while a prisoner of war or missing in action) paid to a
20 resident by reason of being a member of any component
21 of the Armed Forces of the United States and in respect
22 of any compensation paid or accrued to a resident who
23 as a governmental employee was a prisoner of war or
24 missing in action, and in respect of any compensation
25 paid to a resident in 2001 or thereafter by reason of
26 being a member of the Illinois National Guard or,

1 beginning with taxable years ending on or after
2 December 31, 2007, the National Guard of any other
3 state. The provisions of this amendatory Act of the
4 92nd General Assembly are exempt from the provisions of
5 Section 250;

6 (F) An amount equal to all amounts included in such
7 total pursuant to the provisions of Sections 402(a),
8 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
9 Internal Revenue Code, or included in such total as
10 distributions under the provisions of any retirement
11 or disability plan for employees of any governmental
12 agency or unit, or retirement payments to retired
13 partners, which payments are excluded in computing net
14 earnings from self employment by Section 1402 of the
15 Internal Revenue Code and regulations adopted pursuant
16 thereto;

17 (G) The valuation limitation amount;

18 (H) An amount equal to the amount of any tax
19 imposed by this Act which was refunded to the taxpayer
20 and included in such total for the taxable year;

21 (I) An amount equal to all amounts included in such
22 total pursuant to the provisions of Section 111 of the
23 Internal Revenue Code as a recovery of items previously
24 deducted from adjusted gross income in the computation
25 of taxable income;

26 (J) An amount equal to those dividends included in

1 such total which were paid by a corporation which
2 conducts business operations in an Enterprise Zone or
3 zones created under the Illinois Enterprise Zone Act or
4 a River Edge Redevelopment Zone or zones created under
5 the River Edge Redevelopment Zone Act, and conducts
6 substantially all of its operations in an Enterprise
7 Zone or zones or a River Edge Redevelopment Zone or
8 zones. This subparagraph (J) is exempt from the
9 provisions of Section 250;

10 (K) An amount equal to those dividends included in
11 such total that were paid by a corporation that
12 conducts business operations in a federally designated
13 Foreign Trade Zone or Sub-Zone and that is designated a
14 High Impact Business located in Illinois; provided
15 that dividends eligible for the deduction provided in
16 subparagraph (J) of paragraph (2) of this subsection
17 shall not be eligible for the deduction provided under
18 this subparagraph (K);

19 (L) For taxable years ending after December 31,
20 1983, an amount equal to all social security benefits
21 and railroad retirement benefits included in such
22 total pursuant to Sections 72(r) and 86 of the Internal
23 Revenue Code;

24 (M) With the exception of any amounts subtracted
25 under subparagraph (N), an amount equal to the sum of
26 all amounts disallowed as deductions by (i) Sections

1 171(a) (2), and 265(2) of the Internal Revenue Code of
2 1954, as now or hereafter amended, and all amounts of
3 expenses allocable to interest and disallowed as
4 deductions by Section 265(1) of the Internal Revenue
5 Code of 1954, as now or hereafter amended; and (ii) for
6 taxable years ending on or after August 13, 1999,
7 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
8 the Internal Revenue Code; the provisions of this
9 subparagraph are exempt from the provisions of Section
10 250;

11 (N) An amount equal to all amounts included in such
12 total which are exempt from taxation by this State
13 either by reason of its statutes or Constitution or by
14 reason of the Constitution, treaties or statutes of the
15 United States; provided that, in the case of any
16 statute of this State that exempts income derived from
17 bonds or other obligations from the tax imposed under
18 this Act, the amount exempted shall be the interest net
19 of bond premium amortization;

20 (O) An amount equal to any contribution made to a
21 job training project established pursuant to the Tax
22 Increment Allocation Redevelopment Act;

23 (P) An amount equal to the amount of the deduction
24 used to compute the federal income tax credit for
25 restoration of substantial amounts held under claim of
26 right for the taxable year pursuant to Section 1341 of

1 the Internal Revenue Code of 1986;

2 (Q) An amount equal to any amounts included in such
3 total, received by the taxpayer as an acceleration in
4 the payment of life, endowment or annuity benefits in
5 advance of the time they would otherwise be payable as
6 an indemnity for a terminal illness;

7 (R) An amount equal to the amount of any federal or
8 State bonus paid to veterans of the Persian Gulf War;

9 (S) An amount, to the extent included in adjusted
10 gross income, equal to the amount of a contribution
11 made in the taxable year on behalf of the taxpayer to a
12 medical care savings account established under the
13 Medical Care Savings Account Act or the Medical Care
14 Savings Account Act of 2000 to the extent the
15 contribution is accepted by the account administrator
16 as provided in that Act;

17 (T) An amount, to the extent included in adjusted
18 gross income, equal to the amount of interest earned in
19 the taxable year on a medical care savings account
20 established under the Medical Care Savings Account Act
21 or the Medical Care Savings Account Act of 2000 on
22 behalf of the taxpayer, other than interest added
23 pursuant to item (D-5) of this paragraph (2);

24 (U) For one taxable year beginning on or after
25 January 1, 1994, an amount equal to the total amount of
26 tax imposed and paid under subsections (a) and (b) of

1 Section 201 of this Act on grant amounts received by
2 the taxpayer under the Nursing Home Grant Assistance
3 Act during the taxpayer's taxable years 1992 and 1993;

4 (V) Beginning with tax years ending on or after
5 December 31, 1995 and ending with tax years ending on
6 or before December 31, 2004, an amount equal to the
7 amount paid by a taxpayer who is a self-employed
8 taxpayer, a partner of a partnership, or a shareholder
9 in a Subchapter S corporation for health insurance or
10 long-term care insurance for that taxpayer or that
11 taxpayer's spouse or dependents, to the extent that the
12 amount paid for that health insurance or long-term care
13 insurance may be deducted under Section 213 of the
14 Internal Revenue Code of 1986, has not been deducted on
15 the federal income tax return of the taxpayer, and does
16 not exceed the taxable income attributable to that
17 taxpayer's income, self-employment income, or
18 Subchapter S corporation income; except that no
19 deduction shall be allowed under this item (V) if the
20 taxpayer is eligible to participate in any health
21 insurance or long-term care insurance plan of an
22 employer of the taxpayer or the taxpayer's spouse. The
23 amount of the health insurance and long-term care
24 insurance subtracted under this item (V) shall be
25 determined by multiplying total health insurance and
26 long-term care insurance premiums paid by the taxpayer

1 times a number that represents the fractional
2 percentage of eligible medical expenses under Section
3 213 of the Internal Revenue Code of 1986 not actually
4 deducted on the taxpayer's federal income tax return;

5 (W) For taxable years beginning on or after January
6 1, 1998, all amounts included in the taxpayer's federal
7 gross income in the taxable year from amounts converted
8 from a regular IRA to a Roth IRA. This paragraph is
9 exempt from the provisions of Section 250;

10 (X) For taxable year 1999 and thereafter, an amount
11 equal to the amount of any (i) distributions, to the
12 extent includible in gross income for federal income
13 tax purposes, made to the taxpayer because of his or
14 her status as a victim of persecution for racial or
15 religious reasons by Nazi Germany or any other Axis
16 regime or as an heir of the victim and (ii) items of
17 income, to the extent includible in gross income for
18 federal income tax purposes, attributable to, derived
19 from or in any way related to assets stolen from,
20 hidden from, or otherwise lost to a victim of
21 persecution for racial or religious reasons by Nazi
22 Germany or any other Axis regime immediately prior to,
23 during, and immediately after World War II, including,
24 but not limited to, interest on the proceeds receivable
25 as insurance under policies issued to a victim of
26 persecution for racial or religious reasons by Nazi

1 Germany or any other Axis regime by European insurance
2 companies immediately prior to and during World War II;
3 provided, however, this subtraction from federal
4 adjusted gross income does not apply to assets acquired
5 with such assets or with the proceeds from the sale of
6 such assets; provided, further, this paragraph shall
7 only apply to a taxpayer who was the first recipient of
8 such assets after their recovery and who is a victim of
9 persecution for racial or religious reasons by Nazi
10 Germany or any other Axis regime or as an heir of the
11 victim. The amount of and the eligibility for any
12 public assistance, benefit, or similar entitlement is
13 not affected by the inclusion of items (i) and (ii) of
14 this paragraph in gross income for federal income tax
15 purposes. This paragraph is exempt from the provisions
16 of Section 250;

17 (Y) For taxable years beginning on or after January
18 1, 2002 and ending on or before December 31, 2004,
19 moneys contributed in the taxable year to a College
20 Savings Pool account under Section 16.5 of the State
21 Treasurer Act, except that amounts excluded from gross
22 income under Section 529(c)(3)(C)(i) of the Internal
23 Revenue Code shall not be considered moneys
24 contributed under this subparagraph (Y). For taxable
25 years beginning on or after January 1, 2005, a maximum
26 of \$10,000 contributed in the taxable year to (i) a

1 College Savings Pool account under Section 16.5 of the
2 State Treasurer Act or (ii) the Illinois Prepaid
3 Tuition Trust Fund, except that amounts excluded from
4 gross income under Section 529(c)(3)(C)(i) of the
5 Internal Revenue Code shall not be considered moneys
6 contributed under this subparagraph (Y). This
7 subparagraph (Y) is exempt from the provisions of
8 Section 250;

9 (Z) For taxable years 2001 and thereafter, for the
10 taxable year in which the bonus depreciation deduction
11 is taken on the taxpayer's federal income tax return
12 under subsection (k) of Section 168 of the Internal
13 Revenue Code and for each applicable taxable year
14 thereafter, an amount equal to "x", where:

15 (1) "y" equals the amount of the depreciation
16 deduction taken for the taxable year on the
17 taxpayer's federal income tax return on property
18 for which the bonus depreciation deduction was
19 taken in any year under subsection (k) of Section
20 168 of the Internal Revenue Code, but not including
21 the bonus depreciation deduction;

22 (2) for taxable years ending on or before
23 December 31, 2005, "x" equals "y" multiplied by 30
24 and then divided by 70 (or "y" multiplied by
25 0.429); and

26 (3) for taxable years ending after December

1 31, 2005:

2 (i) for property on which a bonus
3 depreciation deduction of 30% of the adjusted
4 basis was taken, "x" equals "y" multiplied by
5 30 and then divided by 70 (or "y" multiplied by
6 0.429); and

7 (ii) for property on which a bonus
8 depreciation deduction of 50% of the adjusted
9 basis was taken, "x" equals "y" multiplied by
10 1.0.

11 The aggregate amount deducted under this
12 subparagraph in all taxable years for any one piece of
13 property may not exceed the amount of the bonus
14 depreciation deduction taken on that property on the
15 taxpayer's federal income tax return under subsection
16 (k) of Section 168 of the Internal Revenue Code. This
17 subparagraph (Z) is exempt from the provisions of
18 Section 250;

19 (AA) If the taxpayer sells, transfers, abandons,
20 or otherwise disposes of property for which the
21 taxpayer was required in any taxable year to make an
22 addition modification under subparagraph (D-15), then
23 an amount equal to that addition modification.

24 If the taxpayer continues to own property through
25 the last day of the last tax year for which the
26 taxpayer may claim a depreciation deduction for

1 federal income tax purposes and for which the taxpayer
2 was required in any taxable year to make an addition
3 modification under subparagraph (D-15), then an amount
4 equal to that addition modification.

5 The taxpayer is allowed to take the deduction under
6 this subparagraph only once with respect to any one
7 piece of property.

8 This subparagraph (AA) is exempt from the
9 provisions of Section 250;

10 (BB) Any amount included in adjusted gross income,
11 other than salary, received by a driver in a
12 ridesharing arrangement using a motor vehicle;

13 (CC) 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 that 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 that
2 addition modification. This subparagraph (CC) is
3 exempt from the provisions of Section 250;

4 (DD) An amount equal to the interest income taken
5 into account for the taxable year (net of the
6 deductions allocable thereto) with respect to
7 transactions with (i) a foreign person who would be a
8 member of the taxpayer's unitary business group but for
9 the fact that the foreign person's business activity
10 outside the United States is 80% or more of that
11 person's total business activity and (ii) for taxable
12 years ending on or after December 31, 2008, to a person
13 who would be a member of the same unitary business
14 group but for the fact that the person is prohibited
15 under Section 1501(a) (27) from being included in the
16 unitary business group because he or she is ordinarily
17 required to apportion business income under different
18 subsections of Section 304, but not to exceed the
19 addition modification required to be made for the same
20 taxable year under Section 203(a) (2) (D-17) for
21 interest paid, accrued, or incurred, directly or
22 indirectly, to the same person. This subparagraph (DD)
23 is exempt from the provisions of Section 250; and

24 (EF) An amount equal to the income from intangible
25 property taken into account for the taxable year (net
26 of the 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 that 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(a)(2)(D-18) for
15 intangible expenses and costs paid, accrued, or
16 incurred, directly or indirectly, to the same foreign
17 person. This subparagraph (EE) is exempt from the
18 provisions of Section 250.

19 (b) Corporations.

20 (1) In general. In the case of a corporation, base
21 income means an amount equal to the taxpayer's taxable
22 income for the taxable year as modified by paragraph (2).

23 (2) Modifications. The taxable income referred to in
24 paragraph (1) shall be modified by adding thereto the sum
25 of the following amounts:

1 (A) An amount equal to all amounts paid or accrued
2 to the taxpayer as interest and all distributions
3 received from regulated investment companies during
4 the taxable year to the extent excluded from gross
5 income in the computation of taxable income;

6 (B) An amount equal to the amount of tax imposed by
7 this Act to the extent deducted from gross income in
8 the computation of taxable income for the taxable year;

9 (C) In the case of a regulated investment company,
10 an amount equal to the excess of (i) the net long-term
11 capital gain for the taxable year, over (ii) the amount
12 of the capital gain dividends designated as such in
13 accordance with Section 852(b)(3)(C) of the Internal
14 Revenue Code and any amount designated under Section
15 852(b)(3)(D) of the Internal Revenue Code,
16 attributable to the taxable year (this amendatory Act
17 of 1995 (Public Act 89-89) is declarative of existing
18 law and is not a new enactment);

19 (D) The amount of any net operating loss deduction
20 taken in arriving at taxable income, other than a net
21 operating loss carried forward from a taxable year
22 ending prior to December 31, 1986;

23 (E) For taxable years in which a net operating loss
24 carryback or carryforward from a taxable year ending
25 prior to December 31, 1986 is an element of taxable
26 income under paragraph (1) of subsection (e) or

1 subparagraph (E) of paragraph (2) of subsection (e),
2 the amount by which addition modifications other than
3 those provided by this subparagraph (E) exceeded
4 subtraction modifications in such earlier taxable
5 year, with the following limitations applied in the
6 order that they are listed:

7 (i) the addition modification relating to the
8 net operating loss carried back or forward to the
9 taxable year from any taxable year ending prior to
10 December 31, 1986 shall be reduced by the amount of
11 addition modification under this subparagraph (E)
12 which related to that net operating loss and which
13 was taken into account in calculating the base
14 income of an earlier taxable year, and

15 (ii) the addition modification relating to the
16 net operating loss carried back or forward to the
17 taxable year from any taxable year ending prior to
18 December 31, 1986 shall not exceed the amount of
19 such carryback or carryforward;

20 For taxable years in which there is a net operating
21 loss carryback or carryforward from more than one other
22 taxable year ending prior to December 31, 1986, the
23 addition modification provided in this subparagraph
24 (E) shall be the sum of the amounts computed
25 independently under the preceding provisions of this
26 subparagraph (E) for each such taxable year;

1 (E-5) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation costs
3 that the corporation deducted in computing adjusted
4 gross income and for which the corporation claims a
5 credit under subsection (l) of Section 201;

6 (E-10) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction taken
8 on the taxpayer's federal income tax return for the
9 taxable year under subsection (k) of Section 168 of the
10 Internal Revenue Code;

11 (E-11) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (E-10), then
15 an amount equal to the aggregate amount of the
16 deductions taken in all taxable years under
17 subparagraph (T) with respect to that property.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which the
20 taxpayer may claim a depreciation deduction for
21 federal income tax purposes and for which the taxpayer
22 was allowed in any taxable year to make a subtraction
23 modification under subparagraph (T), then an amount
24 equal to that subtraction modification.

25 The taxpayer is required to make the addition
26 modification under this subparagraph only once with

1 respect to any one piece of property;

2 (E-12) An amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, (i) for taxable years ending on or after
6 December 31, 2004, to a foreign person who would be a
7 member of the same unitary business group but for the
8 fact the foreign person's business activity outside
9 the United States is 80% or more of the foreign
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. The addition modification
18 required by this subparagraph shall be reduced to the
19 extent that dividends were included in base income of
20 the unitary group for the same taxable year and
21 received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income pursuant to Sections 951
24 through 964 of the Internal Revenue Code and amounts
25 included in gross income under Section 78 of the
26 Internal Revenue Code) with respect to the stock of the

1 same person to whom the interest was paid, accrued, or
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person who
6 is subject in a foreign country or state, other
7 than a state which requires mandatory unitary
8 reporting, to a tax on or measured by net income
9 with respect to such interest; or

10 (ii) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a person if
12 the taxpayer can establish, based on a
13 preponderance of the evidence, both of the
14 following:

15 (a) the person, during the same taxable
16 year, paid, accrued, or incurred, the interest
17 to a person that is not a related member, and

18 (b) the transaction giving rise to the
19 interest expense between the taxpayer and the
20 person did not have as a principal purpose the
21 avoidance of Illinois income tax, and is paid
22 pursuant to a contract or agreement that
23 reflects an arm's-length interest rate and
24 terms; or

25 (iii) the taxpayer can establish, based on
26 clear and convincing evidence, that the interest

1 paid, accrued, or incurred relates to a contract or
2 agreement entered into at arm's-length rates and
3 terms and the principal purpose for the payment is
4 not federal or Illinois tax avoidance; or

5 (iv) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a person if
7 the taxpayer establishes by clear and convincing
8 evidence that the adjustments are unreasonable; or
9 if the taxpayer and the Director agree in writing
10 to the application or use of an alternative method
11 of apportionment under Section 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 (E-13) An amount equal to the amount of intangible
22 expenses and costs otherwise allowed as a deduction in
23 computing base income, and that were paid, accrued, or
24 incurred, directly or indirectly, (i) for taxable
25 years ending on or after December 31, 2004, to a
26 foreign person who would be a member of the same

1 unitary business group but for the fact that the
2 foreign person's business activity outside the United
3 States is 80% or more of that person's total business
4 activity and (ii) for taxable years ending on or after
5 December 31, 2008, to a person who would be a member of
6 the same unitary business group but for the fact that
7 the person is prohibited under Section 1501(a)(27)
8 from being included in the unitary business group
9 because he or she is ordinarily required to apportion
10 business income under different subsections of Section
11 304. The addition modification required by this
12 subparagraph shall be reduced to the extent that
13 dividends were included in base income of the unitary
14 group for the same taxable year and received by the
15 taxpayer or by a member of the taxpayer's unitary
16 business group (including amounts included in gross
17 income pursuant to Sections 951 through 964 of the
18 Internal Revenue Code and amounts included in gross
19 income under Section 78 of the Internal Revenue Code)
20 with respect to the stock of the same person to whom
21 the intangible expenses and costs were directly or
22 indirectly paid, incurred, or accrued. The preceding
23 sentence shall not apply to the extent that the same
24 dividends caused a reduction to the addition
25 modification required under Section 203(b)(2)(E-12) of
26 this Act. As used in this subparagraph, the term

1 "intangible expenses and costs" includes (1) expenses,
2 losses, and costs for, or related to, the direct or
3 indirect acquisition, use, maintenance or management,
4 ownership, sale, exchange, or any other disposition of
5 intangible property; (2) losses incurred, directly or
6 indirectly, from factoring transactions or discounting
7 transactions; (3) royalty, patent, technical, and
8 copyright fees; (4) licensing fees; and (5) other
9 similar expenses and costs. For purposes of this
10 subparagraph, "intangible property" includes patents,
11 patent applications, trade names, trademarks, service
12 marks, copyrights, mask works, trade secrets, and
13 similar types of intangible assets.

14 This paragraph shall not apply to the following:

15 (i) any item of intangible expenses or costs
16 paid, accrued, or incurred, directly or
17 indirectly, from a transaction with a person who is
18 subject in a foreign country or state, other than a
19 state which requires mandatory unitary reporting,
20 to a tax on or measured by net income with respect
21 to such item; or

22 (ii) any item of intangible expense or cost
23 paid, accrued, or incurred, directly or
24 indirectly, if the taxpayer can establish, based
25 on a preponderance of the evidence, both of the
26 following:

1 (a) the person during the same taxable
2 year paid, accrued, or incurred, the
3 intangible expense or cost to a person that is
4 not a related member, and

5 (b) the transaction giving rise to the
6 intangible expense or cost between the
7 taxpayer and the person did not have as a
8 principal purpose the avoidance of Illinois
9 income tax, and is paid pursuant to a contract
10 or agreement that reflects arm's-length terms;
11 or

12 (iii) any item of intangible expense or cost
13 paid, accrued, or incurred, directly or
14 indirectly, from a transaction with a person if the
15 taxpayer establishes by clear and convincing
16 evidence, that the adjustments are unreasonable;
17 or if the taxpayer and the Director agree in
18 writing to the application or use of an alternative
19 method of apportionment under Section 304(f);

20 Nothing in this subsection shall preclude the
21 Director from making any other adjustment
22 otherwise allowed under Section 404 of this Act for
23 any tax year beginning after the effective date of
24 this amendment provided such adjustment is made
25 pursuant to regulation adopted by the Department
26 and such regulations provide methods and standards

1 by which the Department will utilize its authority
2 under Section 404 of this Act;

3 (E-14) For taxable years ending on or after
4 December 31, 2008, an amount equal to the amount of
5 insurance premium expenses and costs otherwise allowed
6 as a deduction in computing base income, and that were
7 paid, accrued, or incurred, directly or indirectly, to
8 a person who would be a member of the same unitary
9 business group but for the fact that the person is
10 prohibited under Section 1501(a)(27) from being
11 included in the unitary business group because he or
12 she is ordinarily required to apportion business
13 income under different subsections of Section 304. The
14 addition modification required by this subparagraph
15 shall be reduced to the extent that dividends were
16 included in base income of the unitary group for the
17 same taxable year and received by the taxpayer or by a
18 member of the taxpayer's unitary business group
19 (including amounts included in gross income under
20 Sections 951 through 964 of the Internal Revenue Code
21 and amounts included in gross income under Section 78
22 of the Internal Revenue Code) with respect to the stock
23 of the same person to whom the premiums and costs were
24 directly or indirectly paid, incurred, or accrued. The
25 preceding sentence does not apply to the extent that
26 the same dividends caused a reduction to the addition

1 modification required under Section 203(b) (2) (E-12) or
2 Section 203(b) (2) (E-13) of this Act;

3 (E-15) For taxable years beginning after December
4 31, 2008, any deduction for dividends paid by a captive
5 real estate investment trust that is allowed to a real
6 estate investment trust under Section 857(b) (2) (B) of
7 the Internal Revenue Code for dividends paid;

8 and by deducting from the total so obtained the sum of the
9 following amounts:

10 (F) An amount equal to the amount of any tax
11 imposed by this Act which was refunded to the taxpayer
12 and included in such total for the taxable year;

13 (G) An amount equal to any amount included in such
14 total under Section 78 of the Internal Revenue Code;

15 (H) In the case of a regulated investment company,
16 an amount equal to the amount of exempt interest
17 dividends as defined in subsection (b) (5) of Section
18 852 of the Internal Revenue Code, paid to shareholders
19 for the taxable year;

20 (I) With the exception of any amounts subtracted
21 under subparagraph (J), an amount equal to the sum of
22 all amounts disallowed as deductions by (i) Sections
23 171(a) (2), and 265(a) (2) and amounts disallowed as
24 interest expense by Section 291(a) (3) of the Internal
25 Revenue Code, as now or hereafter amended, and all
26 amounts of expenses allocable to interest and

1 disallowed as deductions by Section 265(a)(1) of the
2 Internal Revenue Code, as now or hereafter amended; and
3 (ii) for taxable years ending on or after August 13,
4 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and
5 832(b)(5)(B)(i) of the Internal Revenue Code; the
6 provisions of this subparagraph are exempt from the
7 provisions of Section 250;

8 (J) An amount equal to all amounts included in such
9 total which are exempt from taxation by this State
10 either by reason of its statutes or Constitution or by
11 reason of the Constitution, treaties or statutes of the
12 United States; provided that, in the case of any
13 statute of this State that exempts income derived from
14 bonds or other obligations from the tax imposed under
15 this Act, the amount exempted shall be the interest net
16 of bond premium amortization;

17 (K) An amount equal to those dividends included in
18 such total which were paid by a corporation which
19 conducts business operations in an Enterprise Zone or
20 zones created under the Illinois Enterprise Zone Act or
21 a River Edge Redevelopment Zone or zones created under
22 the River Edge Redevelopment Zone Act and conducts
23 substantially all of its operations in an Enterprise
24 Zone or zones or a River Edge Redevelopment Zone or
25 zones. This subparagraph (K) is exempt from the
26 provisions of Section 250;

1 (L) An amount equal to those dividends included in
2 such total that were paid by a corporation that
3 conducts business operations in a federally designated
4 Foreign Trade Zone or Sub-Zone and that is designated a
5 High Impact Business located in Illinois; provided
6 that dividends eligible for the deduction provided in
7 subparagraph (K) of paragraph 2 of this subsection
8 shall not be eligible for the deduction provided under
9 this subparagraph (L);

10 (M) For any taxpayer that is a financial
11 organization within the meaning of Section 304(c) of
12 this Act, an amount included in such total as interest
13 income from a loan or loans made by such taxpayer to a
14 borrower, to the extent that such a loan is secured by
15 property which is eligible for the Enterprise Zone
16 Investment Credit or the River Edge Redevelopment Zone
17 Investment Credit. To determine the portion of a loan
18 or loans that is secured by property eligible for a
19 Section 201(f) investment credit to the borrower, the
20 entire principal amount of the loan or loans between
21 the taxpayer and the borrower should be divided into
22 the basis of the Section 201(f) investment credit
23 property which secures the loan or loans, using for
24 this purpose the original basis of such property on the
25 date that it was placed in service in the Enterprise
26 Zone or the River Edge Redevelopment Zone. The

1 subtraction modification available to taxpayer in any
2 year under this subsection shall be that portion of the
3 total interest paid by the borrower with respect to
4 such loan attributable to the eligible property as
5 calculated under the previous sentence. This
6 subparagraph (M) is exempt from the provisions of
7 Section 250;

8 (M-1) For any taxpayer that is a financial
9 organization within the meaning of Section 304(c) of
10 this Act, an amount included in such total as interest
11 income from a loan or loans made by such taxpayer to a
12 borrower, to the extent that such a loan is secured by
13 property which is eligible for the High Impact Business
14 Investment Credit. To determine the portion of a loan
15 or loans that is secured by property eligible for a
16 Section 201(h) investment credit to the borrower, the
17 entire principal amount of the loan or loans between
18 the taxpayer and the borrower should be divided into
19 the basis of the Section 201(h) investment credit
20 property which secures the loan or loans, using for
21 this purpose the original basis of such property on the
22 date that it was placed in service in a federally
23 designated Foreign Trade Zone or Sub-Zone located in
24 Illinois. No taxpayer that is eligible for the
25 deduction provided in subparagraph (M) of paragraph
26 (2) of this subsection shall be eligible for the

1 deduction provided under this subparagraph (M-1). The
2 subtraction modification available to taxpayers in any
3 year under this subsection shall be that portion of the
4 total interest paid by the borrower with respect to
5 such loan attributable to the eligible property as
6 calculated under the previous sentence;

7 (N) Two times any contribution made during the
8 taxable year to a designated zone organization to the
9 extent that the contribution (i) qualifies as a
10 charitable contribution under subsection (c) of
11 Section 170 of the Internal Revenue Code and (ii) must,
12 by its terms, be used for a project approved by the
13 Department of Commerce and Economic Opportunity under
14 Section 11 of the Illinois Enterprise Zone Act or under
15 Section 10-10 of the River Edge Redevelopment Zone Act.
16 This subparagraph (N) is exempt from the provisions of
17 Section 250;

18 (O) An amount equal to: (i) 85% for taxable years
19 ending on or before December 31, 1992, or, a percentage
20 equal to the percentage allowable under Section
21 243(a)(1) of the Internal Revenue Code of 1986 for
22 taxable years ending after December 31, 1992, of the
23 amount by which dividends included in taxable income
24 and received from a corporation that is not created or
25 organized under the laws of the United States or any
26 state or political subdivision thereof, including, for

1 taxable years ending on or after December 31, 1988,
2 dividends received or deemed received or paid or deemed
3 paid under Sections 951 through 964 of the Internal
4 Revenue Code, exceed the amount of the modification
5 provided under subparagraph (G) of paragraph (2) of
6 this subsection (b) which is related to such dividends,
7 and including, for taxable years ending on or after
8 December 31, 2008, dividends received from a captive
9 real estate investment trust; plus (ii) 100% of the
10 amount by which dividends, included in taxable income
11 and received, including, for taxable years ending on or
12 after December 31, 1988, dividends received or deemed
13 received or paid or deemed paid under Sections 951
14 through 964 of the Internal Revenue Code and including,
15 for taxable years ending on or after December 31, 2008,
16 dividends received from a captive real estate
17 investment trust, from any such corporation specified
18 in clause (i) that would but for the provisions of
19 Section 1504 (b) (3) of the Internal Revenue Code be
20 treated as a member of the affiliated group which
21 includes the dividend recipient, exceed the amount of
22 the modification provided under subparagraph (G) of
23 paragraph (2) of this subsection (b) which is related
24 to such dividends. This subparagraph (O) is exempt from
25 the provisions of Section 250 of this Act;

26 (P) An amount equal to any contribution made to a

1 job training project established pursuant to the Tax
2 Increment Allocation Redevelopment Act;

3 (Q) An amount equal to the amount of the deduction
4 used to compute the federal income tax credit for
5 restoration of substantial amounts held under claim of
6 right for the taxable year pursuant to Section 1341 of
7 the Internal Revenue Code of 1986;

8 (R) On and after July 20, 1999, in the case of an
9 attorney-in-fact with respect to whom an interinsurer
10 or a reciprocal insurer has made the election under
11 Section 835 of the Internal Revenue Code, 26 U.S.C.
12 835, an amount equal to the excess, if any, of the
13 amounts paid or incurred by that interinsurer or
14 reciprocal insurer in the taxable year to the
15 attorney-in-fact over the deduction allowed to that
16 interinsurer or reciprocal insurer with respect to the
17 attorney-in-fact under Section 835(b) of the Internal
18 Revenue Code for the taxable year; the provisions of
19 this subparagraph are exempt from the provisions of
20 Section 250;

21 (S) For taxable years ending on or after December
22 31, 1997, in the case of a Subchapter S corporation, an
23 amount equal to all amounts of income allocable to a
24 shareholder subject to the Personal Property Tax
25 Replacement Income Tax imposed by subsections (c) and
26 (d) of Section 201 of this Act, including amounts

1 allocable to organizations exempt from federal income
2 tax by reason of Section 501(a) of the Internal Revenue
3 Code. This subparagraph (S) is exempt from the
4 provisions of Section 250;

5 (T) For taxable years 2001 and thereafter, for the
6 taxable year in which the bonus depreciation deduction
7 is taken on the taxpayer's federal income tax return
8 under subsection (k) of Section 168 of the Internal
9 Revenue Code and for each applicable taxable year
10 thereafter, an amount equal to "x", where:

11 (1) "y" equals the amount of the depreciation
12 deduction taken for the taxable year on the
13 taxpayer's federal income tax return on property
14 for which the bonus depreciation deduction was
15 taken in any year under subsection (k) of Section
16 168 of the Internal Revenue Code, but not including
17 the bonus depreciation deduction;

18 (2) for taxable years ending on or before
19 December 31, 2005, "x" equals "y" multiplied by 30
20 and then divided by 70 (or "y" multiplied by
21 0.429); and

22 (3) for taxable years ending after December
23 31, 2005:

24 (i) for property on which a bonus
25 depreciation deduction of 30% of the adjusted
26 basis was taken, "x" equals "y" multiplied by

1 30 and then divided by 70 (or "y" multiplied by
2 0.429); and

3 (ii) for property on which a bonus
4 depreciation deduction of 50% of the adjusted
5 basis was taken, "x" equals "y" multiplied by
6 1.0.

7 The aggregate amount deducted under this
8 subparagraph in all taxable years for any one piece of
9 property may not exceed the amount of the bonus
10 depreciation deduction taken on that property on the
11 taxpayer's federal income tax return under subsection
12 (k) of Section 168 of the Internal Revenue Code. This
13 subparagraph (T) is exempt from the provisions of
14 Section 250;

15 (U) If the taxpayer sells, transfers, abandons, or
16 otherwise disposes of property for which the taxpayer
17 was required in any taxable year to make an addition
18 modification under subparagraph (E-10), then an amount
19 equal to that addition modification.

20 If the taxpayer continues to own property through
21 the last day of the last tax year for which the
22 taxpayer may claim a depreciation deduction for
23 federal income tax purposes and 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 The taxpayer is allowed to take the deduction under
2 this subparagraph only once with respect to any one
3 piece of property.

4 This subparagraph (U) is exempt from the
5 provisions of Section 250;

6 (V) The amount of: (i) any interest income (net of
7 the deductions allocable thereto) taken into account
8 for the taxable year with respect to a transaction with
9 a taxpayer that is required to make an addition
10 modification with respect to such transaction under
11 Section 203(a) (2) (D-17), 203(b) (2) (E-12),
12 203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed
13 the amount of such addition modification, (ii) any
14 income from intangible property (net of the deductions
15 allocable thereto) taken into account for the taxable
16 year with respect to a transaction with a taxpayer that
17 is required to make an addition modification with
18 respect to such transaction under Section
19 203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or
20 203(d) (2) (D-8), but not to exceed the amount of such
21 addition modification, and (iii) any insurance premium
22 income (net of deductions allocable thereto) taken
23 into account for the taxable year with respect to a
24 transaction with a taxpayer that is required to make an
25 addition modification with respect to such transaction
26 under Section 203(a) (2) (D-19), Section

1 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
2 203(d)(2)(D-9), but not to exceed the amount of that
3 addition modification. This subparagraph (V) is exempt
4 from the provisions of Section 250;

5 (W) An amount equal to the interest income taken
6 into account for the taxable year (net of the
7 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(b)(2)(E-12) for
22 interest paid, accrued, or incurred, directly or
23 indirectly, to the same person. This subparagraph (W)
24 is exempt from the provisions of Section 250; and

25 (X) An amount equal to the income from intangible
26 property taken into account for the taxable year (net

1 of the deductions allocable thereto) with respect to
2 transactions with (i) a foreign person who would be a
3 member of the taxpayer's unitary business group but for
4 the fact that the foreign person's business activity
5 outside the United States is 80% or more of that
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, but not to exceed the
14 addition modification required to be made for the same
15 taxable year under Section 203(b)(2)(E-13) for
16 intangible expenses and costs paid, accrued, or
17 incurred, directly or indirectly, to the same foreign
18 person. This subparagraph (X) is exempt from the
19 provisions of Section 250. ~~(Y)~~

20 (3) Special rule. For purposes of paragraph (2) (A),
21 "gross income" in the case of a life insurance company, for
22 tax years ending on and after December 31, 1994, shall mean
23 the gross investment income for the taxable year.

24 (c) Trusts and estates.

25 (1) In general. In the case of a trust or estate, base

1 income means an amount equal to the taxpayer's taxable
2 income for the taxable year as modified by paragraph (2).

3 (2) Modifications. Subject to the provisions of
4 paragraph (3), the taxable income referred to in paragraph
5 (1) shall be modified by adding thereto the sum of the
6 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) In the case of (i) an estate, \$600; (ii) a
12 trust which, under its governing instrument, is
13 required to distribute all of its income currently,
14 \$300; and (iii) any other trust, \$100, but in each such
15 case, only to the extent such amount was deducted in
16 the computation of taxable income;

17 (C) An amount equal to the amount of tax imposed by
18 this Act to the extent deducted from gross income in
19 the computation of taxable income for the taxable year;

20 (D) The amount of any net operating loss deduction
21 taken in arriving at taxable income, other than a net
22 operating loss carried forward from a taxable year
23 ending prior to December 31, 1986;

24 (E) For taxable years in which a net operating loss
25 carryback or carryforward from a taxable year ending
26 prior to December 31, 1986 is an element of taxable

1 income under paragraph (1) of subsection (e) or
2 subparagraph (E) of paragraph (2) of subsection (e),
3 the amount by which addition modifications other than
4 those provided by this subparagraph (E) exceeded
5 subtraction modifications in such taxable year, with
6 the following limitations applied in the order that
7 they are listed:

8 (i) the addition modification relating to the
9 net operating loss carried back or forward to the
10 taxable year from any taxable year ending prior to
11 December 31, 1986 shall be reduced by the amount of
12 addition modification under this subparagraph (E)
13 which related to that net operating loss and which
14 was taken into account in calculating the base
15 income of an earlier taxable year, and

16 (ii) the addition modification relating to the
17 net operating loss carried back or forward to the
18 taxable year from any taxable year ending prior to
19 December 31, 1986 shall not exceed the amount of
20 such carryback or carryforward;

21 For taxable years in which there is a net operating
22 loss carryback or carryforward from more than one other
23 taxable year ending prior to December 31, 1986, the
24 addition modification provided in this subparagraph
25 (E) shall be the sum of the amounts computed
26 independently under the preceding provisions of this

1 subparagraph (E) for each such taxable year;

2 (F) For taxable years ending on or after January 1,
3 1989, an amount equal to the tax deducted pursuant to
4 Section 164 of the Internal Revenue Code if the trust
5 or estate is claiming the same tax for purposes of the
6 Illinois foreign tax credit under Section 601 of this
7 Act;

8 (G) An amount equal to the amount of the capital
9 gain deduction allowable under the Internal Revenue
10 Code, to the extent deducted from gross income in the
11 computation of taxable income;

12 (G-5) For taxable years ending after December 31,
13 1997, an amount equal to any eligible remediation costs
14 that the trust or estate deducted in computing adjusted
15 gross income and for which the trust or estate claims a
16 credit under subsection (l) of Section 201;

17 (G-10) For taxable years 2001 and thereafter, an
18 amount equal to the bonus depreciation deduction taken
19 on the taxpayer's federal income tax return for the
20 taxable year under subsection (k) of Section 168 of the
21 Internal Revenue Code; and

22 (G-11) If the taxpayer sells, transfers, abandons,
23 or otherwise disposes of property for which the
24 taxpayer was required in any taxable year to make an
25 addition modification under subparagraph (G-10), then
26 an amount equal to the aggregate amount of the

1 deductions taken in all taxable years under
2 subparagraph (R) with respect to that property.

3 If the taxpayer continues to own property through
4 the last day of the last tax year for which the
5 taxpayer may claim a depreciation deduction for
6 federal income tax purposes and for which the taxpayer
7 was allowed in any taxable year to make a subtraction
8 modification under subparagraph (R), then an amount
9 equal to that subtraction modification.

10 The taxpayer is required to make the addition
11 modification under this subparagraph only once with
12 respect to any one piece of property;

13 (G-12) An amount equal to the amount otherwise
14 allowed as a deduction in computing base income for
15 interest paid, accrued, or incurred, directly or
16 indirectly, (i) for taxable years ending on or after
17 December 31, 2004, to a foreign person who would be a
18 member of the same unitary business group but for the
19 fact that the foreign person's business activity
20 outside the United States is 80% or more of the foreign
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. The addition modification
3 required by this subparagraph shall be reduced to the
4 extent that dividends were included in base income of
5 the unitary group for the same taxable year and
6 received by the taxpayer or by a member of the
7 taxpayer's unitary business group (including amounts
8 included in gross income pursuant to Sections 951
9 through 964 of the Internal Revenue Code and amounts
10 included in gross income under Section 78 of the
11 Internal Revenue Code) with respect to the stock of the
12 same person to whom the interest was paid, accrued, or
13 incurred.

14 This paragraph shall not apply to the following:

15 (i) an item of interest paid, accrued, or
16 incurred, directly or indirectly, to a person who
17 is subject in a foreign country or state, other
18 than a state which requires mandatory unitary
19 reporting, to a tax on or measured by net income
20 with respect to such interest; or

21 (ii) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a person if
23 the taxpayer can establish, based on a
24 preponderance of the evidence, both of the
25 following:

26 (a) the person, during the same taxable

1 year, paid, accrued, or incurred, the interest
2 to a person that is not a related member, and

3 (b) the transaction giving rise to the
4 interest expense between the taxpayer and the
5 person did not have as a principal purpose the
6 avoidance of Illinois income tax, and is paid
7 pursuant to a contract or agreement that
8 reflects an arm's-length interest rate and
9 terms; or

10 (iii) the taxpayer can establish, based on
11 clear and convincing evidence, that the interest
12 paid, accrued, or incurred relates to a contract or
13 agreement entered into at arm's-length rates and
14 terms and the principal purpose for the payment is
15 not federal or Illinois tax avoidance; or

16 (iv) an item of interest paid, accrued, or
17 incurred, directly or indirectly, to a person if
18 the taxpayer establishes by clear and convincing
19 evidence that the adjustments are unreasonable; or
20 if the taxpayer and the Director agree in writing
21 to the application or use of an alternative method
22 of apportionment under Section 304(f).

23 Nothing in this subsection shall preclude the
24 Director from making any other adjustment
25 otherwise allowed under Section 404 of this Act for
26 any tax year beginning after the effective date of

1 this amendment provided such adjustment is made
2 pursuant to regulation adopted by the Department
3 and such regulations provide methods and standards
4 by which the Department will utilize its authority
5 under Section 404 of this Act;

6 (G-13) An amount equal to the amount of intangible
7 expenses and costs otherwise allowed as a deduction in
8 computing base income, and that were paid, accrued, or
9 incurred, directly or indirectly, (i) for taxable
10 years ending on or after December 31, 2004, to a
11 foreign person who would be a member of the same
12 unitary business group but for the fact that the
13 foreign person's business activity outside the United
14 States is 80% or more of that person's total business
15 activity and (ii) for taxable years ending on or after
16 December 31, 2008, to a person who would be a member of
17 the same unitary business group but for the fact that
18 the person is prohibited under Section 1501(a)(27)
19 from being included in the unitary business group
20 because he or she is ordinarily required to apportion
21 business income under different subsections of Section
22 304. The addition modification required by this
23 subparagraph shall be reduced to the extent that
24 dividends were included in base income of the unitary
25 group for the same taxable year and received by the
26 taxpayer or by a member of the taxpayer's unitary

1 business group (including amounts included in gross
2 income pursuant to Sections 951 through 964 of the
3 Internal Revenue Code and amounts included in gross
4 income under Section 78 of the Internal Revenue Code)
5 with respect to the stock of the same person to whom
6 the intangible expenses and costs were directly or
7 indirectly paid, incurred, or accrued. The preceding
8 sentence shall not apply to the extent that the same
9 dividends caused a reduction to the addition
10 modification required under Section 203(c)(2)(G-12) of
11 this Act. As used in this subparagraph, the term
12 "intangible expenses and costs" includes: (1)
13 expenses, losses, and costs for or related to the
14 direct or indirect acquisition, use, maintenance or
15 management, ownership, sale, exchange, or any other
16 disposition of intangible property; (2) losses
17 incurred, directly or indirectly, from factoring
18 transactions or discounting transactions; (3) royalty,
19 patent, technical, and copyright fees; (4) licensing
20 fees; and (5) other similar expenses and costs. For
21 purposes of this subparagraph, "intangible property"
22 includes patents, patent applications, trade names,
23 trademarks, service marks, copyrights, mask works,
24 trade secrets, and similar types of intangible assets.

25 This paragraph shall not apply to the following:

26 (i) any item of intangible expenses or costs

1 paid, accrued, or incurred, directly or
2 indirectly, from a transaction with a person who is
3 subject in a foreign country or state, other than a
4 state which requires mandatory unitary reporting,
5 to a tax on or measured by net income with respect
6 to such item; or

7 (ii) any item of intangible expense or cost
8 paid, accrued, or incurred, directly or
9 indirectly, if the taxpayer can establish, based
10 on a preponderance of the evidence, both of the
11 following:

12 (a) the person during the same taxable
13 year paid, accrued, or incurred, the
14 intangible expense or cost to a person that is
15 not a related member, and

16 (b) the transaction giving rise to the
17 intangible expense or cost between the
18 taxpayer and the person did not have as a
19 principal purpose the avoidance of Illinois
20 income tax, and is paid pursuant to a contract
21 or agreement that reflects arm's-length terms;
22 or

23 (iii) any item of intangible expense or cost
24 paid, accrued, or incurred, directly or
25 indirectly, from a transaction with a person if the
26 taxpayer establishes by clear and convincing

1 evidence, that the adjustments are unreasonable;
2 or if the taxpayer and the Director agree in
3 writing to the application or use of an alternative
4 method of apportionment under Section 304(f);

5 Nothing in this subsection shall preclude the
6 Director from making any other adjustment
7 otherwise allowed under Section 404 of this Act for
8 any tax year beginning after the effective date of
9 this amendment provided such adjustment is made
10 pursuant to regulation adopted by the Department
11 and such regulations provide methods and standards
12 by which the Department will utilize its authority
13 under Section 404 of this Act;

14 (G-14) For taxable years ending on or after
15 December 31, 2008, an amount equal to the amount of
16 insurance premium expenses and costs otherwise allowed
17 as a deduction in computing base income, and that were
18 paid, accrued, or incurred, directly or indirectly, to
19 a person who would be a member of the same unitary
20 business group but for the fact that the person is
21 prohibited under Section 1501(a)(27) from being
22 included in the unitary business group because he or
23 she is ordinarily required to apportion business
24 income under different subsections of Section 304. The
25 addition modification required by this subparagraph
26 shall be reduced to the extent that dividends were

1 included in base income of the unitary group for the
2 same taxable year and received by the taxpayer or by a
3 member of the taxpayer's unitary business group
4 (including amounts included in gross income under
5 Sections 951 through 964 of the Internal Revenue Code
6 and amounts included in gross income under Section 78
7 of the Internal Revenue Code) with respect to the stock
8 of the same person to whom the premiums and costs were
9 directly or indirectly paid, incurred, or accrued. The
10 preceding sentence does not apply to the extent that
11 the same dividends caused a reduction to the addition
12 modification required under Section 203(c) (2) (G-12) or
13 Section 203(c) (2) (G-13) of this Act.

14 and by deducting from the total so obtained the sum of the
15 following amounts:

16 (H) An amount equal to all amounts included in such
17 total pursuant to the provisions of Sections 402(a),
18 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
19 Internal Revenue Code or included in such total as
20 distributions under the provisions of any retirement
21 or disability plan for employees of any governmental
22 agency or unit, or retirement payments to retired
23 partners, which payments are excluded in computing net
24 earnings from self employment by Section 1402 of the
25 Internal Revenue Code and regulations adopted pursuant
26 thereto;

1 (I) The valuation limitation amount;

2 (J) An amount equal to the amount of any tax
3 imposed by this Act which was refunded to the taxpayer
4 and included in such total for the taxable year;

5 (K) An amount equal to all amounts included in
6 taxable income as modified by subparagraphs (A), (B),
7 (C), (D), (E), (F) and (G) which are exempt from
8 taxation by this State either by reason of its statutes
9 or Constitution or by reason of the Constitution,
10 treaties or statutes of the United States; provided
11 that, in the case of any statute of this State that
12 exempts income derived from bonds or other obligations
13 from the tax imposed under this Act, the amount
14 exempted shall be the interest net of bond premium
15 amortization;

16 (L) With the exception of any amounts subtracted
17 under subparagraph (K), an amount equal to the sum of
18 all amounts disallowed as deductions by (i) Sections
19 171(a) (2) and 265(a) (2) of the Internal Revenue Code,
20 as now or hereafter amended, and all amounts of
21 expenses allocable to interest and disallowed as
22 deductions by Section 265(1) of the Internal Revenue
23 Code of 1954, as now or hereafter amended; and (ii) for
24 taxable years ending on or after August 13, 1999,
25 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
26 the Internal Revenue Code; the provisions of this

1 subparagraph are exempt from the provisions of Section
2 250;

3 (M) An amount equal to those dividends included in
4 such total which were paid by a corporation which
5 conducts business operations in an Enterprise Zone or
6 zones created under the Illinois Enterprise Zone Act or
7 a River Edge Redevelopment Zone or zones created under
8 the River Edge Redevelopment Zone Act and conducts
9 substantially all of its operations in an Enterprise
10 Zone or Zones or a River Edge Redevelopment Zone or
11 zones. This subparagraph (M) is exempt from the
12 provisions of Section 250;

13 (N) An amount equal to any contribution made to a
14 job training project established pursuant to the Tax
15 Increment Allocation Redevelopment Act;

16 (O) An amount equal to those dividends included in
17 such total that were paid by a corporation that
18 conducts business operations in a federally designated
19 Foreign Trade Zone or Sub-Zone and that is designated a
20 High Impact Business located in Illinois; provided
21 that dividends eligible for the deduction provided in
22 subparagraph (M) of paragraph (2) of this subsection
23 shall not be eligible for the deduction provided under
24 this subparagraph (O);

25 (P) An amount equal to the amount of the deduction
26 used to compute the federal income tax credit for

1 restoration of substantial amounts held under claim of
2 right for the taxable year pursuant to Section 1341 of
3 the Internal Revenue Code of 1986;

4 (Q) For taxable year 1999 and thereafter, an amount
5 equal to the amount of any (i) distributions, to the
6 extent includible in gross income for federal income
7 tax purposes, made to the taxpayer because of his or
8 her status as a victim of persecution for racial or
9 religious reasons by Nazi Germany or any other Axis
10 regime or as an heir of the victim and (ii) items of
11 income, to the extent includible in gross income for
12 federal income tax purposes, attributable to, derived
13 from or in any way related to assets stolen from,
14 hidden from, or otherwise lost to a victim of
15 persecution for racial or religious reasons by Nazi
16 Germany or any other Axis regime immediately prior to,
17 during, and immediately after World War II, including,
18 but not limited to, interest on the proceeds receivable
19 as insurance under policies issued to a victim of
20 persecution for racial or religious reasons by Nazi
21 Germany or any other Axis regime by European insurance
22 companies immediately prior to and during World War II;
23 provided, however, this subtraction from federal
24 adjusted gross income does not apply to assets acquired
25 with such assets or with the proceeds from the sale of
26 such assets; provided, further, this paragraph shall

1 only apply to a taxpayer who was the first recipient of
2 such assets after their recovery and who is a victim of
3 persecution for racial or religious reasons by Nazi
4 Germany or any other Axis regime or as an heir of the
5 victim. The amount of and the eligibility for any
6 public assistance, benefit, or similar entitlement is
7 not affected by the inclusion of items (i) and (ii) of
8 this paragraph in gross income for federal income tax
9 purposes. This paragraph is exempt from the provisions
10 of Section 250;

11 (R) For taxable years 2001 and thereafter, for the
12 taxable year in which the bonus depreciation deduction
13 is taken on the taxpayer's federal income tax return
14 under subsection (k) of Section 168 of the Internal
15 Revenue Code and for each applicable taxable year
16 thereafter, an amount equal to "x", where:

17 (1) "y" equals the amount of the depreciation
18 deduction taken for the taxable year on the
19 taxpayer's federal income tax return on property
20 for which the bonus depreciation deduction was
21 taken in any year under subsection (k) of Section
22 168 of the Internal Revenue Code, but not including
23 the bonus depreciation deduction;

24 (2) for taxable years ending on or before
25 December 31, 2005, "x" equals "y" multiplied by 30
26 and then divided by 70 (or "y" multiplied by

1 0.429); and

2 (3) for taxable years ending after December
3 31, 2005:

4 (i) for property on which a bonus
5 depreciation deduction of 30% of the adjusted
6 basis was taken, "x" equals "y" multiplied by
7 30 and then divided by 70 (or "y" multiplied by
8 0.429); and

9 (ii) for property on which a bonus
10 depreciation deduction of 50% of the adjusted
11 basis was taken, "x" equals "y" multiplied by
12 1.0.

13 The aggregate amount deducted under this
14 subparagraph in all taxable years for any one piece of
15 property may not exceed the amount of the bonus
16 depreciation deduction taken on that property on the
17 taxpayer's federal income tax return under subsection
18 (k) of Section 168 of the Internal Revenue Code. This
19 subparagraph (R) is exempt from the provisions of
20 Section 250;

21 (S) If the taxpayer sells, transfers, abandons, or
22 otherwise disposes of property for which the taxpayer
23 was required in any taxable year to make an addition
24 modification under subparagraph (G-10), then an amount
25 equal to that addition modification.

26 If the taxpayer continues to own property through

1 the last day of the last tax year for which the
2 taxpayer may claim a depreciation deduction for
3 federal income tax purposes and for which the taxpayer
4 was required in any taxable year to make an addition
5 modification under subparagraph (G-10), then an amount
6 equal to that addition modification.

7 The taxpayer is allowed to take the deduction under
8 this subparagraph only once with respect to any one
9 piece of property.

10 This subparagraph (S) is exempt from the
11 provisions of Section 250;

12 (T) The amount of (i) any interest income (net of
13 the deductions allocable thereto) taken into account
14 for the taxable year with respect to a transaction with
15 a taxpayer that is required to make an addition
16 modification with respect to such transaction under
17 Section 203(a) (2) (D-17), 203(b) (2) (E-12),
18 203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed
19 the amount of such addition modification and (ii) any
20 income from intangible property (net of the deductions
21 allocable thereto) taken into account for the taxable
22 year with respect to a transaction with a taxpayer that
23 is required to make an addition modification with
24 respect to such transaction under Section
25 203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or
26 203(d) (2) (D-8), but not to exceed the amount of such

1 addition modification. This subparagraph (T) is exempt
2 from the provisions of Section 250;

3 (U) 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 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(c)(2)(G-12) for
20 interest paid, accrued, or incurred, directly or
21 indirectly, to the same person. This subparagraph (U)
22 is exempt from the provisions of Section 250; and

23 (V) An amount equal to the income from intangible
24 property taken into account for the taxable year (net
25 of the deductions allocable thereto) with respect to
26 transactions with (i) a foreign person who would be a

1 member of the taxpayer's unitary business group but for
2 the fact that the foreign person's business activity
3 outside the United States is 80% or more of that
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, but not to exceed the
12 addition modification required to be made for the same
13 taxable year under Section 203(c)(2)(G-13) for
14 intangible expenses and costs paid, accrued, or
15 incurred, directly or indirectly, to the same foreign
16 person. This subparagraph (V) is exempt from the
17 provisions of Section 250. ~~(W)~~

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 person who
21 is subject in a foreign country or state, other
22 than a state which requires mandatory unitary
23 reporting, to a tax on or measured by net income
24 with respect to such interest; or

25 (ii) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer can establish, based on a
2 preponderance of the evidence, both of the
3 following:

4 (a) the person, during the same taxable
5 year, paid, accrued, or incurred, the interest
6 to a person that is not a related member, and

7 (b) the transaction giving rise to the
8 interest expense between the taxpayer and the
9 person did not have as a principal purpose the
10 avoidance of Illinois income tax, and is paid
11 pursuant to a contract or agreement that
12 reflects an arm's-length interest rate and
13 terms; or

14 (iii) the taxpayer can establish, based on
15 clear and convincing evidence, that the interest
16 paid, accrued, or incurred relates to a contract or
17 agreement entered into at arm's-length rates and
18 terms and the principal purpose for the payment is
19 not federal or Illinois tax avoidance; or

20 (iv) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person if
22 the taxpayer establishes by clear and convincing
23 evidence that the adjustments are unreasonable; or
24 if the taxpayer and the Director agree in writing
25 to the application or use of an alternative method
26 of apportionment under Section 304(f).

1 Nothing in this subsection shall preclude the
2 Director from making any other adjustment
3 otherwise allowed under Section 404 of this Act for
4 any tax year beginning after the effective date of
5 this amendment provided such adjustment is made
6 pursuant to regulation adopted by the Department
7 and such regulations provide methods and standards
8 by which the Department will utilize its authority
9 under Section 404 of this Act; and

10 (D-8) An amount equal to the amount of intangible
11 expenses and costs otherwise allowed as a deduction in
12 computing base income, and that were paid, accrued, or
13 incurred, directly or indirectly, (i) for taxable
14 years ending on or after December 31, 2004, to a
15 foreign person who would be a member of the same
16 unitary business group but for the fact that the
17 foreign person's business activity outside the United
18 States is 80% or more of that person's total business
19 activity and (ii) for taxable years ending on or after
20 December 31, 2008, to a person who would be a member of
21 the same unitary business group but for the fact that
22 the person is prohibited under Section 1501(a)(27)
23 from being included in the unitary business group
24 because he or she is ordinarily required to apportion
25 business income under different subsections of Section
26 304. The addition modification required by this

1 subparagraph shall be reduced to the extent that
2 dividends were included in base income of the unitary
3 group for the same taxable year and received by the
4 taxpayer or by a member of the taxpayer's unitary
5 business group (including amounts included in gross
6 income pursuant to Sections 951 through 964 of the
7 Internal Revenue Code and amounts included in gross
8 income under Section 78 of the Internal Revenue Code)
9 with respect to the stock of the same person to whom
10 the intangible expenses and costs were directly or
11 indirectly paid, incurred or accrued. The preceding
12 sentence shall not apply to the extent that the same
13 dividends caused a reduction to the addition
14 modification required under Section 203(d)(2)(D-7) of
15 this Act. As used in this subparagraph, the term
16 "intangible expenses and costs" includes (1) expenses,
17 losses, and costs for, or related to, the direct or
18 indirect acquisition, use, maintenance or management,
19 ownership, sale, exchange, or any other disposition of
20 intangible property; (2) losses incurred, directly or
21 indirectly, from factoring transactions or discounting
22 transactions; (3) royalty, patent, technical, and
23 copyright fees; (4) licensing fees; and (5) other
24 similar expenses and costs. For purposes of this
25 subparagraph, "intangible property" includes patents,
26 patent applications, trade names, trademarks, service

1 marks, copyrights, mask works, trade secrets, and
2 similar types of intangible assets;

3 This paragraph shall not apply to the following:

4 (i) any item of intangible expenses or costs
5 paid, accrued, or incurred, directly or
6 indirectly, from a transaction with a person who is
7 subject in a foreign country or state, other than a
8 state which requires mandatory unitary reporting,
9 to a tax on or measured by net income with respect
10 to such item; or

11 (ii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, if the taxpayer can establish, based
14 on a preponderance of the evidence, both of the
15 following:

16 (a) the person during the same taxable
17 year paid, accrued, or incurred, the
18 intangible expense or cost to a person that is
19 not a related member, and

20 (b) the transaction giving rise to the
21 intangible expense or cost between the
22 taxpayer and the person did not have as a
23 principal purpose the avoidance of Illinois
24 income tax, and is paid pursuant to a contract
25 or agreement that reflects arm's-length terms;
26 or

1 (iii) any item of intangible expense or cost
2 paid, accrued, or incurred, directly or
3 indirectly, from a transaction with a person if the
4 taxpayer establishes by clear and convincing
5 evidence, that the adjustments are unreasonable;
6 or if the taxpayer and the Director agree in
7 writing to the application or use of an alternative
8 method of apportionment under Section 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-9) For taxable years ending on or after December
19 31, 2008, an amount equal to the amount of insurance
20 premium expenses and costs otherwise allowed as a
21 deduction in computing base income, and that were paid,
22 accrued, or incurred, directly or indirectly, to a
23 person who would be a member of the same unitary
24 business group but for the fact that the person is
25 prohibited under Section 1501(a)(27) from being
26 included in the unitary business group because he or

1 she is ordinarily required to apportion business
2 income under different subsections of Section 304. The
3 addition modification required by this subparagraph
4 shall be reduced to the extent that dividends were
5 included in base income of the unitary group for the
6 same taxable year and received by the taxpayer or by a
7 member of the taxpayer's unitary business group
8 (including amounts included in gross income under
9 Sections 951 through 964 of the Internal Revenue Code
10 and amounts included in gross income under Section 78
11 of the Internal Revenue Code) with respect to the stock
12 of the same person to whom the premiums and costs were
13 directly or indirectly paid, incurred, or accrued. The
14 preceding sentence does not apply to the extent that
15 the same dividends caused a reduction to the addition
16 modification required under Section 203(d)(2)(D-7) or
17 Section 203(d)(2)(D-8) of this Act.

18 and by deducting from the total so obtained the following
19 amounts:

20 (E) The valuation limitation amount;

21 (F) An amount equal to the amount of any tax
22 imposed by this Act which was refunded to the taxpayer
23 and included in such total for the taxable year;

24 (G) An amount equal to all amounts included in
25 taxable income as modified by subparagraphs (A), (B),
26 (C) and (D) which are exempt from taxation by this

1 State either by reason of its statutes or Constitution
2 or by reason of the Constitution, treaties or statutes
3 of the United States; provided that, in the case of any
4 statute of this State that exempts income derived from
5 bonds or other obligations from the tax imposed under
6 this Act, the amount exempted shall be the interest net
7 of bond premium amortization;

8 (H) Any income of the partnership which
9 constitutes personal service income as defined in
10 Section 1348 (b) (1) of the Internal Revenue Code (as
11 in effect December 31, 1981) or a reasonable allowance
12 for compensation paid or accrued for services rendered
13 by partners to the partnership, whichever is greater;

14 (I) An amount equal to all amounts of income
15 distributable to an entity subject to the Personal
16 Property Tax Replacement Income Tax imposed by
17 subsections (c) and (d) of Section 201 of this Act
18 including amounts distributable to organizations
19 exempt from federal income tax by reason of Section
20 501(a) of the Internal Revenue Code;

21 (J) With the exception of any amounts subtracted
22 under subparagraph (G), an amount equal to the sum of
23 all amounts disallowed as deductions by (i) Sections
24 171(a) (2), and 265(2) of the Internal Revenue Code of
25 1954, as now or hereafter amended, and all amounts of
26 expenses allocable to interest and disallowed as

1 deductions by Section 265(1) of the Internal Revenue
2 Code, as now or hereafter amended; and (ii) for taxable
3 years ending on or after August 13, 1999, Sections
4 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
5 Internal Revenue Code; the provisions of this
6 subparagraph are exempt from the provisions of Section
7 250;

8 (K) An amount equal to those dividends included in
9 such total which were paid by a corporation which
10 conducts business operations in an Enterprise Zone or
11 zones created under the Illinois Enterprise Zone Act,
12 enacted by the 82nd General Assembly, or a River Edge
13 Redevelopment Zone or zones created under the River
14 Edge Redevelopment Zone Act and conducts substantially
15 all of its operations in an Enterprise Zone or Zones or
16 from a River Edge Redevelopment Zone or zones. This
17 subparagraph (K) is exempt from the provisions of
18 Section 250;

19 (L) An amount equal to any contribution made to a
20 job training project established pursuant to the Real
21 Property Tax Increment Allocation Redevelopment Act;

22 (M) An amount equal to those dividends included in
23 such total that were paid by a corporation that
24 conducts business operations in a federally designated
25 Foreign Trade Zone or Sub-Zone and that is designated a
26 High Impact Business located in Illinois; provided

1 that dividends eligible for the deduction provided in
2 subparagraph (K) of paragraph (2) of this subsection
3 shall not be eligible for the deduction provided under
4 this subparagraph (M);

5 (N) An amount equal to the amount of the deduction
6 used to compute the federal income tax credit for
7 restoration of substantial amounts held under claim of
8 right for the taxable year pursuant to Section 1341 of
9 the Internal Revenue Code of 1986;

10 (O) For taxable years 2001 and thereafter, for the
11 taxable year in which the bonus depreciation deduction
12 is taken on the taxpayer's federal income tax return
13 under subsection (k) of Section 168 of the Internal
14 Revenue Code and for each applicable taxable year
15 thereafter, an amount equal to "x", where:

16 (1) "y" equals the amount of the depreciation
17 deduction taken for the taxable year on the
18 taxpayer's federal income tax return on property
19 for which the bonus depreciation deduction was
20 taken in any year under subsection (k) of Section
21 168 of the Internal Revenue Code, but not including
22 the bonus depreciation deduction;

23 (2) for taxable years ending on or before
24 December 31, 2005, "x" equals "y" multiplied by 30
25 and then divided by 70 (or "y" multiplied by
26 0.429); and

1 (3) for taxable years ending after December
2 31, 2005:

3 (i) for property on which a bonus
4 depreciation deduction of 30% of the adjusted
5 basis was taken, "x" equals "y" multiplied by
6 30 and then divided by 70 (or "y" multiplied by
7 0.429); and

8 (ii) for property on which a bonus
9 depreciation deduction of 50% of the adjusted
10 basis was taken, "x" equals "y" multiplied by
11 1.0.

12 The aggregate amount deducted under this
13 subparagraph in all taxable years for any one piece of
14 property may not exceed the amount of the bonus
15 depreciation deduction taken on that property on the
16 taxpayer's federal income tax return under subsection
17 (k) of Section 168 of the Internal Revenue Code. This
18 subparagraph (O) is exempt from the provisions of
19 Section 250;

20 (P) If the taxpayer sells, transfers, abandons, or
21 otherwise disposes of property for which the taxpayer
22 was required in any taxable year to make an addition
23 modification under subparagraph (D-5), then an amount
24 equal to that addition modification.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which the

1 taxpayer may claim a depreciation deduction for
2 federal income tax purposes and for which the taxpayer
3 was required in any taxable year to make an addition
4 modification under subparagraph (D-5), then an amount
5 equal to that addition modification.

6 The taxpayer is allowed to take the deduction under
7 this subparagraph only once with respect to any one
8 piece of property.

9 This subparagraph (P) is exempt from the
10 provisions of Section 250;

11 (Q) The amount of (i) any interest income (net of
12 the deductions allocable thereto) taken into account
13 for the taxable year with respect to a transaction with
14 a taxpayer that is required to make an addition
15 modification with respect to such transaction under
16 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
17 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
18 the amount of such addition modification and (ii) any
19 income from intangible property (net of the deductions
20 allocable thereto) taken into account for the taxable
21 year with respect to a transaction with a taxpayer that
22 is required to make an addition modification with
23 respect to such transaction under Section
24 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
25 203(d)(2)(D-8), but not to exceed the amount of such
26 addition modification. This subparagraph (Q) is exempt

1 from Section 250;

2 (R) An amount equal to the interest income taken
3 into account for the taxable year (net of the
4 deductions allocable thereto) with respect to
5 transactions with (i) a foreign person who would be a
6 member of the taxpayer's unitary business group but for
7 the fact that the foreign person's business activity
8 outside the United States is 80% or more of that
9 person's total business activity and (ii) for taxable
10 years ending on or after December 31, 2008, to a person
11 who would be a member of the same unitary business
12 group but for the fact that the person is prohibited
13 under Section 1501(a)(27) from being included in the
14 unitary business group because he or she is ordinarily
15 required to apportion business income under different
16 subsections of Section 304, but not to exceed the
17 addition modification required to be made for the same
18 taxable year under Section 203(d)(2)(D-7) for interest
19 paid, accrued, or incurred, directly or indirectly, to
20 the same person. This subparagraph (R) is exempt from
21 Section 250; and

22 (S) 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(d)(2)(D-8) for
13 intangible expenses and costs paid, accrued, or
14 incurred, directly or indirectly, to the same person.
15 This subparagraph (S) is exempt from Section 250. ~~(T)~~

16 (e) Gross income; adjusted gross income; taxable income.

17 (1) In general. Subject to the provisions of paragraph
18 (2) and subsection (b) (3), for purposes of this Section
19 and Section 803(e), a taxpayer's gross income, adjusted
20 gross income, or taxable income for the taxable year shall
21 mean the amount of gross income, adjusted gross income or
22 taxable income properly reportable for federal income tax
23 purposes for the taxable year under the provisions of the
24 Internal Revenue Code. Taxable income may be less than
25 zero. However, for taxable years ending on or after

1 December 31, 1986, net operating loss carryforwards from
2 taxable years ending prior to December 31, 1986, may not
3 exceed the sum of federal taxable income for the taxable
4 year before net operating loss deduction, plus the excess
5 of addition modifications over subtraction modifications
6 for the taxable year. For taxable years ending prior to
7 December 31, 1986, taxable income may never be an amount in
8 excess of the net operating loss for the taxable year as
9 defined in subsections (c) and (d) of Section 172 of the
10 Internal Revenue Code, provided that when taxable income of
11 a corporation (other than a Subchapter S corporation),
12 trust, or estate is less than zero and addition
13 modifications, other than those provided by subparagraph
14 (E) of paragraph (2) of subsection (b) for corporations or
15 subparagraph (E) of paragraph (2) of subsection (c) for
16 trusts and estates, exceed subtraction modifications, an
17 addition modification must be made under those
18 subparagraphs for any other taxable year to which the
19 taxable income less than zero (net operating loss) is
20 applied under Section 172 of the Internal Revenue Code or
21 under subparagraph (E) of paragraph (2) of this subsection
22 (e) applied in conjunction with Section 172 of the Internal
23 Revenue Code.

24 (2) Special rule. For purposes of paragraph (1) of this
25 subsection, the taxable income properly reportable for
26 federal income tax purposes shall mean:

1 (A) Certain life insurance companies. In the case
2 of a life insurance company subject to the tax imposed
3 by Section 801 of the Internal Revenue Code, life
4 insurance company taxable income, plus the amount of
5 distribution from pre-1984 policyholder surplus
6 accounts as calculated under Section 815a of the
7 Internal Revenue Code;

8 (B) Certain other insurance companies. In the case
9 of mutual insurance companies subject to the tax
10 imposed by Section 831 of the Internal Revenue Code,
11 insurance company taxable income;

12 (C) Regulated investment companies. In the case of
13 a regulated investment company subject to the tax
14 imposed by Section 852 of the Internal Revenue Code,
15 investment company taxable income;

16 (D) Real estate investment trusts. In the case of a
17 real estate investment trust subject to the tax imposed
18 by Section 857 of the Internal Revenue Code, real
19 estate investment trust taxable income;

20 (E) Consolidated corporations. In the case of a
21 corporation which is a member of an affiliated group of
22 corporations filing a consolidated income tax return
23 for the taxable year for federal income tax purposes,
24 taxable income determined as if such corporation had
25 filed a separate return for federal income tax purposes
26 for the taxable year and each preceding taxable year

1 for which it was a member of an affiliated group. For
2 purposes of this subparagraph, the taxpayer's separate
3 taxable income shall be determined as if the election
4 provided by Section 243(b) (2) of the Internal Revenue
5 Code had been in effect for all such years;

6 (F) Cooperatives. In the case of a cooperative
7 corporation or association, the taxable income of such
8 organization determined in accordance with the
9 provisions of Section 1381 through 1388 of the Internal
10 Revenue Code;

11 (G) Subchapter S corporations. In the case of: (i)
12 a Subchapter S corporation for which there is in effect
13 an election for the taxable year under Section 1362 of
14 the Internal Revenue Code, the taxable income of such
15 corporation determined in accordance with Section
16 1363(b) of the Internal Revenue Code, except that
17 taxable income shall take into account those items
18 which are required by Section 1363(b)(1) of the
19 Internal Revenue Code to be separately stated; and (ii)
20 a Subchapter S corporation for which there is in effect
21 a federal election to opt out of the provisions of the
22 Subchapter S Revision Act of 1982 and have applied
23 instead the prior federal Subchapter S rules as in
24 effect on July 1, 1982, the taxable income of such
25 corporation determined in accordance with the federal
26 Subchapter S rules as in effect on July 1, 1982; and

1 (H) Partnerships. In the case of a partnership,
2 taxable income determined in accordance with Section
3 703 of the Internal Revenue Code, except that taxable
4 income shall take into account those items which are
5 required by Section 703(a)(1) to be separately stated
6 but which would be taken into account by an individual
7 in calculating his taxable income.

8 (3) Recapture of business expenses on disposition of
9 asset or business. Notwithstanding any other law to the
10 contrary, if in prior years income from an asset or
11 business has been classified as business income and in a
12 later year is demonstrated to be non-business income, then
13 all expenses, without limitation, deducted in such later
14 year and in the 2 immediately preceding taxable years
15 related to that asset or business that generated the
16 non-business income shall be added back and recaptured as
17 business income in the year of the disposition of the asset
18 or business. Such amount shall be apportioned to Illinois
19 using the greater of the apportionment fraction computed
20 for the business under Section 304 of this Act for the
21 taxable year or the average of the apportionment fractions
22 computed for the business under Section 304 of this Act for
23 the taxable year and for the 2 immediately preceding
24 taxable years.

25 (f) Valuation limitation amount.

1 (1) In general. The valuation limitation amount
2 referred to in subsections (a) (2) (G), (c) (2) (I) and
3 (d) (2) (E) is an amount equal to:

4 (A) The sum of the pre-August 1, 1969 appreciation
5 amounts (to the extent consisting of gain reportable
6 under the provisions of Section 1245 or 1250 of the
7 Internal Revenue Code) for all property in respect of
8 which such gain was reported for the taxable year; plus

9 (B) The lesser of (i) the sum of the pre-August 1,
10 1969 appreciation amounts (to the extent consisting of
11 capital gain) for all property in respect of which such
12 gain was reported for federal income tax purposes for
13 the taxable year, or (ii) the net capital gain for the
14 taxable year, reduced in either case by any amount of
15 such gain included in the amount determined under
16 subsection (a) (2) (F) or (c) (2) (H).

17 (2) Pre-August 1, 1969 appreciation amount.

18 (A) If the fair market value of property referred
19 to in paragraph (1) was readily ascertainable on August
20 1, 1969, the pre-August 1, 1969 appreciation amount for
21 such property is the lesser of (i) the excess of such
22 fair market value over the taxpayer's basis (for
23 determining gain) for such property on that date
24 (determined under the Internal Revenue Code as in
25 effect on that date), or (ii) the total gain realized
26 and reportable for federal income tax purposes in

1 respect of the sale, exchange or other disposition of
2 such property.

3 (B) If the fair market value of property referred
4 to in paragraph (1) was not readily ascertainable on
5 August 1, 1969, the pre-August 1, 1969 appreciation
6 amount for such property is that amount which bears the
7 same ratio to the total gain reported in respect of the
8 property for federal income tax purposes for the
9 taxable year, as the number of full calendar months in
10 that part of the taxpayer's holding period for the
11 property ending July 31, 1969 bears to the number of
12 full calendar months in the taxpayer's entire holding
13 period for the property.

14 (C) The Department shall prescribe such
15 regulations as may be necessary to carry out the
16 purposes of this paragraph.

17 (g) Double deductions. Unless specifically provided
18 otherwise, nothing in this Section shall permit the same item
19 to be deducted more than once.

20 (h) Legislative intention. Except as expressly provided by
21 this Section there shall be no modifications or limitations on
22 the amounts of income, gain, loss or deduction taken into
23 account in determining gross income, adjusted gross income or
24 taxable income for federal income tax purposes for the taxable

1 year, or in the amount of such items entering into the
2 computation of base income and net income under this Act for
3 such taxable year, whether in respect of property values as of
4 August 1, 1969 or otherwise.

5 (Source: P.A. 94-776, eff. 5-19-06; 94-789, eff. 5-19-06;
6 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; 95-23, eff.
7 8-3-07; 95-233, eff. 8-16-07; 95-286, eff. 8-20-07; 95-331,
8 eff. 8-21-07; 95-707, eff. 1-11-08; 95-876, eff. 8-21-08;
9 revised 10-15-08.)

10 (35 ILCS 5/507PP)

11 Sec. 507PP. The lung cancer research checkoff. For taxable
12 years ending on or after December 31, 2007, the Department
13 shall print, on its standard individual income tax form, a
14 provision indicating that, if the taxpayer wishes to contribute
15 to the Lung Cancer Research Fund, as authorized by this
16 amendatory Act of the 95th General Assembly, then he or she may
17 do so by stating the amount of the contribution (not less than
18 \$1) on the return and indicating that the contribution will
19 reduce the taxpayer's refund or increase the amount of payment
20 to accompany the return. The taxpayer's failure to remit any
21 amount of the increased payment reduces the contribution
22 accordingly. This Section does not apply to any amended return.
23 (Source: P.A. 95-434, eff. 8-27-07; 95-876, eff. 8-21-08.)

24 (35 ILCS 5/507RR)

1 Sec. 507RR ~~507PP~~. The Healthy Smiles Fund checkoff. For
2 taxable years ending on or after December 31, 2008, the
3 Department must print on its standard individual income tax
4 form a provision indicating that if the taxpayer wishes to
5 contribute to the Healthy Smiles Fund, as authorized by this
6 amendatory Act of the 95th General Assembly, he or she may do
7 so by stating the amount of the contribution (not less than \$1)
8 on the return and that the contribution will reduce the
9 taxpayer's refund or increase the amount of payment to
10 accompany the return. Failure to remit any amount of increased
11 payment shall reduce the contribution accordingly. This
12 Section does not apply to any amended return.

13 (Source: P.A. 95-940, eff. 8-29-08; revised 9-25-08.)

14 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

15 Sec. 509. Tax checkoff explanations. All individual income
16 tax return forms shall contain appropriate explanations and
17 spaces to enable the taxpayers to designate contributions to
18 the funds to which contributions may be made under this Article
19 5. ~~the Healthy Smiles Fund,~~

20 Each form shall contain a statement that the contributions
21 will reduce the taxpayer's refund or increase the amount of
22 payment to accompany the return. Failure to remit any amount of
23 increased payment shall reduce the contribution accordingly.

24 If, on October 1 of any year, the total contributions to
25 any one of the funds made under this Article 5 do not equal

1 \$100,000 or more, the explanations and spaces for designating
2 contributions to the fund shall be removed from the individual
3 income tax return forms for the following and all subsequent
4 years and all subsequent contributions to the fund shall be
5 refunded to the taxpayer.

6 (Source: P.A. 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141,
7 eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602,
8 eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06;
9 95-331, eff. 8-21-07; 95-434, eff. 8-27-07; 95-435, eff.
10 8-27-07; 95-940, eff. 8-29-08; revised 9-25-08.)

11 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

12 Sec. 510. Determination of amounts contributed. The
13 Department shall determine the total amount contributed to each
14 of the funds under this Article 5 ~~the Healthy Smiles Fund,~~ and
15 shall notify the State Comptroller and the State Treasurer of
16 the amounts to be transferred from the General Revenue Fund to
17 each fund, and upon receipt of such notification the State
18 Treasurer and Comptroller shall transfer the amounts.

19 (Source: P.A. 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141,
20 eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602,
21 eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06;
22 95-331, eff. 8-21-07; 95-434, eff. 8-27-07; 95-435, eff.
23 8-27-07; 95-940, eff. 8-29-08; revised 9-25-08.)

24 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

1 Sec. 901. Collection Authority.

2 (a) In general.

3 The Department shall collect the taxes imposed by this Act.
4 The Department shall collect certified past due child support
5 amounts under Section 2505-650 of the Department of Revenue Law
6 (20 ILCS 2505/2505-650). Except as provided in subsections (c)
7 and (e) of this Section, money collected pursuant to
8 subsections (a) and (b) of Section 201 of this Act shall be
9 paid into the General Revenue Fund in the State treasury; money
10 collected pursuant to subsections (c) and (d) of Section 201 of
11 this Act shall be paid into the Personal Property Tax
12 Replacement Fund, a special fund in the State Treasury; and
13 money collected under Section 2505-650 of the Department of
14 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the
15 Child Support Enforcement Trust Fund, a special fund outside
16 the State Treasury, or to the State Disbursement Unit
17 established under Section 10-26 of the Illinois Public Aid
18 Code, as directed by the Department of Healthcare and Family
19 Services.

20 (b) Local Government ~~Governmental~~ Distributive Fund.

21 Beginning August 1, 1969, and continuing through June 30,
22 1994, the Treasurer shall transfer each month from the General
23 Revenue Fund to a special fund in the State treasury, to be
24 known as the "Local Government Distributive Fund", an amount
25 equal to 1/12 of the net revenue realized from the tax imposed
26 by subsections (a) and (b) of Section 201 of this Act during

1 the preceding month. Beginning July 1, 1994, and continuing
2 through June 30, 1995, the Treasurer shall transfer each month
3 from the General Revenue Fund to the Local Government
4 Distributive Fund an amount equal to 1/11 of the net revenue
5 realized from the tax imposed by subsections (a) and (b) of
6 Section 201 of this Act during the preceding month. Beginning
7 July 1, 1995, the Treasurer shall transfer each month from the
8 General Revenue Fund to the Local Government Distributive Fund
9 an amount equal to the net of (i) 1/10 of the net revenue
10 realized from the tax imposed by subsections (a) and (b) of
11 Section 201 of the Illinois Income Tax Act during the preceding
12 month (ii) minus, beginning July 1, 2003 and ending June 30,
13 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue
14 realized for a month shall be defined as the revenue from the
15 tax imposed by subsections (a) and (b) of Section 201 of this
16 Act which is deposited in the General Revenue Fund, the
17 Educational Assistance Fund and the Income Tax Surcharge Local
18 Government Distributive Fund during the month minus the amount
19 paid out of the General Revenue Fund in State warrants during
20 that same month as refunds to taxpayers for overpayment of
21 liability under the tax imposed by subsections (a) and (b) of
22 Section 201 of this Act.

23 (c) Deposits Into Income Tax Refund Fund.

24 (1) Beginning on January 1, 1989 and thereafter, the
25 Department shall deposit a percentage of the amounts
26 collected pursuant to subsections (a) and (b)(1), (2), and

1 (3), of Section 201 of this Act into a fund in the State
2 treasury known as the Income Tax Refund Fund. The
3 Department shall deposit 6% of such amounts during the
4 period beginning January 1, 1989 and ending on June 30,
5 1989. Beginning with State fiscal year 1990 and for each
6 fiscal year thereafter, the percentage deposited into the
7 Income Tax Refund Fund during a fiscal year shall be the
8 Annual Percentage. For fiscal years 1999 through 2001, the
9 Annual Percentage shall be 7.1%. For fiscal year 2003, the
10 Annual Percentage shall be 8%. For fiscal year 2004, the
11 Annual Percentage shall be 11.7%. Upon the effective date
12 of this amendatory Act of the 93rd General Assembly, the
13 Annual Percentage shall be 10% for fiscal year 2005. For
14 fiscal year 2006, the Annual Percentage shall be 9.75%. For
15 fiscal year 2007, the Annual Percentage shall be 9.75%. For
16 fiscal year 2008, the Annual Percentage shall be 7.75%. For
17 fiscal year 2009, the Annual Percentage shall be 9.75%. For
18 all other fiscal years, the Annual Percentage shall be
19 calculated as a fraction, the numerator of which shall be
20 the amount of refunds approved for payment by the
21 Department during the preceding fiscal year as a result of
22 overpayment of tax liability under subsections (a) and
23 (b) (1), (2), and (3) of Section 201 of this Act plus the
24 amount of such refunds remaining approved but unpaid at the
25 end of the preceding fiscal year, minus the amounts
26 transferred into the Income Tax Refund Fund from the

1 Tobacco Settlement Recovery Fund, and the denominator of
2 which shall be the amounts which will be collected pursuant
3 to subsections (a) and (b) (1), (2), and (3) of Section 201
4 of this Act during the preceding fiscal year; except that
5 in State fiscal year 2002, the Annual Percentage shall in
6 no event exceed 7.6%. The Director of Revenue shall certify
7 the Annual Percentage to the Comptroller on the last
8 business day of the fiscal year immediately preceding the
9 fiscal year for which it is to be effective.

10 (2) Beginning on January 1, 1989 and thereafter, the
11 Department shall deposit a percentage of the amounts
12 collected pursuant to subsections (a) and (b) (6), (7), and
13 (8), (c) and (d) of Section 201 of this Act into a fund in
14 the State treasury known as the Income Tax Refund Fund. The
15 Department shall deposit 18% of such amounts during the
16 period beginning January 1, 1989 and ending on June 30,
17 1989. Beginning with State fiscal year 1990 and for each
18 fiscal year thereafter, the percentage deposited into the
19 Income Tax Refund Fund during a fiscal year shall be the
20 Annual Percentage. For fiscal years 1999, 2000, and 2001,
21 the Annual Percentage shall be 19%. For fiscal year 2003,
22 the Annual Percentage shall be 27%. For fiscal year 2004,
23 the Annual Percentage shall be 32%. Upon the effective date
24 of this amendatory Act of the 93rd General Assembly, the
25 Annual Percentage shall be 24% for fiscal year 2005. For
26 fiscal year 2006, the Annual Percentage shall be 20%. For

1 fiscal year 2007, the Annual Percentage shall be 17.5%. For
2 fiscal year 2008, the Annual Percentage shall be 15.5%. For
3 fiscal year 2009, the Annual Percentage shall be 17.5%. For
4 all other fiscal years, the Annual Percentage shall be
5 calculated as a fraction, the numerator of which shall be
6 the amount of refunds approved for payment by the
7 Department during the preceding fiscal year as a result of
8 overpayment of tax liability under subsections (a) and
9 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
10 Act plus the amount of such refunds remaining approved but
11 unpaid at the end of the preceding fiscal year, and the
12 denominator of which shall be the amounts which will be
13 collected pursuant to subsections (a) and (b) (6), (7), and
14 (8), (c) and (d) of Section 201 of this Act during the
15 preceding fiscal year; except that in State fiscal year
16 2002, the Annual Percentage shall in no event exceed 23%.
17 The Director of Revenue shall certify the Annual Percentage
18 to the Comptroller on the last business day of the fiscal
19 year immediately preceding the fiscal year for which it is
20 to be effective.

21 (3) The Comptroller shall order transferred and the
22 Treasurer shall transfer from the Tobacco Settlement
23 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
24 in January, 2001, (ii) \$35,000,000 in January, 2002, and
25 (iii) \$35,000,000 in January, 2003.

26 (d) Expenditures from Income Tax Refund Fund.

1 (1) Beginning January 1, 1989, money in the Income Tax
2 Refund Fund shall be expended exclusively for the purpose
3 of paying refunds resulting from overpayment of tax
4 liability under Section 201 of this Act, for paying rebates
5 under Section 208.1 in the event that the amounts in the
6 Homeowners' Tax Relief Fund are insufficient for that
7 purpose, and for making transfers pursuant to this
8 subsection (d).

9 (2) The Director shall order payment of refunds
10 resulting from overpayment of tax liability under Section
11 201 of this Act from the Income Tax Refund Fund only to the
12 extent that amounts collected pursuant to Section 201 of
13 this Act and transfers pursuant to this subsection (d) and
14 item (3) of subsection (c) have been deposited and retained
15 in the Fund.

16 (3) As soon as possible after the end of each fiscal
17 year, the Director shall order transferred and the State
18 Treasurer and State Comptroller shall transfer from the
19 Income Tax Refund Fund to the Personal Property Tax
20 Replacement Fund an amount, certified by the Director to
21 the Comptroller, equal to the excess of the amount
22 collected pursuant to subsections (c) and (d) of Section
23 201 of this Act deposited into the Income Tax Refund Fund
24 during the fiscal year over the amount of refunds resulting
25 from overpayment of tax liability under subsections (c) and
26 (d) of Section 201 of this Act paid from the Income Tax

1 Refund Fund during the fiscal year.

2 (4) As soon as possible after the end of each fiscal
3 year, the Director shall order transferred and the State
4 Treasurer and State Comptroller shall transfer from the
5 Personal Property Tax Replacement Fund to the Income Tax
6 Refund Fund an amount, certified by the Director to the
7 Comptroller, equal to the excess of the amount of refunds
8 resulting from overpayment of tax liability under
9 subsections (c) and (d) of Section 201 of this Act paid
10 from the Income Tax Refund Fund during the fiscal year over
11 the amount collected pursuant to subsections (c) and (d) of
12 Section 201 of this Act deposited into the Income Tax
13 Refund Fund during the fiscal year.

14 (4.5) As soon as possible after the end of fiscal year
15 1999 and of each fiscal year thereafter, the Director shall
16 order transferred and the State Treasurer and State
17 Comptroller shall transfer from the Income Tax Refund Fund
18 to the General Revenue Fund any surplus remaining in the
19 Income Tax Refund Fund as of the end of such fiscal year;
20 excluding for fiscal years 2000, 2001, and 2002 amounts
21 attributable to transfers under item (3) of subsection (c)
22 less refunds resulting from the earned income tax credit.

23 (5) This Act shall constitute an irrevocable and
24 continuing appropriation from the Income Tax Refund Fund
25 for the purpose of paying refunds upon the order of the
26 Director in accordance with the provisions of this Section.

1 (e) Deposits into the Education Assistance Fund and the
2 Income Tax Surcharge Local Government Distributive Fund.

3 On July 1, 1991, and thereafter, of the amounts collected
4 pursuant to subsections (a) and (b) of Section 201 of this Act,
5 minus deposits into the Income Tax Refund Fund, the Department
6 shall deposit 7.3% into the Education Assistance Fund in the
7 State Treasury. Beginning July 1, 1991, and continuing through
8 January 31, 1993, of the amounts collected pursuant to
9 subsections (a) and (b) of Section 201 of the Illinois Income
10 Tax Act, minus deposits into the Income Tax Refund Fund, the
11 Department shall deposit 3.0% into the Income Tax Surcharge
12 Local Government Distributive Fund in the State Treasury.
13 Beginning February 1, 1993 and continuing through June 30,
14 1993, of the amounts collected pursuant to subsections (a) and
15 (b) of Section 201 of the Illinois Income Tax Act, minus
16 deposits into the Income Tax Refund Fund, the Department shall
17 deposit 4.4% into the Income Tax Surcharge Local Government
18 Distributive Fund in the State Treasury. Beginning July 1,
19 1993, and continuing through June 30, 1994, of the amounts
20 collected under subsections (a) and (b) of Section 201 of this
21 Act, minus deposits into the Income Tax Refund Fund, the
22 Department shall deposit 1.475% into the Income Tax Surcharge
23 Local Government Distributive Fund in the State Treasury.

24 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
25 eff. 1-11-08; 95-744, eff. 7-18-08; revised 10-23-08.)

1 Section 75. The Retailers' Occupation Tax Act is amended by
2 changing Section 2-45 as follows:

3 (35 ILCS 120/2-45) (from Ch. 120, par. 441-45)

4 Sec. 2-45. Manufacturing and assembly exemption. The
5 manufacturing and assembly machinery and equipment exemption
6 includes machinery and equipment that replaces machinery and
7 equipment in an existing manufacturing facility as well as
8 machinery and equipment that are for use in an expanded or new
9 manufacturing facility.

10 The machinery and equipment exemption also includes
11 machinery and equipment used in the general maintenance or
12 repair of exempt machinery and equipment or for in-house
13 manufacture of exempt machinery and equipment. For the purposes
14 of this exemption, terms have the following meanings:

15 (1) "Manufacturing process" means the production of an
16 article of tangible personal property, whether the article
17 is a finished product or an article for use in the process
18 of manufacturing or assembling a different article of
19 tangible personal property, by a procedure commonly
20 regarded as manufacturing, processing, fabricating, or
21 refining that changes some existing material or materials
22 into a material with a different form, use, or name. In
23 relation to a recognized integrated business composed of a
24 series of operations that collectively constitute
25 manufacturing, or individually constitute manufacturing

1 operations, the manufacturing process commences with the
2 first operation or stage of production in the series and
3 does not end until the completion of the final product in
4 the last operation or stage of production in the series.
5 For purposes of this exemption, photoprocessing is a
6 manufacturing process of tangible personal property for
7 wholesale or retail sale.

8 (2) "Assembling process" means the production of an
9 article of tangible personal property, whether the article
10 is a finished product or an article for use in the process
11 of manufacturing or assembling a different article of
12 tangible personal property, by the combination of existing
13 materials in a manner commonly regarded as assembling that
14 results in a material of a different form, use, or name.

15 (3) "Machinery" means major mechanical machines or
16 major components of those machines contributing to a
17 manufacturing or assembling process.

18 (4) "Equipment" includes an independent device or tool
19 separate from machinery but essential to an integrated
20 manufacturing or assembly process; including computers
21 used primarily in a manufacturer's computer assisted
22 design, computer assisted manufacturing (CAD/CAM) system;
23 any subunit or assembly comprising a component of any
24 machinery or auxiliary, adjunct, or attachment parts of
25 machinery, such as tools, dies, jigs, fixtures, patterns,
26 and molds; and any parts that require periodic replacement

1 in the course of normal operation; but does not include
2 hand tools. Equipment includes chemicals or chemicals
3 acting as catalysts but only if the chemicals or chemicals
4 acting as catalysts effect a direct and immediate change
5 upon a product being manufactured or assembled for
6 wholesale or retail sale or lease.

7 (5) "Production related tangible personal property"
8 means all tangible personal property that is used or
9 consumed by the purchaser in a manufacturing facility in
10 which a manufacturing process takes place and includes,
11 without limitation, tangible personal property that is
12 purchased for incorporation into real estate within a
13 manufacturing facility and tangible personal property that
14 is used or consumed in activities such as research and
15 development, preproduction material handling, receiving,
16 quality control, inventory control, storage, staging, and
17 packaging for shipping and transportation purposes.
18 "Production related tangible personal property" does not
19 include (i) tangible personal property that is used, within
20 or without a manufacturing facility, in sales, purchasing,
21 accounting, fiscal management, marketing, personnel
22 recruitment or selection, or landscaping or (ii) tangible
23 personal property that is required to be titled or
24 registered with a department, agency, or unit of federal,
25 State, or local government.

26 The manufacturing and assembling machinery and equipment

1 exemption includes production related tangible personal
2 property that is purchased on or after July 1, 2007 and on or
3 before June 30, 2008. The exemption for production related
4 tangible personal property is subject to both of the following
5 limitations:

6 (1) The maximum amount of the exemption for any one
7 taxpayer may not exceed 5% of the purchase price of
8 production related tangible personal property that is
9 purchased on or after July 1, 2007 and on or before June
10 30, 2008. A credit under Section 3-85 of this Act may not
11 be earned by the purchase of production related tangible
12 personal property for which an exemption is received under
13 this Section.

14 (2) The maximum aggregate amount of the exemptions for
15 production related tangible personal property awarded
16 under this Act and the Use Retailers' Occupation Tax Act to
17 all taxpayers may not exceed \$10,000,000. If the claims for
18 the exemption exceed \$10,000,000, then the Department
19 shall reduce the amount of the exemption to each taxpayer
20 on a pro rata basis.

21 The Department may adopt rules to implement and administer the
22 exemption for production related tangible personal property.

23 The manufacturing and assembling machinery and equipment
24 exemption includes the sale of materials to a purchaser who
25 produces exempted types of machinery, equipment, or tools and
26 who rents or leases that machinery, equipment, or tools to a

1 manufacturer of tangible personal property. This exemption
2 also includes the sale of materials to a purchaser who
3 manufactures those materials into an exempted type of
4 machinery, equipment, or tools that the purchaser uses himself
5 or herself in the manufacturing of tangible personal property.
6 The purchaser of the machinery and equipment who has an active
7 resale registration number shall furnish that number to the
8 seller at the time of purchase. A purchaser of the machinery,
9 equipment, and tools without an active resale registration
10 number shall furnish to the seller a certificate of exemption
11 for each transaction stating facts establishing the exemption
12 for that transaction, and that certificate shall be available
13 to the Department for inspection or audit. Informal rulings,
14 opinions, or letters issued by the Department in response to an
15 inquiry or request for an opinion from any person regarding the
16 coverage and applicability of this exemption to specific
17 devices shall be published, maintained as a public record, and
18 made available for public inspection and copying. If the
19 informal ruling, opinion, or letter contains trade secrets or
20 other confidential information, where possible, the Department
21 shall delete that information before publication. Whenever
22 informal rulings, opinions, or letters contain a policy of
23 general applicability, the Department shall formulate and
24 adopt that policy as a rule in accordance with the Illinois
25 Administrative Procedure Act.

26 (Source: P.A. 95-707, eff. 1-11-08; revised 10-23-08.)

1 Section 80. The Illinois Pension Code is amended by
2 changing the heading of Division 8 of Article 22 as follows:

3 (40 ILCS 5/Art. 22 Div. 8 heading)

4 DIVISION 8. COMMISSION ON GOVERNMENT

5 FORECASTING AND ACCOUNTABILITY

6 ~~PENSION LAWS COMMISSION~~

7 Section 85. The Contractor Unified License and Permit Bond
8 Act is amended by changing Section 20 as follows:

9 (50 ILCS 830/20)

10 Sec. 20. Unified license and permit bond.

11 (a) A contractor seeking to do work or doing work in a
12 county or municipality may obtain a unified license and permit
13 bond. This unified license and permit bond may be used by the
14 contractor, at the contractor's discretion, instead of any
15 other license or permit bond, or both, required of a contractor
16 by the county or a municipality within that county. The bond
17 shall be in the amount of at least \$50,000 for counties
18 included within the provisions of the Northeastern Illinois
19 Planning Act (now repealed) and in the amount of at least
20 \$25,000 for all other counties.

21 (b) The unified license and permit bond shall be held for
22 compliance with the ordinances and regulations governing

1 contractors in the county or any municipality within that
2 county where the contractor seeks to do work or is doing work.
3 The unified bond required by this Act shall be filed by the
4 contractor with the county clerk. At the time of filing, the
5 county clerk may charge a reasonable administration fee,
6 determined by the county board or board of county
7 commissioners.

8 (c) If a contractor elects to use a unified license and
9 permit bond under this Act and the territory of a municipality
10 where a contractor seeks to do or is doing work is included
11 within more than one county, then the contractor shall obtain a
12 unified license and permit bond from each county and shall file
13 a unified bond with each of the respective county clerks
14 whether or not the contractor seeks to do or is doing work in
15 that part of the municipality included in only one of the
16 counties.

17 In addition, the contractor shall file a certified copy of
18 the unified bond with the clerk in the municipality within that
19 county where the contractor seeks to do work or is doing work.
20 At the time of the filing, the clerk may charge a reasonable
21 administration fee, determined by the corporate authorities of
22 the municipality.

23 (Source: P.A. 90-712, eff. 8-7-98; revised 1-22-08.)

24 Section 90. The Counties Code is amended by changing
25 Sections 3-6038, 4-4001, 5-1069.3, and 5-1101, by setting forth

1 and renumbering multiple versions of Section 5-1129, by adding
2 Division headings 4-8, 5-42, and 6-34, and by renumbering
3 Sections 5-29 and 42000 as follows:

4 (55 ILCS 5/3-6038)

5 Sec. 3-6038. County impact incarceration program.

6 (a) With the approval of the county board, the sheriff in
7 any county with 3,000,000 or fewer inhabitants may operate an
8 impact incarceration program for persons who would otherwise be
9 sentenced to serve a term of imprisonment. In order to be
10 eligible to participate in the impact incarceration program, a
11 person convicted of a felony or a misdemeanor must meet the
12 requirements set forth in subsection (b) of Section 5-8-1.1 of
13 the Unified Code of Corrections.

14 (b) The impact incarceration program shall include, among
15 other matters, mandatory physical training and labor, military
16 formation and drills, regimented activities, uniformity of
17 dress and appearance, and drug or other counseling where
18 appropriate.

19 (c) Participation in the impact incarceration program by a
20 committed person serving a sentence for a misdemeanor shall be
21 for a period of at least 7 days for each 30 days of his or her
22 term of imprisonment as set forth by the court in its
23 sentencing order. If the sentence of imprisonment is less than
24 30 days, participation in the impact incarceration program
25 shall be for a period as determined by the court.

1 Participation in the impact incarceration program by a
2 committed person serving a sentence for a felony, including a
3 person transferred from the Illinois Department of Corrections
4 under subsection (f), shall be for a period of 120 to 180 days.

5 The period of time a committed person shall serve in the
6 impact incarceration program shall not be reduced by the
7 accumulation of good time.

8 (d) The committed person shall serve a term of mandatory
9 supervised release as set forth in subsection (d) of Section
10 5-8-1 of the Unified Code of Corrections, if otherwise
11 applicable.

12 (e) If the sheriff accepts the offender in the program and
13 determines that the offender has successfully completed the
14 impact incarceration program, the sentence shall be reduced to
15 time considered served upon certification to the court by the
16 sheriff that the offender has successfully completed the
17 program. In the event the offender is not accepted for
18 placement in the impact incarceration program or the offender
19 does not successfully complete the program, his or her term of
20 imprisonment shall be as set forth by the court in its
21 sentencing order.

22 (f) The sheriff, with the approval of the county board,
23 shall have the power to enter into intergovernmental
24 cooperation agreements with the Illinois Department of
25 Corrections under which persons in the custody of the Illinois
26 Department may participate in the county impact incarceration

1 program. No person shall be eligible for participation who does
2 not meet the criteria set forth in subsection (b) of Section
3 5-8-1.1 of the Unified Code of Corrections. An offender who
4 successfully completes the county impact incarceration program
5 shall have his or her sentence reduced to time considered
6 served upon certification to the court by the Illinois
7 Department of Corrections that the offender has successfully
8 completed the program.

9 (g) The sheriff, with the approval of the county board,
10 shall have the power to enter into intergovernmental agreements
11 with the Illinois Department of Corrections to receive funding,
12 land, services, equipment, or any other form of economic
13 contribution for construction, operation, and maintenance of a
14 regional impact incarceration program that serves 2 or more
15 counties.

16 (Source: P.A. 89-110, eff. 1-1-96; 89-258, eff. 1-1-96; 89-626,
17 eff. 8-9-96; revised 10-23-08.)

18 (55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

19 Sec. 4-4001. County Clerks; counties of first and second
20 class. The fees of the county clerk in counties of the first
21 and second class, except when increased by county ordinance
22 pursuant to the provisions of this Section, shall be:

23 For each official copy of any process, file, record or
24 other instrument of and pertaining to his office, 50¢ for each
25 100 words, and \$1 additional for certifying and sealing the

1 same.

2 For filing any paper not herein otherwise provided for, \$1,
3 except that no fee shall be charged for filing a Statement of
4 economic interest pursuant to the Illinois Governmental Ethics
5 Act or reports made pursuant to Article 9 of The Election Code.

6 For issuance of fireworks permits, \$2.

7 For issuance of liquor licenses, \$5.

8 For filing and recording of the appointment and oath of
9 each public official, \$3.

10 For officially certifying and sealing each copy of any
11 process, file, record or other instrument of and pertaining to
12 his office, \$1.

13 For swearing any person to an affidavit, \$1.

14 For issuing each license in all matters except where the
15 fee for the issuance thereof is otherwise fixed, \$4.

16 For issuing each marriage license, the certificate
17 thereof, and for recording the same, including the recording of
18 the parent's or guardian's consent where indicated, \$20. \$5
19 from all marriage license fees shall be remitted by the clerk
20 to the State Treasurer for deposit into the Married Families
21 Domestic Violence Fund.

22 For taking and certifying acknowledgments to any
23 instrument, except where herein otherwise provided for, \$1.

24 For issuing each certificate of appointment or commission,
25 the fee for which is not otherwise fixed by law, \$1.

26 For cancelling tax sale and issuing and sealing

1 certificates of redemption, \$3.

2 For issuing order to county treasurer for redemption of
3 forfeited tax, \$2.

4 For trying and sealing weights and measures by county
5 standard, together with all actual expenses in connection
6 therewith, \$1.

7 For services in case of estrays, \$2.

8 The following fees shall be allowed for services attending
9 the sale of land for taxes, and shall be charged as costs
10 against the delinquent property and be collected with the taxes
11 thereon:

12 For services in attending the tax sale and issuing
13 certificate of sale and sealing the same, for each tract or
14 town lot sold, \$4.

15 For making list of delinquent lands and town lots sold, to
16 be filed with the Comptroller, for each tract or town lot sold,
17 10¢.

18 The foregoing fees allowed by this Section are the maximum
19 fees that may be collected from any officer, agency, department
20 or other instrumentality of the State. The county board may,
21 however, by ordinance, increase the fees allowed by this
22 Section and collect such increased fees from all persons and
23 entities other than officers, agencies, departments and other
24 instrumentalities of the State if the increase is justified by
25 an acceptable cost study showing that the fees allowed by this
26 Section are not sufficient to cover the cost of providing the

1 service.

2 A Statement of the costs of providing each service, program
3 and activity shall be prepared by the county board. All
4 supporting documents shall be public record and subject to
5 public examination and audit. All direct and indirect costs, as
6 defined in the United States Office of Management and Budget
7 Circular A-87, may be included in the determination of the
8 costs of each service, program and activity.

9 The county clerk in all cases may demand and receive the
10 payment of all fees for services in advance so far as the same
11 can be ascertained.

12 The county board of any county of the first or second class
13 may by ordinance authorize the county clerk to impose an
14 additional \$2 charge for certified copies of vital records as
15 defined in Section 1 of the Vital Records Act, for the purpose
16 of developing, maintaining, and improving technology in the
17 office of the County Clerk.

18 The county board of any county of the first or second class
19 may by ordinance authorize the county treasurer to establish a
20 special fund for deposit of the additional charge. Moneys in
21 the special fund shall be used solely to provide the equipment,
22 material and necessary expenses incurred to help defray the
23 cost of implementing and maintaining such document storage
24 system.

25 (Source: P.A. 95-711, eff. 6-1-08; 95-837, eff. 1-1-09; revised
26 9-5-08.)

1 (55 ILCS 5/Div. 4-8 heading)

2 Division 4-8. Officers' Salaries in Cook County

3 (55 ILCS 5/5-1069.3)

4 (Text of Section before amendment by P.A. 95-958)

5 Sec. 5-1069.3. Required health benefits. If a county,
6 including a home rule county, is a self-insurer for purposes of
7 providing health insurance coverage for its employees, the
8 coverage shall include coverage for the post-mastectomy care
9 benefits required to be covered by a policy of accident and
10 health insurance under Section 356t and the coverage required
11 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9,
12 356z.10, and 356z.13 ~~356z.11~~ of the Illinois Insurance Code.
13 The requirement that health benefits be covered as provided in
14 this Section is an exclusive power and function of the State
15 and is a denial and limitation under Article VII, Section 6,
16 subsection (h) of the Illinois Constitution. A home rule county
17 to which this Section applies must comply with every provision
18 of this Section.

19 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
20 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff.
21 1-1-09; revised 10-15-08.)

22 (Text of Section after amendment by P.A. 95-958)

23 Sec. 5-1069.3. Required health benefits. If a county,

1 including a home rule county, is a self-insurer for purposes of
2 providing health insurance coverage for its employees, the
3 coverage shall include coverage for the post-mastectomy care
4 benefits required to be covered by a policy of accident and
5 health insurance under Section 356t and the coverage required
6 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9,
7 356z.10, 356z.11, ~~and 356z.12,~~ and 356z.13 ~~356z.11~~ of the
8 Illinois Insurance Code. The requirement that health benefits
9 be covered as provided in this Section is an exclusive power
10 and function of the State and is a denial and limitation under
11 Article VII, Section 6, subsection (h) of the Illinois
12 Constitution. A home rule county to which this Section applies
13 must comply with every provision of this Section.

14 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
15 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.
16 6-1-09; 95-978, eff. 1-1-09; revised 10-15-08.)

17 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

18 Sec. 5-1101. Additional fees to finance court system. A
19 county board may enact by ordinance or resolution the following
20 fees:

21 (a) A \$5 fee to be paid by the defendant on a judgment of
22 guilty or a grant of supervision for violation of the Illinois
23 Vehicle Code other than Section 11-501 or violations of similar
24 provisions contained in county or municipal ordinances
25 committed in the county, and up to a \$30 fee to be paid by the

1 defendant on a judgment of guilty or a grant of supervision for
2 violation of Section 11-501 of the Illinois Vehicle Code or a
3 violation of a similar provision contained in county or
4 municipal ordinances committed in the county.

5 (b) In the case of a county having a population of
6 1,000,000 or less, a \$5 fee to be collected in all civil cases
7 by the clerk of the circuit court.

8 (c) A fee to be paid by the defendant on a judgment of
9 guilty or a grant of supervision ~~under Section 5-9-1 of the~~
10 ~~Unified Code of Corrections~~, as follows:

- 11 (1) for a felony, \$50;
- 12 (2) for a class A misdemeanor, \$25;
- 13 (3) for a class B or class C misdemeanor, \$15;
- 14 (4) for a petty offense, \$10;
- 15 (5) for a business offense, \$10.

16 (d) A \$100 fee for the second and subsequent violations of
17 Section 11-501 of the Illinois Vehicle Code or violations of
18 similar provisions contained in county or municipal ordinances
19 committed in the county. The proceeds of this fee shall be
20 placed in the county general fund and used to finance education
21 programs related to driving under the influence of alcohol or
22 drugs.

23 (d-5) A \$10 fee to be paid by the defendant on a judgment
24 of guilty or a grant of supervision under Section 5-9-1 of the
25 Unified Code of Corrections to be placed in the county general
26 fund and used to finance the county mental health court, the

1 county drug court, or both.

2 (e) In each county in which a teen court, peer court, peer
3 jury, youth court, or other youth diversion program has been
4 created, a county may adopt a mandatory fee of up to \$5 to be
5 assessed as provided in this subsection. Assessments collected
6 by the clerk of the circuit court pursuant to this subsection
7 must be deposited into an account specifically for the
8 operation and administration of a teen court, peer court, peer
9 jury, youth court, or other youth diversion program. The clerk
10 of the circuit court shall collect the fees established in this
11 subsection and must remit the fees to the teen court, peer
12 court, peer jury, youth court, or other youth diversion program
13 monthly, less 5%, which is to be retained as fee income to the
14 office of the clerk of the circuit court. The fees are to be
15 paid as follows:

16 (1) a fee of up to \$5 paid by the defendant on a
17 judgment of guilty or grant of supervision for violation of
18 the Illinois Vehicle Code or violations of similar
19 provisions contained in county or municipal ordinances
20 committed in the county;

21 (2) a fee of up to \$5 paid by the defendant on a
22 judgment of guilty or grant of supervision under Section
23 5-9-1 of the Unified Code of Corrections for a felony; for
24 a Class A, Class B, or Class C misdemeanor; for a petty
25 offense; and for a business offense.

26 (f) In each county in which a drug court has been created,

1 the county may adopt a mandatory fee of up to \$5 to be assessed
2 as provided in this subsection. Assessments collected by the
3 clerk of the circuit court pursuant to this subsection must be
4 deposited into an account specifically for the operation and
5 administration of the drug court. The clerk of the circuit
6 court shall collect the fees established in this subsection and
7 must remit the fees to the drug court, less 5%, which is to be
8 retained as fee income to the office of the clerk of the
9 circuit court. The fees are to be paid as follows:

10 (1) a fee of up to \$5 paid by the defendant on a
11 judgment of guilty or grant of supervision for a violation
12 of the Illinois Vehicle Code or a violation of a similar
13 provision contained in a county or municipal ordinance
14 committed in the county; or

15 (2) a fee of up to \$5 paid by the defendant on a
16 judgment of guilty or a grant of supervision under Section
17 5-9-1 of the Unified Code of Corrections for a felony; for
18 a Class A, Class B, or Class C misdemeanor; for a petty
19 offense; and for a business offense.

20 The clerk of the circuit court shall deposit the 5%
21 retained under this subsection into the Circuit Court Clerk
22 Operation and Administrative Fund to be used to defray the
23 costs of collection and disbursement of the drug court fee.

24 (f-5) In each county in which a Children's Advocacy Center
25 provides services, the county board may adopt a mandatory fee
26 of between \$5 and \$30 to be paid by the defendant on a judgment

1 of guilty or a grant of supervision under Section 5-9-1 of the
2 Unified Code of Corrections for a felony; for a Class A, Class
3 B, or Class C misdemeanor; for a petty offense; and for a
4 business offense. Assessments shall be collected by the clerk
5 of the circuit court and must be deposited into an account
6 specifically for the operation and administration of the
7 Children's Advocacy Center. The clerk of the circuit court
8 shall collect the fees as provided in this subsection, and must
9 remit the fees to the Children's Advocacy Center.

10 (g) The proceeds of all fees enacted under this Section
11 must, except as provided in subsections (d), (d-5), (e), and
12 (f), be placed in the county general fund and used to finance
13 the court system in the county, unless the fee is subject to
14 disbursement by the circuit clerk as provided under Section
15 27.5 of the Clerks of Courts Act.

16 (Source: P.A. 94-862, eff. 6-16-06; 94-980, eff. 6-30-06;
17 95-103, eff. 1-1-08; 95-331, eff. 8-21-07; revised 10-28-08.)

18 (55 ILCS 5/5-1129)

19 Sec. 5-1129. Annexation agreements. The county board of a
20 county referenced in subsection (c) of Section 11-15.1-2.1 of
21 the Illinois Municipal Code may, in accordance with subsection
22 (c) of Section 11-15.1-2.1 of the Illinois Municipal Code,
23 retain jurisdiction over land that is the subject of an
24 annexation agreement and is located more than 1.5 miles from
25 the corporate boundaries of the municipality.

1 (Source: P.A. 95-175, eff. 1-1-08.)

2 (55 ILCS 5/5-1130)

3 Sec. 5-1130 ~~5-1129~~. Leases of equipment and machinery. The
4 county board of each county may, upon the affirmative vote of
5 two-thirds of its members, enter into one or more leases for a
6 period of not to exceed 5 years for computer equipment, data
7 processing machinery, and software, as may be required for its
8 corporate purposes.

9 (Source: P.A. 95-810, eff. 1-1-09; revised 9-5-08.)

10 (55 ILCS 5/5-29001) (from Ch. 34, par. 5-29001)

11 Sec. 5-29001 ~~5-29~~. Authorization. A county board may, by
12 resolution, authorize the compilation, publication and
13 maintenance of a county code consisting of ordinances and
14 regulations duly adopted by the county board.

15 (Source: P.A. 86-962; revised 10-23-08.)

16 (55 ILCS 5/Div. 5-42 heading)

17 DIVISION 5-42. WIND FARMS

18 (55 ILCS 5/5-42000)

19 Sec. 5-42000 ~~42000~~. Wind farms. A county may own and
20 operate a wind generation turbine farm, either individually or
21 jointly with another unit of local government, school district,
22 or community college district that is authorized to own and

1 operate a wind generation turbine farm, that directly or
2 indirectly reduces the energy or other operating costs of the
3 county. The county may ask for the assistance of any State
4 agency, including without limitation the Department of
5 Commerce and Economic Opportunity, the Illinois Power Agency,
6 or the Environmental Protection Agency, in obtaining financing
7 options for a wind generation turbine farm.

8 (Source: P.A. 95-805, eff. 8-12-08; revised 9-16-08.)

9 (55 ILCS 5/Div. 6-34 heading)

10 DIVISION 6-34. REPORT OF RTA OCCUPATION TAXES

11 Section 95. The Township Code is amended by changing
12 Section 105-40 as follows:

13 (60 ILCS 1/105-40)

14 Sec. 105-40. Clean indoor air. Every public enclosed indoor
15 area in the township shall be subject to the Smoke Free
16 Illinois Act ~~Illinois Clean Indoor Air Act~~.

17 (Source: P.A. 88-62; revised 1-22-08.)

18 Section 100. The Illinois Municipal Code is amended by
19 changing Sections 10-4-2.3, 11-74.4-3, 11-74.4-3.5, and
20 11-74.4-7 and by adding Division heading 15.3 of Article 11 as
21 follows:

1 (65 ILCS 5/10-4-2.3)

2 (Text of Section before amendment by P.A. 95-958)

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, 356z.9, 356z.10, and 356z.13 ~~356z.11~~ of the
11 Illinois Insurance Code. The requirement that health benefits
12 be covered as provided in this is an exclusive power and
13 function of the State and is a denial and limitation under
14 Article VII, Section 6, subsection (h) of the Illinois
15 Constitution. A home rule municipality to which this Section
16 applies must comply with 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; 95-876, eff. 8-21-08; 95-978, eff.
19 1-1-09; revised 10-15-08.)

20 (Text of Section after amendment by P.A. 95-958)

21 Sec. 10-4-2.3. Required health benefits. If a
22 municipality, including a home rule municipality, is a
23 self-insurer for purposes of providing health insurance
24 coverage for its employees, the coverage shall include coverage
25 for the post-mastectomy care benefits required to be covered by

1 a policy of accident and health insurance under Section 356t
2 and the coverage required under Sections 356g.5, 356u, 356w,
3 356x, 356z.6, 356z.9, 356z.10, 356z.11, ~~and~~ 356z.12, and
4 356z.13 ~~356z.14~~ of the Illinois Insurance Code. The requirement
5 that health benefits be covered as provided in this is an
6 exclusive power and function of the State and is a denial and
7 limitation under Article VII, Section 6, subsection (h) of the
8 Illinois Constitution. A home rule municipality to which this
9 Section applies must comply with every provision of this
10 Section.

11 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
12 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.
13 6-1-09; 95-978, eff. 1-1-09; revised 10-15-08.)

14 (65 ILCS 5/Art. 11 Div. 15.3 heading)

15 DIVISION 15.3. WIND FARMS

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

1 this Section prior to that date.

2 On and after November 1, 1999, "blighted area" means any
3 improved or vacant area within the boundaries of a
4 redevelopment project area located within the territorial
5 limits of the municipality where:

6 (1) If improved, industrial, commercial, and
7 residential buildings or improvements are detrimental to
8 the public safety, health, or welfare because of a
9 combination of 5 or more of the following factors, each of
10 which is (i) present, with that presence documented, to a
11 meaningful extent so that a municipality may reasonably
12 find that the factor is clearly present within the intent
13 of the Act and (ii) reasonably distributed throughout the
14 improved part of the redevelopment project area:

15 (A) Dilapidation. An advanced state of disrepair
16 or neglect of necessary repairs to the primary
17 structural components of buildings or improvements in
18 such a combination that a documented building
19 condition analysis determines that major repair is
20 required or the defects are so serious and so extensive
21 that the buildings must be removed.

22 (B) Obsolescence. The condition or process of
23 falling into disuse. Structures have become ill-suited
24 for the original use.

25 (C) Deterioration. With respect to buildings,
26 defects including, but not limited to, major defects in

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

10 (D) Presence of structures below minimum code
11 standards. All structures that do not meet the
12 standards of zoning, subdivision, building, fire, and
13 other governmental codes applicable to property, but
14 not including housing and property maintenance codes.

15 (E) Illegal use of individual structures. The use
16 of structures in violation of applicable federal,
17 State, or local laws, exclusive of those applicable to
18 the presence of structures below minimum code
19 standards.

20 (F) Excessive vacancies. The presence of buildings
21 that are unoccupied or under-utilized and that
22 represent an adverse influence on the area because of
23 the frequency, extent, or duration of the vacancies.

24 (G) Lack of ventilation, light, or sanitary
25 facilities. The absence of adequate ventilation for
26 light or air circulation in spaces or rooms without

1 windows, or that require the removal of dust, odor,
2 gas, smoke, or other noxious airborne materials.
3 Inadequate natural light and ventilation means the
4 absence of skylights or windows for interior spaces or
5 rooms and improper window sizes and amounts by room
6 area to window area ratios. Inadequate sanitary
7 facilities refers to the absence or inadequacy of
8 garbage storage and enclosure, bathroom facilities,
9 hot water and kitchens, and structural inadequacies
10 preventing ingress and egress to and from all rooms and
11 units within a building.

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

21 (I) Excessive land coverage and overcrowding of
22 structures and community facilities. The
23 over-intensive use of property and the crowding of
24 buildings and accessory facilities onto a site.
25 Examples of problem conditions warranting the
26 designation of an area as one exhibiting excessive land

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

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

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

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

5 (L) Lack of community planning. The proposed
6 redevelopment project area was developed prior to or
7 without the benefit or guidance of a community plan.
8 This means that the development occurred prior to the
9 adoption by the municipality of a comprehensive or
10 other community plan or that the plan was not followed
11 at the time of the area's development. This factor must
12 be documented by evidence of adverse or incompatible
13 land-use relationships, inadequate street layout,
14 improper subdivision, parcels of inadequate shape and
15 size to meet contemporary development standards, or
16 other evidence demonstrating an absence of effective
17 community planning.

18 (M) The total equalized assessed value of the
19 proposed redevelopment project area has declined for 3
20 of the last 5 calendar years prior to the year in which
21 the redevelopment project area is designated or is
22 increasing at an annual rate that is less than the
23 balance of the municipality for 3 of the last 5
24 calendar years for which information is available or is
25 increasing at an annual rate that is less than the
26 Consumer Price Index for All Urban Consumers published

1 by the United States Department of Labor or successor
2 agency for 3 of the last 5 calendar years prior to the
3 year in which the redevelopment project area is
4 designated.

5 (2) If vacant, the sound growth of the redevelopment
6 project area is impaired by a combination of 2 or more of
7 the following factors, each of which is (i) present, with
8 that presence documented, to a meaningful extent so that a
9 municipality may reasonably find that the factor is clearly
10 present within the intent of the Act and (ii) reasonably
11 distributed throughout the vacant part of the
12 redevelopment project area to which it pertains:

13 (A) Obsolete platting of vacant land that results
14 in parcels of limited or narrow size or configurations
15 of parcels of irregular size or shape that would be
16 difficult to develop on a planned basis and in a manner
17 compatible with contemporary standards and
18 requirements, or platting that failed to create
19 rights-of-ways for streets or alleys or that created
20 inadequate right-of-way widths for streets, alleys, or
21 other public rights-of-way or that omitted easements
22 for public utilities.

23 (B) Diversity of ownership of parcels of vacant
24 land sufficient in number to retard or impede the
25 ability to assemble the land for development.

26 (C) Tax and special assessment delinquencies exist

1 or the property has been the subject of tax sales under
2 the Property Tax Code within the last 5 years.

3 (D) Deterioration of structures or site
4 improvements in neighboring areas adjacent to the
5 vacant land.

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

17 (F) 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 (3) If vacant, the sound growth of the redevelopment
5 project area is impaired by one of the following factors
6 that (i) is present, with that presence documented, to a
7 meaningful extent so that a municipality may reasonably
8 find that the factor is clearly present within the intent
9 of the Act and (ii) is reasonably distributed throughout
10 the vacant part of the redevelopment project area to which
11 it pertains:

12 (A) The area consists of one or more unused
13 quarries, mines, or strip mine ponds.

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

16 (C) The area, prior to its designation, is subject
17 to (i) chronic flooding that adversely impacts on real
18 property in the area as certified by a registered
19 professional engineer or appropriate regulatory agency
20 or (ii) surface water that discharges from all or a
21 part of the area and contributes to flooding within the
22 same watershed, but only if the redevelopment project
23 provides for facilities or improvements to contribute
24 to the alleviation of all or part of the flooding.

25 (D) The area consists of an unused or illegal
26 disposal site containing earth, stone, building

1 debris, or similar materials that were removed from
2 construction, demolition, excavation, or dredge sites.

3 (E) Prior to November 1, 1999, the area is not less
4 than 50 nor more than 100 acres and 75% of which is
5 vacant (notwithstanding that the area has been used for
6 commercial agricultural purposes within 5 years prior
7 to the designation of the redevelopment project area),
8 and the area meets at least one of the factors itemized
9 in paragraph (1) of this subsection, the area has been
10 designated as a town or village center by ordinance or
11 comprehensive plan adopted prior to January 1, 1982,
12 and the area has not been developed for that designated
13 purpose.

14 (F) The area qualified as a blighted improved area
15 immediately prior to becoming vacant, unless there has
16 been substantial private investment in the immediately
17 surrounding area.

18 (b) For any redevelopment project area that has been
19 designated pursuant to this Section by an ordinance adopted
20 prior to November 1, 1999 (the effective date of Public Act
21 91-478), "conservation area" shall have the meaning set forth
22 in this Section prior to that date.

23 On and after November 1, 1999, "conservation area" means
24 any improved area within the boundaries of a redevelopment
25 project area located within the territorial limits of the
26 municipality in which 50% or more of the structures in the area

1 have an age of 35 years or more. Such an area is not yet a
2 blighted area but because of a combination of 3 or more of the
3 following factors is detrimental to the public safety, health,
4 morals or welfare and such an area may become a blighted area:

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

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

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

25 (4) Presence of structures below minimum code
26 standards. All structures that do not meet the standards of

1 zoning, subdivision, building, fire, and other
2 governmental codes applicable to property, but not
3 including housing and property maintenance codes.

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

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

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

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

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

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

25 (10) Deleterious land use or layout. The existence of
26 incompatible land-use relationships, buildings occupied by

1 inappropriate mixed-uses, or uses considered to be
2 noxious, offensive, or unsuitable for the surrounding
3 area.

4 (11) 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. This
7 means that the development occurred prior to the adoption
8 by the municipality of a comprehensive or other community
9 plan or that the plan was not followed at the time of the
10 area's development. This factor must be documented by
11 evidence of adverse or incompatible land-use
12 relationships, inadequate street layout, improper
13 subdivision, parcels of inadequate shape and size to meet
14 contemporary development standards, or other evidence
15 demonstrating an absence of effective community planning.

16 (12) The area has incurred Illinois Environmental
17 Protection Agency or United States Environmental
18 Protection Agency remediation costs for, or a study
19 conducted by an independent consultant recognized as
20 having expertise in environmental remediation has
21 determined a need for, the clean-up of hazardous waste,
22 hazardous substances, or underground storage tanks
23 required by State or federal law, provided that the
24 remediation costs constitute a material impediment to the
25 development or redevelopment of the redevelopment project
26 area.

1 (13) The total equalized assessed value of the proposed
2 redevelopment project area has declined for 3 of the last 5
3 calendar years for which information is available or is
4 increasing at an annual rate that is less than the balance
5 of the municipality for 3 of the last 5 calendar years for
6 which information is available or is increasing at an
7 annual rate that is less than the Consumer Price Index for
8 All Urban Consumers published by the United States
9 Department of Labor or successor agency for 3 of the last 5
10 calendar years for which information is available.

11 (c) "Industrial park" means an area in a blighted or
12 conservation area suitable for use by any manufacturing,
13 industrial, research or transportation enterprise, of
14 facilities to include but not be limited to factories, mills,
15 processing plants, assembly plants, packing plants,
16 fabricating plants, industrial distribution centers,
17 warehouses, repair overhaul or service facilities, freight
18 terminals, research facilities, test facilities or railroad
19 facilities.

20 (d) "Industrial park conservation area" means an area
21 within the boundaries of a redevelopment project area located
22 within the territorial limits of a municipality that is a labor
23 surplus municipality or within 1 1/2 miles of the territorial
24 limits of a municipality that is a labor surplus municipality
25 if the area is annexed to the municipality; which area is zoned
26 as industrial no later than at the time the municipality by

1 ordinance designates the redevelopment project area, and which
2 area includes both vacant land suitable for use as an
3 industrial park and a blighted area or conservation area
4 contiguous to such vacant land.

5 (e) "Labor surplus municipality" means a municipality in
6 which, at any time during the 6 months before the municipality
7 by ordinance designates an industrial park conservation area,
8 the unemployment rate was over 6% and was also 100% or more of
9 the national average unemployment rate for that same time as
10 published in the United States Department of Labor Bureau of
11 Labor Statistics publication entitled "The Employment
12 Situation" or its successor publication. For the purpose of
13 this subsection, if unemployment rate statistics for the
14 municipality are not available, the unemployment rate in the
15 municipality shall be deemed to be the same as the unemployment
16 rate in the principal county in which the municipality is
17 located.

18 (f) "Municipality" shall mean a city, village,
19 incorporated town, or a township that is located in the
20 unincorporated portion of a county with 3 million or more
21 inhabitants, if the county adopted an ordinance that approved
22 the township's redevelopment plan.

23 (g) "Initial Sales Tax Amounts" means the amount of taxes
24 paid under the Retailers' Occupation Tax Act, Use Tax Act,
25 Service Use Tax Act, the Service Occupation Tax Act, the
26 Municipal Retailers' Occupation Tax Act, and the Municipal

1 Service Occupation Tax Act by retailers and servicemen on
2 transactions at places located in a State Sales Tax Boundary
3 during the calendar year 1985.

4 (g-1) "Revised Initial Sales Tax Amounts" means the amount
5 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
6 Act, Service Use Tax Act, the Service Occupation Tax Act, the
7 Municipal Retailers' Occupation Tax Act, and the Municipal
8 Service Occupation Tax Act by retailers and servicemen on
9 transactions at places located within the State Sales Tax
10 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

11 (h) "Municipal Sales Tax Increment" means an amount equal
12 to the increase in the aggregate amount of taxes paid to a
13 municipality from the Local Government Tax Fund arising from
14 sales by retailers and servicemen within the redevelopment
15 project area or State Sales Tax Boundary, as the case may be,
16 for as long as the redevelopment project area or State Sales
17 Tax Boundary, as the case may be, exist over and above the
18 aggregate amount of taxes as certified by the Illinois
19 Department of Revenue and paid under the Municipal Retailers'
20 Occupation Tax Act and the Municipal Service Occupation Tax Act
21 by retailers and servicemen, on transactions at places of
22 business located in the redevelopment project area or State
23 Sales Tax Boundary, as the case may be, during the base year
24 which shall be the calendar year immediately prior to the year
25 in which the municipality adopted tax increment allocation
26 financing. For purposes of computing the aggregate amount of

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

1 Tax Amounts as appropriate. For the State Fiscal Year 1991,
2 this calculation shall be made by utilizing the period from
3 October 1, 1988, to June 30, 1989, to determine the tax amounts
4 received from retailers and servicemen pursuant to the
5 Municipal Retailers' Occupation Tax and the Municipal Service
6 Occupation Tax Act which shall have deducted therefrom
7 nine-twelfths of the certified Initial Sales Tax Amounts,
8 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
9 Tax Amounts as appropriate. For every State Fiscal Year
10 thereafter, the applicable period shall be the 12 months
11 beginning July 1 and ending June 30 to determine the tax
12 amounts received which shall have deducted therefrom the
13 certified Initial Sales Tax Amounts, the Adjusted Initial Sales
14 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
15 case may be.

16 (i) "Net State Sales Tax Increment" means the sum of the
17 following: (a) 80% of the first \$100,000 of State Sales Tax
18 Increment annually generated within a State Sales Tax Boundary;
19 (b) 60% of the amount in excess of \$100,000 but not exceeding
20 \$500,000 of State Sales Tax Increment annually generated within
21 a State Sales Tax Boundary; and (c) 40% of all amounts in
22 excess of \$500,000 of State Sales Tax Increment annually
23 generated within a State Sales Tax Boundary. If, however, a
24 municipality established a tax increment financing district in
25 a county with a population in excess of 3,000,000 before
26 January 1, 1986, and the municipality entered into a contract

1 or issued bonds after January 1, 1986, but before December 31,
2 1986, to finance redevelopment project costs within a State
3 Sales Tax Boundary, then the Net State Sales Tax Increment
4 means, for the fiscal years beginning July 1, 1990, and July 1,
5 1991, 100% of the State Sales Tax Increment annually generated
6 within a State Sales Tax Boundary; and notwithstanding any
7 other provision of this Act, for those fiscal years the
8 Department of Revenue shall distribute to those municipalities
9 100% of their Net State Sales Tax Increment before any
10 distribution to any other municipality and regardless of
11 whether or not those other municipalities will receive 100% of
12 their Net State Sales Tax Increment. For Fiscal Year 1999, and
13 every year thereafter until the year 2007, for any municipality
14 that has not entered into a contract or has not issued bonds
15 prior to June 1, 1988 to finance redevelopment project costs
16 within a State Sales Tax Boundary, the Net State Sales Tax
17 Increment shall be calculated as follows: By multiplying the
18 Net State Sales Tax Increment by 90% in the State Fiscal Year
19 1999; 80% in the State Fiscal Year 2000; 70% in the State
20 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
21 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
22 in the State Fiscal Year 2005; 20% in the State Fiscal Year
23 2006; and 10% in the State Fiscal Year 2007. No payment shall
24 be made for State Fiscal Year 2008 and thereafter.

25 Municipalities that issued bonds in connection with a
26 redevelopment project in a redevelopment project area within

1 the State Sales Tax Boundary prior to July 29, 1991, or that
2 entered into contracts in connection with a redevelopment
3 project in a redevelopment project area before June 1, 1988,
4 shall continue to receive their proportional share of the
5 Illinois Tax Increment Fund distribution until the date on
6 which the redevelopment project is completed or terminated. If,
7 however, a municipality that issued bonds in connection with a
8 redevelopment project in a redevelopment project area within
9 the State Sales Tax Boundary prior to July 29, 1991 retires the
10 bonds prior to June 30, 2007 or a municipality that entered
11 into contracts in connection with a redevelopment project in a
12 redevelopment project area before June 1, 1988 completes the
13 contracts prior to June 30, 2007, then so long as the
14 redevelopment project is not completed or is not terminated,
15 the Net State Sales Tax Increment shall be calculated,
16 beginning on the date on which the bonds are retired or the
17 contracts are completed, as follows: By multiplying the Net
18 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
19 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
20 2004; 30% in the State Fiscal Year 2005; 20% in the State
21 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
22 payment shall be made for State Fiscal Year 2008 and
23 thereafter. Refunding of any bonds issued prior to July 29,
24 1991, shall not alter the Net State Sales Tax Increment.

25 (j) "State Utility Tax Increment Amount" means an amount
26 equal to the aggregate increase in State electric and gas tax

1 charges imposed on owners and tenants, other than residential
2 customers, of properties located within the redevelopment
3 project area under Section 9-222 of the Public Utilities Act,
4 over and above the aggregate of such charges as certified by
5 the Department of Revenue and paid by owners and tenants, other
6 than residential customers, of properties within the
7 redevelopment project area during the base year, which shall be
8 the calendar year immediately prior to the year of the adoption
9 of the ordinance authorizing tax increment allocation
10 financing.

11 (k) "Net State Utility Tax Increment" means the sum of the
12 following: (a) 80% of the first \$100,000 of State Utility Tax
13 Increment annually generated by a redevelopment project area;
14 (b) 60% of the amount in excess of \$100,000 but not exceeding
15 \$500,000 of the State Utility Tax Increment annually generated
16 by a redevelopment project area; and (c) 40% of all amounts in
17 excess of \$500,000 of State Utility Tax Increment annually
18 generated by a redevelopment project area. For the State Fiscal
19 Year 1999, and every year thereafter until the year 2007, for
20 any municipality that has not entered into a contract or has
21 not issued bonds prior to June 1, 1988 to finance redevelopment
22 project costs within a redevelopment project area, the Net
23 State Utility Tax Increment shall be calculated as follows: By
24 multiplying the Net State Utility Tax Increment by 90% in the
25 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
26 in the State Fiscal Year 2001; 60% in the State Fiscal Year

1 2002; 50% in the State Fiscal Year 2003; 40% in the State
2 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
3 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
4 No payment shall be made for the State Fiscal Year 2008 and
5 thereafter.

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

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

23 (m) "Payment in lieu of taxes" means those estimated tax
24 revenues from real property in a redevelopment project area
25 derived from real property that has been acquired by a
26 municipality which according to the redevelopment project or

1 plan is to be used for a private use which taxing districts
2 would have received had a municipality not acquired the real
3 property and adopted tax increment allocation financing and
4 which would result from levies made after the time of the
5 adoption of tax increment allocation financing to the time the
6 current equalized value of real property in the redevelopment
7 project area exceeds the total initial equalized value of real
8 property in said area.

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

1 writing the program to be undertaken to accomplish the
2 objectives and shall include but not be limited to:

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

5 (B) evidence indicating that the redevelopment project
6 area on the whole has not been subject to growth and
7 development through investment by private enterprise;

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

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

14 (E) the nature and term of the obligations to be
15 issued;

16 (F) the most recent equalized assessed valuation of the
17 redevelopment project area;

18 (G) an estimate as to the equalized assessed valuation
19 after redevelopment and the general land uses to apply in
20 the redevelopment project area;

21 (H) a commitment to fair employment practices and an
22 affirmative action plan;

23 (I) if it concerns an industrial park conservation
24 area, the plan shall also include a general description of
25 any proposed developer, user and tenant of any property, a
26 description of the type, structure and general character of

1 the facilities to be developed, a description of the type,
2 class and number of new employees to be employed in the
3 operation of the facilities to be developed; and

4 (J) if property is to be annexed to the municipality,
5 the plan shall include the terms of the annexation
6 agreement.

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

15 (1) The municipality finds that the redevelopment
16 project area on the whole has not been subject to growth
17 and development through investment by private enterprise
18 and would not reasonably be anticipated to be developed
19 without the adoption of the redevelopment plan.

20 (2) The municipality finds that the redevelopment plan
21 and project conform to the comprehensive plan for the
22 development of the municipality as a whole, or, for
23 municipalities with a population of 100,000 or more,
24 regardless of when the redevelopment plan and project was
25 adopted, the redevelopment plan and project either: (i)
26 conforms to the strategic economic development or

1 redevelopment plan issued by the designated planning
2 authority of the municipality, or (ii) includes land uses
3 that have been approved by the planning commission of the
4 municipality.

5 (3) The redevelopment plan establishes the estimated
6 dates of completion of the redevelopment project and
7 retirement of obligations issued to finance redevelopment
8 project costs. Those dates may not be later than the dates
9 set forth under Section 11-74.4-3.5., ~~or (DDD), (EEE), or~~
10 ~~(FFF), or (GGG), or (HHH), or (III), or (JJJ), (KKK), (LLL)~~
11 ~~(MMM), or (NNN) if the ordinance was adopted on December~~
12 ~~23, 1986 by the Village of Libertyville.~~

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

21 (3.5) The municipality finds, in the case of an
22 industrial park conservation area, also that the
23 municipality is a labor surplus municipality and that the
24 implementation of the redevelopment plan will reduce
25 unemployment, create new jobs and by the provision of new
26 facilities enhance the tax base of the taxing districts

1 that extend into the redevelopment project area.

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

11 (5) If the redevelopment plan will not result in
12 displacement of residents from 10 or more inhabited
13 residential units, and the municipality certifies in the
14 plan that such displacement will not result from the plan,
15 a housing impact study need not be performed. If, however,
16 the redevelopment plan would result in the displacement of
17 residents from 10 or more inhabited residential units, or
18 if the redevelopment project area contains 75 or more
19 inhabited residential units and no certification is made,
20 then the municipality shall prepare, as part of the
21 separate feasibility report required by subsection (a) of
22 Section 11-74.4-5, a housing impact study.

23 Part I of the housing impact study shall include (i)
24 data as to whether the residential units are single family
25 or multi-family units, (ii) the number and type of rooms
26 within the units, if that information is available, (iii)

1 whether the units are inhabited or uninhabited, as
2 determined not less than 45 days before the date that the
3 ordinance or resolution required by subsection (a) of
4 Section 11-74.4-5 is passed, and (iv) data as to the racial
5 and ethnic composition of the residents in the inhabited
6 residential units. The data requirement as to the racial
7 and ethnic composition of the residents in the inhabited
8 residential units shall be deemed to be fully satisfied by
9 data from the most recent federal census.

10 Part II of the housing impact study shall identify the
11 inhabited residential units in the proposed redevelopment
12 project area that are to be or may be removed. If inhabited
13 residential units are to be removed, then the housing
14 impact study shall identify (i) the number and location of
15 those units that will or may be removed, (ii) the
16 municipality's plans for relocation assistance for those
17 residents in the proposed redevelopment project area whose
18 residences are to be removed, (iii) the availability of
19 replacement housing for those residents whose residences
20 are to be removed, and shall identify the type, location,
21 and cost of the housing, and (iv) the type and extent of
22 relocation assistance to be provided.

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

26 (7) On and after November 1, 1999, no redevelopment

1 plan shall be adopted, nor an existing plan amended, nor
2 shall residential housing that is occupied by households of
3 low-income and very low-income persons in currently
4 existing redevelopment project areas be removed after
5 November 1, 1999 unless the redevelopment plan provides,
6 with respect to inhabited housing units that are to be
7 removed for households of low-income and very low-income
8 persons, affordable housing and relocation assistance not
9 less than that which would be provided under the federal
10 Uniform Relocation Assistance and Real Property
11 Acquisition Policies Act of 1970 and the regulations under
12 that Act, including the eligibility criteria. Affordable
13 housing may be either existing or newly constructed
14 housing. For purposes of this paragraph (7), "low-income
15 households", "very low-income households", and "affordable
16 housing" have the meanings set forth in the Illinois
17 Affordable Housing Act. The municipality shall make a good
18 faith effort to ensure that this affordable housing is
19 located in or near the redevelopment project area within
20 the municipality.

21 (8) On and after November 1, 1999, if, after the
22 adoption of the redevelopment plan for the redevelopment
23 project area, any municipality desires to amend its
24 redevelopment plan to remove more inhabited residential
25 units than specified in its original redevelopment plan,
26 that change shall be made in accordance with the procedures

1 in subsection (c) of Section 11-74.4-5.

2 (9) For redevelopment project areas designated prior
3 to November 1, 1999, the redevelopment plan may be amended
4 without further joint review board meeting or hearing,
5 provided that the municipality shall give notice of any
6 such changes by mail to each affected taxing district and
7 registrant on the interested party registry, to authorize
8 the municipality to expend tax increment revenues for
9 redevelopment project costs defined by paragraphs (5) and
10 (7.5), subparagraphs (E) and (F) of paragraph (11), and
11 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
12 long as the changes do not increase the total estimated
13 redevelopment project costs set out in the redevelopment
14 plan by more than 5% after adjustment for inflation from
15 the date the plan was adopted.

16 (o) "Redevelopment project" means any public and private
17 development project in furtherance of the objectives of a
18 redevelopment plan. On and after November 1, 1999 (the
19 effective date of Public Act 91-478), no redevelopment plan may
20 be approved or amended that includes the development of vacant
21 land (i) with a golf course and related clubhouse and other
22 facilities or (ii) designated by federal, State, county, or
23 municipal government as public land for outdoor recreational
24 activities or for nature preserves and used for that purpose
25 within 5 years prior to the adoption of the redevelopment plan.
26 For the purpose of this subsection, "recreational activities"

1 is limited to mean camping and hunting.

2 (p) "Redevelopment project area" means an area designated
3 by the municipality, which is not less in the aggregate than 1
4 1/2 acres and in respect to which the municipality has made a
5 finding that there exist conditions which cause the area to be
6 classified as an industrial park conservation area or a
7 blighted area or a conservation area, or a combination of both
8 blighted areas and conservation areas.

9 (q) "Redevelopment project costs" mean and include the sum
10 total of all reasonable or necessary costs incurred or
11 estimated to be incurred, and any such costs incidental to a
12 redevelopment plan and a redevelopment project. Such costs
13 include, without limitation, the following:

14 (1) Costs of studies, surveys, development of plans,
15 and specifications, implementation and administration of
16 the redevelopment plan including but not limited to staff
17 and professional service costs for architectural,
18 engineering, legal, financial, planning or other services,
19 provided however that no charges for professional services
20 may be based on a percentage of the tax increment
21 collected; except that on and after November 1, 1999 (the
22 effective date of Public Act 91-478), no contracts for
23 professional services, excluding architectural and
24 engineering services, may be entered into if the terms of
25 the contract extend beyond a period of 3 years. In
26 addition, "redevelopment project costs" shall not include

1 lobbying expenses. After consultation with the
2 municipality, each tax increment consultant or advisor to a
3 municipality that plans to designate or has designated a
4 redevelopment project area shall inform the municipality
5 in writing of any contracts that the consultant or advisor
6 has entered into with entities or individuals that have
7 received, or are receiving, payments financed by tax
8 increment revenues produced by the redevelopment project
9 area with respect to which the consultant or advisor has
10 performed, or will be performing, service for the
11 municipality. This requirement shall be satisfied by the
12 consultant or advisor before the commencement of services
13 for the municipality and thereafter whenever any other
14 contracts with those individuals or entities are executed
15 by the consultant or advisor;

16 (1.5) After July 1, 1999, annual administrative costs
17 shall not include general overhead or administrative costs
18 of the municipality that would still have been incurred by
19 the municipality if the municipality had not designated a
20 redevelopment project area or approved a redevelopment
21 plan;

22 (1.6) The cost of marketing sites within the
23 redevelopment project area to prospective businesses,
24 developers, and investors;

25 (2) Property assembly costs, including but not limited
26 to acquisition of land and other property, real or

1 personal, or rights or interests therein, demolition of
2 buildings, site preparation, site improvements that serve
3 as an engineered barrier addressing ground level or below
4 ground environmental contamination, including, but not
5 limited to parking lots and other concrete or asphalt
6 barriers, and the clearing and grading of land;

7 (3) Costs of rehabilitation, reconstruction or repair
8 or remodeling of existing public or private buildings,
9 fixtures, and leasehold improvements; and the cost of
10 replacing an existing public building if pursuant to the
11 implementation of a redevelopment project the existing
12 public building is to be demolished to use the site for
13 private investment or devoted to a different use requiring
14 private investment;

15 (4) Costs of the construction of public works or
16 improvements, except that on and after November 1, 1999,
17 redevelopment project costs shall not include the cost of
18 constructing a new municipal public building principally
19 used to provide offices, storage space, or conference
20 facilities or vehicle storage, maintenance, or repair for
21 administrative, public safety, or public works personnel
22 and that is not intended to replace an existing public
23 building as provided under paragraph (3) of subsection (q)
24 of Section 11-74.4-3 unless either (i) the construction of
25 the new municipal building implements a redevelopment
26 project that was included in a redevelopment plan that was

1 adopted by the municipality prior to November 1, 1999 or
2 (ii) the municipality makes a reasonable determination in
3 the redevelopment plan, supported by information that
4 provides the basis for that determination, that the new
5 municipal building is required to meet an increase in the
6 need for public safety purposes anticipated to result from
7 the implementation of the redevelopment plan;

8 (5) Costs of job training and retraining projects,
9 including the cost of "welfare to work" programs
10 implemented by businesses located within the redevelopment
11 project area;

12 (6) Financing costs, including but not limited to all
13 necessary and incidental expenses related to the issuance
14 of obligations and which may include payment of interest on
15 any obligations issued hereunder including interest
16 accruing during the estimated period of construction of any
17 redevelopment project for which such obligations are
18 issued and for not exceeding 36 months thereafter and
19 including reasonable reserves related thereto;

20 (7) To the extent the municipality by written agreement
21 accepts and approves the same, all or a portion of a taxing
22 district's capital costs resulting from the redevelopment
23 project necessarily incurred or to be incurred within a
24 taxing district in furtherance of the objectives of the
25 redevelopment plan and project.

26 (7.5) For redevelopment project areas designated (or

1 redevelopment project areas amended to add or increase the
2 number of tax-increment-financing assisted housing units)
3 on or after November 1, 1999, an elementary, secondary, or
4 unit school district's increased costs attributable to
5 assisted housing units located within the redevelopment
6 project area for which the developer or redeveloper
7 receives financial assistance through an agreement with
8 the municipality or because the municipality incurs the
9 cost of necessary infrastructure improvements within the
10 boundaries of the assisted housing sites necessary for the
11 completion of that housing as authorized by this Act, and
12 which costs shall be paid by the municipality from the
13 Special Tax Allocation Fund when the tax increment revenue
14 is received as a result of the assisted housing units and
15 shall be calculated annually as follows:

16 (A) for foundation districts, excluding any school
17 district in a municipality with a population in excess
18 of 1,000,000, by multiplying the district's increase
19 in attendance resulting from the net increase in new
20 students enrolled in that school district who reside in
21 housing units within the redevelopment project area
22 that have received financial assistance through an
23 agreement with the municipality or because the
24 municipality incurs the cost of necessary
25 infrastructure improvements within the boundaries of
26 the housing sites necessary for the completion of that

1 housing as authorized by this Act since the designation
2 of the redevelopment project area by the most recently
3 available per capita tuition cost as defined in Section
4 10-20.12a of the School Code less any increase in
5 general State aid as defined in Section 18-8.05 of the
6 School Code attributable to these added new students
7 subject to the following annual limitations:

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

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

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

26 (B) For alternate method districts, flat grant

1 districts, and foundation districts with a district
2 average 1995-96 Per Capita Tuition Charge equal to or
3 more than \$5,900, excluding any school district with a
4 population in excess of 1,000,000, by multiplying the
5 district's increase in attendance resulting from the
6 net increase in new students enrolled in that school
7 district who reside in housing units within the
8 redevelopment project area that have received
9 financial assistance through an agreement with the
10 municipality or because the municipality incurs the
11 cost of necessary infrastructure improvements within
12 the boundaries of the housing sites necessary for the
13 completion of that housing as authorized by this Act
14 since the designation of the redevelopment project
15 area by the most recently available per capita tuition
16 cost as defined in Section 10-20.12a of the School Code
17 less any increase in general state aid as defined in
18 Section 18-8.05 of the School Code attributable to
19 these added new students subject to the following
20 annual limitations:

21 (i) for unit school districts, no more than 40%
22 of the total amount of property tax increment
23 revenue produced by those housing units that have
24 received tax increment finance assistance under
25 this Act;

26 (ii) for elementary school districts, no more

1 than 27% of the total amount of property tax
2 increment revenue produced by those housing units
3 that have received tax increment finance
4 assistance under this Act; and

5 (iii) for secondary school districts, no more
6 than 13% of the total amount of property tax
7 increment revenue produced by those housing units
8 that have received tax increment finance
9 assistance under this Act.

10 (C) For any school district in a municipality with
11 a population in excess of 1,000,000, the following
12 restrictions shall apply to the reimbursement of
13 increased costs under this paragraph (7.5):

14 (i) no increased costs shall be reimbursed
15 unless the school district certifies that each of
16 the schools affected by the assisted housing
17 project is at or over its student capacity;

18 (ii) the amount reimbursable shall be reduced
19 by the value of any land donated to the school
20 district by the municipality or developer, and by
21 the value of any physical improvements made to the
22 schools by the municipality or developer; and

23 (iii) the amount reimbursed may not affect
24 amounts otherwise obligated by the terms of any
25 bonds, notes, or other funding instruments, or the
26 terms of any redevelopment agreement.

1 Any school district seeking payment under this
2 paragraph (7.5) shall, after July 1 and before
3 September 30 of each year, provide the municipality
4 with reasonable evidence to support its claim for
5 reimbursement before the municipality shall be
6 required to approve or make the payment to the school
7 district. If the school district fails to provide the
8 information during this period in any year, it shall
9 forfeit any claim to reimbursement for that year.
10 School districts may adopt a resolution waiving the
11 right to all or a portion of the reimbursement
12 otherwise required by this paragraph (7.5). By
13 acceptance of this reimbursement the school district
14 waives the right to directly or indirectly set aside,
15 modify, or contest in any manner the establishment of
16 the redevelopment project area or projects;

17 (7.7) For redevelopment project areas designated (or
18 redevelopment project areas amended to add or increase the
19 number of tax-increment-financing assisted housing units)
20 on or after January 1, 2005 (the effective date of Public
21 Act 93-961), a public library district's increased costs
22 attributable to assisted housing units located within the
23 redevelopment project area for which the developer or
24 redeveloper receives financial assistance through an
25 agreement with the municipality or because the
26 municipality incurs the cost of necessary infrastructure

1 improvements within the boundaries of the assisted housing
2 sites necessary for the completion of that housing as
3 authorized by this Act shall be paid to the library
4 district by the municipality from the Special Tax
5 Allocation Fund when the tax increment revenue is received
6 as a result of the assisted housing units. This paragraph
7 (7.7) applies only if (i) the library district is located
8 in a county that is subject to the Property Tax Extension
9 Limitation Law or (ii) the library district is not located
10 in a county that is subject to the Property Tax Extension
11 Limitation Law but the district is prohibited by any other
12 law from increasing its tax levy rate without a prior voter
13 referendum.

14 The amount paid to a library district under this
15 paragraph (7.7) shall be calculated by multiplying (i) the
16 net increase in the number of persons eligible to obtain a
17 library card in that district who reside in housing units
18 within the redevelopment project area that have received
19 financial assistance through an agreement with the
20 municipality or because the municipality incurs the cost of
21 necessary infrastructure improvements within the
22 boundaries of the housing sites necessary for the
23 completion of that housing as authorized by this Act since
24 the designation of the redevelopment project area by (ii)
25 the per-patron cost of providing library services so long
26 as it does not exceed \$120. The per-patron cost shall be

1 the Total Operating Expenditures Per Capita as stated in
2 the most recent Illinois Public Library Statistics
3 produced by the Library Research Center at the University
4 of Illinois. The municipality may deduct from the amount
5 that it must pay to a library district under this paragraph
6 any amount that it has voluntarily paid to the library
7 district from the tax increment revenue. The amount paid to
8 a library district under this paragraph (7.7) shall be no
9 more than 2% of the amount produced by the assisted housing
10 units and deposited into the Special Tax Allocation Fund.

11 A library district is not eligible for any payment
12 under this paragraph (7.7) unless the library district has
13 experienced an increase in the number of patrons from the
14 municipality that created the tax-increment-financing
15 district since the designation of the redevelopment
16 project area.

17 Any library district seeking payment under this
18 paragraph (7.7) shall, after July 1 and before September 30
19 of each year, provide the municipality with convincing
20 evidence to support its claim for reimbursement before the
21 municipality shall be required to approve or make the
22 payment to the library district. If the library district
23 fails to provide the information during this period in any
24 year, it shall forfeit any claim to reimbursement for that
25 year. Library districts may adopt a resolution waiving the
26 right to all or a portion of the reimbursement otherwise

1 required by this paragraph (7.7). By acceptance of such
2 reimbursement, the library district shall forfeit any
3 right to directly or indirectly set aside, modify, or
4 contest in any manner whatsoever the establishment of the
5 redevelopment project area or projects;

6 (8) Relocation costs to the extent that a municipality
7 determines that relocation costs shall be paid or is
8 required to make payment of relocation costs by federal or
9 State law or in order to satisfy subparagraph (7) of
10 subsection (n);

11 (9) Payment in lieu of taxes;

12 (10) Costs of job training, retraining, advanced
13 vocational education or career education, including but
14 not limited to courses in occupational, semi-technical or
15 technical fields leading directly to employment, incurred
16 by one or more taxing districts, provided that such costs
17 (i) are related to the establishment and maintenance of
18 additional job training, advanced vocational education or
19 career education programs for persons employed or to be
20 employed by employers located in a redevelopment project
21 area; and (ii) when incurred by a taxing district or taxing
22 districts other than the municipality, are set forth in a
23 written agreement by or among the municipality and the
24 taxing district or taxing districts, which agreement
25 describes the program to be undertaken, including but not
26 limited to the number of employees to be trained, a

1 description of the training and services to be provided,
2 the number and type of positions available or to be
3 available, itemized costs of the program and sources of
4 funds to pay for the same, and the term of the agreement.
5 Such costs include, specifically, the payment by community
6 college districts of costs pursuant to Sections 3-37, 3-38,
7 3-40 and 3-40.1 of the Public Community College Act and by
8 school districts of costs pursuant to Sections 10-22.20a
9 and 10-23.3a of The School Code;

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

13 (A) such costs are to be paid directly from the
14 special tax allocation fund established pursuant to
15 this Act;

16 (B) such payments in any one year may not exceed
17 30% of the annual interest costs incurred by the
18 redeveloper with regard to the redevelopment project
19 during that year;

20 (C) if there are not sufficient funds available in
21 the special tax allocation fund to make the payment
22 pursuant to this paragraph (11) then the amounts so due
23 shall accrue and be payable when sufficient funds are
24 available in the special tax allocation fund;

25 (D) the total of such interest payments paid
26 pursuant to this Act may not exceed 30% of the total

1 (i) cost paid or incurred by the redeveloper for the
2 redevelopment project plus (ii) redevelopment project
3 costs excluding any property assembly costs and any
4 relocation costs incurred by a municipality pursuant
5 to this Act; and

6 (E) the cost limits set forth in subparagraphs (B)
7 and (D) of paragraph (11) shall be modified for the
8 financing of rehabilitated or new housing units for
9 low-income households and very low-income households,
10 as defined in Section 3 of the Illinois Affordable
11 Housing Act. The percentage of 75% shall be substituted
12 for 30% in subparagraphs (B) and (D) of paragraph (11).

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

1 of bonds issued to finance the construction of that
2 housing.

3 The eligible costs provided under this
4 subparagraph (F) of paragraph (11) shall be an eligible
5 cost for the construction, renovation, and
6 rehabilitation of all low and very low-income housing
7 units, as defined in Section 3 of the Illinois
8 Affordable Housing Act, within the redevelopment
9 project area. If the low and very low-income units are
10 part of a residential redevelopment project that
11 includes units not affordable to low and very
12 low-income households, only the low and very
13 low-income units shall be eligible for benefits under
14 subparagraph (F) of paragraph (11). The standards for
15 maintaining the occupancy by low-income households and
16 very low-income households, as defined in Section 3 of
17 the Illinois Affordable Housing Act, of those units
18 constructed with eligible costs made available under
19 the provisions of this subparagraph (F) of paragraph
20 (11) shall be established by guidelines adopted by the
21 municipality. The responsibility for annually
22 documenting the initial occupancy of the units by
23 low-income households and very low-income households,
24 as defined in Section 3 of the Illinois Affordable
25 Housing Act, shall be that of the then current owner of
26 the property. For ownership units, the guidelines will

1 provide, at a minimum, for a reasonable recapture of
2 funds, or other appropriate methods designed to
3 preserve the original affordability of the ownership
4 units. For rental units, the guidelines will provide,
5 at a minimum, for the affordability of rent to low and
6 very low-income households. As units become available,
7 they shall be rented to income-eligible tenants. The
8 municipality may modify these guidelines from time to
9 time; the guidelines, however, shall be in effect for
10 as long as tax increment revenue is being used to pay
11 for costs associated with the units or for the
12 retirement of bonds issued to finance the units or for
13 the life of the redevelopment project area, whichever
14 is later.

15 (11.5) If the redevelopment project area is located
16 within a municipality with a population of more than
17 100,000, the cost of day care services for children of
18 employees from low-income families working for businesses
19 located within the redevelopment project area and all or a
20 portion of the cost of operation of day care centers
21 established by redevelopment project area businesses to
22 serve employees from low-income families working in
23 businesses located in the redevelopment project area. For
24 the purposes of this paragraph, "low-income families"
25 means families whose annual income does not exceed 80% of
26 the municipal, county, or regional median income, adjusted

1 for family size, as the annual income and municipal,
2 county, or regional median income are determined from time
3 to time by the United States Department of Housing and
4 Urban Development.

5 (12) Unless explicitly stated herein the cost of
6 construction of new privately-owned buildings shall not be
7 an eligible redevelopment project cost.

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

1 for the retailer or serviceman.

2 (14) No cost shall be a redevelopment project cost in a
3 redevelopment project area if used to demolish, remove, or
4 substantially modify a historic resource, after August 26,
5 2008 (the effective date of Public Act 95-934) ~~this~~
6 ~~amendatory Act of the 95th General Assembly~~, unless no
7 prudent and feasible alternative exists. "Historic
8 resource" for the purpose of this item (14) means (i) a
9 place or structure that is included or eligible for
10 inclusion on the National Register of Historic Places or
11 (ii) a contributing structure in a district on the National
12 Register of Historic Places. This item (14) does not apply
13 to a place or structure for which demolition, removal, or
14 modification is subject to review by the preservation
15 agency of a Certified Local Government designated as such
16 by the National Park Service of the United States
17 Department of the Interior.

18 If a special service area has been established pursuant to
19 the Special Service Area Tax Act or Special Service Area Tax
20 Law, then any tax increment revenues derived from the tax
21 imposed pursuant to the Special Service Area Tax Act or Special
22 Service Area Tax Law may be used within the redevelopment
23 project area for the purposes permitted by that Act or Law as
24 well as the purposes permitted by this Act.

25 (r) "State Sales Tax Boundary" means the redevelopment
26 project area or the amended redevelopment project area

1 boundaries which are determined pursuant to subsection (9) of
2 Section 11-74.4-8a of this Act. The Department of Revenue shall
3 certify pursuant to subsection (9) of Section 11-74.4-8a the
4 appropriate boundaries eligible for the determination of State
5 Sales Tax Increment.

6 (s) "State Sales Tax Increment" means an amount equal to
7 the increase in the aggregate amount of taxes paid by retailers
8 and servicemen, other than retailers and servicemen subject to
9 the Public Utilities Act, on transactions at places of business
10 located within a State Sales Tax Boundary pursuant to the
11 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
12 Tax Act, and the Service Occupation Tax Act, except such
13 portion of such increase that is paid into the State and Local
14 Sales Tax Reform Fund, the Local Government Distributive Fund,
15 the Local Government Tax Fund and the County and Mass Transit
16 District Fund, for as long as State participation exists, over
17 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
18 Tax Amounts or the Revised Initial Sales Tax Amounts for such
19 taxes as certified by the Department of Revenue and paid under
20 those Acts by retailers and servicemen on transactions at
21 places of business located within the State Sales Tax Boundary
22 during the base year which shall be the calendar year
23 immediately prior to the year in which the municipality adopted
24 tax increment allocation financing, less 3.0% of such amounts
25 generated under the Retailers' Occupation Tax Act, Use Tax Act
26 and Service Use Tax Act and the Service Occupation Tax Act,

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

1 Year 1991, this calculation shall be made by utilizing the
2 period from October 1, 1988, until June 30, 1989, to determine
3 the tax amounts received from retailers and servicemen, which
4 shall have deducted therefrom nine-twelfths of the certified
5 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
6 Amounts or the Revised Initial Sales Tax Amounts as
7 appropriate. For every State Fiscal Year thereafter, the
8 applicable period shall be the 12 months beginning July 1 and
9 ending on June 30, to determine the tax amounts received which
10 shall have deducted therefrom the certified Initial Sales Tax
11 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
12 Initial Sales Tax Amounts. Municipalities intending to receive
13 a distribution of State Sales Tax Increment must report a list
14 of retailers to the Department of Revenue by October 31, 1988
15 and by July 31, of each year thereafter.

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

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

26 (v) As used in subsection (a) of Section 11-74.4-3 of this

1 Act, "vacant land" means any parcel or combination of parcels
2 of real property without industrial, commercial, and
3 residential buildings which has not been used for commercial
4 agricultural purposes within 5 years prior to the designation
5 of the redevelopment project area, unless the parcel is
6 included in an industrial park conservation area or the parcel
7 has been subdivided; provided that if the parcel was part of a
8 larger tract that has been divided into 3 or more smaller
9 tracts that were accepted for recording during the period from
10 1950 to 1990, then the parcel shall be deemed to have been
11 subdivided, and all proceedings and actions of the municipality
12 taken in that connection with respect to any previously
13 approved or designated redevelopment project area or amended
14 redevelopment project area are hereby validated and hereby
15 declared to be legally sufficient for all purposes of this Act.
16 For purposes of this Section and only for land subject to the
17 subdivision requirements of the Plat Act, land is subdivided
18 when the original plat of the proposed Redevelopment Project
19 Area or relevant portion thereof has been properly certified,
20 acknowledged, approved, and recorded or filed in accordance
21 with the Plat Act and a preliminary plat, if any, for any
22 subsequent phases of the proposed Redevelopment Project Area or
23 relevant portion thereof has been properly approved and filed
24 in accordance with the applicable ordinance of the
25 municipality.

26 (w) "Annual Total Increment" means the sum of each

1 municipality's annual Net Sales Tax Increment and each
2 municipality's annual Net Utility Tax Increment. The ratio of
3 the Annual Total Increment of each municipality to the Annual
4 Total Increment for all municipalities, as most recently
5 calculated by the Department, shall determine the proportional
6 shares of the Illinois Tax Increment Fund to be distributed to
7 each municipality.

8 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;
9 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.
10 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
11 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
12 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;
13 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.
14 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,
15 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;
16 95-683, eff. 10-19-07; 95-709, eff. 1-29-08; 95-876, eff.
17 8-21-08; 95-932, eff. 8-26-08; 95-934, eff. 8-26-08; 95-964,
18 eff. 9-23-08; 95-977, eff. 9-22-08; revised 10-16-08.)

19 (65 ILCS 5/11-74.4-3.5)

20 Sec. 11-74.4-3.5. Completion dates for redevelopment
21 projects.

22 (a) Unless otherwise stated in this Section, the estimated
23 dates of completion of the redevelopment project and retirement
24 of obligations issued to finance redevelopment project costs
25 (including refunding bonds under Section 11-74.4-7) may not be

1 later than December 31 of the year in which the payment to the
2 municipal treasurer, as provided in subsection (b) of Section
3 11-74.4-8 of this Act, is to be made with respect to ad valorem
4 taxes levied in the 23rd calendar year after the year in which
5 the ordinance approving the redevelopment project area was
6 adopted if the ordinance was adopted on or after January 15,
7 1981.

8 (b) The estimated dates of completion of the redevelopment
9 project and retirement of obligations issued to finance
10 redevelopment project costs (including refunding bonds under
11 Section 11-74.4-7) may not be later than December 31 of the
12 year in which the payment to the municipal treasurer as
13 provided in subsection (b) of Section 11-74.4-8 of this Act is
14 to be made with respect to ad valorem taxes levied in the 33rd
15 calendar year after the year in which the ordinance approving
16 the redevelopment project area was adopted, if the ordinance
17 was adopted on May 20, 1985 by the Village of Wheeling.

18 (c) The estimated dates of completion of the redevelopment
19 project and retirement of obligations issued to finance
20 redevelopment project costs (including refunding bonds under
21 Section 11-74.4-7) may not be later than December 31 of the
22 year in which the payment to the municipal treasurer as
23 provided in subsection (b) of Section 11-74.4-8 of this Act is
24 to be made with respect to ad valorem taxes levied in the 35th
25 calendar year after the year in which the ordinance approving
26 the redevelopment project area was adopted:

1 (1) if the ordinance was adopted before January 15,
2 1981;

3 (2) if the ordinance was adopted in December 1983,
4 April 1984, July 1985, or December 1989;

5 (3) if the ordinance was adopted in December 1987 and
6 the redevelopment project is located within one mile of
7 Midway Airport;

8 (4) if the ordinance was adopted before January 1, 1987
9 by a municipality in Mason County;

10 (5) if the municipality is subject to the Local
11 Government Financial Planning and Supervision Act or the
12 Financially Distressed City Law;

13 (6) if the ordinance was adopted in December 1984 by
14 the Village of Rosemont;

15 (7) if the ordinance was adopted on December 31, 1986
16 by a municipality located in Clinton County for which at
17 least \$250,000 of tax increment bonds were authorized on
18 June 17, 1997, or if the ordinance was adopted on December
19 31, 1986 by a municipality with a population in 1990 of
20 less than 3,600 that is located in a county with a
21 population in 1990 of less than 34,000 and for which at
22 least \$250,000 of tax increment bonds were authorized on
23 June 17, 1997;

24 (8) if the ordinance was adopted on October 5, 1982 by
25 the City of Kankakee, or if the ordinance was adopted on
26 December 29, 1986 by East St. Louis;

1 (9) if the ordinance was adopted on November 12, 1991
2 by the Village of Sauget;

3 (10) if the ordinance was adopted on February 11, 1985
4 by the City of Rock Island;

5 (11) if the ordinance was adopted before December 18,
6 1986 by the City of Moline;

7 (12) if the ordinance was adopted in September 1988 by
8 Sauk Village;

9 (13) if the ordinance was adopted in October 1993 by
10 Sauk Village;

11 (14) if the ordinance was adopted on December 29, 1986
12 by the City of Galva;

13 (15) if the ordinance was adopted in March 1991 by the
14 City of Centreville;

15 (16) if the ordinance was adopted on January 23, 1991
16 by the City of East St. Louis;

17 (17) if the ordinance was adopted on December 22, 1986
18 by the City of Aledo;

19 (18) if the ordinance was adopted on February 5, 1990
20 by the City of Clinton;

21 (19) if the ordinance was adopted on September 6, 1994
22 by the City of Freeport;

23 (20) if the ordinance was adopted on December 22, 1986
24 by the City of Tuscola;

25 (21) if the ordinance was adopted on December 23, 1986
26 by the City of Sparta;

1 (22) if the ordinance was adopted on December 23, 1986
2 by the City of Beardstown;

3 (23) if the ordinance was adopted on April 27, 1981,
4 October 21, 1985, or December 30, 1986 by the City of
5 Belleville;

6 (24) if the ordinance was adopted on December 29, 1986
7 by the City of Collinsville;

8 (25) if the ordinance was adopted on September 14, 1994
9 by the City of Alton;

10 (26) if the ordinance was adopted on November 11, 1996
11 by the City of Lexington;

12 (27) if the ordinance was adopted on November 5, 1984
13 by the City of LeRoy;

14 (28) if the ordinance was adopted on April 3, 1991 or
15 June 3, 1992 by the City of Markham;

16 (29) if the ordinance was adopted on November 11, 1986
17 by the City of Pekin;

18 (30) if the ordinance was adopted on December 15, 1981
19 by the City of Champaign;

20 (31) if the ordinance was adopted on December 15, 1986
21 by the City of Urbana;

22 (32) if the ordinance was adopted on December 15, 1986
23 by the Village of Heyworth;

24 (33) if the ordinance was adopted on February 24, 1992
25 by the Village of Heyworth;

26 (34) if the ordinance was adopted on March 16, 1995 by

1 the Village of Heyworth;

2 (35) if the ordinance was adopted on December 23, 1986
3 by the Town of Cicero;

4 (36) if the ordinance was adopted on December 30, 1986
5 by the City of Effingham;

6 (37) if the ordinance was adopted on May 9, 1991 by the
7 Village of Tilton;

8 (38) if the ordinance was adopted on October 20, 1986
9 by the City of Elmhurst;

10 (39) if the ordinance was adopted on January 19, 1988
11 by the City of Waukegan;

12 (40) if the ordinance was adopted on September 21, 1998
13 by the City of Waukegan;

14 (41) if the ordinance was adopted on December 31, 1986
15 by the City of Sullivan;

16 (42) if the ordinance was adopted on December 23, 1991
17 by the City of Sullivan;

18 (43) if the ordinance was adopted on December 31, 1986
19 by the City of Oglesby;

20 (44) if the ordinance was adopted on July 28, 1987 by
21 the City of Marion;

22 (45) if the ordinance was adopted on April 23, 1990 by
23 the City of Marion;

24 (46) if the ordinance was adopted on August 20, 1985 by
25 the Village of Mount Prospect;

26 (47) if the ordinance was adopted on February 2, 1998

1 by the Village of Woodhull;

2 (48) if the ordinance was adopted on April 20, 1993 by
3 the Village of Princeville;

4 (49) if the ordinance was adopted on July 1, 1986 by
5 the City of Granite City;

6 (50) if the ordinance was adopted on February 2, 1989
7 by the Village of Lombard;

8 (51) if the ordinance was adopted on December 29, 1986
9 by the Village of Gardner;

10 (52) if the ordinance was adopted on July 14, 1999 by
11 the Village of Paw Paw;

12 (53) if the ordinance was adopted on November 17, 1986
13 by the Village of Franklin Park;

14 (54) if the ordinance was adopted on November 20, 1989
15 by the Village of South Holland;

16 (55) if the ordinance was adopted on July 14, 1992 by
17 the Village of Riverdale;

18 (56) if the ordinance was adopted on December 29, 1986
19 by the City of Galesburg;

20 (57) if the ordinance was adopted on April 1, 1985 by
21 the City of Galesburg;

22 (58) if the ordinance was adopted on May 21, 1990 by
23 the City of West Chicago;

24 (59) if the ordinance was adopted on December 16, 1986
25 by the City of Oak Forest;

26 (60) if the ordinance was adopted in 1999 by the City

1 of Villa Grove;

2 (61) if the ordinance was adopted on January 13, 1987
3 by the Village of Mt. Zion;

4 (62) if the ordinance was adopted on December 30, 1986
5 by the Village of Manteno;

6 (63) if the ordinance was adopted on April 3, 1989 by
7 the City of Chicago Heights;

8 (64) if the ordinance was adopted on January 6, 1999 by
9 the Village of Rosemont;

10 (65) if the ordinance was adopted on December 19, 2000
11 by the Village of Stone Park;

12 (66) if the ordinance was adopted on December 22, 1986
13 by the City of DeKalb; ~~or~~

14 (67) if the ordinance was adopted on December 2, 1986
15 by the City of Aurora; ~~or~~

16 (68) ~~(67)~~ if the ordinance was adopted on December 31,
17 1986 by the Village of Milan; ~~or~~

18 (69) ~~(68)~~ if the ordinance was adopted on September 8,
19 1994 by the City of West Frankfort; ~~or~~

20 (70) if the ordinance was adopted on December 23, 1986
21 by the Village of Libertyville.

22 (d) For redevelopment project areas for which bonds were
23 issued before July 29, 1991, or for which contracts were
24 entered into before June 1, 1988, in connection with a
25 redevelopment project in the area within the State Sales Tax
26 Boundary, the estimated dates of completion of the

1 redevelopment project and retirement of obligations to finance
2 redevelopment project costs (including refunding bonds under
3 Section 11-74.4-7) may be extended by municipal ordinance to
4 December 31, 2013. The termination procedures of subsection (b)
5 of Section 11-74.4-8 are not required for these redevelopment
6 project areas in 2009 but are required in 2013. The extension
7 allowed by Public Act 87-1272 shall not apply to real property
8 tax increment allocation financing under Section 11-74.4-8.

9 (e) Those dates, for purposes of real property tax
10 increment allocation financing pursuant to Section 11-74.4-8
11 only, shall be not more than 35 years for redevelopment project
12 areas that were adopted on or after December 16, 1986 and for
13 which at least \$8 million worth of municipal bonds were
14 authorized on or after December 19, 1989 but before January 1,
15 1990; provided that the municipality elects to extend the life
16 of the redevelopment project area to 35 years by the adoption
17 of an ordinance after at least 14 but not more than 30 days'
18 written notice to the taxing bodies, that would otherwise
19 constitute the joint review board for the redevelopment project
20 area, before the adoption of the ordinance.

21 (f) Those dates, for purposes of real property tax
22 increment allocation financing pursuant to Section 11-74.4-8
23 only, shall be not more than 35 years for redevelopment project
24 areas that were established on or after December 1, 1981 but
25 before January 1, 1982 and for which at least \$1,500,000 worth
26 of tax increment revenue bonds were authorized on or after

1 September 30, 1990 but before July 1, 1991; provided that the
2 municipality elects to extend the life of the redevelopment
3 project area to 35 years by the adoption of an ordinance after
4 at least 14 but not more than 30 days' written notice to the
5 taxing bodies, that would otherwise constitute the joint review
6 board for the redevelopment project area, before the adoption
7 of the ordinance.

8 (g) In consolidating the material relating to completion
9 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
10 it is not the intent of the ~~95th~~ General Assembly to make any
11 substantive change in the law, except for the extension of the
12 completion dates ~~date~~ for the City of Aurora, the Village of
13 Milan, ~~and~~ the City of West Frankfort, and the Village of
14 Libertyville set forth under items ~~item~~ (67), ~~and~~ (68), (69),
15 and (70) of subsection (c) of this Section.

16 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;
17 incorporates P.A. 95-777, eff. 9-22-08; revised 10-14-08.)

18 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

19 Sec. 11-74.4-7. Obligations secured by the special tax
20 allocation fund set forth in Section 11-74.4-8 for the
21 redevelopment project area may be issued to provide for
22 redevelopment project costs. Such obligations, when so issued,
23 shall be retired in the manner provided in the ordinance
24 authorizing the issuance of such obligations by the receipts of
25 taxes levied as specified in Section 11-74.4-9 against the

1 taxable property included in the area, by revenues as specified
2 by Section 11-74.4-8a and other revenue designated by the
3 municipality. A municipality may in the ordinance pledge all or
4 any part of the funds in and to be deposited in the special tax
5 allocation fund created pursuant to Section 11-74.4-8 to the
6 payment of the redevelopment project costs and obligations. Any
7 pledge of funds in the special tax allocation fund shall
8 provide for distribution to the taxing districts and to the
9 Illinois Department of Revenue of moneys not required, pledged,
10 earmarked, or otherwise designated for payment and securing of
11 the obligations and anticipated redevelopment project costs
12 and such excess funds shall be calculated annually and deemed
13 to be "surplus" funds. In the event a municipality only applies
14 or pledges a portion of the funds in the special tax allocation
15 fund for the payment or securing of anticipated redevelopment
16 project costs or of obligations, any such funds remaining in
17 the special tax allocation fund after complying with the
18 requirements of the application or pledge, shall also be
19 calculated annually and deemed "surplus" funds. All surplus
20 funds in the special tax allocation fund shall be distributed
21 annually within 180 days after the close of the municipality's
22 fiscal year by being paid by the municipal treasurer to the
23 County Collector, to the Department of Revenue and to the
24 municipality in direct proportion to the tax incremental
25 revenue received as a result of an increase in the equalized
26 assessed value of property in the redevelopment project area,

1 tax incremental revenue received from the State and tax
2 incremental revenue received from the municipality, but not to
3 exceed as to each such source the total incremental revenue
4 received from that source. The County Collector shall
5 thereafter make distribution to the respective taxing
6 districts in the same manner and proportion as the most recent
7 distribution by the county collector to the affected districts
8 of real property taxes from real property in the redevelopment
9 project area.

10 Without limiting the foregoing in this Section, the
11 municipality may in addition to obligations secured by the
12 special tax allocation fund pledge for a period not greater
13 than the term of the obligations towards payment of such
14 obligations any part or any combination of the following: (a)
15 net revenues of all or part of any redevelopment project; (b)
16 taxes levied and collected on any or all property in the
17 municipality; (c) the full faith and credit of the
18 municipality; (d) a mortgage on part or all of the
19 redevelopment project; or (e) any other taxes or anticipated
20 receipts that the municipality may lawfully pledge.

21 Such obligations may be issued in one or more series
22 bearing interest at such rate or rates as the corporate
23 authorities of the municipality shall determine by ordinance.
24 Such obligations shall bear such date or dates, mature at such
25 time or times not exceeding 20 years from their respective
26 dates, be in such denomination, carry such registration

1 privileges, be executed in such manner, be payable in such
2 medium of payment at such place or places, contain such
3 covenants, terms and conditions, and be subject to redemption
4 as such ordinance shall provide. Obligations issued pursuant to
5 this Act may be sold at public or private sale at such price as
6 shall be determined by the corporate authorities of the
7 municipalities. No referendum approval of the electors shall be
8 required as a condition to the issuance of obligations pursuant
9 to this Division except as provided in this Section.

10 In the event the municipality authorizes issuance of
11 obligations pursuant to the authority of this Division secured
12 by the full faith and credit of the municipality, which
13 obligations are other than obligations which may be issued
14 under home rule powers provided by Article VII, Section 6 of
15 the Illinois Constitution, or pledges taxes pursuant to (b) or
16 (c) of the second paragraph of this section, the ordinance
17 authorizing the issuance of such obligations or pledging such
18 taxes shall be published within 10 days after such ordinance
19 has been passed in one or more newspapers, with general
20 circulation within such municipality. The publication of the
21 ordinance shall be accompanied by a notice of (1) the specific
22 number of voters required to sign a petition requesting the
23 question of the issuance of such obligations or pledging taxes
24 to be submitted to the electors; (2) the time in which such
25 petition must be filed; and (3) the date of the prospective
26 referendum. The municipal clerk shall provide a petition form

1 to any individual requesting one.

2 If no petition is filed with the municipal clerk, as
3 hereinafter provided in this Section, within 30 days after the
4 publication of the ordinance, the ordinance shall be in effect.
5 But, if within that 30 day period a petition is filed with the
6 municipal clerk, signed by electors in the municipality
7 numbering 10% or more of the number of registered voters in the
8 municipality, asking that the question of issuing obligations
9 using full faith and credit of the municipality as security for
10 the cost of paying for redevelopment project costs, or of
11 pledging taxes for the payment of such obligations, or both, be
12 submitted to the electors of the municipality, the corporate
13 authorities of the municipality shall call a special election
14 in the manner provided by law to vote upon that question, or,
15 if a general, State or municipal election is to be held within
16 a period of not less than 30 or more than 90 days from the date
17 such petition is filed, shall submit the question at the next
18 general, State or municipal election. If it appears upon the
19 canvass of the election by the corporate authorities that a
20 majority of electors voting upon the question voted in favor
21 thereof, the ordinance shall be in effect, but if a majority of
22 the electors voting upon the question are not in favor thereof,
23 the ordinance shall not take effect.

24 The ordinance authorizing the obligations may provide that
25 the obligations shall contain a recital that they are issued
26 pursuant to this Division, which recital shall be conclusive

1 evidence of their validity and of the regularity of their
2 issuance.

3 In the event the municipality authorizes issuance of
4 obligations pursuant to this Section secured by the full faith
5 and credit of the municipality, the ordinance authorizing the
6 obligations may provide for the levy and collection of a direct
7 annual tax upon all taxable property within the municipality
8 sufficient to pay the principal thereof and interest thereon as
9 it matures, which levy may be in addition to and exclusive of
10 the maximum of all other taxes authorized to be levied by the
11 municipality, which levy, however, shall be abated to the
12 extent that monies from other sources are available for payment
13 of the obligations and the municipality certifies the amount of
14 said monies available to the county clerk.

15 A certified copy of such ordinance shall be filed with the
16 county clerk of each county in which any portion of the
17 municipality is situated, and shall constitute the authority
18 for the extension and collection of the taxes to be deposited
19 in the special tax allocation fund.

20 A municipality may also issue its obligations to refund in
21 whole or in part, obligations theretofore issued by such
22 municipality under the authority of this Act, whether at or
23 prior to maturity, provided however, that the last maturity of
24 the refunding obligations may not be later than the dates set
25 forth under Section 11-74.4-3.5. ~~DDD (EEE) (FFF) (GGG), (HHH)~~
26 ~~(III) (JJJ) (KKK) (LLL) (MMM), or (NNN) if the ordinance was~~

1 ~~adopted on December 23, 1986 by the Village of Libertyville~~

2 In the event a municipality issues obligations under home
3 rule powers or other legislative authority the proceeds of
4 which are pledged to pay for redevelopment project costs, the
5 municipality may, if it has followed the procedures in
6 conformance with this division, retire said obligations from
7 funds in the special tax allocation fund in amounts and in such
8 manner as if such obligations had been issued pursuant to the
9 provisions of this division.

10 All obligations heretofore or hereafter issued pursuant to
11 this Act shall not be regarded as indebtedness of the
12 municipality issuing such obligations or any other taxing
13 district for the purpose of any limitation imposed by law.

14 (Source: P.A. 94-260, eff. 7-19-05; 94-297, eff. 7-21-05;
15 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff.
16 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782,
17 eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06;
18 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff.
19 1-26-07; 95-15, eff. 7-16-07; 95-164, eff. 1-1-08; 95-331, eff.
20 8-21-07; 95-346, eff. 8-21-07; 95-459, eff. 8-27-07; 95-653,
21 eff. 1-1-08; 95-662, eff. 10-11-07; 95-683, eff. 10-19-07;
22 95-709, eff. 1-29-08; 95-876, eff. 8-21-08; 95-932, eff.
23 8-26-08; 95-964, eff. 9-23-08; 95-977, eff. 9-22-08; revised
24 10-16-08.)

25 Section 105. The Chanute-Rantoul National Aviation Center

1 Redevelopment Commission Act is amended by changing Section 25
2 as follows:

3 (70 ILCS 503/25)

4 Sec. 25. Powers.

5 (a) The Commission possesses all the powers of a body
6 corporate necessary and convenient to accomplish the purposes
7 of this Act, including, but not limited to, the following
8 powers:

9 (1) to sue and be sued in its corporate name;

10 (2) to apply for and accept gifts, grants, or loans of
11 funds or property, financial, or other aid from any public
12 agency or private entity;

13 (3) to acquire, hold, sell, lease as lessor or lessee,
14 deal in, lend, transfer, convey, donate or otherwise
15 dispose of real or personal property, or interests in the
16 property, under procedures set by the Commission and for
17 consideration in the best interests of the Rantoul National
18 Aviation Center Airport and the community;

19 (4) to enter into loans, contracts, agreements, and
20 mortgages in any matter connected with any of its corporate
21 purposes and to invest its funds;

22 (5) to implement the comprehensive plan for the
23 redevelopment of the area within the territorial
24 jurisdiction of the Commission that is adopted by the
25 Village and to assist the Village in updating the

1 comprehensive plan;

2 (6) to create, develop, and implement redevelopment
3 plans for the territorial jurisdiction of the Commission,
4 which may include commercial and industrial uses;

5 (7) to prepare, submit, and administer plans, and to
6 participate in projects or intergovernmental agreements,
7 or both, and to create reserves for planning, constructing,
8 reconstructing, acquiring, owning, managing, insuring,
9 leasing, equipping, extending, improving, operating,
10 maintaining, and repairing land and projects that the
11 Commission owns or leases;

12 (8) to provide for the insurance, including
13 self-insurance, of any property or operations of the
14 Commission or its members, directors, and employees,
15 against any risk or hazard, and to indemnify its members,
16 agents, independent contractors, directors, and employees
17 against any risk or hazard;

18 (9) to appoint, retain, employ, and set compensation
19 rates for its agents, independent contractors, and
20 employees to carry out its powers and functions;
21 specifically the administrative officer of the Village
22 shall serve as Executive Director of the Commission, and
23 the Comptroller of the Village shall serve as the Financial
24 Officer of the Commission;

25 (10) to acquire and accept by purchase, lease, gift, or
26 otherwise any property or rights from any persons, any

1 municipal corporation, body politic, or agency of the State
2 or of the federal government or directly from the State or
3 the federal government, useful for the purposes of the
4 Commission, and apply for and accept grants, matching
5 grants, loans, or appropriations from the State or the
6 federal government, or any agency or instrumentality of the
7 State or the federal government to be used for any of the
8 purposes of the Commission, and to enter into any agreement
9 with the State or federal government in relation to those
10 grants, matching grants, loans, or appropriations;

11 (11) to exercise the right of eminent domain by
12 condemnation proceedings, in the manner provided by the
13 Eminent Domain Act ~~Article VII of the Illinois Code of~~
14 ~~Civil Procedure~~, to acquire private property for the lawful
15 purposes of the Commission or to carry out a comprehensive
16 plan or redevelopment plan;

17 (12) to fix and collect just, reasonable, and
18 nondiscriminatory charges and rents for the use of
19 Commission property and services. The charges collected
20 may be used to defray the reasonable expenses of the
21 Commission and to pay the principal of and the interest on
22 any bonds issued by the Commission;

23 (13) to install, repair, construct, reconstruct, or
24 relocate streets, roads, alleys, sidewalks, utilities, and
25 site improvements essential to the preparation of the area
26 within the territorial jurisdiction of the Commission for

1 use in accordance with the redevelopment plan;

2 (14) to enter into redevelopment agreements with other
3 units of local government relating to sharing taxes and
4 other revenues and sharing, limiting, and transferring
5 land use planning, subdivision, and zoning powers; and

6 (15) to borrow money for the corporate purposes of the
7 Commission and, in evidence of its obligations to repay the
8 borrowing, issue its negotiable revenue bonds or notes for
9 any of its corporate purposes, including, but not limited
10 to, the following: paying for costs of planning,
11 constructing, reconstructing, acquiring, owning, leasing,
12 equipping, or improving any publicly-owned land within the
13 territorial jurisdiction of the Commission, paying
14 interest and principal on bonds, paying for legal,
15 financial, and administrative consulting costs related to
16 any debt financing, and creating reserves.

17 (b) Any financial arrangements made by the Commission must
18 expressly benefit the operations in order to keep the Aviation
19 Center a viable and financially stable entity of the Village of
20 Rantoul.

21 (Source: P.A. 94-908, eff. 6-23-06; revised 1-30-08.)

22 Section 110. The Mid-Illinois Medical District Act is
23 amended by changing Section 90 as follows:

24 (70 ILCS 925/90)

1 Sec. 90. Disposition of money; income fund. All money
2 received by the Commission from the sale or lease of any
3 property, in excess of the amount expended by the Commission
4 for authorized purposes under this Act or as may be necessary
5 to satisfy the obligation of any revenue bond issued pursuant
6 to Section 35, shall be paid into the State treasury for
7 deposit into the Mid-Illinois ~~Illinois~~ Medical District ~~at~~
8 ~~Springfield~~ Income Fund. The Commission is authorized to use
9 all money received as rentals for the purposes of planning,
10 acquisition, and development of property within the District,
11 for the operation, maintenance, and improvement of property of
12 the Commission, and for all purposes and powers set forth in
13 this Act. All moneys held pursuant to this Section shall be
14 maintained in a depository approved by the State Treasurer. The
15 Auditor General shall, at least biennially, audit or cause to
16 be audited all records and accounts of the Commission
17 pertaining to the operation of the District.

18 (Source: P.A. 92-870, eff. 1-3-03; revised 1-22-08.)

19 Section 115. The Mid-America Medical District Act is
20 amended by changing Sections 20 and 80 as follows:

21 (70 ILCS 930/20)

22 Sec. 20. Property; acquisition. The Commission is
23 authorized to acquire the fee simple title to real property
24 lying within the District and personal property required for

1 its purposes, by gift, purchase, or otherwise. Title shall be
2 taken in the corporate name of the Commission. The Commission
3 may acquire by lease any real property located within the
4 District and personal property found by the Commission to be
5 necessary for its purposes and to which the Commission finds
6 that it need not acquire the fee simple title for carrying out
7 of those purposes. All real and personal property within the
8 District, except that owned and used for purposes authorized
9 under this Act by medical institutions or allied educational
10 institutions, hospitals, dispensaries, clinics, dormitories or
11 homes for the nurses, doctors, students, instructors, or other
12 officers or employees of those institutions located in the
13 District, or any real property that is used for offices or for
14 recreational purposes in connection with those institutions,
15 or any improved residential property within a currently
16 effective historical district properly designated under a
17 federal statute or a State or local statute that has been
18 certified by the Secretary of the Interior to the Secretary of
19 the Treasury as containing criteria that will substantially
20 achieve the purpose of preserving and rehabilitating buildings
21 of historical significance to the district, may be acquired by
22 the Commission in its corporate name under the provisions for
23 the exercise of the right of eminent domain under the Eminent
24 Domain Act ~~Article VII of the Code of Civil Procedure~~. The
25 Commission has no quick-take powers, no zoning powers, and no
26 power to establish or enforce building codes. The Commission

1 may not acquire any property pursuant to this Section before a
2 comprehensive master plan has been approved under Section 65.
3 (Source: P.A. 94-1036, eff. 1-1-07; revised 1-30-08.)

4 (70 ILCS 930/80)

5 Sec. 80. Jurisdiction. This Act shall not be construed to
6 limit the jurisdiction of the City of East St. Louis to
7 territory outside the limits of the District nor to impair any
8 power now possessed by or hereafter granted to the City of East
9 St. Louis or to cities generally. Property owned by and
10 exclusively used by the Commission shall be exempt from
11 taxation and shall be subject to condemnation by the State and
12 any municipal corporation or agency of the State for any State
13 or municipal purpose under the provisions for the exercise of
14 the right of eminent domain under the Eminent Domain Act
15 ~~Article VII of the Code of Civil Procedure.~~

16 (Source: P.A. 94-1036, eff. 1-1-07; revised 1-30-08.)

17 Section 120. The Southwest Regional Port District Act is
18 amended by changing Section 5 as follows:

19 (70 ILCS 1855/5) (from Ch. 19, par. 455)

20 Sec. 5. The District has power to acquire and accept by
21 purchase, lease, gift, grant or otherwise any property and
22 rights useful for its purposes and to provide for the
23 development of channels, ports, harbors, airports, airfields,

1 terminals, port facilities, terminal facilities, aquariums,
2 museums, planetariums, climatrons and any other building or
3 facility which the District has the power to acquire,
4 construct, reconstruct, extend or improve, to serve the needs
5 of commerce within the District. The District may acquire real
6 or personal property or any rights therein in the manner, as
7 near as may be, as is provided for the exercise of the right of
8 eminent domain under the Eminent Domain Act ~~Article VII of the~~
9 ~~Code of Civil Procedure~~, as heretofore or hereafter amended;
10 except that no rights or property of any kind or character now
11 or hereafter owned, leased, controlled or operated and used by,
12 or necessary for the actual operations of any common carrier
13 engaged in interstate commerce, or of any other public utility
14 subject to the jurisdiction of the Illinois Commerce
15 Commission, shall be taken or appropriated by the District
16 without first obtaining the approval of the Illinois Commerce
17 Commission; and except that no property owned by any city
18 within the District shall be taken or appropriated without
19 first obtaining the consent of the governing body of such city.

20 Also, the District may lease to others for any period of
21 time, not to exceed 99 years, upon such terms as its Board may
22 determine, any of its real property, rights of way or
23 privileges, or any interest therein, or any part thereof, for
24 industrial, manufacturing, commercial or harbor purposes,
25 which is in the opinion of the Port District Board no longer
26 required for its primary purposes in the development of port

1 and harbor facilities for the use of public transportation, or
2 which may not be immediately needed for such purposes, but
3 where such leases will in the opinion of the Port District
4 Board aid and promote such purposes, and in conjunction with
5 such leases, the District may grant rights of way and
6 privileges across the property of the District, which rights of
7 way and privileges may be assignable and irrevocable during the
8 term of any such lease and may include the right to enter upon
9 the property of the District to do such things as may be
10 necessary for the enjoyment of such leases, rights of way and
11 privileges, and such leases may contain such conditions and
12 retain such interest therein as may be deemed for the best
13 interest of the District by such Board.

14 Also, the District shall have the right to grant easements
15 and permits for the use of any such real property, rights of
16 way or privileges which in the opinion of the Board will not
17 interfere with the use thereof by the District for its primary
18 purposes and such easements and permits may contain such
19 conditions and retain such interest therein as may be deemed
20 for the best interest of the District by the Board.

21 With respect to any and all leases, easements, rights of
22 way, privileges and permits made or granted by the Board, the
23 Board may agree upon and collect the rentals, charges and fees
24 that may be deemed for the best interest of the District. Such
25 rentals, charges and fees shall be used to defray the
26 reasonable expenses of the District and to pay the principal of

1 and interest on any revenue bonds issued by the District.

2 (Source: P.A. 82-783; revised 1-30-08.)

3 Section 125. The Sanitary District Act of 1917 is amended
4 by changing Sections 8 and 15 as follows:

5 (70 ILCS 2405/8) (from Ch. 42, par. 307)

6 Sec. 8. (a) The sanitary district may acquire by purchase,
7 condemnation, or otherwise all real and personal property,
8 right of way and privilege, either within or without its
9 corporate limits that may be required for its corporate
10 purposes. If real property is acquired by condemnation, the
11 sanitary district may not sell or lease any portion of the
12 property for a period of 10 years after acquisition by
13 condemnation is completed. If, after such 10-year period, the
14 sanitary district decides to sell or lease the property, it
15 must first offer the property for sale or lease to the previous
16 owner of the land from whom the sanitary district acquired the
17 property. If the sanitary district and such previous owner do
18 not execute a contract for purchase or lease of the property
19 within 60 days from the initial offer, the sanitary district
20 then may offer the property for sale or lease to any other
21 person. If any district formed under this Act is unable to
22 agree with any other sanitary district upon the terms whereby
23 it shall be permitted to use the drains, channels or ditches of
24 such other sanitary district, the right to such use may be

1 acquired by condemnation in any circuit court by proceedings as
2 provided in Section 4-17 of the Illinois Drainage Code. The
3 compensation to be paid for such use may be a gross sum, or it
4 may be in the form of an annual rental, to be paid in yearly
5 installments as provided by the judgment of the court wherein
6 such proceedings may be had. However, when such compensation is
7 fixed at a gross sum all moneys for the purchase and
8 condemnation of any property shall be paid before possession is
9 taken or any work done on the premises damaged by the
10 construction of such channel or outlet, and in case of an
11 appeal from the circuit court taken by either party whereby the
12 amount of damages is not finally determined, then possession
13 may be taken, if the amount of judgment in such court is
14 deposited at some bank or savings and loan association to be
15 designated by the court, subject to the payment of such damages
16 on orders signed by the circuit court, whenever the amount of
17 damages is finally determined. The sanitary district may sell,
18 convey, vacate and release the real or personal property, right
19 of way and privileges acquired by it when no longer required
20 for the purposes of the district.

21 (b) A sanitary district may exercise its powers of eminent
22 domain to acquire a public utility only if the Illinois
23 Commerce Commission, following petition by the sanitary
24 district, has granted approval for the sanitary district to
25 proceed in accordance with the Eminent Domain Act ~~Article VII~~
26 ~~of the Code of Civil Procedure~~. The following procedures must

1 be followed when a sanitary district exercises its power of
2 eminent domain to acquire a public utility.

3 (1) The sanitary district shall petition the
4 Commission for approval of the acquisition of a public
5 utility by the exercise of eminent domain powers. The
6 petition filed by the sanitary district shall state the
7 following:

8 (A) the caption of the case;

9 (B) the date of the filing of the application;

10 (C) the name and address of the condemnee;

11 (D) the name and address of the condemnor;

12 (E) a specific reference to the statute under which
13 the condemnation action is authorized;

14 (F) a specific reference to the action, whether by
15 ordinance, resolution, or otherwise, by which the
16 declaration of taking was authorized, including the
17 date when such action was taken, and the place where
18 the record may be examined;

19 (G) a description of the purpose of the
20 condemnation;

21 (H) a reasonable description of the property to be
22 condemned;

23 (I) a statement of how just compensation will be
24 made;

25 (J) a statement that, if the condemnee wishes to
26 challenge the proceeding, the condemnee shall file

1 objections within 45 days after its receipt of the
2 notice.

3 (2) Within 30 days after the filing of a petition by
4 the sanitary district of its intent to acquire by eminent
5 domain all real and personal property, rights of way, and
6 privileges of a public utility, the sanitary district shall
7 serve a copy of the petition on the public utility and
8 shall publish a notice of the filing of the petition in a
9 newspaper of general circulation in the area served by the
10 sanitary district. The sanitary district shall file a
11 certificate of publication with the Commission as proof of
12 publication.

13 (3) Within 45 days after being served with the notice
14 required by this Section, the condemnee may file objections
15 to the petition with the Commission. All objections shall
16 state specifically the grounds relied upon. All objections
17 shall be raised at one time and in one document. The
18 condemnee shall serve a copy of the objections upon the
19 condemnor within 72 hours after the objections are filed
20 with the Commission.

21 (4) The Commission shall make a determination
22 regarding the petition and any objections to the petition
23 and shall make such orders and decrees as justice and law
24 shall require. The Commission may take evidence by
25 deposition or otherwise and shall entertain oral argument
26 on all objections. The Commission shall make its

1 determination within 105 days after its receipt of the
2 objections of the condemnee, unless the Commission, in its
3 discretion, extends the determination period for a further
4 period not exceeding 6 months.

5 (c) The Illinois Commerce Commission shall approve the
6 taking of any property by a sanitary district under subsection
7 (b), within or outside its boundaries, if it is in the public
8 interest. The taking shall be considered to be in the public
9 interest if the sanitary district establishes by a
10 preponderance of the evidence:

11 (1) that the sanitary district has been in existence as
12 the operator of a wastewater system for at least 20 years;

13 (2) that it will provide wastewater treatment service
14 within the proposed area subject to condemnation at the
15 same level of wastewater treatment service provided
16 throughout the district;

17 (3) that it will provide the wastewater collection,
18 treatment, and disposal at the same or less operational and
19 maintenance volumetric or bulk rate as the public utility
20 whose property is subject to condemnation; and

21 (4) that it is not financially impractical for the
22 public utility to serve its remaining customers who are not
23 in the area subject to condemnation.

24 (Source: P.A. 94-1106, eff. 2-9-07; revised 1-30-08.)

25 (70 ILCS 2405/15) (from Ch. 42, par. 314)

1 Sec. 15. Whenever the board of trustees of any sanitary
2 district shall pass an ordinance for the making of any
3 improvement which such district is authorized to make, the
4 making of which will require that private property should be
5 taken or damaged, such district may cause compensation therefor
6 to be ascertained, and may condemn and acquire possession
7 thereof in the same manner as nearly as may be as is provided
8 for the exercise of the right of eminent domain under the
9 Eminent Domain Act, as amended, except ~~Article VII of the Code~~
10 ~~of Civil Procedure, and all amendments thereto: Provided,~~
11 ~~however,~~ that (i) proceedings to ascertain the compensation to
12 be paid for taking or damaging private property shall in all
13 cases be instituted in the county where the property sought to
14 be taken or damaged is situated, and (ii): ~~And, provided, that~~
15 all damages to property, whether determined by agreement or by
16 final judgment of court, shall be paid prior to the payment of
17 any other debt or obligation.

18 (Source: P.A. 82-783; revised 1-30-08.)

19 Section 130. The Metropolitan Water Reclamation District
20 Act is amended by changing Section 7a and by setting forth and
21 renumbering multiple versions of Section 302 as follows:

22 (70 ILCS 2605/7a) (from Ch. 42, par. 326a)

23 Sec. 7a. Discharge into sewers of a sanitary district.

24 (a) The terms used in this Section are defined as follows:

1 "Board of Commissioners" means the Board of Commissioners
2 of the sanitary district.

3 "Sewage" means water-carried human wastes or a combination
4 of water-carried wastes from residences, buildings,
5 businesses, industrial establishments, institutions, or other
6 places together with any ground, surface, storm, or other water
7 that may be present.

8 "Industrial Wastes" means all solids, liquids, or gaseous
9 wastes resulting from any commercial, industrial,
10 manufacturing, agricultural, trade, or business operation or
11 process, or from the development, recovery, or processing of
12 natural resources.

13 "Other Wastes" means decayed wood, sawdust, shavings,
14 bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals,
15 and all other substances except sewage and industrial wastes.

16 "Person" means any individual, firm, association, joint
17 venture, sole proprietorship, company, partnership, estate
18 copartnership, corporation, joint stock company, trust, school
19 district, unit of local government, or private corporation
20 organized or existing under the laws of this or any other state
21 or country.

22 "Executive Director" means the executive director of the
23 sanitary district.

24 (b) It shall be unlawful for any person to discharge
25 sewage, industrial waste, or other wastes into the sewerage
26 system of a sanitary district or into any sewer connected

1 therewith, except upon the terms and conditions that the
2 sanitary district might reasonably impose by way of ordinance,
3 permit, or otherwise.

4 Any sanitary district, in addition to all other powers
5 vested in it and in the interest of public health and safety,
6 or as authorized by subsections (b) and (c) of Section 46 of
7 the Environmental Protection Act, is hereby empowered to pass
8 all ordinances, rules, or regulations necessary to implement
9 this Section, including but not limited to, the imposition of
10 charges based on factors that influence the cost of treatment,
11 including strength and volume, and including the right of
12 access during reasonable hours to the premises of a person for
13 enforcement of adopted ordinances, rules, or regulations.

14 (c) Whenever the sanitary district acting through the
15 executive director determines that sewage, industrial wastes,
16 or other wastes are being discharged into the sewerage system
17 and when, in the opinion of the executive director the
18 discharge is in violation of an ordinance, rules, or
19 regulations adopted by the Board of Commissioners under this
20 Section governing industrial wastes or other wastes, the
21 executive director shall order the offending party to cease and
22 desist. The order shall be served by certified mail or
23 personally on the owner, officer, registered agent, or
24 individual designated by permit.

25 In the event the offending party fails or refuses to
26 discontinue the discharge within 90 days after notification of

1 the cease and desist order, the executive director may order
2 the offending party to show cause before the Board of
3 Commissioners of the sanitary district why the discharge should
4 not be discontinued. A notice shall be served on the offending
5 party directing him, her, or it to show cause before the Board
6 of Commissioners why an order should not be entered directing
7 the discontinuance of the discharge. The notice shall specify
8 the time and place where a hearing will be held and shall be
9 served personally or by registered or certified mail at least
10 10 days before the hearing; and in the case of a unit of local
11 government or a corporation the service shall be upon an
12 officer or agent thereof. After reviewing the evidence, the
13 Board of Commissioners may issue an order to the party
14 responsible for the discharge, directing that within a
15 specified period of time the discharge be discontinued. The
16 Board of Commissioners may also order the party responsible for
17 the discharge to pay a civil penalty in an amount specified by
18 the Board of Commissioners that is not less than \$100 nor more
19 than \$2,000 per day for each day of discharge of effluent in
20 violation of this Act as provided in subsection (d). The Board
21 of Commissioners may also order the party responsible for the
22 violation to pay court reporter costs and hearing officer fees
23 in a total amount not exceeding \$3,000.

24 (d) The Board of Commissioners shall establish procedures
25 for assessing civil penalties and issuing orders under
26 subsection (c) as follows:

1 (1) In making its orders and determinations, the Board
2 of Commissioners shall take into consideration all the
3 facts and circumstances bearing on the activities involved
4 and the assessment of civil penalties as shown by the
5 record produced at the hearing.

6 (2) The Board of Commissioners shall establish a panel
7 of independent hearing officers to conduct all hearings on
8 the assessment of civil penalties and issuance of orders
9 under subsection (c). The hearing officers shall be
10 attorneys licensed to practice law in this State.

11 (3) The Board of Commissioners shall promulgate
12 procedural rules governing the proceedings, the assessment
13 of civil penalties, and the issuance of orders.

14 (4) All hearings shall be on the record, and testimony
15 taken must be under oath and recorded stenographically.
16 Transcripts so recorded must be made available to any
17 member of the public or any party to the hearing upon
18 payment of the usual charges for transcripts. At the
19 hearing, the hearing officer may issue, in the name of the
20 Board of Commissioners, notices of hearing requesting the
21 attendance and testimony of witnesses and the production of
22 evidence relevant to any matter involved in the hearing and
23 may examine witnesses.

24 (5) The hearing officer shall conduct a full and
25 impartial hearing on the record, with an opportunity for
26 the presentation of evidence and cross-examination of the

1 witnesses. The hearing officer shall issue findings of
2 fact, conclusions of law, a recommended civil penalty, and
3 an order based solely on the record. The hearing officer
4 may also recommend, as part of the order, that the
5 discharge of industrial waste be discontinued within a
6 specified time.

7 (6) The findings of fact, conclusions of law,
8 recommended civil penalty, and order shall be transmitted
9 to the Board of Commissioners along with a complete record
10 of the hearing.

11 (7) The Board of Commissioners shall either approve or
12 disapprove the findings of fact, conclusions of law,
13 recommended civil penalty, and order. If the findings of
14 fact, conclusions of law, recommended civil penalty, or
15 order are rejected, the Board of Commissioners shall remand
16 the matter to the hearing officer for further proceedings.
17 If the order is accepted by the Board of Commissioners, it
18 shall constitute the final order of the Board of
19 Commissioners.

20 (8) (Blank).

21 (9) The civil penalty specified by the Board of
22 Commissioners shall be paid within 35 days after the party
23 on whom it is imposed receives a written copy of the order
24 of the Board of Commissioners, unless the person or persons
25 to whom the order is issued seeks judicial review ~~under~~
26 ~~paragraph (8)~~.

1 (10) If the respondent seeks judicial review of the
2 order assessing civil penalties, the respondent shall,
3 within 35 days after the date of the final order, pay the
4 amount of the civil penalties into an escrow account
5 maintained by the district for that purpose or file a bond
6 guaranteeing payment of the civil penalties if the civil
7 penalties are upheld on review.

8 (11) Civil penalties not paid by the times specified
9 above shall be delinquent and subject to a lien recorded
10 against the property of the person ordered to pay the
11 penalty. The foregoing provisions for asserting liens
12 against real estate by the sanitary district shall be in
13 addition to and not in derogation of any other remedy or
14 right of recovery, in law or equity, that the sanitary
15 district may have with respect to the collection or
16 recovery of penalties and charges imposed by the sanitary
17 district. Judgment in a civil action brought by the
18 sanitary district to recover or collect the charges shall
19 not operate as a release and waiver of the lien upon the
20 real estate for the amount of the judgment. Only
21 satisfaction of the judgment or the filing of a release or
22 satisfaction of lien shall release the lien.

23 (e) The executive director may order a person to cease the
24 discharge of industrial waste upon a finding by the executive
25 director that the final order of the Board of Commissioners
26 entered after a hearing to show cause has been violated. The

1 executive director shall serve the person with a copy of his or
2 her order either by certified mail or personally by serving the
3 owner, officer, registered agent, or individual designated by
4 permit. The order of the executive director shall also schedule
5 an expedited hearing before a hearing officer designated by the
6 Board of Commissioners for the purpose of determining whether
7 the company has violated the final order of the Board of
8 Commissioners. The Board of Commissioners shall adopt rules of
9 procedure governing expedited hearings. In no event shall the
10 hearing be conducted less than 7 days after receipt by the
11 person of the executive director's order.

12 At the conclusion of the expedited hearing, the hearing
13 officer shall prepare a report with his or her findings and
14 recommendations and transmit it to the Board of Commissioners.
15 If the Board of Commissioners, after reviewing the findings and
16 recommendations, and the record produced at the hearings,
17 determines that the person has violated the Board of
18 Commissioner's final order, the Board of Commissioners may
19 authorize the plugging of the sewer. The executive director
20 shall give not less than 10 days written notice of the Board of
21 Commissioner's order to the owner, officer, registered agent,
22 or individual designated by permit, as well as the owner of
23 record of the real estate and other parties known to be
24 affected, that the sewer will be plugged.

25 The foregoing provision for plugging a sewer shall be in
26 addition to and not in derogation of any other remedy, in law

1 or in equity, that the district may have to prevent violation
2 of its ordinances and orders of its Board of Commissioners.

3 (f) A violation of the final order of the Board of
4 Commissioners shall be considered a nuisance. If any person
5 discharges sewage, industrial wastes, or other wastes into any
6 waters contrary to the final order of the Board of
7 Commissioners, the sanitary district acting through the
8 executive director has the power to commence an action or
9 proceeding in the circuit court in and for the county in which
10 the sanitary district is located for the purpose of having the
11 discharge stopped either by mandamus or injunction, or to
12 remedy the violation in any manner provided for in this
13 Section.

14 The court shall specify a time, not exceeding 20 days after
15 the service of the copy of the complaint, in which the party
16 complained of must plead to the complaint, and in the meantime,
17 the party may be restrained. In case of default or after
18 pleading, the court shall immediately inquire into the facts
19 and circumstances of the case and enter an appropriate judgment
20 in respect to the matters complained of. Appeals may be taken
21 as in other civil cases.

22 (g) The sanitary district, acting through the executive
23 director, has the power to commence an action or proceeding for
24 mandamus or injunction in the circuit court ordering a person
25 to cease its discharge, when, in the opinion of the executive
26 director, the person's discharge presents an imminent danger to

1 the public health, welfare, or safety, presents or may present
2 an endangerment to the environment, or threatens to interfere
3 with the operation of the sewerage system or a water
4 reclamation plant under the jurisdiction of the sanitary
5 district. The initiation of a show cause hearing is not a
6 prerequisite to the commencement by the sanitary district of an
7 action or proceeding for mandamus or injunction in the circuit
8 court. The court shall specify a time, not exceeding 20 days
9 after the service of a copy of the petition, in which the party
10 complained of must answer the petition, and in the meantime,
11 the party may be restrained. In case of default in answer or
12 after answer, the court shall immediately inquire into the
13 facts and circumstances of the case and enter an appropriate
14 judgment order in respect to the matters complained of. An
15 appeal may be taken from the final judgment in the same manner
16 and with the same effect as appeals are taken from judgment of
17 the circuit court in other actions for mandamus or injunction.

18 (h) Whenever the sanitary district commences an action
19 under subsection (f) of this Section, the court shall assess a
20 civil penalty of not less than \$1,000 nor more than \$10,000 for
21 each day the person violates a Board order. Whenever the
22 sanitary district commences an action under subsection (g) of
23 this Section, the court shall assess a civil penalty of not
24 less than \$1,000 nor more than \$10,000 for each day the person
25 violates the ordinance. Each day's continuance of the violation
26 is a separate offense. The penalties provided in this Section

1 plus interest at the rate set forth in the Interest Act on
2 unpaid penalties, costs, and fees, imposed by the Board of
3 Commissioners under subsection (d), the reasonable costs to the
4 sanitary district of removal or other remedial action caused by
5 discharges in violation of this Act, reasonable attorney's
6 fees, court costs, and other expenses of litigation together
7 with costs for inspection, sampling, analysis, and
8 administration related to the enforcement action against the
9 offending party are recoverable by the sanitary district in a
10 civil action.

11 (i) The Board of Commissioners may establish fees for late
12 filing of reports with the sanitary district required by an
13 ordinance governing discharges. The sanitary district shall
14 provide by certified mail a written notice of the fee
15 assessment that states the person has 30 days after the receipt
16 of the notice to request a conference with the executive
17 director's designee to discuss or dispute the appropriateness
18 of the assessed fee. Unless a person objects to paying the fee
19 for filing a report late by timely requesting in writing a
20 conference with a designee of the executive director, that
21 person waives his or her right to a conference and the sanitary
22 district may impose a lien recorded against the property of the
23 person for the amount of the unpaid fee.

24 If a person requests a conference and the matter is not
25 resolved at the conference, the person subject to the fee may
26 request an administrative hearing before an impartial hearing

1 officer appointed under subsection (d) to determine the
2 person's liability for and the amount of the fee.

3 If the hearing officer finds that the late filing fees are
4 owed to the sanitary district, the sanitary district shall
5 notify the responsible person or persons of the hearing
6 officer's decision. If payment is not made within 30 days after
7 the notice, the sanitary district may impose a lien on the
8 property of the person or persons.

9 Any liens filed under this subsection shall apply only to
10 the property to which the late filing fees are related. A claim
11 for lien shall be filed in the office of the recorder of the
12 county in which the property is located. The filing of a claim
13 for lien by the district does not prevent the sanitary district
14 from pursuing other means for collecting late filing fees. If a
15 claim for lien is filed, the sanitary district shall notify the
16 person whose property is subject to the lien, and the person
17 may challenge the lien by filing an action in the circuit
18 court. The action shall be filed within 90 days after the
19 person receives the notice of the filing of the claim for lien.
20 The court shall hear evidence concerning the underlying reasons
21 for the lien only if an administrative hearing has not been
22 held under this subsection.

23 (j) If the provisions of any paragraph of this Section are
24 declared unconstitutional or invalid by the final decision of
25 any court of competent jurisdiction, the provisions of the
26 remaining paragraphs continue in effect.

1 (k) Nothing in this Section eliminates any of the powers
2 now granted to municipalities having a population of 500,000 or
3 more as to design, preparation of plans, and construction,
4 maintenance, and operation of sewers and sewerage systems, or
5 for the control and elimination or prevention of the pollution
6 of their waters or waterways, in the Illinois Municipal Code or
7 any other Act of the State of Illinois.

8 (l) The provisions of the Administrative Review Law and all
9 amendments and rules adopted pursuant to that Law apply to and
10 govern all proceedings for the judicial review of final
11 administrative decisions of the Board of Commissioners in the
12 enforcement of any ordinance, rule, or regulation adopted under
13 this Act.

14 (Source: P.A. 95-923, eff. 1-1-09; revised 9-23-08.)

15 (70 ILCS 2605/302)

16 Sec. 302. District enlarged. Upon the effective date of
17 this amendatory Act of the 95th General Assembly, the corporate
18 limits of the Metropolitan Water Reclamation District are
19 extended to include within those limits the following described
20 tract of land and the tract is annexed to the District.

21 That part of Fractional Section 4, Township 41 North, Range
22 9 East of the Third Principal Meridian and that part of the
23 Southeast 1/4 of Section 31, and that part of the Southwest
24 1/4 of Section 32, all in Township 42 North, Range 9, East

1 of the Third Principal Meridian, described as follows:

2 Commencing at a point marking the Northeast corner of the
3 Northeast 1/4 of Fractional Section 4, Township 41 North,
4 Range 9, East of the Third Principal Meridian;

5 Thence North $89^{\circ} 42'33''$ West along the North line thereof
6 175.06 feet to a point marking the intersection of said
7 North line and the Westerly right-of-way line of Elgin,
8 Joliet and Eastern Railway Company for a place of
9 beginning;

10 Thence South $11^{\circ} 12'47''$ West along said Westerly
11 right-of-way line, a distance of 44.74 feet to a concrete
12 monument marking the point of intersection of said Westerly
13 railway right-of-way line and Northerly right-of-way line
14 of Northern Illinois Toll Highway;

15 Thence North $87^{\circ} 29'33''$ West along the Northerly line of
16 property conveyed to the Illinois State Toll Highway
17 Commission per Document No. 17,566,128 recorded June 11,
18 1959, a distance of 427.34 feet to an iron stake on the
19 West line of North 10.82 chains (714.12 feet) of the East
20 9.25 chains (610.50 feet) of Fractional Section 4;

21 Thence South $0^{\circ} 23'47''$ West along said West line, a

1 distance of 1.63 feet to a point;

2 Thence North $89^{\circ} 43'22''$ West, a distance of 208.43 feet to
3 a point;

4 Thence South $0^{\circ} 16'38''$ West, a distance of 30.00 feet to a
5 point of intersection with the North line of property
6 conveyed to the Illinois State Toll Highway Commission per
7 Document No. 16,651,218 recorded July 26, 1956;

8 Thence North $89^{\circ} 43'22''$ West along said North line, a
9 distance of 2,125.27 feet along the North line of property
10 conveyed to the Illinois State Toll Highway Commission per
11 Document No. 16,646,806 recorded July 23, 1956 and Document
12 No. 16,651,218 recorded July 26, 1956;

13 Thence North $0^{\circ} 16'38''$ East, a distance of 60.01 feet to a
14 point of intersection with the North line of Fractional
15 Section 4, being also the South line of the Southwest 1/4
16 of Section 32;

17 Thence North $89^{\circ} 41'27''$ West along said South line, a
18 distance of 325.43 feet to a point;

19 Thence North $85^{\circ} 21'24''$ West, a distance of 300.88 feet to
20 a point;

1 Thence North $85^{\circ} 27'21''$ West, a distance of 401.12 feet to
2 a point;

3 Thence North $79^{\circ} 49'07''$ West, a distance of 363.42 feet to
4 a point of intersection with the property conveyed to the
5 Illinois State Toll Highway Commission per Document No.
6 17,400,695 recorded December 10, 1958;

7 Thence along said property conveyed to the Illinois State
8 Toll Highway Commission the following four courses:

9 (1) North $54^{\circ} 08'29''$ East, a distance of 314.04
10 feet;

11 (2) South $89^{\circ} 41'27''$ East, a distance of 550.00
12 feet;

13 (3) South $53^{\circ} 26'13''$ East, a distance of 372.02
14 feet;

15 (4) South $73^{\circ} 44'44''$ East, a distance of 291.20
16 feet to a point of intersection with the North line of
17 Fractional Section 4;

18 Thence South $89^{\circ} 41'27''$ East along said North line, a

1 distance of 1,343.48 feet to the Southwest corner of the
2 Southeast 1/4 of Section 32;

3 Thence South 89° 42'33" East along said North line of
4 Fractional Section 4, a distance of 1,425.69 feet to the
5 place of beginning;

6 Containing 385,295.6 square feet or 8.845 acres, more or
7 less, all in Cook County, Illinois.

8 (Source: P.A. 95-716, eff. 4-8-08.)

9 (70 ILCS 2605/304)

10 Sec. 304 ~~302~~. District enlarged. Upon the effective date of
11 this amendatory Act of the 95th General Assembly, the corporate
12 limits of the Metropolitan Water Reclamation District are
13 extended to include within those limits the following described
14 tract of land and the tract is annexed to the District.

15 THAT PART OF THE NORTHEAST 1/4 OF SECTION 32 AND OF THE
16 NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9
17 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED
18 AS FOLLOWS:

19 COMMENCING AT THE NORTHEAST CORNER OF SECTION 32: THENCE
20 SOUTH ALONG THE WEST LINE OF SECTION 33, FOR A DISTANCE OF
21 111.37 FEET TO A POINT IN THE EASTERLY LINE OF THE ELGIN,

1 JOLIET AND EASTERN RAILWAY RIGHT OF WAY, FOR A PLACE OF
2 BEGINNING; THENCE SOUTH ALONG THE WEST LINE OF SECTION 33
3 FOR A DISTANCE OF 1,208.29 FEET TO THE NORTH LINE OF THE
4 SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, THENCE EAST
5 ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4
6 OF SECTION 33 FOR A DISTANCE OF 1,291.45 FEET TO THE CENTER
7 LINE OF SUTTON ROAD; THENCE SOUTH ALONG THE CENTER LINE OF
8 PUBLIC HIGHWAY KNOWN AS SUTTON ROAD, TO THE INTERSECTION OF
9 SAID CENTER LINE OF SUTTON ROAD WITH THE NORTH LINE OF THE
10 RIGHT OF WAY OF THE ILLINOIS STATE ROUTE 72, AS NOW
11 LOCATED; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF STATE
12 ROUTE 72 TO ITS INTERSECTION WITH THE EAST LINE OF RIGHT OF
13 WAY OF THE ELGIN, JOLIET AND EASTERN RAILWAY AND THENCE
14 NORTHERLY ALONG SAID EAST LINE OF THE RAILWAY RIGHT OF WAY,
15 TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

16 (Source: P.A. 95-825, eff. 8-14-08; revised 9-5-08.)

17 Section 135. The Metropolitan Transit Authority Act is
18 amended by changing Section 12a as follows:

19 (70 ILCS 3605/12a) (from Ch. 111 2/3, par. 312a)

20 Sec. 12a. In addition to other powers provided in Section
21 12b, the Authority may issue its notes from time to time, in
22 anticipation of tax receipts of the Regional Transportation
23 Authority allocated to the Authority or of other revenues or
24 receipts of the Authority, in order to provide money for the

1 Authority to cover any cash flow deficit which the Authority
2 anticipates incurring. Provided, however, that no such notes
3 may be issued unless the annual cost thereof is incorporated in
4 a budget or revised budget of the Authority which has been
5 approved by the Regional Transportation Authority. Any such
6 notes are referred to as "Working Cash Notes". Provided further
7 that, the board shall not issue and have outstanding or demand
8 and direct that the Board of the Regional Transportation
9 Authority issue and have outstanding more than an aggregate of
10 \$40,000,000 in Working Cash Notes. No Working Cash Notes shall
11 be issued for a term of longer than 18 months. Proceeds of
12 Working Cash Notes may be used to pay day to day operating
13 expenses of the Authority, consisting of wages, salaries and
14 fringe benefits, professional and technical services
15 (including legal, audit, engineering and other consulting
16 services), office rental, furniture, fixtures and equipment,
17 insurance premiums, claims for self-insured amounts under
18 insurance policies, public utility obligations for telephone,
19 light, heat and similar items, travel expenses, office
20 supplies, postage, dues, subscriptions, public hearings and
21 information expenses, fuel purchases, and payments of grants
22 and payments under purchase of service agreements for
23 operations of transportation agencies, prior to the receipt by
24 the Authority from time to time of funds for paying such
25 expenses. Proceeds of the Working Cash Notes shall not be used
26 (i) to increase or provide a debt service reserve fund for any

1 bonds or notes other than Working Cash Notes of the same
2 Series, or (ii) to pay principal of or interest or redemption
3 premium on any capital bonds or notes, whether as such amounts
4 become due or by earlier redemption, issued by the Authority or
5 a transportation agency to construct or acquire public
6 transportation facilities, or to provide funds to purchase such
7 capital bonds or notes.

8 (b) The ordinance providing for the issuance of any such
9 notes shall fix the date or dates of maturity, the dates on
10 which interest is payable, any sinking fund account or reserve
11 fund account provisions and all other details of such notes and
12 may provide for such covenants or agreements necessary or
13 desirable with regard to the issue, sale and security of such
14 notes. The Authority shall determine and fix the rate or rates
15 of interest of its notes issued under this Act in an ordinance
16 adopted by the Board prior to the issuance thereof, none of
17 which rates of interest shall exceed that permitted in "An Act
18 to authorize public corporations to issue bonds, other
19 evidences of indebtedness and tax anticipation warrants
20 subject to interest rate limitations set forth therein",
21 approved May 26, 1970, as now or hereafter amended. Interest
22 may be payable annually or semi-annually, or at such other
23 times as determined by the Board. Notes issued under this
24 Section may be issued as serial or term obligations, shall be
25 of such denomination or denominations and form, including
26 interest coupons to be attached thereto, be executed in such

1 manner, shall be payable at such place or places and bear such
2 date as the Board shall fix by the ordinance authorizing such
3 note and shall mature at such time or times, within a period
4 not to exceed 18 months from the date of issue, and may be
5 redeemable prior to maturity with or without premium, at the
6 option of the Board, upon such terms and conditions as the
7 Board shall fix by the ordinance authorizing the issuance of
8 such notes. The Board may provide for the registration of notes
9 in the name of the owner as to the principal alone or as to both
10 principal and interest, upon such terms and conditions as the
11 Board may determine. The ordinance authorizing notes may
12 provide for the exchange of such notes which are fully
13 registered, as to both principal and interest, with notes which
14 are registerable as to principal only. All notes issued under
15 this Section by the Board shall be sold at a price which may be
16 at a premium or discount but such that the interest cost
17 (excluding any redemption premium) to the Board of the proceeds
18 of an issue of such notes, computed to stated maturity
19 according to standard tables of bond values, shall not exceed
20 that permitted in "An Act to authorize public corporations to
21 issue bonds, other evidences of indebtedness and tax
22 anticipation warrants subject to interest rate limitations set
23 forth therein", approved May 26, 1970, as now or hereafter
24 amended. Such notes shall be sold at such time or times as the
25 Board shall determine. The notes may be sold either upon
26 competitive bidding or by negotiated sale (without any

1 requirement of publication of intention to negotiate the sale
2 of such notes), as the Board shall determine by ordinance
3 adopted with the affirmative votes of at least 4 Directors. In
4 case any officer whose signature appears on any notes or
5 coupons authorized pursuant to this Section shall cease to be
6 such officer before delivery of such notes, such signature
7 shall nevertheless be valid and sufficient for all purposes,
8 the same as if such officer had remained in office until such
9 delivery. Neither the Directors of the Regional Transportation
10 Authority, the Directors of the Authority nor any person
11 executing any bonds or notes thereof shall be liable personally
12 on any such bonds or notes or coupons by reason of the issuance
13 thereof.

14 (c) All notes of the Authority issued pursuant to this
15 Section shall be general obligations of the Authority to which
16 shall be pledged the full faith and credit of the Authority, as
17 provided in this Section. Such notes shall be secured as
18 provided in the authorizing ordinance, which may,
19 notwithstanding any other provision of this Act, include in
20 addition to any other security, a specific pledge or assignment
21 of and lien on or security interest in any or all tax receipts
22 of the Regional Transportation Authority allocated to the
23 Authority and on any or all other revenues or moneys of the
24 Authority from whatever source which may by law be utilized for
25 debt service purposes and a specific pledge or assignment of
26 and lien on or security interest in any funds or accounts

1 established or provided for by the ordinance of the Board
2 authorizing the issuance of such notes. Any such pledge,
3 assignment, lien or security interest for the benefit of
4 holders of notes of the Authority shall be valid and binding
5 from the time the notes are issued without any physical
6 delivery or further act, and shall be valid and binding as
7 against and prior to the claims of all other parties having
8 claims of any kind against the Authority or any other person
9 irrespective of whether such other parties have notice of such
10 pledge, assignment, lien or security interest. The obligations
11 of the Authority incurred pursuant to this Section shall be
12 superior to and have priority over any other obligations of the
13 Authority except for obligations under Section 12. The Board
14 may provide in the ordinance authorizing the issuance of any
15 notes issued pursuant to this Section for the creation of,
16 deposits in, and regulation and disposition of sinking fund or
17 reserve accounts relating to such notes. The ordinance
18 authorizing the issuance of any notes pursuant to this Section
19 may contain provisions as part of the contract with the holders
20 of the notes, for the creation of a separate fund to provide
21 for the payment of principal and interest on such notes and for
22 the deposit in such fund from any or all the tax receipts of
23 the Regional Transportation Authority allocated to the
24 Authority and from any or all such other moneys or revenues of
25 the Authority from whatever source which may by law be utilized
26 for debt service purposes, all as provided in such ordinance,

1 of amounts to meet the debt service requirements on such notes,
2 including principal and interest, and any sinking fund or
3 reserve fund account requirements as may be provided by such
4 ordinance, and all expenses incident to or in connection with
5 such fund and accounts or the payment of such notes. Such
6 ordinance may also provide limitations on the issuance of
7 additional notes of the Authority. No such notes of the
8 Authority shall constitute a debt of the State of Illinois.

9 (d) The ordinance of the Board authorizing the issuance of
10 any notes may provide additional security for such notes by
11 providing for appointment of a corporate trustee (which may be
12 any trust company or bank having the powers of a trust company
13 within the State) with respect to such notes. The ordinance
14 shall prescribe the rights, duties and powers of the trustee to
15 be exercised for the benefit of the Authority and the
16 protection of the holders of such notes. The ordinance may
17 provide for the trustee to hold in ~~and~~ trust, invest and use
18 amounts in funds and accounts created as provided by the
19 ordinance with respect to the notes. The ordinance shall
20 provide that amounts so paid to the trustee which are not
21 required to be deposited, held or invested in funds and
22 accounts created by the ordinance with respect to notes or used
23 for paying notes to be paid by the trustee to the Authority.

24 (e) Any notes of the Authority issued pursuant to this
25 Section shall constitute a contract between the Authority and
26 the holders from time to time of such notes. In issuing any

1 note, the Board may include in the ordinance authorizing such
2 issue a covenant as part of the contract with the holders of
3 the notes, that as long as such obligations are outstanding, it
4 shall make such deposits, as provided in paragraph (c) of this
5 Section. A certified copy of the ordinance authorizing the
6 issuance of any such obligations shall be filed at or prior to
7 the issuance of such obligations with the Regional
8 Transportation Authority, Comptroller of the State of Illinois
9 and the Illinois Department of Revenue.

10 (f) The State of Illinois pledges to and agrees with the
11 holders of the notes of the Authority issued pursuant to this
12 Section that the State will not limit or alter the rights and
13 powers vested in the Authority by this Act or in the Regional
14 Transportation Authority by the "Regional Transportation
15 Authority Act" so as to impair the terms of any contract made
16 by the Authority with such holders or in any way impair the
17 rights and remedies of such holders until such notes, together
18 with interest thereon, with interest on any unpaid installments
19 of interest, and all costs and expenses in connection with any
20 action or proceedings by or on behalf of such holders, are
21 fully met and discharged. In addition, the State pledges to and
22 agrees with the holders of the notes of the Authority issued
23 pursuant to this Section that the State will not limit or alter
24 the basis on which State funds are to be paid to the Authority
25 as provided in the Regional Transportation Authority Act, or
26 the use of such funds, so as to impair the terms of any such

1 contract. The Board is authorized to include these pledges and
2 agreements of the State in any contract with the holders of
3 bonds or notes issued pursuant to this Section.

4 (g) The Board shall not at any time issue, sell or deliver
5 any Interim Financing Notes pursuant to this Section which will
6 cause it to have issued and outstanding at any time in excess
7 of \$40,000,000 of Working Cash Notes. Notes which are being
8 paid or retired by such issuance, sale or delivery of notes,
9 and notes for which sufficient funds have been deposited with
10 the paying agency of such notes to provide for payment of
11 principal and interest thereon or to provide for the redemption
12 thereof, all pursuant to the ordinance authorizing the issuance
13 of such notes, shall not be considered to be outstanding for
14 the purposes of this paragraph.

15 (h) The Board, subject to the terms of any agreements with
16 noteholders as may then exist, shall have power, out of any
17 funds available therefor, to purchase notes of the Authority
18 which shall thereupon be cancelled.

19 (i) In addition to any other authority granted by law, the
20 State Treasurer may, with the approval of the Governor, invest
21 or reinvest, at a price not to exceed par, any State money in
22 the State Treasury which is not needed for current expenditures
23 due or about to become due in Interim Financing Notes.

24 (Source: P.A. 83-885; 83-886; revised 10-23-08.)

25 Section 140. The Local Mass Transit District Act is amended

1 by changing Section 5.01 as follows:

2 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

3 Sec. 5.01. Metro East Mass Transit District; use and
4 occupation taxes.

5 (a) The Board of Trustees of any Metro East Mass Transit
6 District may, by ordinance adopted with the concurrence of
7 two-thirds of the then trustees, impose throughout the District
8 any or all of the taxes and fees provided in this Section. All
9 taxes and fees imposed under this Section shall be used only
10 for public mass transportation systems, and the amount used to
11 provide mass transit service to unserved areas of the District
12 shall be in the same proportion to the total proceeds as the
13 number of persons residing in the unserved areas is to the
14 total population of the District. Except as otherwise provided
15 in this Act, taxes imposed under this Section and civil
16 penalties imposed incident thereto shall be collected and
17 enforced by the State Department of Revenue. The Department
18 shall have the power to administer and enforce the taxes and to
19 determine all rights for refunds for erroneous payments of the
20 taxes.

21 (b) The Board may impose a Metro East Mass Transit District
22 Retailers' Occupation Tax upon all persons engaged in the
23 business of selling tangible personal property at retail in the
24 district at a rate of 1/4 of 1%, or as authorized under
25 subsection (d-5) of this Section, of the gross receipts from

1 the sales made in the course of such business within the
2 district. The tax imposed under this Section and all civil
3 penalties that may be assessed as an incident thereof shall be
4 collected and enforced by the State Department of Revenue. The
5 Department shall have full power to administer and enforce this
6 Section; to collect all taxes and penalties so collected in the
7 manner hereinafter provided; and to determine all rights to
8 credit memoranda arising on account of the erroneous payment of
9 tax or penalty hereunder. In the administration of, and
10 compliance with, this Section, the Department and persons who
11 are subject to this Section shall have the same rights,
12 remedies, privileges, immunities, powers and duties, and be
13 subject to the same conditions, restrictions, limitations,
14 penalties, exclusions, exemptions and definitions of terms and
15 employ the same modes of procedure, as are prescribed in
16 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
17 (in respect to all provisions therein other than the State rate
18 of tax), 2c, 3 (except as to the disposition of taxes and
19 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
20 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
21 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
22 Penalty and Interest Act, as fully as if those provisions were
23 set forth herein.

24 Persons subject to any tax imposed under the Section may
25 reimburse themselves for their seller's tax liability
26 hereunder by separately stating the tax as an additional

1 charge, which charge may be stated in combination, in a single
2 amount, with State taxes that sellers are required to collect
3 under the Use Tax Act, in accordance with such bracket
4 schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this Section to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant to be drawn for the
9 amount specified, and to the person named, in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Metro East Mass Transit District tax fund
12 established under paragraph (h) ~~(g)~~ of this Section.

13 If a tax is imposed under this subsection (b), a tax shall
14 also be imposed under subsections (c) and (d) of this Section.

15 For the purpose of determining whether a tax authorized
16 under this Section is applicable, a retail sale, by a producer
17 of coal or other mineral mined in Illinois, is a sale at retail
18 at the place where the coal or other mineral mined in Illinois
19 is extracted from the earth. This paragraph does not apply to
20 coal or other mineral when it is delivered or shipped by the
21 seller to the purchaser at a point outside Illinois so that the
22 sale is exempt under the Federal Constitution as a sale in
23 interstate or foreign commerce.

24 No tax shall be imposed or collected under this subsection
25 on the sale of a motor vehicle in this State to a resident of
26 another state if that motor vehicle will not be titled in this

1 State.

2 Nothing in this Section shall be construed to authorize the
3 Metro East Mass Transit District to impose a tax upon the
4 privilege of engaging in any business which under the
5 Constitution of the United States may not be made the subject
6 of taxation by this State.

7 (c) If a tax has been imposed under subsection (b), a Metro
8 East Mass Transit District Service Occupation Tax shall also be
9 imposed upon all persons engaged, in the district, in the
10 business of making sales of service, who, as an incident to
11 making those sales of service, transfer tangible personal
12 property within the District, either in the form of tangible
13 personal property or in the form of real estate as an incident
14 to a sale of service. The tax rate shall be 1/4%, or as
15 authorized under subsection (d-5) of this Section, of the
16 selling price of tangible personal property so transferred
17 within the district. The tax imposed under this paragraph and
18 all civil penalties that may be assessed as an incident thereof
19 shall be collected and enforced by the State Department of
20 Revenue. The Department shall have full power to administer and
21 enforce this paragraph; to collect all taxes and penalties due
22 hereunder; to dispose of taxes and penalties so collected in
23 the manner hereinafter provided; and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 tax or penalty hereunder. In the administration of, and
26 compliance with this paragraph, the Department and persons who

1 are subject to this paragraph shall have the same rights,
2 remedies, privileges, immunities, powers and duties, and be
3 subject to the same conditions, restrictions, limitations,
4 penalties, exclusions, exemptions and definitions of terms and
5 employ the same modes of procedure as are prescribed in
6 Sections 1a-1, 2 (except that the reference to State in the
7 definition of supplier maintaining a place of business in this
8 State shall mean the Authority), 2a, 3 through 3-50 (in respect
9 to all provisions therein other than the State rate of tax), 4
10 (except that the reference to the State shall be to the
11 Authority), 5, 7, 8 (except that the jurisdiction to which the
12 tax shall be a debt to the extent indicated in that Section 8
13 shall be the District), 9 (except as to the disposition of
14 taxes and penalties collected, and except that the returned
15 merchandise credit for this tax may not be taken against any
16 State tax), 10, 11, 12 (except the reference therein to Section
17 2b of the Retailers' Occupation Tax Act), 13 (except that any
18 reference to the State shall mean the District), the first
19 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
20 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
21 Interest Act, as fully as if those provisions were set forth
22 herein.

23 Persons subject to any tax imposed under the authority
24 granted in this paragraph may reimburse themselves for their
25 serviceman's tax liability hereunder by separately stating the
26 tax as an additional charge, which charge may be stated in

1 combination, in a single amount, with State tax that servicemen
2 are authorized to collect under the Service Use Tax Act, in
3 accordance with such bracket schedules as the Department may
4 prescribe.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant to be drawn for the
9 amount specified, and to the person named, in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Metro East Mass Transit District tax fund
12 established under paragraph (h) ~~(g)~~ of this Section.

13 Nothing in this paragraph shall be construed to authorize
14 the District to impose a tax upon the privilege of engaging in
15 any business which under the Constitution of the United States
16 may not be made the subject of taxation by the State.

17 (d) If a tax has been imposed under subsection (b), a Metro
18 East Mass Transit District Use Tax shall also be imposed upon
19 the privilege of using, in the district, any item of tangible
20 personal property that is purchased outside the district at
21 retail from a retailer, and that is titled or registered with
22 an agency of this State's government, at a rate of 1/4%, or as
23 authorized under subsection (d-5) of this Section, of the
24 selling price of the tangible personal property within the
25 District, as "selling price" is defined in the Use Tax Act. The
26 tax shall be collected from persons whose Illinois address for

1 titling or registration purposes is given as being in the
2 District. The tax shall be collected by the Department of
3 Revenue for the Metro East Mass Transit District. The tax must
4 be paid to the State, or an exemption determination must be
5 obtained from the Department of Revenue, before the title or
6 certificate of registration for the property may be issued. The
7 tax or proof of exemption may be transmitted to the Department
8 by way of the State agency with which, or the State officer
9 with whom, the tangible personal property must be titled or
10 registered if the Department and the State agency or State
11 officer determine that this procedure will expedite the
12 processing of applications for title or registration.

13 The Department shall have full power to administer and
14 enforce this paragraph; to collect all taxes, penalties and
15 interest due hereunder; to dispose of taxes, penalties and
16 interest so collected in the manner hereinafter provided; and
17 to determine all rights to credit memoranda or refunds arising
18 on account of the erroneous payment of tax, penalty or interest
19 hereunder. In the administration of, and compliance with, this
20 paragraph, the Department and persons who are subject to this
21 paragraph shall have the same rights, remedies, privileges,
22 immunities, powers and duties, and be subject to the same
23 conditions, restrictions, limitations, penalties, exclusions,
24 exemptions and definitions of terms and employ the same modes
25 of procedure, as are prescribed in Sections 2 (except the
26 definition of "retailer maintaining a place of business in this

1 State"), 3 through 3-80 (except provisions pertaining to the
2 State rate of tax, and except provisions concerning collection
3 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
4 19 (except the portions pertaining to claims by retailers and
5 except the last paragraph concerning refunds), 20, 21 and 22 of
6 the Use Tax Act and Section 3-7 of the Uniform Penalty and
7 Interest Act, that are not inconsistent with this paragraph, as
8 fully as if those provisions were set forth herein.

9 Whenever the Department determines that a refund should be
10 made under this paragraph to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the order to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the Metro East Mass Transit District tax fund
16 established under paragraph (h) ~~(g)~~ of this Section.

17 (d-5) (A) The county board of any county participating in
18 the Metro East Mass Transit District may authorize, by
19 ordinance, a referendum on the question of whether the tax
20 rates for the Metro East Mass Transit District Retailers'
21 Occupation Tax, the Metro East Mass Transit District Service
22 Occupation Tax, and the Metro East Mass Transit District Use
23 Tax for the District should be increased from 0.25% to 0.75%.
24 Upon adopting the ordinance, the county board shall certify the
25 proposition to the proper election officials who shall submit
26 the proposition to the voters of the District at the next

1 election, in accordance with the general election law.

2 The proposition shall be in substantially the following
3 form:

4 Shall the tax rates for the Metro East Mass Transit
5 District Retailers' Occupation Tax, the Metro East Mass
6 Transit District Service Occupation Tax, and the Metro East
7 Mass Transit District Use Tax be increased from 0.25% to
8 0.75%?

9 (B) Two thousand five hundred electors of any Metro East
10 Mass Transit District may petition the Chief Judge of the
11 Circuit Court, or any judge of that Circuit designated by the
12 Chief Judge, in which that District is located to cause to be
13 submitted to a vote of the electors the question whether the
14 tax rates for the Metro East Mass Transit District Retailers'
15 Occupation Tax, the Metro East Mass Transit District Service
16 Occupation Tax, and the Metro East Mass Transit District Use
17 Tax for the District should be increased from 0.25% to 0.75%.

18 Upon submission of such petition the court shall set a date
19 not less than 10 nor more than 30 days thereafter for a hearing
20 on the sufficiency thereof. Notice of the filing of such
21 petition and of such date shall be given in writing to the
22 District and the County Clerk at least 7 days before the date
23 of such hearing.

24 If such petition is found sufficient, the court shall enter
25 an order to submit that proposition at the next election, in
26 accordance with general election law.

1 The form of the petition shall be in substantially the
2 following form: To the Circuit Court of the County of (name of
3 county):

4 We, the undersigned electors of the (name of transit
5 district), respectfully petition your honor to submit to a
6 vote of the electors of (name of transit district) the
7 following proposition:

8 Shall the tax rates for the Metro East Mass Transit
9 District Retailers' Occupation Tax, the Metro East Mass
10 Transit District Service Occupation Tax, and the Metro East
11 Mass Transit District Use Tax be increased from 0.25% to
12 0.75%?

13	Name	Address, with Street and Number.
14
15

16 (C) The votes shall be recorded as "YES" or "NO". If a
17 majority of all votes cast on the proposition are for the
18 increase in the tax rates, the Metro East Mass Transit District
19 shall begin imposing the increased rates in the District, and
20 the Department of Revenue shall begin collecting the increased
21 amounts, as provided under this Section. An ordinance imposing
22 or discontinuing a tax hereunder or effecting a change in the
23 rate thereof shall be adopted and a certified copy thereof
24 filed with the Department on or before the first day of
25 October, whereupon the Department shall proceed to administer
26 and enforce this Section as of the first day of January next

1 following the adoption and filing, or on or before the first
2 day of April, whereupon the Department shall proceed to
3 administer and enforce this Section as of the first day of July
4 next following the adoption and filing.

5 (D) If the voters have approved a referendum under this
6 subsection, before November 1, 1994, to increase the tax rate
7 under this subsection, the Metro East Mass Transit District
8 Board of Trustees may adopt by a majority vote an ordinance at
9 any time before January 1, 1995 that excludes from the rate
10 increase tangible personal property that is titled or
11 registered with an agency of this State's government. The
12 ordinance excluding titled or registered tangible personal
13 property from the rate increase must be filed with the
14 Department at least 15 days before its effective date. At any
15 time after adopting an ordinance excluding from the rate
16 increase tangible personal property that is titled or
17 registered with an agency of this State's government, the Metro
18 East Mass Transit District Board of Trustees may adopt an
19 ordinance applying the rate increase to that tangible personal
20 property. The ordinance shall be adopted, and a certified copy
21 of that ordinance shall be filed with the Department, on or
22 before October 1, whereupon the Department shall proceed to
23 administer and enforce the rate increase against tangible
24 personal property titled or registered with an agency of this
25 State's government as of the following January 1. After
26 December 31, 1995, any reimposed rate increase in effect under

1 this subsection shall no longer apply to tangible personal
2 property titled or registered with an agency of this State's
3 government. Beginning January 1, 1996, the Board of Trustees of
4 any Metro East Mass Transit District may never reimpose a
5 previously excluded tax rate increase on tangible personal
6 property titled or registered with an agency of this State's
7 government. After July 1, 2004, if the voters have approved a
8 referendum under this subsection to increase the tax rate under
9 this subsection, the Metro East Mass Transit District Board of
10 Trustees may adopt by a majority vote an ordinance that
11 excludes from the rate increase tangible personal property that
12 is titled or registered with an agency of this State's
13 government. The ordinance excluding titled or registered
14 tangible personal property from the rate increase shall be
15 adopted, and a certified copy of that ordinance shall be filed
16 with the Department on or before October 1, whereupon the
17 Department shall administer and enforce this exclusion from the
18 rate increase as of the following January 1, or on or before
19 April 1, whereupon the Department shall administer and enforce
20 this exclusion from the rate increase as of the following July
21 1. The Board of Trustees of any Metro East Mass Transit
22 District may never reimpose a previously excluded tax rate
23 increase on tangible personal property titled or registered
24 with an agency of this State's government.

25 (d-6) If the Board of Trustees of any Metro East Mass
26 Transit District has imposed a rate increase under subsection

1 (d-5) and filed an ordinance with the Department of Revenue
2 excluding titled property from the higher rate, then that Board
3 may, by ordinance adopted with the concurrence of two-thirds of
4 the then trustees, impose throughout the District a fee. The
5 fee on the excluded property shall not exceed \$20 per retail
6 transaction or an amount equal to the amount of tax excluded,
7 whichever is less, on tangible personal property that is titled
8 or registered with an agency of this State's government.
9 Beginning July 1, 2004, the fee shall apply only to titled
10 property that is subject to either the Metro East Mass Transit
11 District Retailers' Occupation Tax or the Metro East Mass
12 Transit District Service Occupation Tax. No fee shall be
13 imposed or collected under this subsection on the sale of a
14 motor vehicle in this State to a resident of another state if
15 that motor vehicle will not be titled in this State.

16 (d-7) Until June 30, 2004, if a fee has been imposed under
17 subsection (d-6), a fee shall also be imposed upon the
18 privilege of using, in the district, any item of tangible
19 personal property that is titled or registered with any agency
20 of this State's government, in an amount equal to the amount of
21 the fee imposed under subsection (d-6).

22 (d-7.1) Beginning July 1, 2004, any fee imposed by the
23 Board of Trustees of any Metro East Mass Transit District under
24 subsection (d-6) and all civil penalties that may be assessed
25 as an incident of the fees shall be collected and enforced by
26 the State Department of Revenue. Reference to "taxes" in this

1 Section shall be construed to apply to the administration,
2 payment, and remittance of all fees under this Section. For
3 purposes of any fee imposed under subsection (d-6), 4% of the
4 fee, penalty, and interest received by the Department in the
5 first 12 months that the fee is collected and enforced by the
6 Department and 2% of the fee, penalty, and interest following
7 the first 12 months shall be deposited into the Tax Compliance
8 and Administration Fund and shall be used by the Department,
9 subject to appropriation, to cover the costs of the Department.
10 No retailers' discount shall apply to any fee imposed under
11 subsection (d-6).

12 (d-8) No item of titled property shall be subject to both
13 the higher rate approved by referendum, as authorized under
14 subsection (d-5), and any fee imposed under subsection (d-6) or
15 (d-7).

16 (d-9) (Blank).

17 (d-10) (Blank).

18 (e) A certificate of registration issued by the State
19 Department of Revenue to a retailer under the Retailers'
20 Occupation Tax Act or under the Service Occupation Tax Act
21 shall permit the registrant to engage in a business that is
22 taxed under the tax imposed under paragraphs (b), (c) or (d) of
23 this Section and no additional registration shall be required
24 under the tax. A certificate issued under the Use Tax Act or
25 the Service Use Tax Act shall be applicable with regard to any
26 tax imposed under paragraph (c) of this Section.

1 (f) (Blank).

2 (g) Any ordinance imposing or discontinuing any tax under
3 this Section shall be adopted and a certified copy thereof
4 filed with the Department on or before June 1, whereupon the
5 Department of Revenue shall proceed to administer and enforce
6 this Section on behalf of the Metro East Mass Transit District
7 as of September 1 next following such adoption and filing.
8 Beginning January 1, 1992, an ordinance or resolution imposing
9 or discontinuing the tax hereunder shall be adopted and a
10 certified copy thereof filed with the Department on or before
11 the first day of July, whereupon the Department shall proceed
12 to administer and enforce this Section as of the first day of
13 October next following such adoption and filing. Beginning
14 January 1, 1993, except as provided in subsection (d-5) of this
15 Section, an ordinance or resolution imposing or discontinuing
16 the tax hereunder shall be adopted and a certified copy thereof
17 filed with the Department on or before the first day of
18 October, whereupon the Department shall proceed to administer
19 and enforce this Section as of the first day of January next
20 following such adoption and filing, or, beginning January 1,
21 2004, on or before the first day of April, whereupon the
22 Department shall proceed to administer and enforce this Section
23 as of the first day of July next following the adoption and
24 filing.

25 (h) Except as provided in subsection (d-7.1), the State
26 Department of Revenue shall, upon collecting any taxes as

1 provided in this Section, pay the taxes over to the State
2 Treasurer as trustee for the District. The taxes shall be held
3 in a trust fund outside the State Treasury. On or before the
4 25th day of each calendar month, the State Department of
5 Revenue shall prepare and certify to the Comptroller of the
6 State of Illinois the amount to be paid to the District, which
7 shall be the then balance in the fund, less any amount
8 determined by the Department to be necessary for the payment of
9 refunds. Within 10 days after receipt by the Comptroller of the
10 certification of the amount to be paid to the District, the
11 Comptroller shall cause an order to be drawn for payment for
12 the amount in accordance with the direction in the
13 certification.

14 (Source: P.A. 94-776, eff. 5-19-06; 95-331, eff. 8-21-07;
15 revised 10-23-08.)

16 Section 145. The School Code is amended by changing
17 Sections 1A-2, 10-21.3a, 10-22.3f, 10-22.34c, 11E-135, 13-45,
18 and 18-8.05 and by setting forth and renumbering multiple
19 versions of Sections 10-20.40 and 10-20.41 as follows:

20 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

21 Sec. 1A-2. Qualifications. The members of the State Board
22 of Education shall be citizens of the United States and
23 residents of the State of Illinois and shall be selected as far
24 as may be practicable on the basis of their knowledge of, or

1 interest and experience in, problems of public education. No
2 member of the State Board of Education shall be gainfully
3 employed or administratively connected with any school system,
4 nor have any interest in or benefit from funds provided by the
5 State Board of Education to an institution of higher learning,
6 public or private, within Illinois, nor shall they be members
7 of a school board or board of school trustees of a public or
8 nonpublic school, college, university or technical institution
9 within Illinois. No member shall be appointed to more than 2
10 4-year ~~six-year~~ terms. Members shall be reimbursed for all
11 ordinary and necessary expenses incurred in performing their
12 duties as members of the Board. Expenses shall be approved by
13 the Board and be consistent with the laws, policies, and
14 requirements of the State of Illinois regarding such
15 expenditures, plus any member may include in his claim for
16 expenses \$50 per day for meeting days.

17 (Source: P.A. 90-548, eff. 1-1-98; revised 10-23-08.)

18 (105 ILCS 5/10-20.40)

19 Sec. 10-20.40. Student biometric information.

20 (a) For the purposes of this Section, "biometric
21 information" means any information that is collected through an
22 identification process for individuals based on their unique
23 behavioral or physiological characteristics, including
24 fingerprint, hand geometry, voice, or facial recognition or
25 iris or retinal scans.

1 (b) School districts that collect biometric information
2 from students shall adopt policies that require, at a minimum,
3 all of the following:

4 (1) Written permission from the individual who has
5 legal custody of the student, as defined in Section
6 10-20.12b of this Code, or from the student if he or she
7 has reached the age of 18.

8 (2) The discontinuation of use of a student's biometric
9 information under either of the following conditions:

10 (A) upon the student's graduation or withdrawal
11 from the school district; or

12 (B) upon receipt in writing of a request for
13 discontinuation by the individual having legal custody
14 of the student or by the student if he or she has
15 reached the age of 18.

16 (3) The destruction of all of a student's biometric
17 information within 30 days after the use of the biometric
18 information is discontinued in accordance with item (2) of
19 this subsection (b).

20 (4) The use of biometric information solely for
21 identification or fraud prevention.

22 (5) A prohibition on the sale, lease, or other
23 disclosure of biometric information to another person or
24 entity, unless:

25 (A) the individual who has legal custody of the
26 student or the student, if he or she has reached the

1 age of 18, consents to the disclosure; or

2 (B) the disclosure is required by court order.

3 (6) The storage, transmittal, and protection of all
4 biometric information from disclosure.

5 (c) Failure to provide written consent under item (1) of
6 subsection (b) of this Section by the individual who has legal
7 custody of the student or by the student, if he or she has
8 reached the age of 18, must not be the basis for refusal of any
9 services otherwise available to the student.

10 (d) Student biometric information may be destroyed without
11 notification to or the approval of a local records commission
12 under the Local Records Act if destroyed within 30 days after
13 the use of the biometric information is discontinued in
14 accordance with item (2) of subsection (b) of this Section.

15 (Source: P.A. 95-232, eff. 8-16-07; 95-793, eff. 1-1-09;
16 95-876, eff. 8-21-08.)

17 (105 ILCS 5/10-20.41)

18 Sec. 10-20.41. Use of facilities by community
19 organizations. School boards are encouraged to allow community
20 organizations to use school facilities during non-school
21 hours. If a school board allows a community organization to use
22 school facilities during non-school hours, the board must adopt
23 a formal policy governing the use of school facilities by
24 community organizations during non-school hours. The policy
25 shall prohibit such use if it interferes with any school

1 functions or the safety of students or school personnel or
2 affects the property or liability of the school district.

3 (Source: P.A. 95-308, eff. 8-20-07; 95-876, eff. 8-21-08.)

4 (105 ILCS 5/10-20.44)

5 Sec. 10-20.44 ~~10-20.40~~. Report on contracts.

6 (a) This Section applies to all school districts, including
7 a school district organized under Article 34 of this Code.

8 (b) A school board must list on the district's Internet
9 website, if any, all contracts over \$25,000 and any contract
10 that the school board enters into with an exclusive bargaining
11 representative.

12 (c) Each year, in conjunction with the submission of the
13 Statement of Affairs to the State Board of Education prior to
14 December~~7~~ 1, provided for in Section 10-17, each school
15 district shall submit to the State Board of Education an annual
16 report on all contracts over \$25,000 awarded by the school
17 district during the previous fiscal year. The report shall
18 include at least the following:

19 (1) the total number of all contracts awarded by the
20 school district;

21 (2) the total value of all contracts awarded;

22 (3) the number of contracts awarded to minority owned
23 businesses, female owned businesses, and businesses owned
24 by persons with disabilities, as defined in the Business
25 Enterprise for Minorities, Females and Persons with

1 Disabilities Act, and locally owned businesses; and

2 (4) the total value of contracts awarded to minority
3 owned businesses, female owned businesses, and businesses
4 owned by persons with disabilities, as defined in the
5 Business Enterprise for Minorities, Females and Persons
6 with Disabilities Act, and locally owned businesses.

7 The report shall be made available to the public, including
8 publication on the school district's Internet website, if any.

9 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

10 (105 ILCS 5/10-20.45)

11 Sec. 10-20.45 ~~10-20.41~~. Pay for performance.

12 (a) Beginning with all newly-negotiated collective
13 bargaining agreements entered into after the effective date of
14 this amendatory Act of the 95th General Assembly, a school
15 board and the exclusive bargaining representative, if any, may
16 include a performance-based teacher compensation plan in the
17 subject of its collective bargaining agreement. Nothing in this
18 Section shall preclude the school board and the exclusive
19 bargaining representative from agreeing to and implementing a
20 new performance-based teacher compensation plan prior to the
21 termination of the current collective bargaining agreement.

22 (b) The new teacher compensation plan bargained and agreed
23 to by the school board and the exclusive bargaining
24 representative under subsection (a) of this Section shall
25 provide certificated personnel with base salaries and shall

1 also provide that any increases in the compensation of
2 individual teachers or groups of teachers beyond base salaries
3 shall be pursuant, but not limited to, any of the following
4 elements:

5 (1) Superior teacher evaluations based on multiple
6 evaluations of their classroom teaching.

7 (2) Evaluation of a teacher's student classroom-level
8 achievement growth as measured using a value-added model.
9 "Value-added" means the improvement gains in student
10 achievement that are made each year based on pre-test and
11 post-test outcomes.

12 (3) Evaluation of school-level achievement growth as
13 measured using a value-added model. "Value-added" means
14 the improvement gains in student achievement that are made
15 each year based on pre-test and post-test outcomes.

16 (4) Demonstration of superior, outstanding performance
17 by an individual teacher or groups of teachers through the
18 meeting of unique and specific teaching practice
19 objectives defined and agreed to in advance in any given
20 school year.

21 (5) Preparation for meeting and contribution to the
22 broader needs of the school organization (e.g., curriculum
23 development, family liaison and community outreach,
24 implementation of a professional development program for
25 faculty, and participation in school management).

26 (c) A school board and exclusive bargaining representative

1 that initiate their own performance-based teacher compensation
2 program shall submit the new plan to the State Board of
3 Education for review not later than 150 days before the plan is
4 to become effective. If the plan does not conform to this
5 Section, the State Board of Education shall return the plan to
6 the school board and the exclusive bargaining representative
7 for modification. The school board and the exclusive bargaining
8 representative shall then have 30 days after the plan is
9 returned to them to submit a modified plan.

10 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

11 (105 ILCS 5/10-21.3a)

12 Sec. 10-21.3a. Transfer of students.

13 (a) Each school board shall establish and implement a
14 policy governing the transfer of a student from one attendance
15 center to another within the school district upon the request
16 of the student's parent or guardian. Any request by a parent or
17 guardian to transfer his or her child from one attendance
18 center to another within the school district pursuant to
19 Section 1116 of the federal Elementary and Secondary Education
20 Act of 1965 (20 U.S.C. Sec. 6316 ~~6317~~) must be made no later
21 than 30 days after the parent or guardian receives notice of
22 the right to transfer pursuant to that law. A student may not
23 transfer to any of the following attendance centers, except by
24 change in residence if the policy authorizes enrollment based
25 on residence in an attendance area or unless approved by the

1 board on an individual basis:

2 (1) An attendance center that exceeds or as a result of
3 the transfer would exceed its attendance capacity.

4 (2) An attendance center for which the board has
5 established academic criteria for enrollment if the
6 student does not meet the criteria, provided that the
7 transfer must be permitted if the attendance center is the
8 only attendance center serving the student's grade that has
9 not been identified for school improvement, corrective
10 action, or restructuring under Section 1116 of the federal
11 Elementary and Secondary Education Act of 1965 (20 U.S.C.
12 Sec. 6316 ~~6317~~).

13 (3) Any attendance center if the transfer would prevent
14 the school district from meeting its obligations under a
15 State or federal law, court order, or consent decree
16 applicable to the school district.

17 (b) Each school board shall establish and implement a
18 policy governing the transfer of students within a school
19 district from a persistently dangerous school to another public
20 school in that district that is not deemed to be persistently
21 dangerous. In order to be considered a persistently dangerous
22 school, the school must meet all of the following criteria for
23 2 consecutive years:

24 (1) Have greater than 3% of the students enrolled in
25 the school expelled for violence-related conduct.

26 (2) Have one or more students expelled for bringing a

1 firearm to school as defined in 18 U.S.C. 921.

2 (3) Have at least 3% of the students enrolled in the
3 school exercise the individual option to transfer schools
4 pursuant to subsection (c) of this Section.

5 (c) A student may transfer from one public school to
6 another public school in that district if the student is a
7 victim of a violent crime as defined in Section 3 of the Rights
8 of Crime Victims and Witnesses Act. The violent crime must have
9 occurred on school grounds during regular school hours or
10 during a school-sponsored event.

11 (d) Transfers made pursuant to subsections (b) and (c) of
12 this Section shall be made in compliance with the federal No
13 Child Left Behind Act of 2001 (Public Law 107-110).

14 (Source: P.A. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03;
15 revised 10-28-08.)

16 (105 ILCS 5/10-22.3f)

17 (Text of Section before amendment by P.A. 95-958)

18 Sec. 10-22.3f. Required health benefits. Insurance
19 protection and benefits for employees shall provide the
20 post-mastectomy care benefits required to be covered by a
21 policy of accident and health insurance under Section 356t and
22 the coverage required under Sections 356g.5, 356u, 356w, 356x,
23 356z.6, 356z.9, and 356z.13 ~~356z.11~~ of the Illinois Insurance
24 Code.

25 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;

1 95-876, eff. 8-21-08; 95-978, eff. 1-1-09; revised 10-15-08.)

2 (Text of Section after amendment by P.A. 95-958)

3 Sec. 10-22.3f. Required health benefits. Insurance
4 protection and benefits for employees shall provide the
5 post-mastectomy care benefits required to be covered by a
6 policy of accident and health insurance under Section 356t and
7 the coverage required under Sections 356g.5, 356u, 356w, 356x,
8 356z.6, 356z.9, 356z.11, ~~and~~ 356z.12, and 356z.13 ~~356z.11~~ of
9 the Illinois Insurance Code.

10 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
11 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09;
12 revised 10-15-08.)

13 (105 ILCS 5/10-22.34c)

14 Sec. 10-22.34c. Third party non-instructional services.

15 (a) A board of education may enter into a contract with a
16 third party for non-instructional services currently performed
17 by any employee or bargaining unit member or lay off those
18 educational support personnel employees upon 90 days written
19 notice to the affected employees, provided that:

20 (1) a contract must not be entered into and become
21 effective during the term of a collective bargaining
22 agreement, as that term is set forth in the agreement,
23 covering any employees who perform the non-instructional
24 services;

1 (2) a contract may only take effect upon the expiration
2 of an existing collective bargaining agreement;

3 (3) any third party that submits a bid to perform the
4 non-instructional services shall provide the following:

5 (A) evidence of liability insurance in scope and
6 amount equivalent to the liability insurance provided
7 by the school board pursuant to Section 10-22.3 of this
8 Code;

9 (B) a benefits package for the third party's
10 employees who will perform the non-instructional
11 services comparable to the benefits package provided
12 to school board employees who perform those services;

13 (C) a list of the number of employees who will
14 provide the non-instructional services, the job
15 classifications of those employees, and the wages the
16 third party will pay those employees;

17 (D) a minimum 3-year cost projection, using
18 generally accepted accounting principles and which the
19 third party is prohibited from increasing if the bid is
20 accepted by the school board, for each and every
21 expenditure category and account for performing the
22 non-instructional services;

23 (E) composite information about the criminal and
24 disciplinary records, including alcohol or other
25 substance abuse, Department of Children and Family
26 Services complaints and investigations, traffic

1 violations, and license revocations or any other
2 licensure problems, of any employees who may perform
3 the non-instructional services, provided that the
4 individual names and other identifying information of
5 employees need not be provided with the submission of
6 the bid, but must be made available upon request of the
7 school board; and

8 (F) an affidavit, notarized by the president or
9 chief executive officer of the third party, that each
10 of its employees has completed a criminal background
11 check as required by Section 10-21.9 of this Code
12 within 3 months prior to submission of the bid,
13 provided that the results of such background checks
14 need not be provided with the submission of the bid,
15 but must be made available upon request of the school
16 board;

17 (4) a contract must not be entered into unless the
18 school board provides a cost comparison, using generally
19 accepted accounting principles, of each and every
20 expenditure category and account that the school board
21 projects it would incur over the term of the contract if it
22 continued to perform the non-instructional services using
23 its own employees with each and every expenditure category
24 and account that is projected a third party would incur if
25 a third party performed the non-instructional services;

26 (5) review and consideration of all bids by third

1 parties to perform the non-instructional services shall
2 take place in open session of a regularly scheduled school
3 board meeting, unless the exclusive bargaining
4 representative of the employees who perform the
5 non-instructional services, if any such exclusive
6 bargaining representative exists, agrees in writing that
7 such review and consideration can take place in open
8 session at a specially scheduled school board meeting;

9 (6) a minimum of one public hearing, conducted by the
10 school board prior to a regularly scheduled school board
11 meeting, to discuss the school board's proposal to contract
12 with a third party to perform the non-instructional
13 services must be held before the school board may enter
14 into such a contract; the school board must provide notice
15 to the public of the date, time, and location of the first
16 public hearing on or before the initial date that bids to
17 provide the non-instructional services are solicited or a
18 minimum of 30 days prior to entering into such a contract,
19 whichever provides a greater period of notice;

20 (7) a contract shall contain provisions requiring the
21 contractor to offer available employee positions pursuant
22 to the contract to qualified school district employees
23 whose employment is terminated because of the contract; and

24 (8) a contract shall contain provisions requiring the
25 contractor to comply with a policy of nondiscrimination and
26 equal employment opportunity for all persons and to take

1 affirmative steps to provide equal opportunity for all
2 persons.

3 (b) Notwithstanding subsection (a) of this Section, a board
4 of education may enter into a contract, of no longer than 3
5 months in duration, with a third party for non-instructional
6 services currently performed by an employee or bargaining unit
7 member for the purpose of augmenting the current workforce in
8 an emergency situation that threatens the safety or health of
9 the school district's students or staff, provided that the
10 school board meets all of its obligations under the Illinois
11 Educational Labor Relations Act.

12 (c) The changes to this Section made by this amendatory Act
13 of the 95th General Assembly are not applicable to
14 non-instructional services of a school district that on the
15 effective date of this amendatory Act of the 95th General
16 Assembly are performed for the school district by a third
17 party.

18 (Source: P.A. 95-241, eff. 8-17-07; revised 10-23-08.)

19 (105 ILCS 5/11E-135)

20 Sec. 11E-135. Incentives. For districts reorganizing under
21 this Article and for a district or districts that annex all of
22 the territory of one or more entire other school districts in
23 accordance with Article 7 of this Code, the following payments
24 shall be made from appropriations made for these purposes:

25 (a)(1) For a combined school district, as defined in

1 Section 11E-20 of this Code, or for a unit district, as defined
2 in Section 11E-25 of this Code, for its first year of
3 existence, the general State aid and supplemental general State
4 aid calculated under Section 18-8.05 of this Code shall be
5 computed for the new district and for the previously existing
6 districts for which property is totally included within the new
7 district. If the computation on the basis of the previously
8 existing districts is greater, a supplementary payment equal to
9 the difference shall be made for the first 4 years of existence
10 of the new district.

11 (2) For a school district that annexes all of the territory
12 of one or more entire other school districts as defined in
13 Article 7 of this Code, for the first year during which the
14 change of boundaries attributable to the annexation becomes
15 effective for all purposes, as determined under Section 7-9 of
16 this Code, the general State aid and supplemental general State
17 aid calculated under Section 18-8.05 of this Code shall be
18 computed for the annexing district as constituted after the
19 annexation and for the annexing and each annexed district as
20 constituted prior to the annexation; and if the computation on
21 the basis of the annexing and annexed districts as constituted
22 prior to the annexation is greater, then a supplementary
23 payment equal to the difference shall be made for the first 4
24 years of existence of the annexing school district as
25 constituted upon the annexation.

26 (3) For 2 or more school districts that annex all of the

1 territory of one or more entire other school districts, as
2 defined in Article 7 of this Code, for the first year during
3 which the change of boundaries attributable to the annexation
4 becomes effective for all purposes, as determined under Section
5 7-9 of this Code, the general State aid and supplemental
6 general State aid calculated under Section 18-8.05 of this Code
7 shall be computed for each annexing district as constituted
8 after the annexation and for each annexing and annexed district
9 as constituted prior to the annexation; and if the aggregate of
10 the general State aid and supplemental general State aid as so
11 computed for the annexing districts as constituted after the
12 annexation is less than the aggregate of the general State aid
13 and supplemental general State aid as so computed for the
14 annexing and annexed districts, as constituted prior to the
15 annexation, then a supplementary payment equal to the
16 difference shall be made and allocated between or among the
17 annexing districts, as constituted upon the annexation, for the
18 first 4 years of their existence. The total difference payment
19 shall be allocated between or among the annexing districts in
20 the same ratio as the pupil enrollment from that portion of the
21 annexed district or districts that is annexed to each annexing
22 district bears to the total pupil enrollment from the entire
23 annexed district or districts, as such pupil enrollment is
24 determined for the school year last ending prior to the date
25 when the change of boundaries attributable to the annexation
26 becomes effective for all purposes. The amount of the total

1 difference payment and the amount thereof to be allocated to
2 the annexing districts shall be computed by the State Board of
3 Education on the basis of pupil enrollment and other data that
4 shall be certified to the State Board of Education, on forms
5 that it shall provide for that purpose, by the regional
6 superintendent of schools for each educational service region
7 in which the annexing and annexed districts are located.

8 (4) For a school district conversion, as defined in Section
9 11E-15 of this Code, or a multi-unit conversion, as defined in
10 subsection (b) of Section 11E-30 of this Code, if in their
11 first year of existence the newly created elementary districts
12 and the newly created high school district, from a school
13 district conversion, or the newly created elementary district
14 or districts and newly created combined high school - unit
15 district, from a multi-unit conversion, qualify for less
16 general State aid under Section 18-8.05 of this Code than would
17 have been payable under Section 18-8.05 for that same year to
18 the previously existing districts, then a supplementary
19 payment equal to that difference shall be made for the first 4
20 years of existence of the newly created districts. The
21 aggregate amount of each supplementary payment shall be
22 allocated among the newly created districts in the proportion
23 that the deemed pupil enrollment in each district during its
24 first year of existence bears to the actual aggregate pupil
25 enrollment in all of the districts during their first year of
26 existence. For purposes of each allocation:

1 (A) the deemed pupil enrollment of the newly created
2 high school district from a school district conversion
3 shall be an amount equal to its actual pupil enrollment for
4 its first year of existence multiplied by 1.25;

5 (B) the deemed pupil enrollment of each newly created
6 elementary district from a school district conversion
7 shall be an amount equal to its actual pupil enrollment for
8 its first year of existence reduced by an amount equal to
9 the product obtained when the amount by which the newly
10 created high school district's deemed pupil enrollment
11 exceeds its actual pupil enrollment for its first year of
12 existence is multiplied by a fraction, the numerator of
13 which is the actual pupil enrollment of the newly created
14 elementary district for its first year of existence and the
15 denominator of which is the actual aggregate pupil
16 enrollment of all of the newly created elementary districts
17 for their first year of existence;

18 (C) the deemed high school pupil enrollment of the
19 newly created combined high school - unit district from a
20 multi-unit conversion shall be an amount equal to its
21 actual grades 9 through 12 pupil enrollment for its first
22 year of existence multiplied by 1.25; and

23 (D) the deemed elementary pupil enrollment of each
24 newly created district from a multi-unit conversion shall
25 be an amount equal to each district's actual grade K
26 through 8 pupil enrollment for its first year of existence,

1 reduced by an amount equal to the product obtained when the
2 amount by which the newly created combined high school -
3 unit district's deemed high school pupil enrollment
4 exceeds its actual grade 9 through 12 pupil enrollment for
5 its first year of existence is multiplied by a fraction,
6 the numerator of which is the actual grade K through 8
7 pupil enrollment of each newly created district for its
8 first year of existence and the denominator of which is the
9 actual aggregate grade K through 8 pupil enrollment of all
10 such newly created districts for their first year of
11 existence.

12 The aggregate amount of each supplementary payment under
13 this subdivision (4) and the amount thereof to be allocated to
14 the newly created districts shall be computed by the State
15 Board of Education on the basis of pupil enrollment and other
16 data, which shall be certified to the State Board of Education,
17 on forms that it shall provide for that purpose, by the
18 regional superintendent of schools for each educational
19 service region in which the newly created districts are
20 located.

21 (5) For a partial elementary unit district, as defined in
22 subsection (a) or (c) of Section 11E-30 of this Code, if, in
23 the first year of existence, the newly created partial
24 elementary unit district qualifies for less general State aid
25 and supplemental general State aid under Section 18-8.05 of
26 this Code than would have been payable under that Section for

1 that same year to the previously existing districts that formed
2 the partial elementary unit district, then a supplementary
3 payment equal to that difference shall be made to the partial
4 elementary unit district for the first 4 years of existence of
5 that newly created district.

6 (6) For an elementary opt-in, as described in subsection
7 (d) of Section 11E-30 of this Code, the general State aid
8 difference shall be computed in accordance with paragraph (5)
9 of this subsection (a) as if the elementary opt-in was included
10 in an optional elementary unit district at the optional
11 elementary unit district's original effective date. If the
12 calculation in this paragraph (6) is less than that calculated
13 in paragraph (5) of this subsection (a) at the optional
14 elementary unit district's original effective date, then no
15 adjustments may be made. If the calculation in this paragraph
16 (6) is more than that calculated in paragraph (5) of this
17 subsection (a) at the optional elementary unit district's
18 original effective date, then the excess must be paid as
19 follows:

20 (A) If the effective date for the elementary opt-in is
21 one year after the effective date for the optional
22 elementary unit district, 100% of the calculated excess
23 shall be paid to the optional elementary unit district in
24 each of the first 4 years after the effective date of the
25 elementary opt-in.

26 (B) If the effective date for the elementary opt-in is

1 2 years after the effective date for the optional
2 elementary unit district, 75% of the calculated excess
3 shall be paid to the optional elementary unit district in
4 each of the first 4 years after the effective date of the
5 elementary opt-in.

6 (C) If the effective date for the elementary opt-in is
7 3 years after the effective date for the optional
8 elementary unit district, 50% of the calculated excess
9 shall be paid to the optional elementary unit district in
10 each of the first 4 years after the effective date of the
11 elementary opt-in.

12 (D) If the effective date for the elementary opt-in is
13 4 years after the effective date for the optional
14 elementary unit district, 25% of the calculated excess
15 shall be paid to the optional elementary unit district in
16 each of the first 4 years after the effective date of the
17 elementary opt-in.

18 (E) If the effective date for the elementary opt-in is
19 5 years after the effective date for the optional
20 elementary unit district, the optional elementary unit
21 district is not eligible for any additional incentives due
22 to the elementary opt-in.

23 (6.5) For a school district that annexes territory detached
24 from another school district whereby the enrollment of the
25 annexing district increases by 90% or more as a result of the
26 annexation, for the first year during which the change of

1 boundaries attributable to the annexation becomes effective
2 for all purposes as determined under Section 7-9 of this Code,
3 the general State aid and supplemental general State aid
4 calculated under this Section shall be computed for the
5 district gaining territory and the district losing territory as
6 constituted after the annexation and for the same districts as
7 constituted prior to the annexation; and if the aggregate of
8 the general State aid and supplemental general State aid as so
9 computed for the district gaining territory and the district
10 losing territory as constituted after the annexation is less
11 than the aggregate of the general State aid and supplemental
12 general State aid as so computed for the district gaining
13 territory and the district losing territory as constituted
14 prior to the annexation, then a supplementary payment shall be
15 made to the annexing district for the first 4 years of
16 existence after the annexation, equal to the difference
17 multiplied by the ratio of student enrollment in the territory
18 detached to the total student enrollment in the district losing
19 territory for the year prior to the effective date of the
20 annexation. The amount of the total difference and the
21 proportion paid to the annexing district shall be computed by
22 the State Board of Education on the basis of pupil enrollment
23 and other data that must be submitted to the State Board of
24 Education in accordance with Section 7-14A of this Code. The
25 changes to this Section made by Public Act 95-707 ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ are intended to be

1 retroactive and applicable to any annexation taking effect on
2 or after July 1, 2004. For annexations that are eligible for
3 payments under this paragraph (6.5) and that are effective on
4 or after July 1, 2004, but before January 11, 2008 (the
5 effective date of Public Act 95-707) ~~this amendatory Act of the~~
6 ~~95th General Assembly~~, the first required yearly payment under
7 this paragraph (6.5) shall be paid in the fiscal year of
8 January 11, 2008 (the effective date of Public Act 95-707) ~~this~~
9 ~~amendatory Act of the 95th General Assembly~~. Subsequent
10 required yearly payments shall be paid in subsequent fiscal
11 years until the payment obligation under this paragraph (6.5)
12 is complete.

13 (7) Claims for financial assistance under this subsection
14 (a) may not be recomputed except as expressly provided under
15 Section 18-8.05 of this Code.

16 (8) Any supplementary payment made under this subsection
17 (a) must be treated as separate from all other payments made
18 pursuant to Section 18-8.05 of this Code.

19 (b) (1) After the formation of a combined school district,
20 as defined in Section 11E-20 of this Code, or a unit district,
21 as defined in Section 11E-25 of this Code, a computation shall
22 be made to determine the difference between the salaries
23 effective in each of the previously existing districts on June
24 30, prior to the creation of the new district. For the first 4
25 years after the formation of the new district, a supplementary
26 State aid reimbursement shall be paid to the new district equal

1 to the difference between the sum of the salaries earned by
2 each of the certificated members of the new district, while
3 employed in one of the previously existing districts during the
4 year immediately preceding the formation of the new district,
5 and the sum of the salaries those certificated members would
6 have been paid during the year immediately prior to the
7 formation of the new district if placed on the salary schedule
8 of the previously existing district with the highest salary
9 schedule.

10 (2) After the territory of one or more school districts is
11 annexed by one or more other school districts as defined in
12 Article 7 of this Code, a computation shall be made to
13 determine the difference between the salaries effective in each
14 annexed district and in the annexing district or districts as
15 they were each constituted on June 30 preceding the date when
16 the change of boundaries attributable to the annexation became
17 effective for all purposes, as determined under Section 7-9 of
18 this Code. For the first 4 years after the annexation, a
19 supplementary State aid reimbursement shall be paid to each
20 annexing district as constituted after the annexation equal to
21 the difference between the sum of the salaries earned by each
22 of the certificated members of the annexing district as
23 constituted after the annexation, while employed in an annexed
24 or annexing district during the year immediately preceding the
25 annexation, and the sum of the salaries those certificated
26 members would have been paid during the immediately preceding

1 year if placed on the salary schedule of whichever of the
2 annexing or annexed districts had the highest salary schedule
3 during the immediately preceding year.

4 (3) For each new high school district formed under a school
5 district conversion, as defined in Section 11E-15 of this Code,
6 the State shall make a supplementary payment for 4 years equal
7 to the difference between the sum of the salaries earned by
8 each certified member of the new high school district, while
9 employed in one of the previously existing districts, and the
10 sum of the salaries those certified members would have been
11 paid if placed on the salary schedule of the previously
12 existing district with the highest salary schedule.

13 (4) For each newly created partial elementary unit
14 district, the State shall make a supplementary payment for 4
15 years equal to the difference between the sum of the salaries
16 earned by each certified member of the newly created partial
17 elementary unit district, while employed in one of the
18 previously existing districts that formed the partial
19 elementary unit district, and the sum of the salaries those
20 certified members would have been paid if placed on the salary
21 schedule of the previously existing district with the highest
22 salary schedule. The salary schedules used in the calculation
23 shall be those in effect in the previously existing districts
24 for the school year prior to the creation of the new partial
25 elementary unit district.

26 (5) For an elementary district opt-in, as described in

1 subsection (d) of Section 11E-30 of this Code, the salary
2 difference incentive shall be computed in accordance with
3 paragraph (4) of this subsection (b) as if the opted-in
4 elementary district was included in the optional elementary
5 unit district at the optional elementary unit district's
6 original effective date. If the calculation in this paragraph
7 (5) is less than that calculated in paragraph (4) of this
8 subsection (b) at the optional elementary unit district's
9 original effective date, then no adjustments may be made. If
10 the calculation in this paragraph (5) is more than that
11 calculated in paragraph (4) of this subsection (b) at the
12 optional elementary unit district's original effective date,
13 then the excess must be paid as follows:

14 (A) If the effective date for the elementary opt-in is
15 one year after the effective date for the optional
16 elementary unit district, 100% of the calculated excess
17 shall be paid to the optional elementary unit district in
18 each of the first 4 years after the effective date of the
19 elementary opt-in.

20 (B) If the effective date for the elementary opt-in is
21 2 years after the effective date for the optional
22 elementary unit district, 75% of the calculated excess
23 shall be paid to the optional elementary unit district in
24 each of the first 4 years after the effective date of the
25 elementary opt-in.

26 (C) If the effective date for the elementary opt-in is

1 3 years after the effective date for the optional
2 elementary unit district, 50% of the calculated excess
3 shall be paid to the optional elementary unit district in
4 each of the first 4 years after the effective date of the
5 elementary opt-in.

6 (D) If the effective date for the elementary opt-in is
7 4 years after the effective date for the partial elementary
8 unit district, 25% of the calculated excess shall be paid
9 to the optional elementary unit district in each of the
10 first 4 years after the effective date of the elementary
11 opt-in.

12 (E) If the effective date for the elementary opt-in is
13 5 years after the effective date for the optional
14 elementary unit district, the optional elementary unit
15 district is not eligible for any additional incentives due
16 to the elementary opt-in.

17 (5.5) After the formation of a cooperative high school by 2
18 or more school districts under Section 10-22.22c of this Code,
19 a computation shall be made to determine the difference between
20 the salaries effective in each of the previously existing high
21 schools on June 30 prior to the formation of the cooperative
22 high school. For the first 4 years after the formation of the
23 cooperative high school, a supplementary State aid
24 reimbursement shall be paid to the cooperative high school
25 equal to the difference between the sum of the salaries earned
26 by each of the certificated members of the cooperative high

1 school while employed in one of the previously existing high
2 schools during the year immediately preceding the formation of
3 the cooperative high school and the sum of the salaries those
4 certificated members would have been paid during the year
5 immediately prior to the formation of the cooperative high
6 school if placed on the salary schedule of the previously
7 existing high school with the highest salary schedule.

8 (5.10) After the annexation of territory detached from
9 another school district whereby the enrollment of the annexing
10 district increases by 90% or more as a result of the
11 annexation, a computation shall be made to determine the
12 difference between the salaries effective in the district
13 gaining territory and the district losing territory as they
14 each were constituted on June 30 preceding the date when the
15 change of boundaries attributable to the annexation became
16 effective for all purposes as determined under Section 7-9 of
17 this Code. For the first 4 years after the annexation, a
18 supplementary State aid reimbursement shall be paid to the
19 annexing district equal to the difference between the sum of
20 the salaries earned by each of the certificated members of the
21 annexing district as constituted after the annexation while
22 employed in the district gaining territory or the district
23 losing territory during the year immediately preceding the
24 annexation and the sum of the salaries those certificated
25 members would have been paid during such immediately preceding
26 year if placed on the salary schedule of whichever of the

1 district gaining territory or district losing territory had the
2 highest salary schedule during the immediately preceding year.
3 To be eligible for supplementary State aid reimbursement under
4 this Section, the intergovernmental agreement to be submitted
5 pursuant to Section 7-14A of this Code must show that staff
6 members were transferred from the control of the district
7 losing territory to the control of the district gaining
8 territory in the annexation. The changes to this Section made
9 by Public Act 95-707 ~~this amendatory Act of the 95th General~~
10 ~~Assembly~~ are intended to be retroactive and applicable to any
11 annexation taking effect on or after July 1, 2004. For
12 annexations that are eligible for payments under this paragraph
13 (5.10) and that are effective on or after July 1, 2004, but
14 before January 11, 2008 (the effective date of Public Act
15 95-707) ~~this amendatory Act of the 95th General Assembly~~, the
16 first required yearly payment under this paragraph (5.10) shall
17 be paid in the fiscal year of January 11, 2008 (the effective
18 date of Public Act 95-707) ~~this amendatory Act of the 95th~~
19 ~~General Assembly~~. Subsequent required yearly payments shall be
20 paid in subsequent fiscal years until the payment obligation
21 under this paragraph (5.10) is complete.

22 (5.15) ~~(5.10)~~ After the deactivation of a school facility
23 in accordance with Section 10-22.22b of this Code, a
24 computation shall be made to determine the difference between
25 the salaries effective in the sending school district and each
26 receiving school district on June 30 prior to the deactivation

1 of the school facility. For the lesser of the first 4 years
2 after the deactivation of the school facility or the length of
3 the deactivation agreement, including any renewals of the
4 original deactivation agreement, a supplementary State aid
5 reimbursement shall be paid to each receiving district equal to
6 the difference between the sum of the salaries earned by each
7 of the certificated members transferred to that receiving
8 district as a result of the deactivation while employed in the
9 sending district during the year immediately preceding the
10 deactivation and the sum of the salaries those certificated
11 members would have been paid during the year immediately
12 preceding the deactivation if placed on the salary schedule of
13 the sending or receiving district with the highest salary
14 schedule.

15 (6) The supplementary State aid reimbursement under this
16 subsection (b) shall be treated as separate from all other
17 payments made pursuant to Section 18-8.05 of this Code. In the
18 case of the formation of a new district or cooperative high
19 school or a deactivation, reimbursement shall begin during the
20 first year of operation of the new district or cooperative high
21 school or the first year of the deactivation, and in the case
22 of an annexation of the territory of one or more school
23 districts by one or more other school districts or the
24 annexation of territory detached from a school district whereby
25 the enrollment of the annexing district increases by 90% or
26 more as a result of the annexation, reimbursement shall begin

1 during the first year when the change in boundaries
2 attributable to the annexation becomes effective for all
3 purposes as determined pursuant to Section 7-9 of this Code,
4 except that for an annexation of territory detached from a
5 school district that is effective on or after July 1, 2004, but
6 before January 11, 2008 (the effective date of Public Act
7 95-707) ~~this amendatory Act of the 95th General Assembly,~~
8 whereby the enrollment of the annexing district increases by
9 90% or more as a result of the annexation, reimbursement shall
10 begin during the fiscal year of January 11, 2008 (the effective
11 date of Public Act 95-707) ~~this amendatory Act of the 95th~~
12 ~~General Assembly.~~ Each year that the new, annexing, or
13 receiving district or cooperative high school, as the case may
14 be, is entitled to receive reimbursement, the number of
15 eligible certified members who are employed on October 1 in the
16 district or cooperative high school shall be certified to the
17 State Board of Education on prescribed forms by October 15 and
18 payment shall be made on or before November 15 of that year.

19 (c) (1) For the first year after the formation of a combined
20 school district, as defined in Section 11E-20 of this Code or a
21 unit district, as defined in Section 11E-25 of this Code, a
22 computation shall be made totaling each previously existing
23 district's audited fund balances in the educational fund,
24 working cash fund, operations and maintenance fund, and
25 transportation fund for the year ending June 30 prior to the
26 referendum for the creation of the new district. The new

1 district shall be paid supplementary State aid equal to the sum
2 of the differences between the deficit of the previously
3 existing district with the smallest deficit and the deficits of
4 each of the other previously existing districts.

5 (2) For the first year after the annexation of all of the
6 territory of one or more entire school districts by another
7 school district, as defined in Article 7 of this Code,
8 computations shall be made, for the year ending June 30 prior
9 to the date that the change of boundaries attributable to the
10 annexation is allowed by the affirmative decision issued by the
11 regional board of school trustees under Section 7-6 of this
12 Code, notwithstanding any effort to seek administrative review
13 of the decision, totaling the annexing district's and totaling
14 each annexed district's audited fund balances in their
15 respective educational, working cash, operations and
16 maintenance, and transportation funds. The annexing district
17 as constituted after the annexation shall be paid supplementary
18 State aid equal to the sum of the differences between the
19 deficit of whichever of the annexing or annexed districts as
20 constituted prior to the annexation had the smallest deficit
21 and the deficits of each of the other districts as constituted
22 prior to the annexation.

23 (3) For the first year after the annexation of all of the
24 territory of one or more entire school districts by 2 or more
25 other school districts, as defined by Article 7 of this Code,
26 computations shall be made, for the year ending June 30 prior

1 to the date that the change of boundaries attributable to the
2 annexation is allowed by the affirmative decision of the
3 regional board of school trustees under Section 7-6 of this
4 Code, notwithstanding any action for administrative review of
5 the decision, totaling each annexing and annexed district's
6 audited fund balances in their respective educational, working
7 cash, operations and maintenance, and transportation funds.
8 The annexing districts as constituted after the annexation
9 shall be paid supplementary State aid, allocated as provided in
10 this paragraph (3), in an aggregate amount equal to the sum of
11 the differences between the deficit of whichever of the
12 annexing or annexed districts as constituted prior to the
13 annexation had the smallest deficit and the deficits of each of
14 the other districts as constituted prior to the annexation. The
15 aggregate amount of the supplementary State aid payable under
16 this paragraph (3) shall be allocated between or among the
17 annexing districts as follows:

18 (A) the regional superintendent of schools for each
19 educational service region in which an annexed district is
20 located prior to the annexation shall certify to the State
21 Board of Education, on forms that it shall provide for that
22 purpose, the value of all taxable property in each annexed
23 district, as last equalized or assessed by the Department
24 of Revenue prior to the annexation, and the equalized
25 assessed value of each part of the annexed district that
26 was annexed to or included as a part of an annexing

1 district;

2 (B) using equalized assessed values as certified by the
3 regional superintendent of schools under clause (A) of this
4 paragraph (3), the combined audited fund balance deficit of
5 each annexed district as determined under this Section
6 shall be apportioned between or among the annexing
7 districts in the same ratio as the equalized assessed value
8 of that part of the annexed district that was annexed to or
9 included as a part of an annexing district bears to the
10 total equalized assessed value of the annexed district; and

11 (C) the aggregate supplementary State aid payment
12 under this paragraph (3) shall be allocated between or
13 among, and shall be paid to, the annexing districts in the
14 same ratio as the sum of the combined audited fund balance
15 deficit of each annexing district as constituted prior to
16 the annexation, plus all combined audited fund balance
17 deficit amounts apportioned to that annexing district
18 under clause (B) of this subsection, bears to the aggregate
19 of the combined audited fund balance deficits of all of the
20 annexing and annexed districts as constituted prior to the
21 annexation.

22 (4) For the new elementary districts and new high school
23 district formed through a school district conversion, as
24 defined in Section 11E-15 of this Code or the new elementary
25 district or districts and new combined high school - unit
26 district formed through a multi-unit conversion, as defined in

1 subsection (b) of Section 11E-30 of this Code, a computation
2 shall be made totaling each previously existing district's
3 audited fund balances in the educational fund, working cash
4 fund, operations and maintenance fund, and transportation fund
5 for the year ending June 30 prior to the referendum
6 establishing the new districts. In the first year of the new
7 districts, the State shall make a one-time supplementary
8 payment equal to the sum of the differences between the deficit
9 of the previously existing district with the smallest deficit
10 and the deficits of each of the other previously existing
11 districts. A district with a combined balance among the 4 funds
12 that is positive shall be considered to have a deficit of zero.
13 The supplementary payment shall be allocated among the newly
14 formed high school and elementary districts in the manner
15 provided by the petition for the formation of the districts, in
16 the form in which the petition is approved by the regional
17 superintendent of schools or State Superintendent of Education
18 under Section 11E-50 of this Code.

19 (5) For each newly created partial elementary unit
20 district, as defined in subsection (a) or (c) of Section 11E-30
21 of this Code, a computation shall be made totaling the audited
22 fund balances of each previously existing district that formed
23 the new partial elementary unit district in the educational
24 fund, working cash fund, operations and maintenance fund, and
25 transportation fund for the year ending June 30 prior to the
26 referendum for the formation of the partial elementary unit

1 district. In the first year of the new partial elementary unit
2 district, the State shall make a one-time supplementary payment
3 to the new district equal to the sum of the differences between
4 the deficit of the previously existing district with the
5 smallest deficit and the deficits of each of the other
6 previously existing districts. A district with a combined
7 balance among the 4 funds that is positive shall be considered
8 to have a deficit of zero.

9 (6) For an elementary opt-in as defined in subsection (d)
10 of Section 11E-30 of this Code, the deficit fund balance
11 incentive shall be computed in accordance with paragraph (5) of
12 this subsection (c) as if the opted-in elementary was included
13 in the optional elementary unit district at the optional
14 elementary unit district's original effective date. If the
15 calculation in this paragraph (6) is less than that calculated
16 in paragraph (5) of this subsection (c) at the optional
17 elementary unit district's original effective date, then no
18 adjustments may be made. If the calculation in this paragraph
19 (6) is more than that calculated in paragraph (5) of this
20 subsection (c) at the optional elementary unit district's
21 original effective date, then the excess must be paid as
22 follows:

23 (A) If the effective date for the elementary opt-in is
24 one year after the effective date for the optional
25 elementary unit district, 100% of the calculated excess
26 shall be paid to the optional elementary unit district in

1 the first year after the effective date of the elementary
2 opt-in.

3 (B) If the effective date for the elementary opt-in is
4 2 years after the effective date for the optional
5 elementary unit district, 75% of the calculated excess
6 shall be paid to the optional elementary unit district in
7 the first year after the effective date of the elementary
8 opt-in.

9 (C) If the effective date for the elementary opt-in is
10 3 years after the effective date for the optional
11 elementary unit district, 50% of the calculated excess
12 shall be paid to the optional elementary unit district in
13 the first year after the effective date of the elementary
14 opt-in.

15 (D) If the effective date for the elementary opt-in is
16 4 years after the effective date for the optional
17 elementary unit district, 25% of the calculated excess
18 shall be paid to the optional elementary unit district in
19 the first year after the effective date of the elementary
20 opt-in.

21 (E) If the effective date for the elementary opt-in is
22 5 years after the effective date for the optional
23 elementary unit district, the optional elementary unit
24 district is not eligible for any additional incentives due
25 to the elementary opt-in.

26 (6.5) For the first year after the annexation of territory

1 detached from another school district whereby the enrollment of
2 the annexing district increases by 90% or more as a result of
3 the annexation, a computation shall be made totaling the
4 audited fund balances of the district gaining territory and the
5 audited fund balances of the district losing territory in the
6 educational fund, working cash fund, operations and
7 maintenance fund, and transportation fund for the year ending
8 June 30 prior to the date that the change of boundaries
9 attributable to the annexation is allowed by the affirmative
10 decision of the regional board of school trustees under Section
11 7-6 of this Code, notwithstanding any action for administrative
12 review of the decision. The annexing district as constituted
13 after the annexation shall be paid supplementary State aid
14 equal to the difference between the deficit of whichever
15 district included in this calculation as constituted prior to
16 the annexation had the smallest deficit and the deficit of each
17 other district included in this calculation as constituted
18 prior to the annexation, multiplied by the ratio of equalized
19 assessed value of the territory detached to the total equalized
20 assessed value of the district losing territory. The regional
21 superintendent of schools for the educational service region in
22 which a district losing territory is located prior to the
23 annexation shall certify to the State Board of Education the
24 value of all taxable property in the district losing territory
25 and the value of all taxable property in the territory being
26 detached, as last equalized or assessed by the Department of

1 Revenue prior to the annexation. To be eligible for
2 supplementary State aid reimbursement under this Section, the
3 intergovernmental agreement to be submitted pursuant to
4 Section 7-14A of this Code must show that fund balances were
5 transferred from the district losing territory to the district
6 gaining territory in the annexation. The changes to this
7 Section made by Public Act 95-707 ~~this amendatory Act of the~~
8 ~~95th General Assembly~~ are intended to be retroactive and
9 applicable to any annexation taking effect on or after July 1,
10 2004. For annexations that are eligible for payments under this
11 paragraph (6.5) and that are effective on or after July 1,
12 2004, but before January 11, 2008 (the effective date of Public
13 Act 95-707) ~~this amendatory Act of the 95th General Assembly,~~
14 the required payment under this paragraph (6.5) shall be paid
15 in the fiscal year of January 11, 2008 (the effective date of
16 Public Act 95-707) ~~this amendatory Act of the 95th General~~
17 ~~Assembly.~~

18 (7) For purposes of any calculation required under
19 paragraph (1), (2), (3), (4), (5), (6), or (6.5) of this
20 subsection (c), a district with a combined fund balance that is
21 positive shall be considered to have a deficit of zero. For
22 purposes of determining each district's audited fund balances
23 in its educational fund, working cash fund, operations and
24 maintenance fund, and transportation fund for the specified
25 year ending June 30, as provided in paragraphs (1), (2), (3),
26 (4), (5), (6), and (6.5) of this subsection (c), the balance of

1 each fund shall be deemed decreased by an amount equal to the
2 amount of the annual property tax theretofore levied in the
3 fund by the district for collection and payment to the district
4 during the calendar year in which the June 30 fell, but only to
5 the extent that the tax so levied in the fund actually was
6 received by the district on or before or comprised a part of
7 the fund on such June 30. For purposes of determining each
8 district's audited fund balances, a calculation shall be made
9 for each fund to determine the average for the 3 years prior to
10 the specified year ending June 30, as provided in paragraphs
11 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c),
12 of the district's expenditures in the categories "purchased
13 services", "supplies and materials", and "capital outlay", as
14 those categories are defined in rules of the State Board of
15 Education. If this 3-year average is less than the district's
16 expenditures in these categories for the specified year ending
17 June 30, as provided in paragraphs (1), (2), (3), (4), (5),
18 (6), and (6.5) of this subsection (c), then the 3-year average
19 shall be used in calculating the amounts payable under this
20 Section in place of the amounts shown in these categories for
21 the specified year ending June 30, as provided in paragraphs
22 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c).
23 Any deficit because of State aid not yet received may not be
24 considered in determining the June 30 deficits. The same basis
25 of accounting shall be used by all previously existing
26 districts and by all annexing or annexed districts, as

1 constituted prior to the annexation, in making any computation
2 required under paragraphs (1), (2), (3), (4), (5), (6), and
3 (6.5) of this subsection (c).

4 (8) The supplementary State aid payments under this
5 subsection (c) shall be treated as separate from all other
6 payments made pursuant to Section 18-8.05 of this Code.

7 (d)(1) Following the formation of a combined school
8 district, as defined in Section 11E-20 of this Code, a new unit
9 district, as defined in Section 11E-25 of this Code, a new
10 elementary district or districts and a new high school district
11 formed through a school district conversion, as defined in
12 Section 11E-15 of this Code, a new partial elementary unit
13 district, as defined in Section 11E-30 of this Code, or a new
14 elementary district or districts formed through a multi-unit
15 conversion, as defined in subsection (b) of Section 11E-30 of
16 this Code, or the annexation of all of the territory of one or
17 more entire school districts by one or more other school
18 districts, as defined in Article 7 of this Code, a
19 supplementary State aid reimbursement shall be paid for the
20 number of school years determined under the following table to
21 each new or annexing district equal to the sum of \$4,000 for
22 each certified employee who is employed by the district on a
23 full-time basis for the regular term of the school year:

24	Reorganized District's Rank	Reorganized District's Rank
25	by type of district (unit,	in Average Daily Attendance

1	high school, elementary)	By Quintile		
2	in Equalized Assessed Value			
3	Per Pupil by Quintile			
4				3rd, 4th,
5		1st	2nd	or 5th
6		Quintile	Quintile	Quintile
7	1st Quintile	1 year	1 year	1 year
8	2nd Quintile	1 year	2 years	2 years
9	3rd Quintile	2 years	3 years	3 years
10	4th Quintile	2 years	3 years	3 years
11	5th Quintile	2 years	3 years	3 years

12 The State Board of Education shall make a one-time calculation
 13 of a reorganized district's quintile ranks. The average daily
 14 attendance used in this calculation shall be the best 3 months'
 15 average daily attendance for the district's first year. The
 16 equalized assessed value per pupil shall be the district's real
 17 property equalized assessed value used in calculating the
 18 district's first-year general State aid claim, under Section
 19 18-8.05 of this Code, divided by the best 3 months' average
 20 daily attendance.

21 No annexing or resulting school district shall be entitled
 22 to supplementary State aid under this subsection (d) unless the
 23 district acquires at least 30% of the average daily attendance
 24 of the district from which the territory is being detached or
 25 divided.

1 If a district results from multiple reorganizations that
2 would otherwise qualify the district for multiple payments
3 under this subsection (d) in any year, then the district shall
4 receive a single payment only for that year based solely on the
5 most recent reorganization.

6 (2) For an elementary opt-in, as defined in subsection (d)
7 of Section 11E-30 of this Code, the full-time certified staff
8 incentive shall be computed in accordance with paragraph (1) of
9 this subsection (d), equal to the sum of \$4,000 for each
10 certified employee of the elementary district that opts-in who
11 is employed by the optional elementary unit district on a
12 full-time basis for the regular term of the school year. The
13 calculation from this paragraph (2) must be paid as follows:

14 (A) If the effective date for the elementary opt-in is
15 one year after the effective date for the optional
16 elementary unit district, 100% of the amount calculated in
17 this paragraph (2) shall be paid to the optional elementary
18 unit district for the number of years calculated in
19 paragraph (1) of this subsection (d) at the optional
20 elementary unit district's original effective date,
21 starting in the second year after the effective date of the
22 elementary opt-in.

23 (B) If the effective date for the elementary opt-in is
24 2 years after the effective date for the optional
25 elementary unit district, 75% of the amount calculated in
26 this paragraph (2) shall be paid to the optional elementary

1 unit district for the number of years calculated in
2 paragraph (1) of this subsection (d) at the optional
3 elementary unit district's original effective date,
4 starting in the second year after the effective date of the
5 elementary opt-in.

6 (C) If the effective date for the elementary opt-in is
7 3 years after the effective date for the optional
8 elementary unit district, 50% of the amount calculated in
9 this paragraph (2) shall be paid to the optional elementary
10 unit district for the number of years calculated in
11 paragraph (1) of this subsection (d) at the optional
12 elementary unit district's original effective date,
13 starting in the second year after the effective date of the
14 elementary opt-in.

15 (D) If the effective date for the elementary opt-in is
16 4 years after the effective date for the optional
17 elementary unit district, 25% of the amount calculated in
18 this paragraph (2) shall be paid to the optional elementary
19 unit district for the number of years calculated in
20 paragraph (1) of this subsection (d) at the optional
21 elementary unit district's original effective date,
22 starting in the second year after the effective date of the
23 elementary opt-in.

24 (E) If the effective date for the elementary opt-in is
25 5 years after the effective date for the optional
26 elementary unit district, the optional elementary unit

1 district is not eligible for any additional incentives due
2 to the elementary opt-in.

3 (2.5) Following the formation of a cooperative high school
4 by 2 or more school districts under Section 10-22.22c of this
5 Code, a supplementary State aid reimbursement shall be paid for
6 3 school years to the cooperative high school equal to the sum
7 of \$4,000 for each certified employee who is employed by the
8 cooperative high school on a full-time basis for the regular
9 term of any such school year. If a cooperative high school
10 results from multiple agreements that would otherwise qualify
11 the cooperative high school for multiple payments under this
12 Section in any year, the cooperative high school shall receive
13 a single payment for that year based solely on the most recent
14 agreement.

15 (2.10) Following the annexation of territory detached from
16 another school district whereby the enrollment of the annexing
17 district increases 90% or more as a result of the annexation, a
18 supplementary State aid reimbursement shall be paid to the
19 annexing district equal to the sum of \$4,000 for each certified
20 employee who is employed by the annexing district on a
21 full-time basis and shall be calculated in accordance with
22 subsection (a) of this Section. To be eligible for
23 supplementary State aid reimbursement under this Section, the
24 intergovernmental agreement to be submitted pursuant to
25 Section 7-14A of this Code must show that certified staff
26 members were transferred from the control of the district

1 losing territory to the control of the district gaining
2 territory in the annexation. The changes to this Section made
3 by Public Act 95-707 ~~this amendatory Act of the 95th General~~
4 ~~Assembly~~ are intended to be retroactive and applicable to any
5 annexation taking effect on or after July 1, 2004. For
6 annexations that are eligible for payments under this paragraph
7 (2.10) and that are effective on or after July 1, 2004, but
8 before January 11, 2008 (the effective date of Public Act
9 95-707) ~~this amendatory Act of the 95th General Assembly~~, the
10 first required yearly payment under this paragraph (2.10) shall
11 be paid in the second fiscal year after January 11, 2008 (the
12 effective date of Public Act 95-707) ~~this amendatory Act of the~~
13 ~~95th General Assembly~~. Any subsequent required yearly payments
14 shall be paid in subsequent fiscal years until the payment
15 obligation under this paragraph (2.10) is complete.

16 (2.15) ~~(2.10)~~ Following the deactivation of a school
17 facility in accordance with Section 10-22.22b of this Code, a
18 supplementary State aid reimbursement shall be paid for the
19 lesser of 3 school years or the length of the deactivation
20 agreement, including any renewals of the original deactivation
21 agreement, to each receiving school district equal to the sum
22 of \$4,000 for each certified employee who is employed by that
23 receiving district on a full-time basis for the regular term of
24 any such school year who was originally transferred to the
25 control of that receiving district as a result of the
26 deactivation. Receiving districts are eligible for payments

1 under this paragraph (2.15) ~~(2.10)~~ based on the certified
2 employees transferred to that receiving district as a result of
3 the deactivation and are not required to receive at least 30%
4 of the deactivating district's average daily attendance as
5 required under paragraph (1) of this subsection (d) to be
6 eligible for payments.

7 (3) The supplementary State aid reimbursement payable
8 under this subsection (d) shall be separate from and in
9 addition to all other payments made to the district pursuant to
10 any other Section of this Article.

11 (4) During May of each school year for which a
12 supplementary State aid reimbursement is to be paid to a new,
13 annexing, or receiving school district or cooperative high
14 school pursuant to this subsection (d), the school board or
15 governing board shall certify to the State Board of Education,
16 on forms furnished to the school board or governing board by
17 the State Board of Education for purposes of this subsection
18 (d), the number of certified employees for which the district
19 or cooperative high school is entitled to reimbursement under
20 this Section, together with the names, certificate numbers, and
21 positions held by the certified employees.

22 (5) Upon certification by the State Board of Education to
23 the State Comptroller of the amount of the supplementary State
24 aid reimbursement to which a school district or cooperative
25 high school is entitled under this subsection (d), the State
26 Comptroller shall draw his or her warrant upon the State

1 Treasurer for the payment thereof to the school district or
2 cooperative high school and shall promptly transmit the payment
3 to the school district or cooperative high school through the
4 appropriate school treasurer.

5 (Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902,
6 eff. 7-1-06; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08;
7 95-903, eff. 8-25-08; revised 9-5-08.)

8 (105 ILCS 5/13-45) (from Ch. 122, par. 13-45)

9 Sec. 13-45. Other provisions of this Code shall not apply
10 to the Department of Juvenile Justice School District being all
11 of the following Articles and Sections: Articles 7, 8, 9, those
12 sections of Article 10 in conflict with any provisions of
13 Sections 13-40 through 13-45, and Articles 11, 12, 15, 17, 18,
14 19, 19A, 20, 22, 24, 26, 31, 32, 33, and ~~34, 35~~. Also Article 28
15 shall not apply except that this School District may use any
16 funds available from State, Federal and other funds for the
17 purchase of textbooks, apparatus and equipment.

18 (Source: P.A. 94-696, eff. 6-1-06; revised 1-30-08.)

19 (105 ILCS 5/18-8.05)

20 Sec. 18-8.05. Basis for apportionment of general State
21 financial aid and supplemental general State aid to the common
22 schools for the 1998-1999 and subsequent school years.

23 (A) General Provisions.

1 (1) The provisions of this Section apply to the 1998-1999
2 and subsequent school years. The system of general State
3 financial aid provided for in this Section is designed to
4 assure that, through a combination of State financial aid and
5 required local resources, the financial support provided each
6 pupil in Average Daily Attendance equals or exceeds a
7 prescribed per pupil Foundation Level. This formula approach
8 imputes a level of per pupil Available Local Resources and
9 provides for the basis to calculate a per pupil level of
10 general State financial aid that, when added to Available Local
11 Resources, equals or exceeds the Foundation Level. The amount
12 of per pupil general State financial aid for school districts,
13 in general, varies in inverse relation to Available Local
14 Resources. Per pupil amounts are based upon each school
15 district's Average Daily Attendance as that term is defined in
16 this Section.

17 (2) In addition to general State financial aid, school
18 districts with specified levels or concentrations of pupils
19 from low income households are eligible to receive supplemental
20 general State financial aid grants as provided pursuant to
21 subsection (H). The supplemental State aid grants provided for
22 school districts under subsection (H) shall be appropriated for
23 distribution to school districts as part of the same line item
24 in which the general State financial aid of school districts is
25 appropriated under this Section.

26 (3) To receive financial assistance under this Section,

1 school districts are required to file claims with the State
2 Board of Education, subject to the following requirements:

3 (a) Any school district which fails for any given
4 school year to maintain school as required by law, or to
5 maintain a recognized school is not eligible to file for
6 such school year any claim upon the Common School Fund. In
7 case of nonrecognition of one or more attendance centers in
8 a school district otherwise operating recognized schools,
9 the claim of the district shall be reduced in the
10 proportion which the Average Daily Attendance in the
11 attendance center or centers bear to the Average Daily
12 Attendance in the school district. A "recognized school"
13 means any public school which meets the standards as
14 established for recognition by the State Board of
15 Education. A school district or attendance center not
16 having recognition status at the end of a school term is
17 entitled to receive State aid payments due upon a legal
18 claim which was filed while it was recognized.

19 (b) School district claims filed under this Section are
20 subject to Sections 18-9 and 18-12, except as otherwise
21 provided in this Section.

22 (c) If a school district operates a full year school
23 under Section 10-19.1, the general State aid to the school
24 district shall be determined by the State Board of
25 Education in accordance with this Section as near as may be
26 applicable.

1 (d) (Blank).

2 (4) Except as provided in subsections (H) and (L), the
3 board of any district receiving any of the grants provided for
4 in this Section may apply those funds to any fund so received
5 for which that board is authorized to make expenditures by law.

6 School districts are not required to exert a minimum
7 Operating Tax Rate in order to qualify for assistance under
8 this Section.

9 (5) As used in this Section the following terms, when
10 capitalized, shall have the meaning ascribed herein:

11 (a) "Average Daily Attendance": A count of pupil
12 attendance in school, averaged as provided for in
13 subsection (C) and utilized in deriving per pupil financial
14 support levels.

15 (b) "Available Local Resources": A computation of
16 local financial support, calculated on the basis of Average
17 Daily Attendance and derived as provided pursuant to
18 subsection (D).

19 (c) "Corporate Personal Property Replacement Taxes":
20 Funds paid to local school districts pursuant to "An Act in
21 relation to the abolition of ad valorem personal property
22 tax and the replacement of revenues lost thereby, and
23 amending and repealing certain Acts and parts of Acts in
24 connection therewith", certified August 14, 1979, as
25 amended (Public Act 81-1st S.S.-1).

26 (d) "Foundation Level": A prescribed level of per pupil

1 financial support as provided for in subsection (B).

2 (e) "Operating Tax Rate": All school district property
3 taxes extended for all purposes, except Bond and Interest,
4 Summer School, Rent, Capital Improvement, and Vocational
5 Education Building purposes.

6 (B) Foundation Level.

7 (1) The Foundation Level is a figure established by the
8 State representing the minimum level of per pupil financial
9 support that should be available to provide for the basic
10 education of each pupil in Average Daily Attendance. As set
11 forth in this Section, each school district is assumed to exert
12 a sufficient local taxing effort such that, in combination with
13 the aggregate of general State financial aid provided the
14 district, an aggregate of State and local resources are
15 available to meet the basic education needs of pupils in the
16 district.

17 (2) For the 1998-1999 school year, the Foundation Level of
18 support is \$4,225. For the 1999-2000 school year, the
19 Foundation Level of support is \$4,325. For the 2000-2001 school
20 year, the Foundation Level of support is \$4,425. For the
21 2001-2002 school year and 2002-2003 school year, the Foundation
22 Level of support is \$4,560. For the 2003-2004 school year, the
23 Foundation Level of support is \$4,810. For the 2004-2005 school
24 year, the Foundation Level of support is \$4,964. For the
25 2005-2006 school year, the Foundation Level of support is

1 \$5,164. For the 2006-2007 school year, the Foundation Level of
2 support is \$5,334. For the 2007-2008 school year, the
3 Foundation Level of support is \$5,734.

4 (3) For the 2008-2009 school year and each school year
5 thereafter, the Foundation Level of support is \$5,959 or such
6 greater amount as may be established by law by the General
7 Assembly.

8 (C) Average Daily Attendance.

9 (1) For purposes of calculating general State aid pursuant
10 to subsection (E), an Average Daily Attendance figure shall be
11 utilized. The Average Daily Attendance figure for formula
12 calculation purposes shall be the monthly average of the actual
13 number of pupils in attendance of each school district, as
14 further averaged for the best 3 months of pupil attendance for
15 each school district. In compiling the figures for the number
16 of pupils in attendance, school districts and the State Board
17 of Education shall, for purposes of general State aid funding,
18 conform attendance figures to the requirements of subsection
19 (F).

20 (2) The Average Daily Attendance figures utilized in
21 subsection (E) shall be the requisite attendance data for the
22 school year immediately preceding the school year for which
23 general State aid is being calculated or the average of the
24 attendance data for the 3 preceding school years, whichever is
25 greater. The Average Daily Attendance figures utilized in

1 subsection (H) shall be the requisite attendance data for the
2 school year immediately preceding the school year for which
3 general State aid is being calculated.

4 (D) Available Local Resources.

5 (1) For purposes of calculating general State aid pursuant
6 to subsection (E), a representation of Available Local
7 Resources per pupil, as that term is defined and determined in
8 this subsection, shall be utilized. Available Local Resources
9 per pupil shall include a calculated dollar amount representing
10 local school district revenues from local property taxes and
11 from Corporate Personal Property Replacement Taxes, expressed
12 on the basis of pupils in Average Daily Attendance. Calculation
13 of Available Local Resources shall exclude any tax amnesty
14 funds received as a result of Public Act 93-26.

15 (2) In determining a school district's revenue from local
16 property taxes, the State Board of Education shall utilize the
17 equalized assessed valuation of all taxable property of each
18 school district as of September 30 of the previous year. The
19 equalized assessed valuation utilized shall be obtained and
20 determined as provided in subsection (G).

21 (3) For school districts maintaining grades kindergarten
22 through 12, local property tax revenues per pupil shall be
23 calculated as the product of the applicable equalized assessed
24 valuation for the district multiplied by 3.00%, and divided by
25 the district's Average Daily Attendance figure. For school

1 districts maintaining grades kindergarten through 8, local
2 property tax revenues per pupil shall be calculated as the
3 product of the applicable equalized assessed valuation for the
4 district multiplied by 2.30%, and divided by the district's
5 Average Daily Attendance figure. For school districts
6 maintaining grades 9 through 12, local property tax revenues
7 per pupil shall be the applicable equalized assessed valuation
8 of the district multiplied by 1.05%, and divided by the
9 district's Average Daily Attendance figure.

10 For partial elementary unit districts created pursuant to
11 Article 11E of this Code, local property tax revenues per pupil
12 shall be calculated as the product of the equalized assessed
13 valuation for property within the partial elementary unit
14 district for elementary purposes, as defined in Article 11E of
15 this Code, multiplied by 2.06% and divided by the district's
16 Average Daily Attendance figure, plus the product of the
17 equalized assessed valuation for property within the partial
18 elementary unit district for high school purposes, as defined
19 in Article 11E of this Code, multiplied by 0.94% and divided by
20 the district's Average Daily Attendance figure.

21 (4) The Corporate Personal Property Replacement Taxes paid
22 to each school district during the calendar year 2 years before
23 the calendar year in which a school year begins, divided by the
24 Average Daily Attendance figure for that district, shall be
25 added to the local property tax revenues per pupil as derived
26 by the application of the immediately preceding paragraph (3).

1 The sum of these per pupil figures for each school district
2 shall constitute Available Local Resources as that term is
3 utilized in subsection (E) in the calculation of general State
4 aid.

5 (E) Computation of General State Aid.

6 (1) For each school year, the amount of general State aid
7 allotted to a school district shall be computed by the State
8 Board of Education as provided in this subsection.

9 (2) For any school district for which Available Local
10 Resources per pupil is less than the product of 0.93 times the
11 Foundation Level, general State aid for that district shall be
12 calculated as an amount equal to the Foundation Level minus
13 Available Local Resources, multiplied by the Average Daily
14 Attendance of the school district.

15 (3) For any school district for which Available Local
16 Resources per pupil is equal to or greater than the product of
17 0.93 times the Foundation Level and less than the product of
18 1.75 times the Foundation Level, the general State aid per
19 pupil shall be a decimal proportion of the Foundation Level
20 derived using a linear algorithm. Under this linear algorithm,
21 the calculated general State aid per pupil shall decline in
22 direct linear fashion from 0.07 times the Foundation Level for
23 a school district with Available Local Resources equal to the
24 product of 0.93 times the Foundation Level, to 0.05 times the
25 Foundation Level for a school district with Available Local

1 Resources equal to the product of 1.75 times the Foundation
2 Level. The allocation of general State aid for school districts
3 subject to this paragraph 3 shall be the calculated general
4 State aid per pupil figure multiplied by the Average Daily
5 Attendance of the school district.

6 (4) For any school district for which Available Local
7 Resources per pupil equals or exceeds the product of 1.75 times
8 the Foundation Level, the general State aid for the school
9 district shall be calculated as the product of \$218 multiplied
10 by the Average Daily Attendance of the school district.

11 (5) The amount of general State aid allocated to a school
12 district for the 1999-2000 school year meeting the requirements
13 set forth in paragraph (4) of subsection (G) shall be increased
14 by an amount equal to the general State aid that would have
15 been received by the district for the 1998-1999 school year by
16 utilizing the Extension Limitation Equalized Assessed
17 Valuation as calculated in paragraph (4) of subsection (G) less
18 the general State aid allotted for the 1998-1999 school year.
19 This amount shall be deemed a one time increase, and shall not
20 affect any future general State aid allocations.

21 (F) Compilation of Average Daily Attendance.

22 (1) Each school district shall, by July 1 of each year,
23 submit to the State Board of Education, on forms prescribed by
24 the State Board of Education, attendance figures for the school
25 year that began in the preceding calendar year. The attendance

1 information so transmitted shall identify the average daily
2 attendance figures for each month of the school year. Beginning
3 with the general State aid claim form for the 2002-2003 school
4 year, districts shall calculate Average Daily Attendance as
5 provided in subdivisions (a), (b), and (c) of this paragraph
6 (1).

7 (a) In districts that do not hold year-round classes,
8 days of attendance in August shall be added to the month of
9 September and any days of attendance in June shall be added
10 to the month of May.

11 (b) In districts in which all buildings hold year-round
12 classes, days of attendance in July and August shall be
13 added to the month of September and any days of attendance
14 in June shall be added to the month of May.

15 (c) In districts in which some buildings, but not all,
16 hold year-round classes, for the non-year-round buildings,
17 days of attendance in August shall be added to the month of
18 September and any days of attendance in June shall be added
19 to the month of May. The average daily attendance for the
20 year-round buildings shall be computed as provided in
21 subdivision (b) of this paragraph (1). To calculate the
22 Average Daily Attendance for the district, the average
23 daily attendance for the year-round buildings shall be
24 multiplied by the days in session for the non-year-round
25 buildings for each month and added to the monthly
26 attendance of the non-year-round buildings.

1 Except as otherwise provided in this Section, days of
2 attendance by pupils shall be counted only for sessions of not
3 less than 5 clock hours of school work per day under direct
4 supervision of: (i) teachers, or (ii) non-teaching personnel or
5 volunteer personnel when engaging in non-teaching duties and
6 supervising in those instances specified in subsection (a) of
7 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
8 of legal school age and in kindergarten and grades 1 through
9 12.

10 Days of attendance by tuition pupils shall be accredited
11 only to the districts that pay the tuition to a recognized
12 school.

13 (2) Days of attendance by pupils of less than 5 clock hours
14 of school shall be subject to the following provisions in the
15 compilation of Average Daily Attendance.

16 (a) Pupils regularly enrolled in a public school for
17 only a part of the school day may be counted on the basis
18 of 1/6 day for every class hour of instruction of 40
19 minutes or more attended pursuant to such enrollment,
20 unless a pupil is enrolled in a block-schedule format of 80
21 minutes or more of instruction, in which case the pupil may
22 be counted on the basis of the proportion of minutes of
23 school work completed each day to the minimum number of
24 minutes that school work is required to be held that day.

25 (b) Days of attendance may be less than 5 clock hours
26 on the opening and closing of the school term, and upon the

1 first day of pupil attendance, if preceded by a day or days
2 utilized as an institute or teachers' workshop.

3 (c) A session of 4 or more clock hours may be counted
4 as a day of attendance upon certification by the regional
5 superintendent, and approved by the State Superintendent
6 of Education to the extent that the district has been
7 forced to use daily multiple sessions.

8 (d) A session of 3 or more clock hours may be counted
9 as a day of attendance (1) when the remainder of the school
10 day or at least 2 hours in the evening of that day is
11 utilized for an in-service training program for teachers,
12 up to a maximum of 5 days per school year of which a
13 maximum of 4 days of such 5 days may be used for
14 parent-teacher conferences, provided a district conducts
15 an in-service training program for teachers which has been
16 approved by the State Superintendent of Education; or, in
17 lieu of 4 such days, 2 full days may be used, in which
18 event each such day may be counted as a day of attendance;
19 and (2) when days in addition to those provided in item (1)
20 are scheduled by a school pursuant to its school
21 improvement plan adopted under Article 34 or its revised or
22 amended school improvement plan adopted under Article 2,
23 provided that (i) such sessions of 3 or more clock hours
24 are scheduled to occur at regular intervals, (ii) the
25 remainder of the school days in which such sessions occur
26 are utilized for in-service training programs or other

1 staff development activities for teachers, and (iii) a
2 sufficient number of minutes of school work under the
3 direct supervision of teachers are added to the school days
4 between such regularly scheduled sessions to accumulate
5 not less than the number of minutes by which such sessions
6 of 3 or more clock hours fall short of 5 clock hours. Any
7 full days used for the purposes of this paragraph shall not
8 be considered for computing average daily attendance. Days
9 scheduled for in-service training programs, staff
10 development activities, or parent-teacher conferences may
11 be scheduled separately for different grade levels and
12 different attendance centers of the district.

13 (e) A session of not less than one clock hour of
14 teaching hospitalized or homebound pupils on-site or by
15 telephone to the classroom may be counted as 1/2 day of
16 attendance, however these pupils must receive 4 or more
17 clock hours of instruction to be counted for a full day of
18 attendance.

19 (f) A session of at least 4 clock hours may be counted
20 as a day of attendance for first grade pupils, and pupils
21 in full day kindergartens, and a session of 2 or more hours
22 may be counted as 1/2 day of attendance by pupils in
23 kindergartens which provide only 1/2 day of attendance.

24 (g) For children with disabilities who are below the
25 age of 6 years and who cannot attend 2 or more clock hours
26 because of their disability or immaturity, a session of not

1 less than one clock hour may be counted as 1/2 day of
2 attendance; however for such children whose educational
3 needs so require a session of 4 or more clock hours may be
4 counted as a full day of attendance.

5 (h) A recognized kindergarten which provides for only
6 1/2 day of attendance by each pupil shall not have more
7 than 1/2 day of attendance counted in any one day. However,
8 kindergartens may count 2 1/2 days of attendance in any 5
9 consecutive school days. When a pupil attends such a
10 kindergarten for 2 half days on any one school day, the
11 pupil shall have the following day as a day absent from
12 school, unless the school district obtains permission in
13 writing from the State Superintendent of Education.
14 Attendance at kindergartens which provide for a full day of
15 attendance by each pupil shall be counted the same as
16 attendance by first grade pupils. Only the first year of
17 attendance in one kindergarten shall be counted, except in
18 case of children who entered the kindergarten in their
19 fifth year whose educational development requires a second
20 year of kindergarten as determined under the rules and
21 regulations of the State Board of Education.

22 (i) On the days when the Prairie State Achievement
23 Examination is administered under subsection (c) of
24 Section 2-3.64 of this Code, the day of attendance for a
25 pupil whose school day must be shortened to accommodate
26 required testing procedures may be less than 5 clock hours

1 and shall be counted towards the 176 days of actual pupil
2 attendance required under Section 10-19 of this Code,
3 provided that a sufficient number of minutes of school work
4 in excess of 5 clock hours are first completed on other
5 school days to compensate for the loss of school work on
6 the examination days.

7 (G) Equalized Assessed Valuation Data.

8 (1) For purposes of the calculation of Available Local
9 Resources required pursuant to subsection (D), the State Board
10 of Education shall secure from the Department of Revenue the
11 value as equalized or assessed by the Department of Revenue of
12 all taxable property of every school district, together with
13 (i) the applicable tax rate used in extending taxes for the
14 funds of the district as of September 30 of the previous year
15 and (ii) the limiting rate for all school districts subject to
16 property tax extension limitations as imposed under the
17 Property Tax Extension Limitation Law.

18 The Department of Revenue shall add to the equalized
19 assessed value of all taxable property of each school district
20 situated entirely or partially within a county that is or was
21 subject to the provisions of Section 15-176 or 15-177 of the
22 Property Tax Code (a) an amount equal to the total amount by
23 which the homestead exemption allowed under Section 15-176 or
24 15-177 of the Property Tax Code for real property situated in
25 that school district exceeds the total amount that would have

1 been allowed in that school district if the maximum reduction
2 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
3 all other counties in tax year 2003 or (ii) \$5,000 in all
4 counties in tax year 2004 and thereafter and (b) an amount
5 equal to the aggregate amount for the taxable year of all
6 additional exemptions under Section 15-175 of the Property Tax
7 Code for owners with a household income of \$30,000 or less. The
8 county clerk of any county that is or was subject to the
9 provisions of Section 15-176 or 15-177 of the Property Tax Code
10 shall annually calculate and certify to the Department of
11 Revenue for each school district all homestead exemption
12 amounts under Section 15-176 or 15-177 of the Property Tax Code
13 and all amounts of additional exemptions under Section 15-175
14 of the Property Tax Code for owners with a household income of
15 \$30,000 or less. It is the intent of this paragraph that if the
16 general homestead exemption for a parcel of property is
17 determined under Section 15-176 or 15-177 of the Property Tax
18 Code rather than Section 15-175, then the calculation of
19 Available Local Resources shall not be affected by the
20 difference, if any, between the amount of the general homestead
21 exemption allowed for that parcel of property under Section
22 15-176 or 15-177 of the Property Tax Code and the amount that
23 would have been allowed had the general homestead exemption for
24 that parcel of property been determined under Section 15-175 of
25 the Property Tax Code. It is further the intent of this
26 paragraph that if additional exemptions are allowed under

1 Section 15-175 of the Property Tax Code for owners with a
2 household income of less than \$30,000, then the calculation of
3 Available Local Resources shall not be affected by the
4 difference, if any, because of those additional exemptions.

5 This equalized assessed valuation, as adjusted further by
6 the requirements of this subsection, shall be utilized in the
7 calculation of Available Local Resources.

8 (2) The equalized assessed valuation in paragraph (1) shall
9 be adjusted, as applicable, in the following manner:

10 (a) For the purposes of calculating State aid under
11 this Section, with respect to any part of a school district
12 within a redevelopment project area in respect to which a
13 municipality has adopted tax increment allocation
14 financing pursuant to the Tax Increment Allocation
15 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
16 of the Illinois Municipal Code or the Industrial Jobs
17 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
18 Illinois Municipal Code, no part of the current equalized
19 assessed valuation of real property located in any such
20 project area which is attributable to an increase above the
21 total initial equalized assessed valuation of such
22 property shall be used as part of the equalized assessed
23 valuation of the district, until such time as all
24 redevelopment project costs have been paid, as provided in
25 Section 11-74.4-8 of the Tax Increment Allocation
26 Redevelopment Act or in Section 11-74.6-35 of the

1 Industrial Jobs Recovery Law. For the purpose of the
2 equalized assessed valuation of the district, the total
3 initial equalized assessed valuation or the current
4 equalized assessed valuation, whichever is lower, shall be
5 used until such time as all redevelopment project costs
6 have been paid.

7 (b) The real property equalized assessed valuation for
8 a school district shall be adjusted by subtracting from the
9 real property value as equalized or assessed by the
10 Department of Revenue for the district an amount computed
11 by dividing the amount of any abatement of taxes under
12 Section 18-170 of the Property Tax Code by 3.00% for a
13 district maintaining grades kindergarten through 12, by
14 2.30% for a district maintaining grades kindergarten
15 through 8, or by 1.05% for a district maintaining grades 9
16 through 12 and adjusted by an amount computed by dividing
17 the amount of any abatement of taxes under subsection (a)
18 of Section 18-165 of the Property Tax Code by the same
19 percentage rates for district type as specified in this
20 subparagraph (b).

21 (3) For the 1999-2000 school year and each school year
22 thereafter, if a school district meets all of the criteria of
23 this subsection (G) (3), the school district's Available Local
24 Resources shall be calculated under subsection (D) using the
25 district's Extension Limitation Equalized Assessed Valuation
26 as calculated under this subsection (G) (3).

1 For purposes of this subsection (G) (3) the following terms
2 shall have the following meanings:

3 "Budget Year": The school year for which general State
4 aid is calculated and awarded under subsection (E).

5 "Base Tax Year": The property tax levy year used to
6 calculate the Budget Year allocation of general State aid.

7 "Preceding Tax Year": The property tax levy year
8 immediately preceding the Base Tax Year.

9 "Base Tax Year's Tax Extension": The product of the
10 equalized assessed valuation utilized by the County Clerk
11 in the Base Tax Year multiplied by the limiting rate as
12 calculated by the County Clerk and defined in the Property
13 Tax Extension Limitation Law.

14 "Preceding Tax Year's Tax Extension": The product of
15 the equalized assessed valuation utilized by the County
16 Clerk in the Preceding Tax Year multiplied by the Operating
17 Tax Rate as defined in subsection (A).

18 "Extension Limitation Ratio": A numerical ratio,
19 certified by the County Clerk, in which the numerator is
20 the Base Tax Year's Tax Extension and the denominator is
21 the Preceding Tax Year's Tax Extension.

22 "Operating Tax Rate": The operating tax rate as defined
23 in subsection (A).

24 If a school district is subject to property tax extension
25 limitations as imposed under the Property Tax Extension
26 Limitation Law, the State Board of Education shall calculate

1 the Extension Limitation Equalized Assessed Valuation of that
2 district. For the 1999-2000 school year, the Extension
3 Limitation Equalized Assessed Valuation of a school district as
4 calculated by the State Board of Education shall be equal to
5 the product of the district's 1996 Equalized Assessed Valuation
6 and the district's Extension Limitation Ratio. For the
7 2000-2001 school year and each school year thereafter, the
8 Extension Limitation Equalized Assessed Valuation of a school
9 district as calculated by the State Board of Education shall be
10 equal to the product of the Equalized Assessed Valuation last
11 used in the calculation of general State aid and the district's
12 Extension Limitation Ratio. If the Extension Limitation
13 Equalized Assessed Valuation of a school district as calculated
14 under this subsection (G)(3) is less than the district's
15 equalized assessed valuation as calculated pursuant to
16 subsections (G)(1) and (G)(2), then for purposes of calculating
17 the district's general State aid for the Budget Year pursuant
18 to subsection (E), that Extension Limitation Equalized
19 Assessed Valuation shall be utilized to calculate the
20 district's Available Local Resources under subsection (D).

21 Partial elementary unit districts created in accordance
22 with Article 11E of this Code shall not be eligible for the
23 adjustment in this subsection (G)(3) until the fifth year
24 following the effective date of the reorganization.

25 (4) For the purposes of calculating general State aid for
26 the 1999-2000 school year only, if a school district

1 experienced a triennial reassessment on the equalized assessed
2 valuation used in calculating its general State financial aid
3 apportionment for the 1998-1999 school year, the State Board of
4 Education shall calculate the Extension Limitation Equalized
5 Assessed Valuation that would have been used to calculate the
6 district's 1998-1999 general State aid. This amount shall equal
7 the product of the equalized assessed valuation used to
8 calculate general State aid for the 1997-1998 school year and
9 the district's Extension Limitation Ratio. If the Extension
10 Limitation Equalized Assessed Valuation of the school district
11 as calculated under this paragraph (4) is less than the
12 district's equalized assessed valuation utilized in
13 calculating the district's 1998-1999 general State aid
14 allocation, then for purposes of calculating the district's
15 general State aid pursuant to paragraph (5) of subsection (E),
16 that Extension Limitation Equalized Assessed Valuation shall
17 be utilized to calculate the district's Available Local
18 Resources.

19 (5) For school districts having a majority of their
20 equalized assessed valuation in any county except Cook, DuPage,
21 Kane, Lake, McHenry, or Will, if the amount of general State
22 aid allocated to the school district for the 1999-2000 school
23 year under the provisions of subsection (E), (H), and (J) of
24 this Section is less than the amount of general State aid
25 allocated to the district for the 1998-1999 school year under
26 these subsections, then the general State aid of the district

1 for the 1999-2000 school year only shall be increased by the
2 difference between these amounts. The total payments made under
3 this paragraph (5) shall not exceed \$14,000,000. Claims shall
4 be prorated if they exceed \$14,000,000.

5 (H) Supplemental General State Aid.

6 (1) In addition to the general State aid a school district
7 is allotted pursuant to subsection (E), qualifying school
8 districts shall receive a grant, paid in conjunction with a
9 district's payments of general State aid, for supplemental
10 general State aid based upon the concentration level of
11 children from low-income households within the school
12 district. Supplemental State aid grants provided for school
13 districts under this subsection shall be appropriated for
14 distribution to school districts as part of the same line item
15 in which the general State financial aid of school districts is
16 appropriated under this Section. If the appropriation in any
17 fiscal year for general State aid and supplemental general
18 State aid is insufficient to pay the amounts required under the
19 general State aid and supplemental general State aid
20 calculations, then the State Board of Education shall ensure
21 that each school district receives the full amount due for
22 general State aid and the remainder of the appropriation shall
23 be used for supplemental general State aid, which the State
24 Board of Education shall calculate and pay to eligible
25 districts on a prorated basis.

1 (1.5) This paragraph (1.5) applies only to those school
2 years preceding the 2003-2004 school year. For purposes of this
3 subsection (H), the term "Low-Income Concentration Level"
4 shall be the low-income eligible pupil count from the most
5 recently available federal census divided by the Average Daily
6 Attendance of the school district. If, however, (i) the
7 percentage decrease from the 2 most recent federal censuses in
8 the low-income eligible pupil count of a high school district
9 with fewer than 400 students exceeds by 75% or more the
10 percentage change in the total low-income eligible pupil count
11 of contiguous elementary school districts, whose boundaries
12 are coterminous with the high school district, or (ii) a high
13 school district within 2 counties and serving 5 elementary
14 school districts, whose boundaries are coterminous with the
15 high school district, has a percentage decrease from the 2 most
16 recent federal censuses in the low-income eligible pupil count
17 and there is a percentage increase in the total low-income
18 eligible pupil count of a majority of the elementary school
19 districts in excess of 50% from the 2 most recent federal
20 censuses, then the high school district's low-income eligible
21 pupil count from the earlier federal census shall be the number
22 used as the low-income eligible pupil count for the high school
23 district, for purposes of this subsection (H). The changes made
24 to this paragraph (1) by Public Act 92-28 shall apply to
25 supplemental general State aid grants for school years
26 preceding the 2003-2004 school year that are paid in fiscal

1 year 1999 or thereafter and to any State aid payments made in
2 fiscal year 1994 through fiscal year 1998 pursuant to
3 subsection 1(n) of Section 18-8 of this Code (which was
4 repealed on July 1, 1998), and any high school district that is
5 affected by Public Act 92-28 is entitled to a recomputation of
6 its supplemental general State aid grant or State aid paid in
7 any of those fiscal years. This recomputation shall not be
8 affected by any other funding.

9 (1.10) This paragraph (1.10) applies to the 2003-2004
10 school year and each school year thereafter. For purposes of
11 this subsection (H), the term "Low-Income Concentration Level"
12 shall, for each fiscal year, be the low-income eligible pupil
13 count as of July 1 of the immediately preceding fiscal year (as
14 determined by the Department of Human Services based on the
15 number of pupils who are eligible for at least one of the
16 following low income programs: Medicaid, KidCare, TANF, or Food
17 Stamps, excluding pupils who are eligible for services provided
18 by the Department of Children and Family Services, averaged
19 over the 2 immediately preceding fiscal years for fiscal year
20 2004 and over the 3 immediately preceding fiscal years for each
21 fiscal year thereafter) divided by the Average Daily Attendance
22 of the school district.

23 (2) Supplemental general State aid pursuant to this
24 subsection (H) shall be provided as follows for the 1998-1999,
25 1999-2000, and 2000-2001 school years only:

26 (a) For any school district with a Low Income

1 Concentration Level of at least 20% and less than 35%, the
2 grant for any school year shall be \$800 multiplied by the
3 low income eligible pupil count.

4 (b) For any school district with a Low Income
5 Concentration Level of at least 35% and less than 50%, the
6 grant for the 1998-1999 school year shall be \$1,100
7 multiplied by the low income eligible pupil count.

8 (c) For any school district with a Low Income
9 Concentration Level of at least 50% and less than 60%, the
10 grant for the 1998-99 school year shall be \$1,500
11 multiplied by the low income eligible pupil count.

12 (d) For any school district with a Low Income
13 Concentration Level of 60% or more, the grant for the
14 1998-99 school year shall be \$1,900 multiplied by the low
15 income eligible pupil count.

16 (e) For the 1999-2000 school year, the per pupil amount
17 specified in subparagraphs (b), (c), and (d) immediately
18 above shall be increased to \$1,243, \$1,600, and \$2,000,
19 respectively.

20 (f) For the 2000-2001 school year, the per pupil
21 amounts specified in subparagraphs (b), (c), and (d)
22 immediately above shall be \$1,273, \$1,640, and \$2,050,
23 respectively.

24 (2.5) Supplemental general State aid pursuant to this
25 subsection (H) shall be provided as follows for the 2002-2003
26 school year:

1 (a) For any school district with a Low Income
2 Concentration Level of less than 10%, the grant for each
3 school year shall be \$355 multiplied by the low income
4 eligible pupil count.

5 (b) For any school district with a Low Income
6 Concentration Level of at least 10% and less than 20%, the
7 grant for each school year shall be \$675 multiplied by the
8 low income eligible pupil count.

9 (c) For any school district with a Low Income
10 Concentration Level of at least 20% and less than 35%, the
11 grant for each school year shall be \$1,330 multiplied by
12 the low income eligible pupil count.

13 (d) For any school district with a Low Income
14 Concentration Level of at least 35% and less than 50%, the
15 grant for each school year shall be \$1,362 multiplied by
16 the low income eligible pupil count.

17 (e) For any school district with a Low Income
18 Concentration Level of at least 50% and less than 60%, the
19 grant for each school year shall be \$1,680 multiplied by
20 the low income eligible pupil count.

21 (f) For any school district with a Low Income
22 Concentration Level of 60% or more, the grant for each
23 school year shall be \$2,080 multiplied by the low income
24 eligible pupil count.

25 (2.10) Except as otherwise provided, supplemental general
26 State aid pursuant to this subsection (H) shall be provided as

1 follows for the 2003-2004 school year and each school year
2 thereafter:

3 (a) For any school district with a Low Income
4 Concentration Level of 15% or less, the grant for each
5 school year shall be \$355 multiplied by the low income
6 eligible pupil count.

7 (b) For any school district with a Low Income
8 Concentration Level greater than 15%, the grant for each
9 school year shall be \$294.25 added to the product of \$2,700
10 and the square of the Low Income Concentration Level, all
11 multiplied by the low income eligible pupil count.

12 For the 2003-2004 school year and each school year
13 thereafter through the 2008-2009 school year only, the grant
14 shall be no less than the grant for the 2002-2003 school year.
15 For the 2009-2010 school year only, the grant shall be no less
16 than the grant for the 2002-2003 school year multiplied by
17 0.66. For the 2010-2011 school year only, the grant shall be no
18 less than the grant for the 2002-2003 school year multiplied by
19 0.33. Notwithstanding the provisions of this paragraph to the
20 contrary, if for any school year supplemental general State aid
21 grants are prorated as provided in paragraph (1) of this
22 subsection (H), then the grants under this paragraph shall be
23 prorated.

24 For the 2003-2004 school year only, the grant shall be no
25 greater than the grant received during the 2002-2003 school
26 year added to the product of 0.25 multiplied by the difference

1 between the grant amount calculated under subsection (a) or (b)
2 of this paragraph (2.10), whichever is applicable, and the
3 grant received during the 2002-2003 school year. For the
4 2004-2005 school year only, the grant shall be no greater than
5 the grant received during the 2002-2003 school year added to
6 the product of 0.50 multiplied by the difference between the
7 grant amount calculated under subsection (a) or (b) of this
8 paragraph (2.10), whichever is applicable, and the grant
9 received during the 2002-2003 school year. For the 2005-2006
10 school year only, the grant shall be no greater than the grant
11 received during the 2002-2003 school year added to the product
12 of 0.75 multiplied by the difference between the grant amount
13 calculated under subsection (a) or (b) of this paragraph
14 (2.10), whichever is applicable, and the grant received during
15 the 2002-2003 school year.

16 (3) School districts with an Average Daily Attendance of
17 more than 1,000 and less than 50,000 that qualify for
18 supplemental general State aid pursuant to this subsection
19 shall submit a plan to the State Board of Education prior to
20 October 30 of each year for the use of the funds resulting from
21 this grant of supplemental general State aid for the
22 improvement of instruction in which priority is given to
23 meeting the education needs of disadvantaged children. Such
24 plan shall be submitted in accordance with rules and
25 regulations promulgated by the State Board of Education.

26 (4) School districts with an Average Daily Attendance of

1 50,000 or more that qualify for supplemental general State aid
2 pursuant to this subsection shall be required to distribute
3 from funds available pursuant to this Section, no less than
4 \$261,000,000 in accordance with the following requirements:

5 (a) The required amounts shall be distributed to the
6 attendance centers within the district in proportion to the
7 number of pupils enrolled at each attendance center who are
8 eligible to receive free or reduced-price lunches or
9 breakfasts under the federal Child Nutrition Act of 1966
10 and under the National School Lunch Act during the
11 immediately preceding school year.

12 (b) The distribution of these portions of supplemental
13 and general State aid among attendance centers according to
14 these requirements shall not be compensated for or
15 contravened by adjustments of the total of other funds
16 appropriated to any attendance centers, and the Board of
17 Education shall utilize funding from one or several sources
18 in order to fully implement this provision annually prior
19 to the opening of school.

20 (c) Each attendance center shall be provided by the
21 school district a distribution of noncategorical funds and
22 other categorical funds to which an attendance center is
23 entitled under law in order that the general State aid and
24 supplemental general State aid provided by application of
25 this subsection supplements rather than supplants the
26 noncategorical funds and other categorical funds provided

1 by the school district to the attendance centers.

2 (d) Any funds made available under this subsection that
3 by reason of the provisions of this subsection are not
4 required to be allocated and provided to attendance centers
5 may be used and appropriated by the board of the district
6 for any lawful school purpose.

7 (e) Funds received by an attendance center pursuant to
8 this subsection shall be used by the attendance center at
9 the discretion of the principal and local school council
10 for programs to improve educational opportunities at
11 qualifying schools through the following programs and
12 services: early childhood education, reduced class size or
13 improved adult to student classroom ratio, enrichment
14 programs, remedial assistance, attendance improvement, and
15 other educationally beneficial expenditures which
16 supplement the regular and basic programs as determined by
17 the State Board of Education. Funds provided shall not be
18 expended for any political or lobbying purposes as defined
19 by board rule.

20 (f) Each district subject to the provisions of this
21 subdivision (H) (4) shall submit an acceptable plan to meet
22 the educational needs of disadvantaged children, in
23 compliance with the requirements of this paragraph, to the
24 State Board of Education prior to July 15 of each year.
25 This plan shall be consistent with the decisions of local
26 school councils concerning the school expenditure plans

1 developed in accordance with part 4 of Section 34-2.3. The
2 State Board shall approve or reject the plan within 60 days
3 after its submission. If the plan is rejected, the district
4 shall give written notice of intent to modify the plan
5 within 15 days of the notification of rejection and then
6 submit a modified plan within 30 days after the date of the
7 written notice of intent to modify. Districts may amend
8 approved plans pursuant to rules promulgated by the State
9 Board of Education.

10 Upon notification by the State Board of Education that
11 the district has not submitted a plan prior to July 15 or a
12 modified plan within the time period specified herein, the
13 State aid funds affected by that plan or modified plan
14 shall be withheld by the State Board of Education until a
15 plan or modified plan is submitted.

16 If the district fails to distribute State aid to
17 attendance centers in accordance with an approved plan, the
18 plan for the following year shall allocate funds, in
19 addition to the funds otherwise required by this
20 subsection, to those attendance centers which were
21 underfunded during the previous year in amounts equal to
22 such underfunding.

23 For purposes of determining compliance with this
24 subsection in relation to the requirements of attendance
25 center funding, each district subject to the provisions of
26 this subsection shall submit as a separate document by

1 December 1 of each year a report of expenditure data for
2 the prior year in addition to any modification of its
3 current plan. If it is determined that there has been a
4 failure to comply with the expenditure provisions of this
5 subsection regarding contravention or supplanting, the
6 State Superintendent of Education shall, within 60 days of
7 receipt of the report, notify the district and any affected
8 local school council. The district shall within 45 days of
9 receipt of that notification inform the State
10 Superintendent of Education of the remedial or corrective
11 action to be taken, whether by amendment of the current
12 plan, if feasible, or by adjustment in the plan for the
13 following year. Failure to provide the expenditure report
14 or the notification of remedial or corrective action in a
15 timely manner shall result in a withholding of the affected
16 funds.

17 The State Board of Education shall promulgate rules and
18 regulations to implement the provisions of this
19 subsection. No funds shall be released under this
20 subdivision (H) (4) to any district that has not submitted a
21 plan that has been approved by the State Board of
22 Education.

23 (I) (Blank).

24 (J) Supplementary Grants in Aid.

1 (1) Notwithstanding any other provisions of this Section,
2 the amount of the aggregate general State aid in combination
3 with supplemental general State aid under this Section for
4 which each school district is eligible shall be no less than
5 the amount of the aggregate general State aid entitlement that
6 was received by the district under Section 18-8 (exclusive of
7 amounts received under subsections 5(p) and 5(p-5) of that
8 Section) for the 1997-98 school year, pursuant to the
9 provisions of that Section as it was then in effect. If a
10 school district qualifies to receive a supplementary payment
11 made under this subsection (J), the amount of the aggregate
12 general State aid in combination with supplemental general
13 State aid under this Section which that district is eligible to
14 receive for each school year shall be no less than the amount
15 of the aggregate general State aid entitlement that was
16 received by the district under Section 18-8 (exclusive of
17 amounts received under subsections 5(p) and 5(p-5) of that
18 Section) for the 1997-1998 school year, pursuant to the
19 provisions of that Section as it was then in effect.

20 (2) If, as provided in paragraph (1) of this subsection
21 (J), a school district is to receive aggregate general State
22 aid in combination with supplemental general State aid under
23 this Section for the 1998-99 school year and any subsequent
24 school year that in any such school year is less than the
25 amount of the aggregate general State aid entitlement that the
26 district received for the 1997-98 school year, the school

1 district shall also receive, from a separate appropriation made
2 for purposes of this subsection (J), a supplementary payment
3 that is equal to the amount of the difference in the aggregate
4 State aid figures as described in paragraph (1).

5 (3) (Blank).

6 (K) Grants to Laboratory and Alternative Schools.

7 In calculating the amount to be paid to the governing board
8 of a public university that operates a laboratory school under
9 this Section or to any alternative school that is operated by a
10 regional superintendent of schools, the State Board of
11 Education shall require by rule such reporting requirements as
12 it deems necessary.

13 As used in this Section, "laboratory school" means a public
14 school which is created and operated by a public university and
15 approved by the State Board of Education. The governing board
16 of a public university which receives funds from the State
17 Board under this subsection (K) may not increase the number of
18 students enrolled in its laboratory school from a single
19 district, if that district is already sending 50 or more
20 students, except under a mutual agreement between the school
21 board of a student's district of residence and the university
22 which operates the laboratory school. A laboratory school may
23 not have more than 1,000 students, excluding students with
24 disabilities in a special education program.

25 As used in this Section, "alternative school" means a

1 public school which is created and operated by a Regional
2 Superintendent of Schools and approved by the State Board of
3 Education. Such alternative schools may offer courses of
4 instruction for which credit is given in regular school
5 programs, courses to prepare students for the high school
6 equivalency testing program or vocational and occupational
7 training. A regional superintendent of schools may contract
8 with a school district or a public community college district
9 to operate an alternative school. An alternative school serving
10 more than one educational service region may be established by
11 the regional superintendents of schools of the affected
12 educational service regions. An alternative school serving
13 more than one educational service region may be operated under
14 such terms as the regional superintendents of schools of those
15 educational service regions may agree.

16 Each laboratory and alternative school shall file, on forms
17 provided by the State Superintendent of Education, an annual
18 State aid claim which states the Average Daily Attendance of
19 the school's students by month. The best 3 months' Average
20 Daily Attendance shall be computed for each school. The general
21 State aid entitlement shall be computed by multiplying the
22 applicable Average Daily Attendance by the Foundation Level as
23 determined under this Section.

24 (L) Payments, Additional Grants in Aid and Other Requirements.

25 (1) For a school district operating under the financial

1 supervision of an Authority created under Article 34A, the
2 general State aid otherwise payable to that district under this
3 Section, but not the supplemental general State aid, shall be
4 reduced by an amount equal to the budget for the operations of
5 the Authority as certified by the Authority to the State Board
6 of Education, and an amount equal to such reduction shall be
7 paid to the Authority created for such district for its
8 operating expenses in the manner provided in Section 18-11. The
9 remainder of general State school aid for any such district
10 shall be paid in accordance with Article 34A when that Article
11 provides for a disposition other than that provided by this
12 Article.

13 (2) (Blank).

14 (3) Summer school. Summer school payments shall be made as
15 provided in Section 18-4.3.

16 (M) Education Funding Advisory Board.

17 The Education Funding Advisory Board, hereinafter in this
18 subsection (M) referred to as the "Board", is hereby created.
19 The Board shall consist of 5 members who are appointed by the
20 Governor, by and with the advice and consent of the Senate. The
21 members appointed shall include representatives of education,
22 business, and the general public. One of the members so
23 appointed shall be designated by the Governor at the time the
24 appointment is made as the chairperson of the Board. The
25 initial members of the Board may be appointed any time after

1 the effective date of this amendatory Act of 1997. The regular
2 term of each member of the Board shall be for 4 years from the
3 third Monday of January of the year in which the term of the
4 member's appointment is to commence, except that of the 5
5 initial members appointed to serve on the Board, the member who
6 is appointed as the chairperson shall serve for a term that
7 commences on the date of his or her appointment and expires on
8 the third Monday of January, 2002, and the remaining 4 members,
9 by lots drawn at the first meeting of the Board that is held
10 after all 5 members are appointed, shall determine 2 of their
11 number to serve for terms that commence on the date of their
12 respective appointments and expire on the third Monday of
13 January, 2001, and 2 of their number to serve for terms that
14 commence on the date of their respective appointments and
15 expire on the third Monday of January, 2000. All members
16 appointed to serve on the Board shall serve until their
17 respective successors are appointed and confirmed. Vacancies
18 shall be filled in the same manner as original appointments. If
19 a vacancy in membership occurs at a time when the Senate is not
20 in session, the Governor shall make a temporary appointment
21 until the next meeting of the Senate, when he or she shall
22 appoint, by and with the advice and consent of the Senate, a
23 person to fill that membership for the unexpired term. If the
24 Senate is not in session when the initial appointments are
25 made, those appointments shall be made as in the case of
26 vacancies.

1 The Education Funding Advisory Board shall be deemed
2 established, and the initial members appointed by the Governor
3 to serve as members of the Board shall take office, on the date
4 that the Governor makes his or her appointment of the fifth
5 initial member of the Board, whether those initial members are
6 then serving pursuant to appointment and confirmation or
7 pursuant to temporary appointments that are made by the
8 Governor as in the case of vacancies.

9 The State Board of Education shall provide such staff
10 assistance to the Education Funding Advisory Board as is
11 reasonably required for the proper performance by the Board of
12 its responsibilities.

13 For school years after the 2000-2001 school year, the
14 Education Funding Advisory Board, in consultation with the
15 State Board of Education, shall make recommendations as
16 provided in this subsection (M) to the General Assembly for the
17 foundation level under subdivision (B)(3) of this Section and
18 for the supplemental general State aid grant level under
19 subsection (H) of this Section for districts with high
20 concentrations of children from poverty. The recommended
21 foundation level shall be determined based on a methodology
22 which incorporates the basic education expenditures of
23 low-spending schools exhibiting high academic performance. The
24 Education Funding Advisory Board shall make such
25 recommendations to the General Assembly on January 1 of odd
26 numbered years, beginning January 1, 2001.

1 (N) (Blank).

2 (O) References.

3 (1) References in other laws to the various subdivisions of
4 Section 18-8 as that Section existed before its repeal and
5 replacement by this Section 18-8.05 shall be deemed to refer to
6 the corresponding provisions of this Section 18-8.05, to the
7 extent that those references remain applicable.

8 (2) References in other laws to State Chapter 1 funds shall
9 be deemed to refer to the supplemental general State aid
10 provided under subsection (H) of this Section.

11 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
12 changes to this Section. Under Section 6 of the Statute on
13 Statutes there is an irreconcilable conflict between Public Act
14 93-808 and Public Act 93-838. Public Act 93-838, being the last
15 acted upon, is controlling. The text of Public Act 93-838 is
16 the law regardless of the text of Public Act 93-808.

17 (Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835,
18 eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07;
19 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff.
20 1-11-08; 95-744, eff. 7-18-08; 95-903, eff. 8-25-08; revised
21 9-5-08.)

22 Section 150. The Critical Health Problems and

1 Comprehensive Health Education Act is amended by changing
2 Section 3 as follows:

3 (105 ILCS 110/3) (from Ch. 122, par. 863)

4 Sec. 3. Comprehensive Health Education Program. The
5 program established under this Act shall include, but not be
6 limited to, the following major educational areas as a basis
7 for curricula in all elementary and secondary schools in this
8 State: human ecology and health, human growth and development,
9 the emotional, psychological, physiological, hygienic and
10 social responsibilities of family life, including sexual
11 abstinence until marriage, prevention and control of disease,
12 including instruction in grades 6 through 12 on the prevention,
13 transmission and spread of AIDS, sexual assault awareness in
14 secondary schools, public and environmental health, consumer
15 health, safety education and disaster survival, mental health
16 and illness, personal health habits, alcohol, drug use, and
17 abuse including the medical and legal ramifications of alcohol,
18 drug, and tobacco use, abuse during pregnancy, sexual
19 abstinence until marriage, tobacco, nutrition, and dental
20 health. The program shall also provide course material and
21 instruction to advise pupils of the Abandoned Newborn Infant
22 Protection Act. Notwithstanding the above educational areas,
23 the following areas may also be included as a basis for
24 curricula in all elementary and secondary schools in this
25 State: basic first aid (including, but not limited to,

1 cardiopulmonary resuscitation and the Heimlich maneuver),
2 early prevention and detection of cancer, heart disease,
3 diabetes, stroke, and the prevention of child abuse, neglect,
4 and suicide.

5 The school board of each public elementary and secondary
6 school in the State shall encourage all teachers and other
7 school personnel to acquire, develop, and maintain the
8 knowledge and skills necessary to properly administer
9 life-saving techniques, including without limitation the
10 Heimlich maneuver and rescue breathing. The training shall be
11 in accordance with standards of the American Red Cross, the
12 American Heart Association, or another nationally recognized
13 certifying organization. A school board may use the services of
14 non-governmental entities whose personnel have expertise in
15 life-saving techniques to instruct teachers and other school
16 personnel in these techniques. Each school board is encouraged
17 to have in its employ, or on its volunteer staff, at least one
18 person who is certified, by the American Red Cross or by
19 another qualified certifying agency, as qualified to
20 administer first aid and cardiopulmonary resuscitation. In
21 addition, each school board is authorized to allocate
22 appropriate portions of its institute or inservice days to
23 conduct training programs for teachers and other school
24 personnel who have expressed an interest in becoming qualified
25 to administer emergency first aid or cardiopulmonary
26 resuscitation. School boards are urged to encourage their

1 teachers and other school personnel who coach school athletic
2 programs and other extracurricular school activities to
3 acquire, develop, and maintain the knowledge and skills
4 necessary to properly administer first aid and cardiopulmonary
5 resuscitation in accordance with standards and requirements
6 established by the American Red Cross or another qualified
7 certifying agency. Subject to appropriation, the State Board of
8 Education shall establish and administer a matching grant
9 program to pay for half of the cost that a school district
10 incurs in training those teachers and other school personnel
11 who express an interest in becoming qualified to administer
12 cardiopulmonary resuscitation (which training must be in
13 accordance with standards of the American Red Cross, the
14 American Heart Association, or another nationally recognized
15 certifying organization) or in learning how to use an automated
16 external defibrillator. A school district that applies for a
17 grant must demonstrate that it has funds to pay half of the
18 cost of the training for which matching grant money is sought.
19 The State Board of Education shall award the grants on a
20 first-come, first-serve basis.

21 No pupil shall be required to take or participate in any
22 class or course on AIDS or family life instruction if his
23 parent or guardian submits written objection thereto, and
24 refusal to take or participate in the course or program shall
25 not be reason for suspension or expulsion of the pupil.

26 Curricula developed under programs established in

1 accordance with this Act in the major educational area of
2 alcohol and drug use and abuse shall include classroom
3 instruction in grades 5 through 12. The instruction, which
4 shall include matters relating to both the physical and legal
5 effects and ramifications of drug and substance abuse, shall be
6 integrated into existing curricula; and the State Board of
7 Education shall develop and make available to all elementary
8 and secondary schools in this State instructional materials and
9 guidelines which will assist the schools in incorporating the
10 instruction into their existing curricula. In addition, school
11 districts may offer, as part of existing curricula during the
12 school day or as part of an after school program, support
13 services and instruction for pupils or pupils whose parent,
14 parents, or guardians are chemically dependent.

15 (Source: P.A. 94-933, eff. 6-26-06; 95-43, eff. 1-1-08; 95-764,
16 eff. 1-1-09; revised 9-5-08.)

17 Section 155. The Vocational Education Act is amended by
18 changing Section 2 as follows:

19 (105 ILCS 435/2) (from Ch. 122, par. 697)

20 Sec. 2. Upon the effective date of this amendatory Act of
21 1975 and thereafter, any reference in this Act or any other
22 Illinois statute to the Board of Vocational Education and
23 Rehabilitation, as such reference pertains to vocational and
24 technical education, means and refers to the State Board of

1 Education. Notwithstanding the provisions of any Act or statute
2 to the contrary, upon the effective date of this amendatory Act
3 of 1975, the State Board of Education shall assume all powers
4 and duties pertaining to vocational and technical education.
5 The State Board of Education shall be responsible for policy
6 and guidelines pertaining to vocational and technical
7 education and shall exercise the following powers and duties:

8 (a) to co-operate with the federal government in the
9 administration of the provisions of the Federal Vocational
10 Education Law, to the extent and in the manner therein
11 provided;

12 (b) to promote and aid in the establishment of schools
13 and classes of the types and standards provided for in the
14 plans of the Board, as approved by the federal government,
15 and to co-operate with State agencies maintaining such
16 schools or classes and with State and local school
17 authorities in the maintenance of such schools and classes;

18 (c) to conduct and prepare investigations and studies
19 in relation to vocational education and to publish the
20 results of such investigations and studies;

21 (d) to promulgate reasonable rules and regulations
22 relating to vocational and technical education;

23 (e) to report, in writing, to the Governor annually on
24 or before the fourteenth day of January. The annual report
25 shall contain (1) a statement to the extent to which
26 vocational education has been established and maintained

1 in the State; (2) a statement of the existing condition of
2 vocational education in the State; (3) a statement of
3 suggestions and recommendations with reference to the
4 development of vocational education in the State; (4)
5 (blank); and (5) an itemized statement of the amounts of
6 money received from Federal and State sources, and of the
7 objects and purposes to which the respective items of these
8 several amounts have been devoted; ~~and~~

9 (f) to make such reports to the federal government as
10 may be required by the provisions of the Federal Vocational
11 Education Law, and by the rules and regulations of the
12 federal agency administering the Federal Vocational
13 Education Law; and.

14 (g) to make grants subject to appropriation and to
15 administer and promulgate rules and regulations to
16 implement a vocational equipment program. The use of such
17 grant funds shall be limited to obtaining equipment for
18 vocational education programs, school shops and
19 laboratories. The State Board of Education shall adopt
20 appropriate regulations to administer this paragraph.

21 (Source: P.A. 95-793, eff. 1-1-09; revised 9-23-08.)

22 Section 160. The Illinois Health Policy Center Act is
23 amended by changing Section 20 as follows:

24 (110 ILCS 430/20)

1 (This Section may contain text from a Public Act with a
2 delayed effective date)

3 Sec. 20. Advisory Panel.

4 (a) The Illinois Health Policy Center Advisory Panel is
5 created. The Advisory Panel shall consist of 13 members as
6 follows:

7 (1) Four legislators, appointed one each by the
8 President of the Senate, the Minority Leader of the Senate,
9 the Speaker of the House of Representatives, and the
10 Minority Leader of the House of Representatives.

11 (2) One representative of each of the following groups,
12 appointed by consensus of the President of the Senate, the
13 Minority Leader of the Senate, the Speaker of the House of
14 Representatives, and the Minority Leader of the House of
15 Representatives upon the recommendations of those 4
16 legislative leaders: hospitals; medical societies; managed
17 care companies; and insurance companies.

18 (3) One representative of patient advocacy groups,
19 appointed by the Governor.

20 (4) The Secretary ~~Director~~ of the Department of Human
21 Services, or his or her designee.

22 (5) The Director of the Department of Healthcare and
23 Family Services, or his or her designee.

24 (6) The Director of the Department of Public Health, or
25 his or her designee.

26 (7) One additional member, appointed by the Governor.

1 (b) The Advisory Panel shall provide advice and oversight
2 concerning the creation and operation of the Illinois Health
3 Policy Center.

4 (c) The Illinois Health Policy Center shall submit a report
5 each calendar year to the Governor and the General Assembly.
6 The report shall contain:

7 (1) An itemized list of the source and amount of funds
8 of the Illinois Health Policy Center.

9 (2) An itemized list of expenditures made by the
10 Illinois Health Policy Center.

11 (3) A summary of research activities undertaken since
12 the submission of the preceding report.

13 (4) A description of advocacy activities undertaken
14 since the submission of the preceding report.

15 (Source: P.A. 95-986, eff. 6-1-09; revised 10-23-08.)

16 Section 165. The Higher Education Student Assistance Act is
17 amended by changing Section 25 as follows:

18 (110 ILCS 947/25)

19 Sec. 25. State scholar program.

20 (a) An applicant is eligible to be designated a State
21 Scholar when the Commission finds the candidate:

22 (1) is a resident of this State and a citizen or
23 permanent resident of the United States;

24 (2) has successfully completed the program of

1 instruction at an approved high school, or is a student in
2 good standing at such a school and is engaged in a program
3 which in due course will be completed by the end of the
4 academic year, and in either event that the candidate's
5 academic standing is above the class median; and that the
6 candidate has not had any university, college, normal
7 school, private junior college or public community
8 college, or other advanced training subsequent to
9 graduation from high school; and

10 (3) has superior capacity to profit by a higher
11 education.

12 (b) In determining an applicant's superior capacity to
13 profit by a higher education, the Commission shall consider the
14 candidate's scholastic record in high school and the results of
15 the examination conducted under the provisions of this Act. The
16 Commission shall establish by rule the minimum conditions of
17 eligibility in terms of the foregoing factors, and the relative
18 weight to be accorded to those factors.

19 (c) The Commission shall base its State Scholar
20 designations upon the eligibility formula prescribed in its
21 rules, except that notwithstanding those rules or any other
22 provision of this Section, a student nominated by his or her
23 school shall be designated a State Scholar if that student
24 achieves an Illinois Standard Test Score at or above the 95th
25 percentile among students taking the designated examinations
26 in Illinois that year, as determined by the Commission.

1 (d) The Commission shall obtain the results of a
2 competitive examination from the applicants. The examination
3 shall provide a measure of each candidate's ability to perform
4 college work and shall have demonstrated utility in such a
5 selection program. The Commission shall select, and designate
6 by rule, the specific examinations to be used in determining
7 the applicant's superior capacity to profit from a higher
8 education. Candidates may be asked by the Commission to take
9 those steps necessary to provide results of the designated
10 examination as part of their applications. Any nominal cost of
11 obtaining or providing the examination results shall be paid by
12 the candidate to the agency designated by the Commission to
13 provide the examination service. In the event that a candidate
14 or candidates are unable to participate in the examination for
15 financial reasons, the Commission may choose to pay the
16 examination fee on the candidate's or candidates' behalf. Any
17 notary fee which may also be required as part of the total
18 application shall be paid by the applicant.

19 (e) The Commission shall award to each State Scholar a
20 certificate or other suitable form of recognition. The decision
21 to attend a non-qualified institution of higher learning shall
22 not disqualify applicants who are otherwise fully qualified.

23 (f) Subject to appropriation, each State Scholar who
24 enrolls or is enrolled in an institution of higher learning in
25 this State shall also receive a one-time grant of \$1,000 to be
26 applied to tuition and mandatory fees and paid directly to the

1 institution of higher learning. However, a student who has been
2 awarded a Merit Recognition Scholarship under Section 31 of
3 this Act may not be awarded a grant under this subsection (f),
4 although he or she may still be designated a State Scholar.

5 (g) ~~(f)~~ The Commission shall conduct a study detailing all
6 of the following information:

7 (1) The number of students designated State Scholars in
8 2008 and 2009.

9 (2) The number of State Scholars who applied to State
10 universities in 2008 and 2009.

11 (3) The number of State Scholars who were denied
12 admittance into the State universities to which they
13 applied in 2008 and 2009.

14 All data collected from a State university in regards to
15 the study conducted under this subsection (g) ~~(f)~~ must be
16 verified by that university.

17 On or before January 1, 2010, the Commission must submit a
18 report to the General Assembly that contains the findings of
19 the study conducted under this subsection (g) ~~(f)~~ and the
20 Commission's recommendations on how to make State universities
21 more accessible to State Scholars.

22 (h) ~~(g)~~ The Commission shall adopt all necessary and proper
23 rules not inconsistent with this Section for its effective
24 implementation.

25 (Source: P.A. 95-715, eff. 1-1-09; 95-760, eff. 7-28-08;
26 revised 9-5-08.)

1 Section 170. The Nursing Education Scholarship Law is
2 amended by changing Section 8 as follows:

3 (110 ILCS 975/8) (from Ch. 144, par. 2758)

4 Sec. 8. Advisory Council. The Nurse Scholarship and
5 Baccalaureate Nursing Assistance Advisory Council created by
6 the Baccalaureate Assistance Law for Registered Nurses (now
7 repealed) shall assist and advise the Department in the
8 administration of this Article.

9 (Source: P.A. 86-1467; revised 1-22-08.)

10 Section 175. The Nursing Home Care Act is amended by
11 changing Section 3-210 as follows:

12 (210 ILCS 45/3-210) (from Ch. 111 1/2, par. 4153-210)

13 Sec. 3-210. A facility shall retain the following for
14 public inspection:

15 (1) a complete copy of every inspection report of the
16 facility received from the Department during the past 5
17 years;

18 (2) a copy of every order pertaining to the facility
19 issued by the Department or a court during the past 5
20 years;

21 (3) a description of the services provided by the
22 facility and the rates charged for those services and items

1 for which a resident may be separately charged;

2 (4) a copy of the statement of ownership required by
3 Section 3-207;

4 (5) a record of personnel employed or retained by the
5 facility who are licensed, certified or registered by the
6 Department of Professional Regulation; ~~and~~

7 (6) a complete copy of the most recent inspection
8 report of the facility received from the Department; ~~and~~.

9 (7) a copy of the current Consumer Choice Information
10 Report required by Section 2-214.

11 (Source: P.A. 95-823, eff. 1-1-09; revised 9-10-08.)

12 Section 180. The Hospital Licensing Act is amended by
13 changing Section 10.10 as follows:

14 (210 ILCS 85/10.10)

15 Sec. 10.10. Nurse Staffing by Patient Acuity.

16 (a) Findings. The Legislature finds and declares all of the
17 following:

18 (1) The State of Illinois has a substantial interest in
19 promoting quality care and improving the delivery of health
20 care services.

21 (2) Evidence-based studies have shown that the basic
22 principles of staffing in the acute care setting should be
23 based on the complexity of patients' care needs aligned
24 with available nursing skills to promote quality patient

1 care consistent with professional nursing standards.

2 (3) Compliance with this Section promotes an
3 organizational climate that values registered nurses'
4 input in meeting the health care needs of hospital
5 patients.

6 (b) Definitions. As used in this Section:

7 "Acuity model" means an assessment tool selected and
8 implemented by a hospital, as recommended by a nursing care
9 committee, that assesses the complexity of patient care needs
10 requiring professional nursing care and skills and aligns
11 patient care needs and nursing skills consistent with
12 professional nursing standards.

13 "Department" means the Department of Public Health.

14 "Direct patient care" means care provided by a registered
15 professional nurse with direct responsibility to oversee or
16 carry out medical regimens or nursing care for one or more
17 patients.

18 "Nursing care committee" means an existing or newly created
19 hospital-wide committee or committees of nurses whose
20 functions, in part or in whole, contribute to the development,
21 recommendation, and review of the hospital's nurse staffing
22 plan established pursuant to subsection (d).

23 "Registered professional nurse" means a person licensed as
24 a Registered Nurse under the Nurse ~~Nursing and Advanced~~
25 Practice ~~Nursing~~ Act.

26 "Written staffing plan for nursing care services" means a

1 written plan for guiding the assignment of patient care nursing
2 staff based on multiple nurse and patient considerations that
3 yield minimum staffing levels for inpatient care units and the
4 adopted acuity model aligning patient care needs with nursing
5 skills required for quality patient care consistent with
6 professional nursing standards.

7 (c) Written staffing plan.

8 (1) Every hospital shall implement a written
9 hospital-wide staffing plan, recommended by a nursing care
10 committee or committees, that provides for minimum direct
11 care professional registered nurse-to-patient staffing
12 needs for each inpatient care unit. The written
13 hospital-wide staffing plan shall include, but need not be
14 limited to, the following considerations:

15 (A) The complexity of complete care, assessment on
16 patient admission, volume of patient admissions,
17 discharges and transfers, evaluation of the progress
18 of a patient's problems, ongoing physical assessments,
19 planning for a patient's discharge, assessment after a
20 change in patient condition, and assessment of the need
21 for patient referrals.

22 (B) The complexity of clinical professional
23 nursing judgment needed to design and implement a
24 patient's nursing care plan, the need for specialized
25 equipment and technology, the skill mix of other
26 personnel providing or supporting direct patient care,

1 and involvement in quality improvement activities,
2 professional preparation, and experience.

3 (C) Patient acuity and the number of patients for
4 whom care is being provided.

5 (D) The ongoing assessments of a unit's patient
6 acuity levels and nursing staff needed shall be
7 routinely made by the unit nurse manager or his or her
8 designee.

9 (E) The identification of additional registered
10 nurses available for direct patient care when
11 patients' unexpected needs exceed the planned workload
12 for direct care staff.

13 (2) In order to provide staffing flexibility to meet
14 patient needs, every hospital shall identify an acuity
15 model for adjusting the staffing plan for each inpatient
16 care unit.

17 (3) The written staffing plan shall be posted in a
18 conspicuous and accessible location for both patients and
19 direct care staff, as required under the Hospital Report
20 Card Act.

21 (d) Nursing care committee.

22 (1) Every hospital shall have a nursing care committee.
23 A hospital shall appoint members of a committee whereby at
24 least 50% of the members are registered professional nurses
25 providing direct patient care.

26 (2) A nursing care committee's recommendations must be

1 given significant regard and weight in the hospital's
2 adoption and implementation of a written staffing plan.

3 (3) A nursing care committee or committees shall
4 recommend a written staffing plan for the hospital based on
5 the principles from the staffing components set forth in
6 subsection (c). In particular, a committee or committees
7 shall provide input and feedback on the following:

8 (A) Selection, implementation, and evaluation of
9 minimum staffing levels for inpatient care units.

10 (B) Selection, implementation, and evaluation of
11 an acuity model to provide staffing flexibility that
12 aligns changing patient acuity with nursing skills
13 required.

14 (C) Selection, implementation, and evaluation of a
15 written staffing plan incorporating the items
16 described in subdivisions (c)(1) and (c)(2) of this
17 Section.

18 (D) Review the following: nurse-to-patient
19 staffing guidelines for all inpatient areas; and
20 current acuity tools and measures in use.

21 (4) A nursing care committee must address the items
22 described in subparagraphs (A) through (D) of paragraph (3)
23 semi-annually.

24 (e) Nothing in this Section 10.10 shall be construed to
25 limit, alter, or modify any of the terms, conditions, or
26 provisions of a collective bargaining agreement entered into by

1 the hospital.

2 (Source: P.A. 95-401, eff. 1-1-08; revised 1-22-08.)

3 Section 185. The Illinois Insurance Code is amended by
4 changing Sections 1, 80, 370c, and 511.108 and by setting forth
5 and renumbering multiple versions of Section 356z.11 as
6 follows:

7 (215 ILCS 5/1) (from Ch. 73, par. 613)

8 Sec. 1. Short title. This Act shall be known and may be
9 cited as the "Illinois Insurance Code."

10 (Source: Laws 1937, p. 696; revised 10-28-08.)

11 (215 ILCS 5/80) (from Ch. 73, par. 692)

12 (Section scheduled to be repealed on January 1, 2017)

13 Sec. 80. Amendments to power of attorney and other
14 documents.

15 (1) The attorney-in-fact of any reciprocal subject to the
16 provisions of this article may amend the declaration of
17 organization or power of attorney in any respect not in
18 violation of law, but may not amend such documents to insert
19 any provision prohibited, or to delete any provision required,
20 in original declarations of organization or powers of attorney
21 of a similar domestic reciprocal organized under this Code.

22 (2) Amendments of the declarations of organization or
23 powers of attorney, shall be made in the following manner:

1 (a) Amendment of declaration of organization. The
2 attorney-in-fact shall sign and acknowledge, before an
3 officer authorized to take acknowledgments, an amendment
4 to the declaration of organization, in duplicate. When the
5 attorney-in-fact is a corporation, such amendment shall be
6 acknowledged by an officer thereof. The attorney-in-fact
7 shall deliver such duplicate originals of the amendment to
8 the Director. Such amendment may be approved or disapproved
9 by the Director in the same manner as the original
10 declaration of organization. If approved, the Director
11 shall place on file in his office one of the duplicate
12 originals of the amendment and shall endorse upon the other
13 duplicate original his approval thereof and the month, day
14 and year of such approval, and deliver it to the
15 attorney-in-fact. The amendment shall be effective as of
16 the date of the approval thereof by the Director.

17 (b) Amendment of power of attorney. The
18 attorney-in-fact shall deliver to the Director a copy of
19 any form of power of attorney under or by virtue of which
20 it is proposed that insurance is to be effected or
21 exchanged, which varies from the form of any power of
22 attorney previously filed with the Director by such
23 attorney-in-fact, before the same shall be used by any
24 reciprocal. Such power of attorney may be approved or
25 disapproved by the Director in the same manner as the
26 original power of attorney. If approved, the Director shall

1 place on file in his office a duplicate original of the
2 power of attorney and shall endorse upon the other
3 duplicate original his approval thereof and the month, day
4 and year of such approval, and deliver it to the
5 attorney-in-fact. The amendment shall be effective as of
6 the date of approval thereof by the Director.

7 (Source: Laws 1959, p. 627; revised 10-31-08.)

8 (215 ILCS 5/356z.11)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 Sec. 356z.11. Dependent students; medical leave of
12 absence. A group or individual policy of accident and health
13 insurance or managed care plan amended, delivered, issued, or
14 renewed after the effective date of this amendatory Act of the
15 95th General Assembly must continue to provide coverage for a
16 dependent college student who takes a medical leave of absence
17 or reduces his or her course load to part-time status because
18 of a catastrophic illness or injury.

19 Continuation of coverage under this Section is subject to
20 all of the policy's terms and conditions applicable to those
21 forms of insurance. Continuation of insurance under the policy
22 shall terminate 12 months after notice of the illness or injury
23 or until the coverage would have otherwise lapsed pursuant to
24 the terms and conditions of the policy, whichever comes first,
25 provided the need for part-time status or medical leave of

1 absence is supported by a clinical certification of need from a
2 physician licensed to practice medicine in all its branches.

3 The provisions of this Section do not apply to short-term
4 travel, accident-only, limited, or specified disease policies
5 or to policies or contracts designed for issuance to persons
6 eligible for coverage under Title XVIII of the Social Security
7 Act, known as Medicare, or any other similar coverage under
8 State or federal governmental plans.

9 (Source: P.A. 95-958, eff. 6-1-09.)

10 (215 ILCS 5/356z.13)

11 Sec. 356z.13 ~~356z.11~~. Shingles vaccine. A group or
12 individual policy of accident and health insurance or managed
13 care plan amended, delivered, issued, or renewed after the
14 effective date of the amendatory Act of this 95th General
15 Assembly must provide coverage for a vaccine for shingles that
16 is approved for marketing by the federal Food and Drug
17 Administration if the vaccine is ordered by a physician
18 licensed to practice medicine in all its branches and the
19 enrollee is 60 years of age or older.

20 (Source: P.A. 95-978, eff. 1-1-09; revised 10-14-08.)

21 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

22 Sec. 370c. Mental and emotional disorders.

23 (a) (1) On and after the effective date of this Section,
24 every insurer which delivers, issues for delivery or renews or

1 modifies group A&H policies providing coverage for hospital or
2 medical treatment or services for illness on an
3 expense-incurred basis shall offer to the applicant or group
4 policyholder subject to the insurers standards of
5 insurability, coverage for reasonable and necessary treatment
6 and services for mental, emotional or nervous disorders or
7 conditions, other than serious mental illnesses as defined in
8 item (2) of subsection (b), up to the limits provided in the
9 policy for other disorders or conditions, except (i) the
10 insured may be required to pay up to 50% of expenses incurred
11 as a result of the treatment or services, and (ii) the annual
12 benefit limit may be limited to the lesser of \$10,000 or 25% of
13 the lifetime policy limit.

14 (2) Each insured that is covered for mental, emotional or
15 nervous disorders or conditions shall be free to select the
16 physician licensed to practice medicine in all its branches,
17 licensed clinical psychologist, licensed clinical social
18 worker, licensed clinical professional counselor, or licensed
19 marriage and family therapist of his choice to treat such
20 disorders, and the insurer shall pay the covered charges of
21 such physician licensed to practice medicine in all its
22 branches, licensed clinical psychologist, licensed clinical
23 social worker, licensed clinical professional counselor, or
24 licensed marriage and family therapist up to the limits of
25 coverage, provided (i) the disorder or condition treated is
26 covered by the policy, and (ii) the physician, licensed

1 psychologist, licensed clinical social worker, licensed
2 clinical professional counselor, or licensed marriage and
3 family therapist is authorized to provide said services under
4 the statutes of this State and in accordance with accepted
5 principles of his profession.

6 (3) Insofar as this Section applies solely to licensed
7 clinical social workers, licensed clinical professional
8 counselors, and licensed marriage and family therapists, those
9 persons who may provide services to individuals shall do so
10 after the licensed clinical social worker, licensed clinical
11 professional counselor, or licensed marriage and family
12 therapist has informed the patient of the desirability of the
13 patient conferring with the patient's primary care physician
14 and the licensed clinical social worker, licensed clinical
15 professional counselor, or licensed marriage and family
16 therapist has provided written notification to the patient's
17 primary care physician, if any, that services are being
18 provided to the patient. That notification may, however, be
19 waived by the patient on a written form. Those forms shall be
20 retained by the licensed clinical social worker, licensed
21 clinical professional counselor, or licensed marriage and
22 family therapist for a period of not less than 5 years.

23 (b) (1) An insurer that provides coverage for hospital or
24 medical expenses under a group policy of accident and health
25 insurance or health care plan amended, delivered, issued, or
26 renewed after the effective date of this amendatory Act of the

1 92nd General Assembly shall provide coverage under the policy
2 for treatment of serious mental illness under the same terms
3 and conditions as coverage for hospital or medical expenses
4 related to other illnesses and diseases. The coverage required
5 under this Section must provide for same durational limits,
6 amount limits, deductibles, and co-insurance requirements for
7 serious mental illness as are provided for other illnesses and
8 diseases. This subsection does not apply to coverage provided
9 to employees by employers who have 50 or fewer employees.

10 (2) "Serious mental illness" means the following
11 psychiatric illnesses as defined in the most current edition of
12 the Diagnostic and Statistical Manual (DSM) published by the
13 American Psychiatric Association:

14 (A) schizophrenia;

15 (B) paranoid and other psychotic disorders;

16 (C) bipolar disorders (hypomanic, manic, depressive,
17 and mixed);

18 (D) major depressive disorders (single episode or
19 recurrent);

20 (E) schizoaffective disorders (bipolar or depressive);

21 (F) pervasive developmental disorders;

22 (G) obsessive-compulsive disorders;

23 (H) depression in childhood and adolescence;

24 (I) panic disorder;

25 (J) post-traumatic stress disorders (acute, chronic,
26 or with delayed onset); and

1 (K) anorexia nervosa and bulimia nervosa.

2 (3) Upon request of the reimbursing insurer, a provider of
3 treatment of serious mental illness shall furnish medical
4 records or other necessary data that substantiate that initial
5 or continued treatment is at all times medically necessary. An
6 insurer shall provide a mechanism for the timely review by a
7 provider holding the same license and practicing in the same
8 specialty as the patient's provider, who is unaffiliated with
9 the insurer, jointly selected by the patient (or the patient's
10 next of kin or legal representative if the patient is unable to
11 act for himself or herself), the patient's provider, and the
12 insurer in the event of a dispute between the insurer and
13 patient's provider regarding the medical necessity of a
14 treatment proposed by a patient's provider. If the reviewing
15 provider determines the treatment to be medically necessary,
16 the insurer shall provide reimbursement for the treatment.
17 Future contractual or employment actions by the insurer
18 regarding the patient's provider may not be based on the
19 provider's participation in this procedure. Nothing prevents
20 the insured from agreeing in writing to continue treatment at
21 his or her expense. When making a determination of the medical
22 necessity for a treatment modality for serious mental illness,
23 an insurer must make the determination in a manner that is
24 consistent with the manner used to make that determination with
25 respect to other diseases or illnesses covered under the
26 policy, including an appeals process.

1 (4) A group health benefit plan:

2 (A) shall provide coverage based upon medical
3 necessity for the following treatment of mental illness in
4 each calendar year:

5 (i) 45 days of inpatient treatment; and

6 (ii) beginning on June 26, 2006 (the effective date
7 of Public Act 94-921), 60 visits for outpatient
8 treatment including group and individual outpatient
9 treatment; and

10 (iii) for plans or policies delivered, issued for
11 delivery, renewed, or modified after January 1, 2007
12 (the effective date of Public Act 94-906), 20
13 additional outpatient visits for speech therapy for
14 treatment of pervasive developmental disorders that
15 will be in addition to speech therapy provided pursuant
16 to item (ii) of this subparagraph (A);

17 (B) may not include a lifetime limit on the number of
18 days of inpatient treatment or the number of outpatient
19 visits covered under the plan; and

20 (C) shall include the same amount limits, deductibles,
21 copayments, and coinsurance factors for serious mental
22 illness as for physical illness.

23 (5) An issuer of a group health benefit plan may not count
24 toward the number of outpatient visits required to be covered
25 under this Section an outpatient visit for the purpose of
26 medication management and shall cover the outpatient visits

1 under the same terms and conditions as it covers outpatient
2 visits for the treatment of physical illness.

3 (6) An issuer of a group health benefit plan may provide or
4 offer coverage required under this Section through a managed
5 care plan.

6 (7) This Section shall not be interpreted to require a
7 group health benefit plan to provide coverage for treatment of:

8 (A) an addiction to a controlled substance or cannabis
9 that is used in violation of law; or

10 (B) mental illness resulting from the use of a
11 controlled substance or cannabis in violation of law.

12 (8) (Blank).

13 (Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05;
14 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; 95-331, eff.
15 8-21-07; 95-972, eff. 9-22-08; 95-973, eff. 1-1-09; revised
16 10-14-08.)

17 (215 ILCS 5/511.108) (from Ch. 73, par. 1065.58-108)

18 (Section scheduled to be repealed on January 1, 2017)

19 Sec. 511.108. Felony Convictions. ~~(a)~~ Any administrator
20 and any individual listed on the application as required by
21 Section 511.103, who is convicted of a felony shall report such
22 conviction to the Director within 30 days of the entry date of
23 the judgment. Within that 30-day ~~30-day~~ period, the
24 administrator shall also provide the Director with a copy of
25 the judgment, the probation or commitment order and any other

1 relevant documents.

2 (Source: P.A. 84-887; revised 10-31-08.)

3 Section 190. The Children's Health Insurance Program Act is
4 amended by changing Section 40 as follows:

5 (215 ILCS 106/40)

6 Sec. 40. Waivers.

7 (a) The Department shall request any necessary waivers of
8 federal requirements in order to allow receipt of federal
9 funding for:

10 (1) the coverage of families with eligible children
11 under this Act; and

12 (2) ~~for~~ the coverage of children who would otherwise be
13 eligible under this Act, but who have health insurance.

14 (b) The failure of the responsible federal agency to
15 approve a waiver for children who would otherwise be eligible
16 under this Act but who have health insurance shall not prevent
17 the implementation of any Section of this Act provided that
18 there are sufficient appropriated funds.

19 (c) Eligibility of a person under an approved waiver due to
20 the relationship with a child pursuant to Article V of the
21 Illinois Public Aid Code or this Act shall be limited to such a
22 person whose countable income is determined by the Department
23 to be at or below such income eligibility standard as the
24 Department by rule shall establish. The income level

1 established by the Department shall not be below 90% of the
2 federal poverty level. Such persons who are determined to be
3 eligible must reapply, or otherwise establish eligibility, at
4 least annually. An eligible person shall be required, as
5 determined by the Department by rule, to report promptly those
6 changes in income and other circumstances that affect
7 eligibility. The eligibility of a person may be redetermined
8 based on the information reported or may be terminated based on
9 the failure to report or failure to report accurately. A person
10 may also be held liable to the Department for any payments made
11 by the Department on such person's behalf that were
12 inappropriate. An applicant shall be provided with notice of
13 these obligations.

14 (Source: P.A. 92-597, eff. 6-28-02; 93-63, eff. 6-30-03;
15 revised 10-23-08.)

16 Section 195. The Health Maintenance Organization Act is
17 amended by changing Section 5-3 as follows:

18 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

19 (Text of Section before amendment by P.A. 95-958)

20 Sec. 5-3. Insurance Code provisions.

21 (a) Health Maintenance Organizations shall be subject to
22 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,
23 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,
24 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,

1 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10,
2 356z.13 ~~356z.11~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b,
3 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2,
4 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of
5 Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII,
6 XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

7 (b) For purposes of the Illinois Insurance Code, except for
8 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
9 Maintenance Organizations in the following categories are
10 deemed to be "domestic companies":

11 (1) a corporation authorized under the Dental Service
12 Plan Act or the Voluntary Health Services Plans Act;

13 (2) a corporation organized under the laws of this
14 State; or

15 (3) a corporation organized under the laws of another
16 state, 30% or more of the enrollees of which are residents
17 of this State, except a corporation subject to
18 substantially the same requirements in its state of
19 organization as is a "domestic company" under Article VIII
20 1/2 of the Illinois Insurance Code.

21 (c) In considering the merger, consolidation, or other
22 acquisition of control of a Health Maintenance Organization
23 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

24 (1) the Director shall give primary consideration to
25 the continuation of benefits to enrollees and the financial
26 conditions of the acquired Health Maintenance Organization

1 after the merger, consolidation, or other acquisition of
2 control takes effect;

3 (2) (i) the criteria specified in subsection (1) (b) of
4 Section 131.8 of the Illinois Insurance Code shall not
5 apply and (ii) the Director, in making his determination
6 with respect to the merger, consolidation, or other
7 acquisition of control, need not take into account the
8 effect on competition of the merger, consolidation, or
9 other acquisition of control;

10 (3) the Director shall have the power to require the
11 following information:

12 (A) certification by an independent actuary of the
13 adequacy of the reserves of the Health Maintenance
14 Organization sought to be acquired;

15 (B) pro forma financial statements reflecting the
16 combined balance sheets of the acquiring company and
17 the Health Maintenance Organization sought to be
18 acquired as of the end of the preceding year and as of
19 a date 90 days prior to the acquisition, as well as pro
20 forma financial statements reflecting projected
21 combined operation for a period of 2 years;

22 (C) a pro forma business plan detailing an
23 acquiring party's plans with respect to the operation
24 of the Health Maintenance Organization sought to be
25 acquired for a period of not less than 3 years; and

26 (D) such other information as the Director shall

1 require.

2 (d) The provisions of Article VIII 1/2 of the Illinois
3 Insurance Code and this Section 5-3 shall apply to the sale by
4 any health maintenance organization of greater than 10% of its
5 enrollee population (including without limitation the health
6 maintenance organization's right, title, and interest in and to
7 its health care certificates).

8 (e) In considering any management contract or service
9 agreement subject to Section 141.1 of the Illinois Insurance
10 Code, the Director (i) shall, in addition to the criteria
11 specified in Section 141.2 of the Illinois Insurance Code, take
12 into account the effect of the management contract or service
13 agreement on the continuation of benefits to enrollees and the
14 financial condition of the health maintenance organization to
15 be managed or serviced, and (ii) need not take into account the
16 effect of the management contract or service agreement on
17 competition.

18 (f) Except for small employer groups as defined in the
19 Small Employer Rating, Renewability and Portability Health
20 Insurance Act and except for medicare supplement policies as
21 defined in Section 363 of the Illinois Insurance Code, a Health
22 Maintenance Organization may by contract agree with a group or
23 other enrollment unit to effect refunds or charge additional
24 premiums under the following terms and conditions:

25 (i) the amount of, and other terms and conditions with
26 respect to, the refund or additional premium are set forth

1 in the group or enrollment unit contract agreed in advance
2 of the period for which a refund is to be paid or
3 additional premium is to be charged (which period shall not
4 be less than one year); and

5 (ii) the amount of the refund or additional premium
6 shall not exceed 20% of the Health Maintenance
7 Organization's profitable or unprofitable experience with
8 respect to the group or other enrollment unit for the
9 period (and, for purposes of a refund or additional
10 premium, the profitable or unprofitable experience shall
11 be calculated taking into account a pro rata share of the
12 Health Maintenance Organization's administrative and
13 marketing expenses, but shall not include any refund to be
14 made or additional premium to be paid pursuant to this
15 subsection (f)). The Health Maintenance Organization and
16 the group or enrollment unit may agree that the profitable
17 or unprofitable experience may be calculated taking into
18 account the refund period and the immediately preceding 2
19 plan years.

20 The Health Maintenance Organization shall include a
21 statement in the evidence of coverage issued to each enrollee
22 describing the possibility of a refund or additional premium,
23 and upon request of any group or enrollment unit, provide to
24 the group or enrollment unit a description of the method used
25 to calculate (1) the Health Maintenance Organization's
26 profitable experience with respect to the group or enrollment

1 unit and the resulting refund to the group or enrollment unit
2 or (2) the Health Maintenance Organization's unprofitable
3 experience with respect to the group or enrollment unit and the
4 resulting additional premium to be paid by the group or
5 enrollment unit.

6 In no event shall the Illinois Health Maintenance
7 Organization Guaranty Association be liable to pay any
8 contractual obligation of an insolvent organization to pay any
9 refund authorized under this Section.

10 (Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06;
11 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff.
12 8-21-08; 95-978, eff. 1-1-09; revised 10-15-08.)

13 (Text of Section after amendment by P.A. 95-958)

14 Sec. 5-3. Insurance Code provisions.

15 (a) Health Maintenance Organizations shall be subject to
16 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,
17 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,
18 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,
19 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10,
20 356z.11, 356z.12, 356z.13 ~~356z.11~~, 364.01, 367.2, 367.2-5,
21 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403,
22 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of
23 subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII,
24 XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois
25 Insurance Code.

1 (b) For purposes of the Illinois Insurance Code, except for
2 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
3 Maintenance Organizations in the following categories are
4 deemed to be "domestic companies":

5 (1) a corporation authorized under the Dental Service
6 Plan Act or the Voluntary Health Services Plans Act;

7 (2) a corporation organized under the laws of this
8 State; or

9 (3) a corporation organized under the laws of another
10 state, 30% or more of the enrollees of which are residents
11 of this State, except a corporation subject to
12 substantially the same requirements in its state of
13 organization as is a "domestic company" under Article VIII
14 1/2 of the Illinois Insurance Code.

15 (c) In considering the merger, consolidation, or other
16 acquisition of control of a Health Maintenance Organization
17 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

18 (1) the Director shall give primary consideration to
19 the continuation of benefits to enrollees and the financial
20 conditions of the acquired Health Maintenance Organization
21 after the merger, consolidation, or other acquisition of
22 control takes effect;

23 (2) (i) the criteria specified in subsection (1) (b) of
24 Section 131.8 of the Illinois Insurance Code shall not
25 apply and (ii) the Director, in making his determination
26 with respect to the merger, consolidation, or other

1 acquisition of control, need not take into account the
2 effect on competition of the merger, consolidation, or
3 other acquisition of control;

4 (3) the Director shall have the power to require the
5 following information:

6 (A) certification by an independent actuary of the
7 adequacy of the reserves of the Health Maintenance
8 Organization sought to be acquired;

9 (B) pro forma financial statements reflecting the
10 combined balance sheets of the acquiring company and
11 the Health Maintenance Organization sought to be
12 acquired as of the end of the preceding year and as of
13 a date 90 days prior to the acquisition, as well as pro
14 forma financial statements reflecting projected
15 combined operation for a period of 2 years;

16 (C) a pro forma business plan detailing an
17 acquiring party's plans with respect to the operation
18 of the Health Maintenance Organization sought to be
19 acquired for a period of not less than 3 years; and

20 (D) such other information as the Director shall
21 require.

22 (d) The provisions of Article VIII 1/2 of the Illinois
23 Insurance Code and this Section 5-3 shall apply to the sale by
24 any health maintenance organization of greater than 10% of its
25 enrollee population (including without limitation the health
26 maintenance organization's right, title, and interest in and to

1 its health care certificates).

2 (e) In considering any management contract or service
3 agreement subject to Section 141.1 of the Illinois Insurance
4 Code, the Director (i) shall, in addition to the criteria
5 specified in Section 141.2 of the Illinois Insurance Code, take
6 into account the effect of the management contract or service
7 agreement on the continuation of benefits to enrollees and the
8 financial condition of the health maintenance organization to
9 be managed or serviced, and (ii) need not take into account the
10 effect of the management contract or service agreement on
11 competition.

12 (f) Except for small employer groups as defined in the
13 Small Employer Rating, Renewability and Portability Health
14 Insurance Act and except for medicare supplement policies as
15 defined in Section 363 of the Illinois Insurance Code, a Health
16 Maintenance Organization may by contract agree with a group or
17 other enrollment unit to effect refunds or charge additional
18 premiums under the following terms and conditions:

19 (i) the amount of, and other terms and conditions with
20 respect to, the refund or additional premium are set forth
21 in the group or enrollment unit contract agreed in advance
22 of the period for which a refund is to be paid or
23 additional premium is to be charged (which period shall not
24 be less than one year); and

25 (ii) the amount of the refund or additional premium
26 shall not exceed 20% of the Health Maintenance

1 Organization's profitable or unprofitable experience with
2 respect to the group or other enrollment unit for the
3 period (and, for purposes of a refund or additional
4 premium, the profitable or unprofitable experience shall
5 be calculated taking into account a pro rata share of the
6 Health Maintenance Organization's administrative and
7 marketing expenses, but shall not include any refund to be
8 made or additional premium to be paid pursuant to this
9 subsection (f)). The Health Maintenance Organization and
10 the group or enrollment unit may agree that the profitable
11 or unprofitable experience may be calculated taking into
12 account the refund period and the immediately preceding 2
13 plan years.

14 The Health Maintenance Organization shall include a
15 statement in the evidence of coverage issued to each enrollee
16 describing the possibility of a refund or additional premium,
17 and upon request of any group or enrollment unit, provide to
18 the group or enrollment unit a description of the method used
19 to calculate (1) the Health Maintenance Organization's
20 profitable experience with respect to the group or enrollment
21 unit and the resulting refund to the group or enrollment unit
22 or (2) the Health Maintenance Organization's unprofitable
23 experience with respect to the group or enrollment unit and the
24 resulting additional premium to be paid by the group or
25 enrollment unit.

26 In no event shall the Illinois Health Maintenance

1 Organization Guaranty Association be liable to pay any
2 contractual obligation of an insolvent organization to pay any
3 refund authorized under this Section.

4 (Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06;
5 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff.
6 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09; revised
7 10-15-08.)

8 Section 200. The Voluntary Health Services Plans Act is
9 amended by changing Section 10 as follows:

10 (215 ILCS 165/10) (from Ch. 32, par. 604)

11 (Text of Section before amendment by P.A. 95-958)

12 Sec. 10. Application of Insurance Code provisions. Health
13 services plan corporations and all persons interested therein
14 or dealing therewith shall be subject to the provisions of
15 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
16 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,
17 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8,
18 356z.9, 356z.10, 356z.13 ~~356z.11~~, 364.01, 367.2, 368a, 401,
19 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7)
20 and (15) of Section 367 of the Illinois Insurance Code.

21 (Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07;
22 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff.
23 8-28-07; 95-876, eff. 8-21-08; 95-978, eff. 1-1-09; revised
24 10-15-08.)

1 (Text of Section after amendment by P.A. 95-958)

2 Sec. 10. Application of Insurance Code provisions. Health
3 services plan corporations and all persons interested therein
4 or dealing therewith shall be subject to the provisions of
5 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
6 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,
7 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8,
8 356z.9, 356z.10, 356z.11, 356z.12, 356z.13 ~~356z.11~~, 364.01,
9 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412,
10 and paragraphs (7) and (15) of Section 367 of the Illinois
11 Insurance Code.

12 (Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07;
13 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff.
14 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978,
15 eff. 1-1-09; revised 10-15-08.)

16 Section 205. The Illinois Dental Practice Act is amended by
17 changing Sections 8.1 and 44 as follows:

18 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 8.1. Permit for the administration of anesthesia and
21 sedation.

22 (a) No licensed dentist shall administer general
23 anesthesia, deep sedation, or conscious sedation without first

1 applying for and obtaining a permit for such purpose from the
2 Department. The Department shall issue such permit only after
3 ascertaining that the applicant possesses the minimum
4 qualifications necessary to protect public safety. A person
5 with a dental degree who administers anesthesia, deep sedation,
6 or conscious sedation in an approved hospital training program
7 under the supervision of either a licensed dentist holding such
8 permit or a physician licensed to practice medicine in all its
9 branches shall not be required to obtain such permit.

10 (b) In determining the minimum permit qualifications that
11 are necessary to protect public safety, the Department, by
12 rule, shall:

13 (1) establish the minimum educational and training
14 requirements necessary for a dentist to be issued an
15 appropriate permit;

16 (2) establish the standards for properly equipped
17 dental facilities (other than licensed hospitals and
18 ambulatory surgical treatment centers) in which general
19 anesthesia, deep sedation, or conscious sedation is
20 administered, as necessary to protect public safety;

21 (3) establish minimum requirements for all persons who
22 assist the dentist in the administration of general
23 anesthesia, deep sedation, or conscious sedation,
24 including minimum training requirements for each member of
25 the dental team, monitoring requirements, recordkeeping
26 requirements, and emergency procedures; and

1 (4) ensure that the dentist and all persons assisting
2 the dentist or monitoring the administration of general
3 anesthesia, deep sedation, or conscious sedation maintain
4 current certification in Basic Life Support (BLS).

5 (5) establish continuing education requirements in
6 sedation techniques for dentists who possess a permit under
7 this Section.

8 When establishing requirements under this Section, the
9 Department shall consider the current American Dental
10 Association guidelines on sedation and general anesthesia, the
11 current "Guidelines for Monitoring and Management of Pediatric
12 Patients During and After Sedation for Diagnostic and
13 Therapeutic Procedures" established by the American Academy of
14 Pediatrics and the American Academy of Pediatric Dentistry, and
15 the current parameters of care and Office Anesthesia Evaluation
16 (OAE) Manual established by the American Association of Oral
17 and Maxillofacial Surgeons.

18 (c) A licensed dentist must hold an appropriate permit
19 issued under this Section in order to perform dentistry while a
20 nurse anesthetist administers conscious sedation, and a valid
21 written collaborative agreement must exist between the dentist
22 and the nurse anesthetist, in accordance with the Nurse Nursing
23 ~~and Advanced Practice Nursing~~ Act.

24 A licensed dentist must hold an appropriate permit issued
25 under this Section in order to perform dentistry while a nurse
26 anesthetist administers deep sedation or general anesthesia,

1 and a valid written collaborative agreement must exist between
2 the dentist and the nurse anesthetist, in accordance with the
3 Nurse Nursing and Advanced Practice Nursing Act.

4 For the purposes of this subsection (c), "nurse
5 anesthetist" means a licensed certified registered nurse
6 anesthetist who holds a license as an advanced practice nurse.
7 (Source: P.A. 95-399, eff. 1-1-08; 95-639, eff. 1-1-08; revised
8 1-22-08.)

9 (225 ILCS 25/44) (from Ch. 111, par. 2344)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 44. Practice by Corporations Prohibited. Exceptions.
12 No corporation shall practice dentistry or engage therein, or
13 hold itself out as being entitled to practice dentistry, or
14 furnish dental services or dentists, or advertise under or
15 assume the title of dentist or dental surgeon or equivalent
16 title, or furnish dental advice for any compensation, or
17 advertise or hold itself out with any other person or alone,
18 that it has or owns a dental office or can furnish dental
19 service or dentists, or solicit through itself, or its agents,
20 officers, employees, directors or trustees, dental patronage
21 for any dentist employed by any corporation.

22 Nothing contained in this Act, however, shall:

23 (a) prohibit a corporation from employing a dentist or
24 dentists to render dental services to its employees,
25 provided that such dental services shall be rendered at no

1 cost or charge to the employees;

2 (b) prohibit a corporation or association from
3 providing dental services upon a wholly charitable basis to
4 deserving recipients;

5 (c) prohibit a corporation or association from
6 furnishing information or clerical services which can be
7 furnished by persons not licensed to practice dentistry, to
8 any dentist when such dentist assumes full responsibility
9 for such information or services;

10 (d) prohibit dental corporations as authorized by the
11 Professional Service Corporation Act, dental associations
12 as authorized by the Professional Association Act, or
13 dental limited liability companies as authorized by the
14 Limited Liability Company Act;

15 (e) prohibit dental limited liability partnerships as
16 authorized by the Uniform Partnership Act (1997);

17 (f) prohibit hospitals, public health clinics,
18 federally qualified health centers, or other entities
19 specified by rule of the Department from providing dental
20 services; or

21 (g) prohibit dental management service organizations
22 from providing non-clinical business services that do not
23 violate the provisions of this Act.

24 Any corporation violating the provisions of this Section is
25 guilty of a Class A misdemeanor and each day that this Act is
26 violated shall be considered a separate offense.

1 (Source: P.A. 91-520, eff. 1-1-00; revised 1-29-08.)

2 Section 210. The Hearing Instrument Consumer Protection
3 Act is amended by changing Section 34 as follows:

4 (225 ILCS 50/34) (from Ch. 111, par. 7434)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 34. All remedies, penalties and authority granted to
7 the Attorney General by the "Consumer Fraud and Deceptive
8 Business Practices Act", approved July 24, 1961, as now or
9 hereafter amended, shall be available to him for the
10 enforcement of this Act, and Sections 3, 4, 5, 6, 6.1, 7 and 10
11 of that Act are hereby incorporated by reference into this Act.
12 In addition, in any action brought by the Attorney General to
13 enforce this Act, the court may order that persons who incurred
14 actual damages be awarded the amount at which actual damages
15 are assessed.

16 (Source: P.A. 83-928; revised 11-3-08.)

17 Section 215. The Home Medical Equipment and Services
18 Provider License Act is amended by changing Section 1 as
19 follows:

20 (225 ILCS 51/1)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 1. Short title. This Act may be cited as the ~~the~~ Home

1 Medical Equipment and Services Provider License Act.

2 (Source: P.A. 90-532, eff. 11-14-97; revised 10-23-08.)

3 Section 220. The Nurse Practice Act is amended by changing
4 Section 70-50 as follows:

5 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 70-50. Fund.

8 (a) There is hereby created within the State Treasury the
9 Nursing Dedicated and Professional Fund. The monies in the Fund
10 may be used by and at the direction of the Department for the
11 administration and enforcement of this Act, including but not
12 limited to:

13 (1) Distribution and publication of this Act and rules.

14 (2) Employment of secretarial, nursing,
15 administrative, enforcement, and other staff for the
16 administration of this Act.

17 (b) Disposition of fees:

18 (1) \$5 of every licensure fee shall be placed in a fund
19 for assistance to nurses enrolled in a diversionary program
20 as approved by the Department.

21 (2) All of the fees, fines, and penalties collected
22 pursuant to this Act shall be deposited in the Nursing
23 Dedicated and Professional Fund.

24 (3) Each fiscal year, the moneys deposited in the

1 Nursing Dedicated and Professional Fund shall be
2 appropriated to the Department for expenses of the
3 Department and the Board in the administration of this Act.
4 All earnings received from investment of moneys in the
5 Nursing Dedicated and Professional Fund shall be deposited
6 in the Nursing Dedicated and Professional Fund and shall be
7 used for the same purposes as fees deposited in the Fund.

8 (4) For the fiscal year beginning July 1, 2004 and for
9 each fiscal year thereafter, \$1,200,000 of the moneys
10 deposited in the Nursing Dedicated and Professional Fund
11 each year shall be set aside and appropriated to the
12 Department of Public Health for nursing scholarships
13 awarded pursuant to the Nursing Education Scholarship Law.
14 Representatives of the Department and the Nursing
15 Education Scholarship Program Advisory Council shall
16 review this requirement and the scholarship awards every 2
17 years.

18 (5) Moneys in the Fund may be transferred to the
19 Professions Indirect Cost Fund as authorized under Section
20 2105-300 of the Department of Professional Regulation Law
21 (20 ILCS 2105/2105-300).

22 (c) ~~(f)~~ Moneys set aside for nursing scholarships awarded
23 pursuant to the Nursing Education Scholarship Law as provided
24 in item (4) ~~(iv)~~ of subsection (b) ~~(e)~~ of this Section may not
25 be transferred under Section 8h of the State Finance Act.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07;

1 revised 10-23-08.)

2 Section 225. The Nursing Home Administrators Licensing and
3 Disciplinary Act is amended by changing Section 4 as follows:

4 (225 ILCS 70/4) (from Ch. 111, par. 3654)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 4. Definitions. For purposes of this Act, the
7 following definitions shall have the following meanings,
8 except where the context requires otherwise:

9 (1) "Act" means the Nursing Home Administrators
10 Licensing and Disciplinary Act.

11 (2) "Department" means the Department of Financial and
12 Professional Regulation.

13 (3) "Secretary" means the Secretary of Financial and
14 Professional Regulation.

15 (4) "Board" means the Nursing Home Administrators
16 Licensing and Disciplinary Board appointed by the
17 Governor.

18 (5) "Nursing home administrator" means the individual
19 licensed under this Act and directly responsible for
20 planning, organizing, directing and supervising the
21 operation of a nursing home, or who in fact performs such
22 functions, whether or not such functions are delegated to
23 one or more other persons.

24 (6) "Nursing home" or "facility" means any entity that

1 is required to be licensed by the Department of Public
2 Health under the Nursing Home Care Act, as amended, other
3 than a sheltered care home as defined thereunder, and
4 includes private homes, institutions, buildings,
5 residences, or other places, whether operated for profit or
6 not, irrespective of the names attributed to them, county
7 homes for the infirm and chronically ill operated pursuant
8 to the County Nursing Home Act, as amended, and any similar
9 institutions operated by a political subdivision of the
10 State of Illinois that provide, though their ownership or
11 management, maintenance, personal care, and nursing for 3
12 or more persons, not related to the owner by blood or
13 marriage, or any similar facilities in which maintenance is
14 provided to 3 or more persons who by reason of illness of
15 physical infirmity require personal care and nursing.

16 (7) "Maintenance" means food, shelter and laundry.

17 (8) "Personal care" means assistance with meals,
18 dressing, movement, bathing, or other personal needs, or
19 general supervision of the physical and mental well-being
20 of an individual who because of age, physical, or mental
21 disability, emotion or behavior disorder, or mental
22 retardation is incapable of managing his or her person,
23 whether or not a guardian has been appointed for such
24 individual. For the purposes of this Act, this definition
25 does not include the professional services of a nurse.

26 (9) "Nursing" means professional nursing or practical

1 nursing, as those terms are defined in the Nurse Practice
2 Act, for sick or infirm persons who are under the care and
3 supervision of licensed physicians or dentists.

4 (10) "Disciplinary action" means revocation,
5 suspension, probation, supervision, reprimand, required
6 education, fines or any other action taken by the
7 Department against a person holding a license.

8 (11) "Impaired" means the inability to practice with
9 reasonable skill and safety due to physical or mental
10 disabilities as evidenced by a written determination or
11 written consent based on clinical evidence including
12 deterioration through the aging process or loss of motor
13 skill, or abuse of drugs or alcohol, of sufficient degree
14 to diminish a person's ability to administer a nursing
15 home.

16 (12) "Address of record" means the designated address
17 recorded by the Department in the applicant's or licensee's
18 application file or license file maintained by the
19 Department's licensure maintenance unit. It is the duty of
20 the applicant or licensee to inform the Department of any
21 change of address, and such changes must be made either
22 through the Department's website or by contacting the
23 Department's licensure maintenance unit.

24 (Source: P.A. 95-639, eff. 10-5-07; 95-703, eff. 12-31-07;
25 revised 1-7-08.)

1 Section 230. The Private Sewage Disposal Licensing Act is
2 amended by changing Section 8 as follows:

3 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

4 Sec. 8. (a) In addition to promulgating and publishing the
5 private sewage disposal code, the Department has the following
6 powers and duties:

7 (1) Make such inspections as are necessary to determine
8 satisfactory compliance with this Act and the private
9 sewage disposal code.

10 (2) Cause investigations to be made when a violation of
11 any provisions of this Act or the private sewage disposal
12 code is reported to the Department.

13 (3) Subject to constitutional limitations, by its
14 representatives after identification, enter at reasonable
15 times upon private or public property for the purpose of
16 inspecting and investigating conditions relating to the
17 administration and enforcement of this Act and the private
18 sewage disposal code.

19 (4) Institute or cause to be instituted legal
20 proceedings in the circuit court by the State's Attorney of
21 the county where such non-compliance occurred or by the
22 Attorney General of the State of Illinois in cases of
23 non-compliance with the provisions of this Act and the
24 private sewage disposal code.

25 (5) Evaluate all Experimental Use Permits in existence

1 on August 14, 2008 (the effective date of Public Act
2 95-824) ~~this amendatory Act of the 95th General Assembly,~~
3 in accordance with the established conditions of approval
4 for each permit. After the date of approval, the Department
5 shall not issue any new Experimental Use Permits, but may
6 instead issue site specific approval for performance-based
7 systems in accordance with this Section.

8 (6) Adopt minimum performance standards for private
9 sewage disposal system contractors.

10 (7) Issue an annual license to every applicant who
11 complies with the requirements of this Act and the private
12 sewage disposal code and who pays the required annual
13 license fee.

14 (8) Collect an annual license fee in an amount
15 determined by the Department from each contractor and any
16 examination and reinstatement fees.

17 (9) Prescribe rules of procedure for hearings
18 following denial, suspension or revocation of licenses as
19 provided in this Act.

20 (10) Authorize the use of alternative private sewage
21 disposal systems that are designed by a professional
22 engineer licensed under the Professional Engineering
23 Practice Act of 1989 or an environmental health
24 practitioner licensed under the Environmental Health
25 Practitioner Licensing Act and accepted by the Department
26 on a case-by-case basis where the proposed design

1 reasonably addresses issues particular to the proposed
2 system, including without limitation flow volume
3 projections, wastewater composition and pretreatment,
4 treatment and flow in the subsurface environment, and
5 system ownership and maintenance responsibility.

6 (b) ~~(10)~~ The Department may review alternative technology
7 and operational data from the appropriate state agency of
8 another state, from another government entity, or from an
9 independent testing organization to determine whether approval
10 of components or private sewage disposal systems within the
11 State is appropriate. The request for approval shall be made on
12 forms approved by the Department.

13 (c) ~~(b)~~ The Director shall authorize the use of appropriate
14 new innovative wastewater treatment systems to best protect
15 public health, the environment, and the natural resources of
16 the State.

17 (Source: P.A. 95-656, eff. 10-11-07; 95-824, eff. 8-14-08;
18 revised 9-5-08.)

19 Section 235. The Structural Pest Control Act is amended by
20 changing Section 16 as follows:

21 (225 ILCS 235/16) (from Ch. 111 1/2, par. 2216)

22 (Section scheduled to be repealed on December 31, 2009)

23 Sec. 16. Subpoena powers of Department or hearing officer~~†~~.

24 The Director or ~~of~~ Hearing Officer may compel by subpoena or

1 subpoena duces tecum the attendance and testimony of witnesses
2 and the production of books and papers and administer oaths to
3 witnesses. All subpoenas issued by the Director or Hearing
4 Officer may be served as provided for in a civil action. The
5 fees of witnesses for attendance and travel shall be the same
6 as the fees for witnesses before the circuit court and shall be
7 paid by the party to such proceeding at whose request the
8 subpoena is issued. If such subpoena is issued at the request
9 of the Department, the witness fee shall be paid as an
10 administrative expense.

11 In the cases of refusal of a witness to attend or testify,
12 or to produce books or papers, concerning any matter upon which
13 he might be lawfully examined, the circuit court of the county
14 where the hearing is held, upon application of any party to the
15 proceeding, may compel obedience by proceeding as for contempt.
16 (Source: P.A. 83-334; reenacted by P.A. 95-786, eff. 8-7-08;
17 revised 9-10-08.)

18 Section 240. The Real Estate License Act of 2000 is amended
19 by changing Section 5-20 as follows:

20 (225 ILCS 454/5-20)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 5-20. Exemptions from broker, salesperson, or leasing
23 agent license requirement. The requirement for holding a
24 license under this Article 5 shall not apply to:

1 (1) Any person, partnership, or corporation that as owner
2 or lessor performs any of the acts described in the definition
3 of "broker" under Section 1-10 of this Act with reference to
4 property owned or leased by it, or to the regular employees
5 thereof with respect to the property so owned or leased, where
6 such acts are performed in the regular course of or as an
7 incident to the management, sale, or other disposition of such
8 property and the investment therein, provided that such regular
9 employees do not perform any of the acts described in the
10 definition of "broker" under Section 1-10 of this Act in
11 connection with a vocation of selling or leasing any real
12 estate or the improvements thereon not so owned or leased.

13 (2) An attorney in fact acting under a duly executed and
14 recorded power of attorney to convey real estate from the owner
15 or lessor or the services rendered by an attorney at law in the
16 performance of the attorney's duty as an attorney at law.

17 (3) Any person acting as receiver, trustee in bankruptcy,
18 administrator, executor, or guardian or while acting under a
19 court order or under the authority of a will or testamentary
20 trust.

21 (4) Any person acting as a resident manager for the owner
22 or any employee acting as the resident manager for a broker
23 managing an apartment building, duplex, or apartment complex,
24 when the resident manager resides on the premises, the premises
25 is his or her primary residence, and the resident manager is
26 engaged in the leasing of the property of which he or she is

1 the resident manager.

2 (5) Any officer or employee of a federal agency in the
3 conduct of official duties.

4 (6) Any officer or employee of the State government or any
5 political subdivision thereof performing official duties.

6 (7) Any multiple listing service or other information
7 exchange that is engaged in the collection and dissemination of
8 information concerning real estate available for sale,
9 purchase, lease, or exchange along with which no other licensed
10 activities are provided.

11 (8) Railroads and other public utilities regulated by the
12 State of Illinois, or the officers or full time employees
13 thereof, unless the performance of any licensed activities is
14 in connection with the sale, purchase, lease, or other
15 disposition of real estate or investment therein not needing
16 the approval of the appropriate State regulatory authority.

17 (9) Any medium of advertising in the routine course of
18 selling or publishing advertising along with which no other
19 licensed activities are provided.

20 (10) Any resident lessee of a residential dwelling unit who
21 refers for compensation to the owner of the dwelling unit, or
22 to the owner's agent, prospective lessees of dwelling units in
23 the same building or complex as the resident lessee's unit, but
24 only if the resident lessee (i) refers no more than 3
25 prospective lessees in any 12-month period, (ii) receives
26 compensation of no more than \$1,000 or the equivalent of one

1 month's rent, whichever is less, in any 12-month period, and
2 (iii) limits his or her activities to referring prospective
3 lessees to the owner, or the owner's agent, and does not show a
4 residential dwelling unit to a prospective lessee, discuss
5 terms or conditions of leasing a dwelling unit with a
6 prospective lessee, or otherwise participate in the
7 negotiation of the leasing of a dwelling unit.

8 (11) An exchange company registered under the Real Estate
9 Timeshare Act of 1999 and the regular employees of that
10 registered exchange company but only when conducting an
11 exchange program as defined in that Act.

12 (12) An existing timeshare owner who, for compensation,
13 refers prospective purchasers, but only if the existing
14 timeshare owner (i) refers no more than 20 prospective
15 purchasers in any calendar year, (ii) receives no more than
16 \$1,000, or its equivalent, for referrals in any calendar year
17 and (iii) limits his or her activities to referring prospective
18 purchasers of timeshare interests to the developer or the
19 developer's employees or agents, and does not show, discuss
20 terms or conditions of purchase or otherwise participate in
21 negotiations with regard to timeshare interests.

22 (13) Any person who is licensed without examination under
23 Section 10-25 (now repealed) of the Auction License Act is
24 exempt from holding a broker's or salesperson's license under
25 this Act for the limited purpose of selling or leasing real
26 estate at auction, so long as:

1 (A) that person has made application for said
2 exemption by July 1, 2000;

3 (B) that person verifies to OBRE that he or she has
4 sold real estate at auction for a period of 5 years
5 prior to licensure as an auctioneer;

6 (C) the person has had no lapse in his or her
7 license as an auctioneer; and

8 (D) the license issued under the Auction License
9 Act has not been disciplined for violation of those
10 provisions of Article 20 of the Auction License Act
11 dealing with or related to the sale or lease of real
12 estate at auction.

13 (14) A hotel operator who is registered with the Illinois
14 Department of Revenue and pays taxes under the Hotel Operators'
15 Occupation Tax Act and rents a room or rooms in a hotel as
16 defined in the Hotel Operators' Occupation Tax Act for a period
17 of not more than 30 consecutive days and not more than 60 days
18 in a calendar year.

19 (Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00;
20 91-603, eff. 1-1-00; 92-16, eff. 6-28-01; 92-217, eff. 8-2-01;
21 revised 10-24-08.)

22 Section 245. The Coal Mining Act is amended by changing the
23 headings of Articles 4, 38, and 39 and by changing Sections
24 20.04, 20.05, and 21.07 as follows:

1 (225 ILCS 705/Art. 4 heading)

2 ARTICLE 4.

3 STATE ~~AND COUNTY~~ MINE INSPECTORS
4 AND MINE INSPECTION.

5 (225 ILCS 705/20.04) (from Ch. 96 1/2, par. 2004)

6 Sec. 20.04. State Mine Inspectors, ~~county mine inspectors,~~
7 and the accredited representatives of the coal operators and
8 coal miners shall have authority to sample explosives used for
9 blasting purposes in coal mines in the State of Illinois or
10 kept on hand for sale or intended for shipment for use in such
11 mines, and for such purposes they may enter upon the premises
12 of any person, firm or corporation.

13 (Source: Laws 1953, p. 701; revised 10-24-08.)

14 (225 ILCS 705/20.05) (from Ch. 96 1/2, par. 2005)

15 Sec. 20.05. If the State Mine Inspector, ~~county mine~~
16 ~~inspector,~~ or the accredited representatives of the coal
17 operators or coal miners shall desire to have said sample
18 tested for content, they shall send the same to the United
19 States Bureau of Mines for that purpose.

20 (Source: Laws 1953, p. 701; revised 10-24-08.)

21 (225 ILCS 705/21.07) (from Ch. 96 1/2, par. 2107)

22 Sec. 21.07. The carrying of matches or other flame-making
23 devices, and smoking underground is prohibited in gassy mines,

1 except as provided by Section 21.08 of this Act. If, in the
2 judgment of either the State Mine Inspector, ~~county mine~~
3 ~~inspector acting for the State Mine Inspector,~~ or the operator,
4 underground employees are violating the law, they shall have
5 the right to search such employees. When prosecution is
6 intended, 2 witnesses shall be present at the time of search.

7 (Source: Laws 1953, p. 701; revised 10-24-08.)

8 (225 ILCS 705/Art. 38 heading)

9 ARTICLE 38.

10 SURFACE MINING REGULATIONS.

11 (225 ILCS 705/Art. 39 heading)

12 ARTICLE 39.

13 MINERS' REMEDIES.

14 Section 255. The Illinois Public Aid Code is amended by
15 changing Section 5-2 as follows:

16 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

17 Sec. 5-2. Classes of Persons Eligible. Medical assistance
18 under this Article shall be available to any of the following
19 classes of persons in respect to whom a plan for coverage has
20 been submitted to the Governor by the Illinois Department and
21 approved by him:

22 1. Recipients of basic maintenance grants under

1 Articles III and IV.

2 2. Persons otherwise eligible for basic maintenance
3 under Articles III and IV but who fail to qualify
4 thereunder on the basis of need, and who have insufficient
5 income and resources to meet the costs of necessary medical
6 care, including but not limited to the following:

7 (a) All persons otherwise eligible for basic
8 maintenance under Article III but who fail to qualify
9 under that Article on the basis of need and who meet
10 either of the following requirements:

11 (i) their income, as determined by the
12 Illinois Department in accordance with any federal
13 requirements, is equal to or less than 70% in
14 fiscal year 2001, equal to or less than 85% in
15 fiscal year 2002 and until a date to be determined
16 by the Department by rule, and equal to or less
17 than 100% beginning on the date determined by the
18 Department by rule, of the nonfarm income official
19 poverty line, as defined by the federal Office of
20 Management and Budget and revised annually in
21 accordance with Section 673(2) of the Omnibus
22 Budget Reconciliation Act of 1981, applicable to
23 families of the same size; or

24 (ii) their income, after the deduction of
25 costs incurred for medical care and for other types
26 of remedial care, is equal to or less than 70% in

1 fiscal year 2001, equal to or less than 85% in
2 fiscal year 2002 and until a date to be determined
3 by the Department by rule, and equal to or less
4 than 100% beginning on the date determined by the
5 Department by rule, of the nonfarm income official
6 poverty line, as defined in item (i) of this
7 subparagraph (a).

8 (b) All persons who would be determined eligible
9 for such basic maintenance under Article IV by
10 disregarding the maximum earned income permitted by
11 federal law.

12 3. Persons who would otherwise qualify for Aid to the
13 Medically Indigent under Article VII.

14 4. Persons not eligible under any of the preceding
15 paragraphs who fall sick, are injured, or die, not having
16 sufficient money, property or other resources to meet the
17 costs of necessary medical care or funeral and burial
18 expenses.

19 5.(a) Women during pregnancy, after the fact of
20 pregnancy has been determined by medical diagnosis, and
21 during the 60-day period beginning on the last day of the
22 pregnancy, together with their infants and children born
23 after September 30, 1983, whose income and resources are
24 insufficient to meet the costs of necessary medical care to
25 the maximum extent possible under Title XIX of the Federal
26 Social Security Act.

1 (b) The Illinois Department and the Governor shall
2 provide a plan for coverage of the persons eligible under
3 paragraph 5(a) by April 1, 1990. Such plan shall provide
4 ambulatory prenatal care to pregnant women during a
5 presumptive eligibility period and establish an income
6 eligibility standard that is equal to 133% of the nonfarm
7 income official poverty line, as defined by the federal
8 Office of Management and Budget and revised annually in
9 accordance with Section 673(2) of the Omnibus Budget
10 Reconciliation Act of 1981, applicable to families of the
11 same size, provided that costs incurred for medical care
12 are not taken into account in determining such income
13 eligibility.

14 (c) The Illinois Department may conduct a
15 demonstration in at least one county that will provide
16 medical assistance to pregnant women, together with their
17 infants and children up to one year of age, where the
18 income eligibility standard is set up to 185% of the
19 nonfarm income official poverty line, as defined by the
20 federal Office of Management and Budget. The Illinois
21 Department shall seek and obtain necessary authorization
22 provided under federal law to implement such a
23 demonstration. Such demonstration may establish resource
24 standards that are not more restrictive than those
25 established under Article IV of this Code.

26 6. Persons under the age of 18 who fail to qualify as

1 dependent under Article IV and who have insufficient income
2 and resources to meet the costs of necessary medical care
3 to the maximum extent permitted under Title XIX of the
4 Federal Social Security Act.

5 7. Persons who are under 21 years of age and would
6 qualify as disabled as defined under the Federal
7 Supplemental Security Income Program, provided medical
8 service for such persons would be eligible for Federal
9 Financial Participation, and provided the Illinois
10 Department determines that:

11 (a) the person requires a level of care provided by
12 a hospital, skilled nursing facility, or intermediate
13 care facility, as determined by a physician licensed to
14 practice medicine in all its branches;

15 (b) it is appropriate to provide such care outside
16 of an institution, as determined by a physician
17 licensed to practice medicine in all its branches;

18 (c) the estimated amount which would be expended
19 for care outside the institution is not greater than
20 the estimated amount which would be expended in an
21 institution.

22 8. Persons who become ineligible for basic maintenance
23 assistance under Article IV of this Code in programs
24 administered by the Illinois Department due to employment
25 earnings and persons in assistance units comprised of
26 adults and children who become ineligible for basic

1 maintenance assistance under Article VI of this Code due to
2 employment earnings. The plan for coverage for this class
3 of persons shall:

4 (a) extend the medical assistance coverage for up
5 to 12 months following termination of basic
6 maintenance assistance; and

7 (b) offer persons who have initially received 6
8 months of the coverage provided in paragraph (a) above,
9 the option of receiving an additional 6 months of
10 coverage, subject to the following:

11 (i) such coverage shall be pursuant to
12 provisions of the federal Social Security Act;

13 (ii) such coverage shall include all services
14 covered while the person was eligible for basic
15 maintenance assistance;

16 (iii) no premium shall be charged for such
17 coverage; and

18 (iv) such coverage shall be suspended in the
19 event of a person's failure without good cause to
20 file in a timely fashion reports required for this
21 coverage under the Social Security Act and
22 coverage shall be reinstated upon the filing of
23 such reports if the person remains otherwise
24 eligible.

25 9. Persons with acquired immunodeficiency syndrome
26 (AIDS) or with AIDS-related conditions with respect to whom

1 there has been a determination that but for home or
2 community-based services such individuals would require
3 the level of care provided in an inpatient hospital,
4 skilled nursing facility or intermediate care facility the
5 cost of which is reimbursed under this Article. Assistance
6 shall be provided to such persons to the maximum extent
7 permitted under Title XIX of the Federal Social Security
8 Act.

9 10. Participants in the long-term care insurance
10 partnership program established under the Illinois
11 Long-Term Care Partnership Program Act ~~Partnership for~~
12 ~~Long-Term Care Act~~ who meet the qualifications for
13 protection of resources described in Section 15 ~~25~~ of that
14 Act.

15 11. Persons with disabilities who are employed and
16 eligible for Medicaid, pursuant to Section
17 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
18 provided by the Illinois Department by rule. In
19 establishing eligibility standards under this paragraph
20 11, the Department shall, subject to federal approval:

21 (a) set the income eligibility standard at not
22 lower than 350% of the federal poverty level;

23 (b) exempt retirement accounts that the person
24 cannot access without penalty before the age of 59 1/2,
25 and medical savings accounts established pursuant to
26 26 U.S.C. 220;

1 (c) allow non-exempt assets up to \$25,000 as to
2 those assets accumulated during periods of eligibility
3 under this paragraph 11; and

4 (d) continue to apply subparagraphs (b) and (c) in
5 determining the eligibility of the person under this
6 Article even if the person loses eligibility under this
7 paragraph 11.

8 12. Subject to federal approval, persons who are
9 eligible for medical assistance coverage under applicable
10 provisions of the federal Social Security Act and the
11 federal Breast and Cervical Cancer Prevention and
12 Treatment Act of 2000. Those eligible persons are defined
13 to include, but not be limited to, the following persons:

14 (1) persons who have been screened for breast or
15 cervical cancer under the U.S. Centers for Disease
16 Control and Prevention Breast and Cervical Cancer
17 Program established under Title XV of the federal
18 Public Health Services Act in accordance with the
19 requirements of Section 1504 of that Act as
20 administered by the Illinois Department of Public
21 Health; and

22 (2) persons whose screenings under the above
23 program were funded in whole or in part by funds
24 appropriated to the Illinois Department of Public
25 Health for breast or cervical cancer screening.

26 "Medical assistance" under this paragraph 12 shall be

1 identical to the benefits provided under the State's
2 approved plan under Title XIX of the Social Security Act.
3 The Department must request federal approval of the
4 coverage under this paragraph 12 within 30 days after the
5 effective date of this amendatory Act of the 92nd General
6 Assembly.

7 13. Subject to appropriation and to federal approval,
8 persons living with HIV/AIDS who are not otherwise eligible
9 under this Article and who qualify for services covered
10 under Section 5-5.04 as provided by the Illinois Department
11 by rule.

12 14. Subject to the availability of funds for this
13 purpose, the Department may provide coverage under this
14 Article to persons who reside in Illinois who are not
15 eligible under any of the preceding paragraphs and who meet
16 the income guidelines of paragraph 2(a) of this Section and
17 (i) have an application for asylum pending before the
18 federal Department of Homeland Security or on appeal before
19 a court of competent jurisdiction and are represented
20 either by counsel or by an advocate accredited by the
21 federal Department of Homeland Security and employed by a
22 not-for-profit organization in regard to that application
23 or appeal, or (ii) are receiving services through a
24 federally funded torture treatment center. Medical
25 coverage under this paragraph 14 may be provided for up to
26 24 continuous months from the initial eligibility date so

1 long as an individual continues to satisfy the criteria of
2 this paragraph 14. If an individual has an appeal pending
3 regarding an application for asylum before the Department
4 of Homeland Security, eligibility under this paragraph 14
5 may be extended until a final decision is rendered on the
6 appeal. The Department may adopt rules governing the
7 implementation of this paragraph 14.

8 The Illinois Department and the Governor shall provide a
9 plan for coverage of the persons eligible under paragraph 7 as
10 soon as possible after July 1, 1984.

11 The eligibility of any such person for medical assistance
12 under this Article is not affected by the payment of any grant
13 under the Senior Citizens and Disabled Persons Property Tax
14 Relief and Pharmaceutical Assistance Act or any distributions
15 or items of income described under subparagraph (X) of
16 paragraph (2) of subsection (a) of Section 203 of the Illinois
17 Income Tax Act. The Department shall by rule establish the
18 amounts of assets to be disregarded in determining eligibility
19 for medical assistance, which shall at a minimum equal the
20 amounts to be disregarded under the Federal Supplemental
21 Security Income Program. The amount of assets of a single
22 person to be disregarded shall not be less than \$2,000, and the
23 amount of assets of a married couple to be disregarded shall
24 not be less than \$3,000.

25 To the extent permitted under federal law, any person found
26 guilty of a second violation of Article VIIIA shall be

1 ineligible for medical assistance under this Article, as
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance under
4 this Article shall not be affected by the receipt by the person
5 of donations or benefits from fundraisers held for the person
6 in cases of serious illness, as long as neither the person nor
7 members of the person's family have actual control over the
8 donations or benefits or the disbursement of the donations or
9 benefits.

10 (Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06;
11 95-546, eff. 8-29-07; revised 1-22-08.)

12 Section 260. The Neighborhood Redevelopment Corporation
13 Law is amended by changing Section 42 as follows:

14 (315 ILCS 20/42) (from Ch. 67 1/2, par. 292)

15 Sec. 42. Proceedings to condemn real property.

16 (1) Before a condemnation proceeding may be instituted by a
17 Neighborhood Redevelopment Corporation, such Neighborhood
18 Redevelopment Corporation shall present to the Redevelopment
19 Commission an application requesting approval of the proposed
20 condemnation proceeding, which shall contain, among other
21 things:

22 (a) The legal description, and the description thereof
23 by city blocks, street and number, if any, of the real
24 property proposed to be condemned, and the character of the

1 estates, in fee-simple or otherwise, thus to be acquired.

2 (b) Proof that such real property is within the
3 Development Area of the applicant Neighborhood
4 Redevelopment Corporation.

5 (c) Proof that the Neighborhood Redevelopment
6 Corporation has acquired by purchase or has secured options
7 to purchase sixty per centum or more in area of the land
8 within the Development Area, or, in alternative, that the
9 owners of sixty percentum or more in the area of the land
10 within the Development Area have, by an instrument in
11 writing duly signed and acknowledged and delivered to the
12 Neighborhood Redevelopment Corporation, assented to and
13 consented to be bound by the terms and provisions of the
14 Development Plan of the Neighborhood Redevelopment
15 Corporation as to themselves and their property.

16 (d) A copy of any proposed contract or contracts with
17 contractors for the work proposed to be done in the
18 development of the Development Area, and a copy of any bond
19 or bonds to be required by the Neighborhood Redevelopment
20 Corporation from the contractors to insure the performance
21 of the contract or contracts.

22 (2) The Redevelopment Commission shall determine within a
23 reasonable time thereafter the sufficiency of the statements in
24 the application and the verity of the copies of the contracts
25 and bonds appended to the application. If the Redevelopment
26 Commission finds:

1 (a) That the determination should be in the
2 affirmative;

3 (b) That the bond or bonds are sufficient in form,
4 amount and security; and

5 (c) That the Development Plan of the applicant
6 Neighborhood Redevelopment Corporation has been approved
7 by the Redevelopment Commission and the procedure for
8 judicial review thereof has not been initiated within the
9 time prescribed by this Act, or, if a judicial review has
10 been so initiated, that a final order shall have been had,
11 as specified in Section 18 of this Act, whereby the
12 Development Plan was "Approved", then the Redevelopment
13 Commission shall issue to the applicant Neighborhood
14 Redevelopment Corporation a certificate of approval of the
15 institution of the proposed condemnation proceedings,
16 which certificate shall contain a legal description of the
17 real property proposed to be condemned and the character of
18 the estates, in fee-simple or otherwise, thus to be
19 acquired, the facts so determined with respect thereto, and
20 a statement that the real property proposed to be condemned
21 is required for a public use and that its acquisition for
22 such use is necessary and convenient.

23 (3) The acquisition by condemnation of real property by a
24 Neighborhood Redevelopment Corporation shall be in the manner
25 provided for the exercise of the right of eminent domain under
26 the Eminent Domain Act ~~Article VII of the Code of Civil~~

1 ~~Procedure~~, as amended.

2 (4) The provisions of this section shall be applicable to
3 any proceeding to condemn real property pursuant to a
4 Development Plan amended in accordance with Section 23 of this
5 Act; Provided, however, that in the instance of the increase of
6 a Development Area pursuant to Section 24 of this Act, the
7 provisions of subparagraph (c) of Paragraph 1 of this section
8 shall not apply to the additional area forming the increase.

9 (Source: P.A. 83-333; revised 1-30-08.)

10 Section 265. The Senior Citizens and Disabled Persons
11 Property Tax Relief and Pharmaceutical Assistance Act is
12 amended by changing Section 6 as follows:

13 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

14 Sec. 6. Administration.

15 (a) In general. Upon receipt of a timely filed claim, the
16 Department shall determine whether the claimant is a person
17 entitled to a grant under this Act and the amount of grant to
18 which he is entitled under this Act. The Department may require
19 the claimant to furnish reasonable proof of the statements of
20 domicile, household income, rent paid, property taxes accrued
21 and other matters on which entitlement is based, and may
22 withhold payment of a grant until such additional proof is
23 furnished.

24 (b) Rental determination. If the Department finds that the

1 gross rent used in the computation by a claimant of rent
2 constituting property taxes accrued exceeds the fair rental
3 value for the right to occupy that residence, the Department
4 may determine the fair rental value for that residence and
5 recompute rent constituting property taxes accrued
6 accordingly.

7 (c) Fraudulent claims. The Department shall deny claims
8 which have been fraudulently prepared or when it finds that the
9 claimant has acquired title to his residence or has paid rent
10 for his residence primarily for the purpose of receiving a
11 grant under this Act.

12 (d) Pharmaceutical Assistance. The Department shall allow
13 all pharmacies licensed under the Pharmacy Practice Act ~~of 1987~~
14 to participate as authorized pharmacies unless they have been
15 removed from that status for cause pursuant to the terms of
16 this Section. The Director of the Department may enter into a
17 written contract with any State agency, instrumentality or
18 political subdivision, or a fiscal intermediary for the purpose
19 of making payments to authorized pharmacies for covered
20 prescription drugs and coordinating the program of
21 pharmaceutical assistance established by this Act with other
22 programs that provide payment for covered prescription drugs.
23 Such agreement shall establish procedures for properly
24 contracting for pharmacy services, validating reimbursement
25 claims, validating compliance of dispensing pharmacists with
26 the contracts for participation required under this Section,

1 validating the reasonable costs of covered prescription drugs,
2 and otherwise providing for the effective administration of
3 this Act.

4 The Department shall promulgate rules and regulations to
5 implement and administer the program of pharmaceutical
6 assistance required by this Act, which shall include the
7 following:

8 (1) Execution of contracts with pharmacies to dispense
9 covered prescription drugs. Such contracts shall stipulate
10 terms and conditions for authorized pharmacies
11 participation and the rights of the State to terminate such
12 participation for breach of such contract or for violation
13 of this Act or related rules and regulations of the
14 Department;

15 (2) Establishment of maximum limits on the size of
16 prescriptions, new or refilled, which shall be in amounts
17 sufficient for 34 days, except as otherwise specified by
18 rule for medical or utilization control reasons;

19 (3) Establishment of liens upon any and all causes of
20 action which accrue to a beneficiary as a result of
21 injuries for which covered prescription drugs are directly
22 or indirectly required and for which the Director made
23 payment or became liable for under this Act;

24 (4) Charge or collection of payments from third parties
25 or private plans of assistance, or from other programs of
26 public assistance for any claim that is properly chargeable

1 under the assignment of benefits executed by beneficiaries
2 as a requirement of eligibility for the pharmaceutical
3 assistance identification card under this Act;

4 (4.5) Provision for automatic enrollment of
5 beneficiaries into a Medicare Discount Card program
6 authorized under the federal Medicare Modernization Act of
7 2003 (P.L. 108-391) to coordinate coverage including
8 Medicare Transitional Assistance;

9 (5) Inspection of appropriate records and audit of
10 participating authorized pharmacies to ensure contract
11 compliance, and to determine any fraudulent transactions
12 or practices under this Act;

13 (6) Annual determination of the reasonable costs of
14 covered prescription drugs for which payments are made
15 under this Act, as provided in Section 3.16;

16 (7) Payment to pharmacies under this Act in accordance
17 with the State Prompt Payment Act.

18 The Department shall annually report to the Governor and
19 the General Assembly by March 1st of each year on the
20 administration of pharmaceutical assistance under this Act. By
21 the effective date of this Act the Department shall determine
22 the reasonable costs of covered prescription drugs in
23 accordance with Section 3.16 of this Act.

24 (Source: P.A. 92-651, eff. 7-11-02; 93-841, eff. 7-30-04;
25 revised 1-22-08.)

1 Section 270. The Sexual Assault Survivors Emergency
2 Treatment Act is amended by changing Section 1a as follows:

3 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

4 Sec. 1a. Definitions. In this Act:

5 "Ambulance provider" means an individual or entity that
6 owns and operates a business or service using ambulances or
7 emergency medical services vehicles to transport emergency
8 patients.

9 "Areawide sexual assault treatment plan" means a plan,
10 developed by the hospitals in the community or area to be
11 served, which provides for hospital emergency services to
12 sexual assault survivors that shall be made available by each
13 of the participating hospitals.

14 "Department" means the Department of Public Health.

15 "Emergency contraception" means medication as approved by
16 the federal Food and Drug Administration (FDA) that can
17 significantly reduce the risk of pregnancy if taken within 72
18 hours after sexual assault.

19 "Follow-up healthcare" means healthcare services related
20 to a sexual assault, including laboratory services and pharmacy
21 services, rendered within 90 days of the initial visit for
22 hospital emergency services.

23 "Forensic services" means the collection of evidence
24 pursuant to a statewide sexual assault evidence collection
25 program administered by the Department of State Police, using

1 the Illinois State Police Sexual Assault Evidence Collection
2 Kit.

3 "Health care professional" means a physician, a physician
4 assistant, or an advanced practice nurse.

5 "Hospital" has the meaning given to that term in the
6 Hospital Licensing Act.

7 "Hospital emergency services" means healthcare delivered
8 to outpatients within or under the care and supervision of
9 personnel working in a designated emergency department of a
10 hospital, including, but not limited to, care ordered by such
11 personnel for a sexual assault survivor in the emergency
12 department.

13 "Illinois State Police Sexual Assault Evidence Collection
14 Kit" means a prepackaged set of materials and forms to be used
15 for the collection of evidence relating to sexual assault. The
16 standardized evidence collection kit for the State of Illinois
17 shall be the Illinois State Police Sexual Assault Evidence
18 Collection Kit.

19 "Nurse" means a nurse licensed under the Nurse ~~Nursing and~~
20 ~~Advanced Practice Nursing~~ Act.

21 "Physician" means a person licensed to practice medicine in
22 all its branches.

23 "Sexual assault" means an act of nonconsensual sexual
24 conduct or sexual penetration, as defined in Section 12-12 of
25 the Criminal Code of 1961, including, without limitation, acts
26 prohibited under Sections 12-13 through 12-16 of the Criminal

1 Code of 1961.

2 "Sexual assault survivor" means a person who presents for
3 hospital emergency services in relation to injuries or trauma
4 resulting from a sexual assault.

5 "Sexual assault transfer plan" means a written plan
6 developed by a hospital and approved by the Department, which
7 describes the hospital's procedures for transferring sexual
8 assault survivors to another hospital in order to receive
9 emergency treatment.

10 "Sexual assault treatment plan" means a written plan
11 developed by a hospital that describes the hospital's
12 procedures and protocols for providing hospital emergency
13 services and forensic services to sexual assault survivors who
14 present themselves for such services, either directly or
15 through transfer from another hospital.

16 "Transfer services" means the appropriate medical
17 screening examination and necessary stabilizing treatment
18 prior to the transfer of a sexual assault survivor to a
19 hospital that provides hospital emergency services and
20 forensic services to sexual assault survivors pursuant to a
21 sexual assault treatment plan or areawide sexual assault
22 treatment plan.

23 (Source: P.A. 95-432, eff. 1-1-08; revised 1-22-08.)

24 Section 275. The AIDS Confidentiality Act is amended by
25 changing Section 9 as follows:

1 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

2 Sec. 9. No person may disclose or be compelled to disclose
3 the identity of any person upon whom a test is performed, or
4 the results of such a test in a manner which permits
5 identification of the subject of the test, except to the
6 following persons:

7 (a) The subject of the test or the subject's legally
8 authorized representative. A physician may notify the spouse of
9 the test subject, if the test result is positive and has been
10 confirmed pursuant to rules adopted by the Department, provided
11 that the physician has first sought unsuccessfully to persuade
12 the patient to notify the spouse or that, a reasonable time
13 after the patient has agreed to make the notification, the
14 physician has reason to believe that the patient has not
15 provided the notification. This paragraph shall not create a
16 duty or obligation under which a physician must notify the
17 spouse of the test results, nor shall such duty or obligation
18 be implied. No civil liability or criminal sanction under this
19 Act shall be imposed for any disclosure or non-disclosure of a
20 test result to a spouse by a physician acting in good faith
21 under this paragraph. For the purpose of any proceedings, civil
22 or criminal, the good faith of any physician acting under this
23 paragraph shall be presumed.

24 (b) Any person designated in a legally effective release of
25 the test results executed by the subject of the test or the

1 subject's legally authorized representative.

2 (c) An authorized agent or employee of a health facility or
3 health care provider if the health facility or health care
4 provider itself is authorized to obtain the test results, the
5 agent or employee provides patient care or handles or processes
6 specimens of body fluids or tissues, and the agent or employee
7 has a need to know such information.

8 (d) The Department and local health authorities serving a
9 population of over 1,000,000 residents or other local health
10 authorities as designated by the Department, in accordance with
11 rules for reporting and controlling the spread of disease, as
12 otherwise provided by State law. The Department, local health
13 authorities, and authorized representatives shall not disclose
14 information and records held by them relating to known or
15 suspected cases of AIDS or HIV infection, publicly or in any
16 action of any kind in any court or before any tribunal, board,
17 or agency. AIDS and HIV infection data shall be protected from
18 disclosure in accordance with the provisions of Sections 8-2101
19 through 8-2105 of the Code of Civil Procedure.

20 (e) A health facility or health care provider which
21 procures, processes, distributes or uses: (i) a human body part
22 from a deceased person with respect to medical information
23 regarding that person; or (ii) semen provided prior to the
24 effective date of this Act for the purpose of artificial
25 insemination.

26 (f) Health facility staff committees for the purposes of

1 conducting program monitoring, program evaluation or service
2 reviews.

3 (g) (Blank).

4 (h) Any health care provider or employee of a health
5 facility, and any firefighter or EMT-A, EMT-P, or EMT-I,
6 involved in an accidental direct skin or mucous membrane
7 contact with the blood or bodily fluids of an individual which
8 is of a nature that may transmit HIV, as determined by a
9 physician in his medical judgment.

10 (i) Any law enforcement officer, as defined in subsection
11 (c) of Section 7, involved in the line of duty in a direct skin
12 or mucous membrane contact with the blood or bodily fluids of
13 an individual which is of a nature that may transmit HIV, as
14 determined by a physician in his medical judgment.

15 (j) A temporary caretaker of a child taken into temporary
16 protective custody by the Department of Children and Family
17 Services pursuant to Section 5 of the Abused and Neglected
18 Child Reporting Act, as now or hereafter amended.

19 (k) In the case of a minor under 18 years of age whose test
20 result is positive and has been confirmed pursuant to rules
21 adopted by the Department, the health care provider who ordered
22 the test shall make a reasonable effort to notify the minor's
23 parent or legal guardian if, in the professional judgment
24 ~~judgement~~ of the health care provider, notification would be in
25 the best interest of the child and the health care provider has
26 first sought unsuccessfully to persuade the minor to notify the

1 parent or legal guardian or a reasonable time after the minor
2 has agreed to notify the parent or legal guardian, the health
3 care provider has reason to believe that the minor has not made
4 the notification. This subsection shall not create a duty or
5 obligation under which a health care provider must notify the
6 minor's parent or legal guardian of the test results, nor shall
7 a duty or obligation be implied. No civil liability or criminal
8 sanction under this Act shall be imposed for any notification
9 or non-notification of a minor's test result by a health care
10 provider acting in good faith under this subsection. For the
11 purpose of any proceeding, civil or criminal, the good faith of
12 any health care provider acting under this subsection shall be
13 presumed.

14 (Source: P.A. 93-482, eff. 8-8-03; 94-102, eff. 1-1-06; revised
15 10-28-08.)

16 Section 280. The Hemophilia Care Act is amended by changing
17 Section 2.5 as follows:

18 (410 ILCS 420/2.5)

19 Sec. 2.5. Hemophilia Advisory Review Board.

20 (a) The Director of Public Health in collaboration and in
21 consultation with the Director of Insurance, shall establish an
22 independent advisory board known as the Hemophilia Advisory
23 Review Board. The Board shall review, may comment upon, and
24 make recommendations to the Directors with regard to, but not

1 limited to the following:

2 (1) Proposed legislative or administrative changes to
3 policies and programs that are integral to the health and
4 wellness of individuals with hemophilia and other bleeding
5 disorders.

6 (2) Standards of care and treatment for persons living
7 with hemophilia and other bleeding disorders. In examining
8 standards of care, the Board shall protect open access to
9 any and all treatments for hemophilia and other bleeding
10 disorders, in accordance with federal guidelines and
11 standards of care guidelines developed by the Medical and
12 Scientific Advisory Council (MASAC) of the National
13 Hemophilia Foundation (NHF), an internationally recognized
14 body whose guidelines set the standards of care for
15 hemophilia and other bleeding disorders around the world.

16 (3) The development of community-based initiatives to
17 increase awareness of care and treatment for persons living
18 with hemophilia and other bleeding disorders. The
19 Department of Health may provide such services through
20 cooperative agreements with Hemophilia Treatment Centers,
21 medical facilities, schools, nonprofit organizations
22 servicing the bleeding disorder community, or other
23 appropriate means.

24 (4) Facilitating linkages for persons with hemophilia
25 and other bleeding disorders.

26 (5) Protecting the rights of people living with

1 hemophilia and other bleeding disorders to appropriate
2 health insurance coverage be it under a private or
3 State-sponsored health insurance provider.

4 (b) The Board shall consist of the Director of Healthcare
5 and Family Services and the Director of Insurance or their
6 designee, who shall serve as non-voting members, and 7 voting
7 members appointed by the Governor in consultation and in
8 collaboration with the Directors. The voting members shall be
9 selected from among the following member groups:

10 (1) one board-certified physician licensed, practicing
11 and currently treating individuals with hemophilia or
12 other bleeding disorders;

13 (2) one nurse licensed, practicing and currently
14 treating individuals with hemophilia or other bleeding
15 disorders;

16 (3) one social worker licensed, practicing and
17 currently treating individuals with hemophilia or other
18 bleeding disorders;

19 (4) one representative of a federally funded
20 Hemophilia Treatment Center;

21 (5) one representative of an organization established
22 under the Illinois Insurance Code for the purpose of
23 providing health insurance;

24 (6) one representative of a voluntary health
25 organization that currently services the hemophilia and
26 other bleeding disorders community; and

1 (7) one patient or caregiver of a patient with
2 hemophilia or other bleeding disorder.

3 The Board may also have up to 5 additional nonvoting members as
4 determined appropriate by the Directors. Nonvoting members may
5 be persons with or caregivers of a patient with hemophilia or a
6 bleeding disorder other than hemophilia or persons experienced
7 in the diagnosis, treatment, care, and support of individuals
8 with hemophilia or other bleeding disorders.

9 No more than a majority of the voting members may be of the
10 same political party. Members of the Board shall elect one of
11 its members to act as chair for a term of 3 years. The chair
12 shall retain all voting rights. If there is a vacancy on the
13 Board, such position may be filled in the same manner as the
14 original appointment. Members of the Board shall receive no
15 compensation, but may be reimbursed for actual expenses
16 incurred in the carrying out of their duties. The Board shall
17 meet no less than 4 times per year and follow all policies and
18 procedures of the State of Illinois Open Meetings Law.

19 (c) No later than 6 months after the date of enactment of
20 this amendatory Act, the Board shall submit to the Governor and
21 the General Assembly a report with recommendations for
22 maintaining access to care and obtaining appropriate health
23 insurance coverage for individuals with hemophilia and other
24 bleeding disorders. The report shall be subject to public
25 review and comment prior to adoption. No later than 6 months
26 after adoption by the Governor and Legislature and annually

1 thereafter, the Director of Healthcare and Family Services
2 shall issue a report, which shall be made available to the
3 public, on the status of implementing the recommendations as
4 proposed by the Board and on any state and national activities
5 with regard to hemophilia and other bleeding disorders.

6 (Source: P.A. 95-12, eff. 7-2-07; revised 10-23-08.)

7 Section 285. The Genetic Information Privacy Act is amended
8 by changing Section 30 as follows:

9 (410 ILCS 513/30)

10 Sec. 30. Disclosure of person tested and test results.

11 (a) No person may disclose or be compelled to disclose the
12 identity of any person upon whom a genetic test is performed or
13 the results of a genetic test in a manner that permits
14 identification of the subject of the test, except to the
15 following persons:

16 (1) The subject of the test or the subject's legally
17 authorized representative. This paragraph does not create
18 a duty or obligation under which a health care provider
19 must notify the subject's spouse or legal guardian of the
20 test results, and no such duty or obligation shall be
21 implied. No civil liability or criminal sanction under this
22 Act shall be imposed for any disclosure or nondisclosure of
23 a test result to a spouse by a physician acting in good
24 faith under this paragraph. For the purpose of any

1 proceedings, civil or criminal, the good faith of any
2 physician acting under this paragraph shall be presumed.

3 (2) Any person designated in a specific written legally
4 effective release of the test results executed by the
5 subject of the test or the subject's legally authorized
6 representative.

7 (3) An authorized agent or employee of a health
8 facility or health care provider if the health facility or
9 health care provider itself is authorized to obtain the
10 test results, the agent or employee provides patient care,
11 and the agent or employee has a need to know the
12 information in order to conduct the tests or provide care
13 or treatment.

14 (4) A health facility or health care provider that
15 procures, processes, distributes, or uses:

16 (A) a human body part from a deceased person with
17 respect to medical information regarding that person;
18 or

19 (B) semen provided prior to the effective date of
20 this Act for the purpose of artificial insemination.

21 (5) Health facility staff committees for the purposes
22 of conducting program monitoring, program evaluation, or
23 service reviews.

24 (6) In the case of a minor under 18 years of age, the
25 health care provider who ordered the test shall make a
26 reasonable effort to notify the minor's parent or legal

1 guardian if, in the professional judgment of the health
2 care provider, notification would be in the best interest
3 of the minor and the health care provider has first sought
4 unsuccessfully to persuade the minor to notify the parent
5 or legal guardian or after a reasonable time after the
6 minor has agreed to notify the parent or legal guardian,
7 the health care provider has reason to believe that the
8 minor has not made the notification. This paragraph shall
9 not create a duty or obligation under which a health care
10 provider must notify the minor's parent or legal guardian
11 of the test results, nor shall a duty or obligation be
12 implied. No civil liability or criminal sanction under this
13 Act shall be imposed for any notification or
14 non-notification of a minor's test result by a health care
15 provider acting in good faith under this paragraph. For the
16 purpose of any proceeding, civil or criminal, the good
17 faith of any health care provider acting under this
18 paragraph shall be presumed.

19 (7) All information and records held by a State agency
20 or local health authority pertaining to genetic
21 information shall be strictly confidential and exempt from
22 copying and inspection under the Freedom of Information
23 Act. The information and records shall not be released or
24 made public by the State agency or local health authority
25 and shall not be admissible as evidence nor discoverable in
26 any action of any kind in any court or before any tribunal,

1 board, agency, or person and shall be treated in the same
2 manner as the information and those records subject to the
3 provisions of Part 21 of Article VIII of the Code of Civil
4 Procedure except under the following circumstances:

5 (A) when made with the written consent of all
6 persons to whom the information pertains;

7 (B) when authorized by Section 5-4-3 of the Unified
8 Code of Corrections;

9 (C) when made for the sole purpose of implementing
10 the Newborn Metabolic Screening ~~Phenylketonuria~~
11 ~~Testing~~ Act and rules; or

12 (D) when made under the authorization of the
13 Illinois Parentage Act of 1984.

14 Disclosure shall be limited to those who have a need to
15 know the information, and no additional disclosures may be
16 made.

17 (b) Disclosure by an insurer in accordance with the
18 requirements of the Article XL of the Illinois Insurance Code
19 shall be deemed compliance with this Section.

20 (Source: P.A. 90-25, eff. 1-1-98; revised 1-22-08.)

21 Section 290. The Electronic Products Recycling and Reuse
22 Act is amended by changing Section 20 as follows:

23 (415 ILCS 150/20)

24 Sec. 20. Agency responsibilities.

1 (a) The Agency has the authority to monitor compliance with
2 this Act and to refer violations of this Act to the Attorney
3 General.

4 (b) No later than October 1 of each program year, the
5 Agency shall post on its website a list of underserved counties
6 in the State for the next program year. The list of underserved
7 counties for the first program year is set forth in subsection
8 (a) of Section 60.

9 (c) By July 1, 2009, the Agency shall implement a county
10 and municipal government education campaign to inform those
11 entities about this Act and the implications on solid waste
12 collection in their localities.

13 (d) By July 1, 2011 for the first program year, and by
14 April 1 for all subsequent program years, the Agency shall
15 report to the Governor and to the General Assembly annually on
16 the previous program year's performance. The report must be
17 posted on the Agency's website. The report must include, but
18 not be limited to, the following:

19 (1) the total overall weight of CEDs, as well as the
20 sub-total weight of computers, the sub-total weight of
21 computer monitors, the sub-total weight of printers, the
22 sub-total weight of televisions, and the total weight of
23 EEDs that were recycled or processed for reuse in the State
24 during the program year, as reported by manufacturers and
25 collectors under Sections 30 and 55;

26 (2) a listing of all collection sites as set forth

1 under subsection (e) of Section 55;

2 (3) a statement of the manufacturers' progress toward
3 achieving the statewide recycling goal set forth in Section
4 15 (calculated from the manufacturer reports pursuant to
5 Section 30 and the collector reports pursuant to Section
6 55) and any identified State actions that may help expand
7 collection opportunities to help manufacturers achieve the
8 statewide recycling goal;

9 (4) a listing of any manufacturers whom the Agency
10 referred to the Attorney General's Office for enforcement
11 as a result of a violation of this Act;

12 (5) a discussion of the Agency's education and outreach
13 activities; and

14 (6) a discussion of the penalties, if any, incurred by
15 manufacturers for failure to achieve recycling goals, and a
16 recommendation to the General Assembly of any necessary or
17 appropriate changes to the statewide recycling goals,
18 manufacturer's recycling goals, or penalty provisions
19 included in this Act.

20 (e) The Agency shall post on its website (1) a list of
21 manufacturers that have paid the current year's registration
22 fee as set forth in Section 30(b) and (2) a list of registered
23 collectors to whom Illinois residents can bring CEDs and EEDs
24 for recycling or processing for reuse, including links to the
25 collectors' websites and the collectors' phone numbers.

26 (f) In program years 2012, 2013, and 2014, and at its

1 discretion thereafter, the Agency shall convene and host an
2 Electronic Products Recycling Conference. The Agency may host
3 the conferences alone or with other public entities or with
4 organizations associated with electronic products recycling.

5 (g) No later than October 1 of each program year, the
6 Agency must post on its website the following information for
7 the next program year:

8 (1) The overall statewide recycling and reuse goal for
9 CEDs, as well as the sub-goals for televisions, and
10 computers, computer monitors, and printers as set forth in
11 Section 15.

12 (2) The market shares of television manufacturers and
13 the return shares of computer, computer monitor, and
14 printer manufacturers, as set forth in Section 18, and

15 (3) The individual recycling and reuse goals for each
16 manufacturer, as set forth in Section 19.

17 (h) By April 1, 2011, and by April 1 of all subsequent
18 years, the Agency shall recognize those manufacturers that have
19 met or exceeded their recycling or reuse goals for the previous
20 program year. Such recognition shall be the awarding to all
21 such manufacturers of an Electronic Industry Recycling Award,
22 which shall be recognized on the Agency website and other media
23 as appropriate.

24 (i) By March 1, 2011, and by March 1 of each subsequent
25 year, the Agency shall post on its website a list of registered
26 manufacturers that have not met their annual recycling and

1 reuse goal for the previous program year.

2 (j) By July 1, 2012, the Agency shall solicit written
3 comments regarding all aspects of the program codified in this
4 Act, for the purpose of determining if the program requires any
5 modifications.

6 (1) Issues to be reviewed by the Agency are, but not
7 limited to, the following:

8 (A) Sufficiency of the annual statewide recycling
9 goals.

10 (B) Fairness of the formulas used to determine
11 individual manufacturer goals.

12 (C) Adequacy of, or the need for, continuation of
13 the credits outlined in Section 30(d) (1) through (3).

14 (D) Any temporary recissions of county landfill
15 bans granted by the Illinois Pollution Control Board
16 pursuant to Section 95(e).

17 (E) Adequacy of, or the need for, the penalties
18 listed in Section 80 of this Act, which are scheduled
19 to take effect on January 1, 2013.

20 (F) Adequacy of the collection systems that have
21 been implemented as a result of this Act, with a
22 particular focus on promoting the most cost-effective
23 and convenient collection system possible for Illinois
24 residents.

25 (2) By July 1, 2012, the Agency shall complete its
26 review of the written comments received, as well as its own

1 reports on program years 2010 and 2011. By August 1, 2012,
2 the Agency shall hold a public hearing to present its
3 findings and solicit additional comments. All additional
4 comments shall be submitted to the Agency in writing no
5 later than October 1, 2012.

6 (3) The Agency's final report, which shall be issued no
7 later than February 1, 2013, shall be submitted to the
8 Governor and the General Assembly and shall include
9 specific recommendations for any necessary or appropriate
10 modifications to the program.

11 (Source: P.A. 95-959, eff. 9-17-08; revised 9-23-08.)

12 Section 295. The Illinois Low-Level Radioactive Waste
13 Management Act is amended by changing Sections 3, 15, and 18 as
14 follows:

15 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

16 Sec. 3. Definitions.

17 "Agency" means the Illinois Emergency Management Agency.

18 "Broker" means any person who takes possession of low-level
19 waste for purposes of consolidation and shipment.

20 "Compact" means the Central Midwest Interstate Low-Level
21 Radioactive Waste Compact.

22 "Decommissioning" means the measures taken at the end of a
23 facility's operating life to assure the continued protection of
24 the public from any residual radioactivity or other potential

1 hazards present at a facility.

2 "Director" means the Director of the Illinois Emergency
3 Management Agency.

4 "Disposal" means the isolation of waste from the biosphere
5 in a permanent facility designed for that purpose.

6 "Facility" means a parcel of land or site, together with
7 structures, equipment and improvements on or appurtenant to the
8 land or site, which is used or is being developed for the
9 treatment, storage or disposal of low-level radioactive waste.
10 "Facility" does not include lands, sites, structures or
11 equipment used by a generator in the generation of low-level
12 radioactive wastes.

13 "Generator" means any person who produces or possesses
14 low-level radioactive waste in the course of or incident to
15 manufacturing, power generation, processing, medical diagnosis
16 and treatment, research, education or other activity.

17 "Hazardous waste" means a waste, or combination of wastes,
18 which because of its quantity, concentration, or physical,
19 chemical, or infectious characteristics may cause or
20 significantly contribute to an increase in mortality or an
21 increase in serious, irreversible, or incapacitating
22 reversible, illness; or pose a substantial present or potential
23 hazard to human health or the environment when improperly
24 treated, stored, transported, or disposed of, or otherwise
25 managed, and which has been identified, by characteristics or
26 listing, as hazardous under Section 3001 of the Resource

1 Conservation and Recovery Act of 1976, P.L. 94-580 or under
2 regulations of the Pollution Control Board.

3 "High-level radioactive waste" means:

4 (1) the highly radioactive material resulting from the
5 reprocessing of spent nuclear fuel including liquid waste
6 produced directly in reprocessing and any solid material
7 derived from the liquid waste that contains fission
8 products in sufficient concentrations; and

9 (2) the highly radioactive material that the Nuclear
10 Regulatory Commission has determined, on the effective
11 date of this Amendatory Act of 1988, to be high-level
12 radioactive waste requiring permanent isolation.

13 "Low-level radioactive waste" or "waste" means radioactive
14 waste not classified as high-level radioactive waste,
15 transuranic waste, spent nuclear fuel or byproduct material as
16 defined in Section 11e(2) of the Atomic Energy Act of 1954 (42
17 U.S.C. 2014).

18 "Mixed waste" means waste that is both "hazardous waste"
19 and "low-level radioactive waste" as defined in this Act.

20 "Person" means an individual, corporation, business
21 enterprise or other legal entity either public or private and
22 any legal successor, representative, agent or agency of that
23 individual, corporation, business enterprise, or legal entity.

24 "Post-closure care" means the continued monitoring of the
25 regional disposal facility after closure for the purposes of
26 detecting a need for maintenance, ensuring environmental

1 safety, and determining compliance with applicable licensure
2 and regulatory requirements, and includes undertaking any
3 remedial actions necessary to protect public health and the
4 environment from radioactive releases from the facility.

5 "Regional disposal facility" or "disposal facility" means
6 the facility established by the State of Illinois under this
7 Act for disposal away from the point of generation of waste
8 generated in the region of the Compact.

9 "Release" means any spilling, leaking, pumping, pouring,
10 emitting, emptying, discharging, injecting, escaping,
11 leaching, dumping or disposing into the environment of
12 low-level radioactive waste.

13 "Remedial action" means those actions taken in the event of
14 a release or threatened release of low-level radioactive waste
15 into the environment, to prevent or minimize the release of the
16 waste so that it does not migrate to cause substantial danger
17 to present or future public health or welfare or the
18 environment. The term includes, but is not limited to, actions
19 at the location of the release such as storage, confinement,
20 perimeter protection using dikes, trenches or ditches, clay
21 cover, neutralization, cleanup of released low-level
22 radioactive wastes, recycling or reuse, dredging or
23 excavations, repair or replacement of leaking containers,
24 collection of leachate and runoff, onsite treatment or
25 incineration, provision of alternative water supplies and any
26 monitoring reasonably required to assure that these actions

1 protect human health and the environment.

2 "Scientific Surveys" means, collectively, the State
3 Geological Survey and the State Water Survey of the University
4 of Illinois.

5 "Shallow land burial" means a land disposal facility in
6 which radioactive waste is disposed of in or within the upper
7 30 meters of the earth's surface. However, this definition
8 shall not include an enclosed, engineered, structurally
9 re-enforced and solidified bunker that extends below the
10 earth's surface.

11 "Storage" means the temporary holding of waste for
12 treatment or disposal for a period determined by Agency
13 regulations.

14 "Treatment" means any method, technique or process,
15 including storage for radioactive decay, designed to change the
16 physical, chemical or biological characteristics or
17 composition of any waste in order to render the waste safer for
18 transport, storage or disposal, amenable to recovery,
19 convertible to another usable material or reduced in volume.

20 "Waste management" means the storage, transportation,
21 treatment or disposal of waste.

22 (Source: P.A. 95-728, eff. date - See Sec. 999; 95-777, eff.
23 8-4-08; revised 9-5-08.)

24 (420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

25 Sec. 15. Compensation.

1 (a) Any person may apply to the Agency pursuant to this
2 Section for compensation of a loss caused by the release, in
3 Illinois, of radioactivity from the regional disposal
4 facility. The Agency ~~Department~~ shall prescribe appropriate
5 forms and procedures for claims filed pursuant to this Section,
6 which shall include, as a minimum, the following:

7 (1) Provisions requiring the claimant to make a sworn
8 verification of the claim to the best of his or her
9 knowledge.

10 (2) A full description, supported by appropriate
11 evidence from government agencies, of the release of the
12 radioactivity claimed to be the cause of the physical
13 injury, illness, loss of income or property damage.

14 (3) If making a claim based upon physical injury or
15 illness, certification of the medical history of the
16 claimant for the 5 years preceding the date of the claim,
17 along with certification of the alleged physical injury or
18 illness, and expenses for the physical injury or illness,
19 made by hospitals, physicians or other qualified medical
20 authorities.

21 (4) If making a claim for lost income, information on
22 the claimant's income as reported on his or her federal
23 income tax return or other document for the preceding 3
24 years in order to compute lost wages or income.

25 (b) The Agency shall hold at least one hearing, if
26 requested by the claimant, within 60 days of submission of a

1 claim to the Agency. The Director shall render a decision on a
2 claim within 30 days of the hearing unless all of the parties
3 to the claim agree in writing to an extension of time. All
4 decisions rendered by the Director shall be in writing, with
5 notification to all appropriate parties. The decision shall be
6 considered a final administrative decision for the purposes of
7 judicial review.

8 (c) The following losses shall be compensable under this
9 Section, provided that the Agency has found that the claimant
10 has established, by the weight of the evidence, that the losses
11 were proximately caused by the designated release and are not
12 otherwise compensable under law:

13 (1) One hundred percent of uninsured, out-of-pocket
14 medical expenses, for up to 3 years from the onset of
15 treatment;

16 (2) Eighty percent of any uninsured, actual lost wages,
17 or business income in lieu of wages, caused by injury to
18 the claimant or the claimant's property, not to exceed
19 \$15,000 per year for 3 years;

20 (3) Eighty percent of any losses or damages to real or
21 personal property; and

22 (4) One hundred percent of costs of any remedial
23 actions on such property necessary to protect human health
24 and the environment.

25 (d) No claim may be presented to the Agency under this
26 Section later than 5 years from the date of discovery of the

1 damage or loss.

2 (e) Compensation for any damage or loss under this Section
3 shall preclude indemnification or reimbursement from any other
4 source for the identical damage or loss, and indemnification or
5 reimbursement from any other source shall preclude
6 compensation under this Section.

7 (f) The Agency shall adopt, and revise when appropriate,
8 rules and regulations necessary to implement the provisions of
9 this Section, including methods that provide for establishing
10 that a claimant has exercised reasonable diligence in
11 satisfying the conditions of the application requirements, for
12 specifying the proof necessary to establish a damage or loss
13 compensable under this Section and for establishing the
14 administrative procedures to be followed in reviewing claims.

15 (g) Claims approved by the Director shall be paid from the
16 Low-Level Radioactive Waste Facility Closure, Post-Closure
17 Care and Compensation Fund, except that claims shall not be
18 paid in excess of the amount available in the Fund. In the case
19 of insufficient amounts in the Fund to satisfy claims against
20 the Fund, the General Assembly may appropriate monies to the
21 Fund in amounts it deems necessary to pay the claims.

22 (Source: P.A. 95-777, eff. 8-4-08; revised 9-16-08.)

23 (420 ILCS 20/18) (from Ch. 111 1/2, par. 241-18)

24 Sec. 18. Judicial review. Any person affected by a final
25 order or determination of the Agency ~~Department~~ under this Act

1 may obtain judicial review, by filing a petition for review
2 within 90 days after the entry of the order or other final
3 action complained of.

4 The review proceeding shall be conducted in accordance with
5 the Administrative Review Law, except that the proceeding shall
6 originate in the appellate court rather than in the circuit
7 court.

8 (Source: P.A. 86-1044; 86-1050; 86-1475; 87-1244; 87-1267;
9 revised 9-16-08.)

10 Section 300. The Livestock Management Facilities Act is
11 amended by changing Section 13 as follows:

12 (510 ILCS 77/13)

13 Sec. 13. Livestock waste handling facilities other than
14 earthen livestock waste lagoons; construction standards;
15 certification; inspection; removal-from-service requirements.

16 (a) After the effective date of this amendatory Act of
17 1999, livestock waste handling facilities other than earthen
18 livestock waste lagoons used for the storage of livestock waste
19 shall be constructed in accordance with this Section.

20 (1) Livestock waste handling facilities constructed of
21 concrete shall meet the strength and load factors set forth
22 in the Midwest Plan Service's Concrete Manure Storage
23 Handbook (MWPS-36) and future updates. In addition, those
24 structures shall meet the following requirements:

1 (A) Waterstops shall be incorporated into the
2 design of the storage structure when consistent with
3 the requirements of paragraph (1) of this subsection;

4 (B) Storage structures that handle waste in a
5 liquid form shall be designed to contain a volume of
6 not less than the amount of waste generated during 150
7 days of facility operation at design capacity; the
8 owner or operator of a livestock waste handling
9 facility constructed with concrete with a design
10 capacity of less than 300 animal units may demonstrate
11 to the Department that a reduced storage volume, not
12 less than 60 days, is feasible due to (i) the
13 availability of land application areas that can
14 receive manure at agronomic rates or (ii) another
15 manure disposal method is proposed that will allow for
16 the reduced manure storage design capacity; the
17 Department shall evaluate the proposal and determine
18 whether a reduced manure storage design capacity is
19 appropriate for the site; and

20 (C) Storage structures not covered or otherwise
21 protected from precipitation shall, in addition to the
22 waste storage volume requirements of subparagraph (B)
23 of paragraph (1) of this subsection, include a 2-foot
24 freeboard.

25 (2) A livestock waste handling facility in a
26 prefabricated form shall meet the strength, load, and

1 compatibility factors for its intended use. Those factors
2 shall be verified by the manufacturer's specifications.

3 (3) Livestock waste handling facilities holding
4 semi-solid livestock waste, including but not limited to
5 picket dam structures, shall be constructed according to
6 the requirements set forth in the Midwest Plan Service's
7 Livestock Waste Facilities Handbook (MWPS-18) and future
8 updates or similar standards used by the Natural Resources
9 Conservation Service of the United States Department of
10 Agriculture.

11 (4) Livestock waste handling facilities holding solid
12 livestock waste shall be constructed according to the
13 requirements set forth in the Midwest Plan Service's
14 Livestock Waste Facilities Handbook (MWPS-18) and future
15 updates or similar standards used by the Natural Resources
16 Conservation Service of the United States Department of
17 Agriculture. In addition, solid livestock waste stacking
18 structures shall be sized to store not less than the amount
19 of waste generated during 6 months of facility operation at
20 design capacity. The owner or operator of a livestock waste
21 handling facility holding solid livestock waste with a
22 design capacity of less than 300 animal units may
23 demonstrate to the Department that a reduced storage
24 volume, not less than 2 months, is feasible due to (i) the
25 availability of land application areas that can receive
26 manure at agronomic rates or (ii) another manure disposal

1 method is proposed that will allow for the reduced storage
2 design capacity. The Department shall evaluate the
3 proposal and determine whether a reduced manure storage
4 design capacity is appropriate for the site.

5 (5) Holding ponds used for the temporary storage of
6 livestock feedlot run-off shall be constructed according
7 to the requirements set forth in the Midwest Plan Service's
8 Livestock Waste Facilities Handbook (MWPS-18) and future
9 updates or similar standards used by the Natural Resources
10 Conservation Service of the United States Department of
11 Agriculture.

12 (b) New livestock management facilities and livestock
13 waste handling facilities constructed after the effective date
14 of this amendatory Act of 1999 shall be subject to the
15 additional construction requirements and siting prohibitions
16 provided in this subsection (b).

17 (1) No new non-lagoon livestock management facility or
18 livestock waste handling facility may be constructed
19 within the floodway of a 100-year floodplain. A new
20 livestock management facility or livestock waste handling
21 facility may be constructed within the portion of a
22 100-year floodplain that is within the flood fringe and
23 outside the floodway provided that the facility is designed
24 and constructed to be protected from flooding and meets the
25 requirements set forth in the Rivers, Lakes, and Streams
26 Act, Section 5-40001 of the Counties Code, and Executive

1 Order Number 4 (1979). The delineation of floodplains,
2 floodways, and flood fringes shall be in compliance with
3 the National Flood Insurance Program. Protection from
4 flooding shall be consistent with the National Flood
5 Insurance Program and shall be designed so that stored
6 livestock waste is not readily removed.

7 (2) A new non-lagoon livestock waste handling facility
8 constructed in a karst area shall be designed to prevent
9 seepage of the stored material into groundwater in
10 accordance with ASAE 393.2 or future updates. Owners or
11 operators of proposed facilities should consult with the
12 local soil and water conservation district, the University
13 of Illinois Cooperative Extension Service, or other local,
14 county, or State resources relative to determining the
15 possible presence or absence of such areas.
16 Notwithstanding the other provisions of this paragraph
17 (2), after the effective date of this amendatory Act of
18 1999, no non-lagoon livestock waste handling facility may
19 be constructed within 400 feet of any natural depression in
20 a karst area formed as a result of subsurface removal of
21 soil or rock materials that has caused the formation of a
22 collapse feature that exhibits internal drainage. For the
23 purposes of this paragraph (2), the existence of such a
24 natural depression in a karst area shall be indicated by
25 the uppermost closed depression contour lines on a USGS 7
26 1/2 minute quadrangle topographic map or as determined by

1 Department field investigation in a karst area.

2 (3) A new non-lagoon livestock waste handling facility
3 constructed in an area where aquifer material is present
4 within 5 feet of the bottom of the facility shall be
5 designed to ensure the structural integrity of the
6 containment structure and to prevent seepage of the stored
7 material to groundwater. Footings and underlying structure
8 support shall be incorporated into the design standards of
9 the storage structure in accordance with the requirements
10 of Section 4.1 of the American Society of Agricultural
11 Engineers (ASAE) EP 393.2 or future updates.

12 (c) A livestock waste handling facility owner may rely on
13 guidance from the local soil and water conservation district,
14 the Natural Resources Conservation Service of the United States
15 Department of Agriculture, or the University of Illinois
16 Cooperative Extension Service for soil type and associated
17 information.

18 (d) The standards in subsections (a) and (b) shall serve as
19 interim construction standards until such time as permanent
20 rules promulgated pursuant to Section 55 of this Act become
21 effective. In addition, the Department and the Board shall
22 utilize the interim standards in subsections (a) and (b) as a
23 basis for the development of such permanent rules.

24 (e) The owner or operator of a livestock management
25 facility or livestock waste handling facility may, with the
26 approval of the Department, elect to exceed the strength and

1 load requirements as set forth in this Section.

2 (f) The owner or operator of a livestock management
3 facility or livestock waste handling facility shall send, by
4 certified mail or in person, to the Department a certification
5 of compliance together with copies of verification documents
6 upon completion of construction. In the case of structures
7 constructed with the design standards used by the Natural
8 Resources Conservation Service of the United States Department
9 of Agriculture, copies of the design standards and a statement
10 of verification signed by a representative of the United States
11 Department of Agriculture shall accompany the owner's or
12 operator's certification of compliance. The certification
13 shall state that the structure meets or exceeds the
14 requirements in subsection (a) of this Section. A \$250 filing
15 fee shall accompany the statement.

16 (g) The Department shall inspect the construction site
17 prior to construction, during construction, and within 10
18 business days following receipt of the certification of
19 compliance to determine compliance with the construction
20 standards.

21 (h) The Department shall require modification when
22 necessary to bring the construction into compliance with the
23 standards set forth in this Section. The person making the
24 inspection shall discuss with the owner, operator, or certified
25 livestock manager an evaluation of the livestock waste handling
26 facility construction and shall (i) provide on-site written

1 recommendations to the owner, operator, or certified livestock
2 manager of what modifications are necessary or (ii) inform the
3 owner, operator, or certified livestock manager that the
4 facility meets the standards set forth in this Section. On the
5 day of the inspection, the person making the inspection shall
6 give the owner, operator, or certified livestock manager a
7 written report of findings based on the inspection together
8 with an explanation of remedial measures necessary to enable
9 the livestock waste handling facility to meet the standards set
10 forth in this Section. The Department shall, within 5 business
11 days of the date of inspection, send an official written notice
12 to the owner or operator of the livestock waste handling
13 facility by certified mail, return receipt requested,
14 indicating that the facility meets the standards set forth in
15 this Section or identifying the remedial measures necessary to
16 enable the livestock waste handling facility to meet the
17 standards set forth in this Section. The owner or operator
18 shall, within 10 business days of receipt of an official
19 written notice of deficiencies, contact the Department to
20 develop the principles of an agreement of compliance. The owner
21 or operator and the Department shall enter into an agreement of
22 compliance setting forth the specific changes to be made to
23 bring the construction into compliance with the standards
24 required under this Section. If an agreement of compliance
25 cannot be achieved, the Department shall issue a compliance
26 order to the owner or operator outlining the specific changes

1 to be made to bring the construction into compliance with the
2 standards required under this Section. The owner or operator
3 can request an administrative hearing to contest the provisions
4 of the Department's compliance order.

5 (i) (Blank).

6 (j) If any owner or operator operates in violation of an
7 agreement of compliance, the Department shall seek an
8 injunction in circuit court to prohibit the operation of the
9 facility until construction and certification of the livestock
10 waste handling facility are in compliance with the provisions
11 of this Section.

12 (k) When any livestock management facility not using an
13 earthen livestock waste lagoon is removed from service, the
14 accumulated livestock waste remaining within the facility
15 shall be removed and applied to land at rates consistent with a
16 waste management plan for the facility. Removal of the waste
17 shall occur within 12 months after the date livestock
18 production at the facility ceases. In addition, the owner or
19 operator shall make provisions to prevent the accumulation of
20 precipitation within the livestock waste handling facility.
21 Upon completion of the removal of manure, the owner or operator
22 of the facility shall notify the Department that the facility
23 is being removed from service and the remaining manure has been
24 removed. The Department shall conduct an inspection of the
25 livestock waste handling facility and inform the owner or
26 operator in writing that the requirements imposed under this

1 subsection (k) have been met or that additional actions are
2 necessary. Commencement of operations at a facility that has
3 livestock shelters left intact and that has completed the
4 requirements imposed under this subsection (k) and that has
5 been operated as a livestock management facility or livestock
6 waste handling facility for 4 consecutive months at any time
7 within the previous 10 years shall not be considered a new or
8 expanded livestock management or waste handling facility. A new
9 facility constructed after May 21, 1996 that has been removed
10 from service for a period of 2 or more years shall not be
11 placed back into service prior to an inspection of the
12 livestock waste handling facility and receipt of written
13 approval by the Department.

14 (Source: P.A. 95-38, eff. 1-1-08; revised 10-28-08.)

15 Section 305. The Illinois Natural Areas Preservation Act is
16 amended by changing Section 7.05 as follows:

17 (525 ILCS 30/7.05) (from Ch. 105, par. 707.05)

18 Sec. 7.05. To acquire by gift, legacy, purchase, transfer,
19 grant, agreement, dedication, or condemnation under the
20 Eminent Domain Act ~~Article VII of the Code of Civil Procedure,~~
21 ~~approved August 19, 1981,~~ as amended, or other method, the fee
22 simple title to real property or any lesser estates, interests
23 or rights therein, including but not limited to leasehold
24 estates, easements either appurtenant or in gross and either

1 granting the Department specified rights of use or denying to
2 the grantor specified rights of use or both (which easements
3 may be perpetual and shall not be extinguished by conveyance of
4 the servient estate), licenses, covenants, and other
5 contractual rights in real property and to hold and manage the
6 same for the purposes of this Act, and with or without public
7 access.

8 (Source: P.A. 83-388; revised 1-30-08.)

9 Section 310. The Illinois Highway Code is amended by
10 changing Section 5-409 as follows:

11 (605 ILCS 5/5-409) (from Ch. 121, par. 5-409)

12 Sec. 5-409. Partial payments on contracts let by a county
13 for highway work may be made as the work progresses but no
14 payment in excess of 90% of the value of the work then
15 completed may be made until 50% of the work has been completed.
16 After 50% of the work is completed, the county may, in its
17 discretion, make partial payments without any further
18 retention, provided that satisfactory progress is being made
19 and provided that the amount retained is not less than 5% of
20 the total adjusted contract price.

21 At the discretion of the county and with the consent of the
22 surety, a semi-final payment may be made when the principal
23 items of the work have been satisfactorily completed. Such
24 payment shall not exceed 90% of the amount retained nor reduce

1 the amount retained to less than 1% of the adjusted contract
2 price nor less than \$500.00.

3 Final payment under the contract shall not be made until it
4 is shown that all money due for any labor, material, apparatus,
5 fixtures or machinery furnished to the contractor or other
6 indebtedness of the contractor incurred in connection with such
7 work has been paid.

8 Furthermore, if the contract is one that was approved by
9 the Department, no final payment shall be made until the county
10 has received approval by the Department to do so.

11 This Section is also subject to the provisions of Section
12 23 of the Mechanics Lien Act ~~"An Act to revise the law in~~
13 ~~relation to mechanics' liens", approved May 18, 1903, as~~
14 ~~heretofore or hereafter amended.~~

15 (Source: Laws 1963, p. 2796; revised 10-28-08.)

16 Section 315. The Illinois Aeronautics Act is amended by
17 changing Section 82 as follows:

18 (620 ILCS 5/82) (from Ch. 15 1/2, par. 22.82)

19 Sec. 82. "Short title". This Act may be cited as the
20 "Illinois Aeronautics Act".

21 (Source: Laws 1945, p. 335; revised 11-5-08.)

22 Section 320. The Illinois Vehicle Code is amended by
23 changing Sections 1-101.5, 3-819, 5-403, 6-205, 6-206,

1 11-204.1, and 12-610.5 and by setting forth and renumbering
2 multiple versions of Sections 3-674 and 3-680 as follows:

3 (625 ILCS 5/1-101.5)

4 Sec. 1-101.5. Agency. For the purposes of Chapter ~~Chapters~~
5 ~~13B~~ and 13C, "Agency" means the Illinois Environmental
6 Protection Agency.

7 (Source: P.A. 94-526, eff. 1-1-06; revised 11-6-08.)

8 (625 ILCS 5/3-674)

9 Sec. 3-674. Sheet Metal Workers International Association
10 license plates.

11 (a) The Secretary, upon receipt of all applicable fees and
12 applications made in the form prescribed by the Secretary, may
13 issue special registration plates designated as Sheet Metal
14 Workers International Association license plates. The special
15 plates issued under this Section shall be affixed only to
16 passenger vehicles of the first division or motor vehicles of
17 the second division weighing not more than 8,000 pounds. Plates
18 issued under this Section shall expire according to the
19 multi-year procedure established by Section 3-414.1 of this
20 Code.

21 (b) The design and color of the special plates shall be
22 wholly within the discretion of the Secretary. Appropriate
23 documentation, as determined by the Secretary, shall accompany
24 each application. The Secretary may allow the plates to be

1 issued as vanity plates or personalized plates under Section
2 3-405.1 of this Code. The Secretary shall prescribe stickers or
3 decals as provided under Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged a
5 \$25 fee for original issuance in addition to the appropriate
6 registration fee. Of this fee, \$10 shall be deposited into the
7 Sheet Metal Workers International Association of Illinois Fund
8 and \$15 shall be deposited into the Secretary of State Special
9 License Plate Fund, to be used by the Secretary to help defray
10 the administrative processing costs.

11 For each registration renewal period, a \$25 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this fee, \$23 shall be deposited into the Sheet Metal
14 Workers International Association of Illinois Fund and \$2 shall
15 be deposited into the Secretary of State Special License Plate
16 Fund.

17 (d) The Sheet Metal Workers International Association of
18 Illinois Fund is created as a special fund in the State
19 treasury. All moneys in the Sheet Metal Workers International
20 Association of Illinois Fund shall be paid, subject to
21 appropriation by the General Assembly and approval by the
22 Secretary, as grants for charitable purposes sponsored by
23 Illinois local chapters of the Sheet Metal Workers
24 International Association.

25 (Source: P.A. 95-531, eff. 1-1-08; 95-876, eff. 8-21-08.)

1 (625 ILCS 5/3-680)

2 Sec. 3-680. U.S. Army Veteran 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 U.S. Army Veteran license plates to residents of Illinois
7 who meet eligibility requirements prescribed by the Secretary
8 of State. The special U.S. Army Veteran plate issued under this
9 Section shall be affixed only to passenger vehicles of the
10 first division, motorcycles, and motor vehicles of the second
11 division weighing not more than 8,000 pounds. Plates issued
12 under this Section shall expire according to the staggered
13 multi-year procedure established by Section 3-414.1 of this
14 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 or personalized plates in accordance with
19 Section 3-405.1 of this Code. The plates are not required to
20 designate "Land Of Lincoln", as prescribed in subsection (b) of
21 Section 3-412 of this Code. The Secretary shall prescribe the
22 eligibility requirements and, in his or her discretion, shall
23 approve and prescribe stickers or decals as provided under
24 Section 3-412.

25 (c) An applicant shall be charged a \$15 fee for original
26 issuance in addition to the applicable registration fee. This

1 additional fee shall be deposited into the Secretary of State
2 Special License Plate Fund. For each registration renewal
3 period, a \$2 fee, in addition to the applicable registration
4 fee, shall be charged and shall be deposited into the Secretary
5 of State Special License Plate Fund.

6 (Source: P.A. 95-796, eff. 8-11-08.)

7 (625 ILCS 5/3-682)

8 Sec. 3-682 ~~3-680~~. Illinois Police Association license
9 plates.

10 (a) The Secretary, upon receipt of an application made in
11 the form prescribed by the Secretary, may issue special
12 registration plates designated as Illinois Police Association
13 license plates. The special plates issued under this Section
14 shall be affixed only to passenger vehicles of the first
15 division and motor vehicles of the second division weighing not
16 more than 8,000 pounds. Plates issued under this Section shall
17 expire according to the multi-year procedure established by
18 Section 3-414.1 of this Code.

19 (b) The design and color of the plates is wholly within the
20 discretion of the Secretary. The Secretary may allow the plates
21 to be issued as vanity plates or personalized under Section
22 3-405.1 of the Code. The Secretary shall prescribe stickers or
23 decals as provided under Section 3-412 of this Code. The
24 Secretary may, in his or her discretion, allow the plates to be
25 issued as vanity or personalized plates in accordance with

1 Section 3-405.1 of this Code.

2 (c) An applicant for the special plate shall be charged a
3 \$25 fee for original issuance in addition to the appropriate
4 registration fee. Of this fee, \$10 shall be deposited into the
5 Illinois Police Association Fund and \$15 shall be deposited
6 into the Secretary of State Special License Plate Fund, to be
7 used by the Secretary to help defray the administrative
8 processing costs.

9 For each registration renewal period, a \$25 fee, in
10 addition to the appropriate registration fee, shall be charged.
11 Of this fee, \$23 shall be deposited into the Illinois Police
12 Association Fund and \$2 shall be deposited into the Secretary
13 of State Special License Plate Fund.

14 (d) The Illinois Police Association Fund is created as a
15 special fund in the State treasury. All money in the Illinois
16 Police Association Fund shall be used, subject to
17 appropriation, for providing death benefits for the families of
18 police officers killed in the line of duty, and for providing
19 scholarships, for graduate study, undergraduate study, or
20 both, to children and spouses of police officers killed in the
21 line of duty.

22 (Source: P.A. 95-795, eff. 1-1-09; revised 9-5-08.)

23 (625 ILCS 5/3-683)

24 Sec. 3-683 ~~3-674~~. Distinguished Service Cross license
25 plates. The Secretary, upon receipt of an application made in

1 the form prescribed by the Secretary of State, shall issue
2 special registration plates to any Illinois resident who has
3 been awarded the Distinguished Service Cross by a branch of the
4 armed forces of the United States. The Secretary, upon receipt
5 of the proper application, shall also issue these special
6 registration plates to an Illinois resident who is the
7 surviving spouse of a person who was awarded the Distinguished
8 Service Cross by a branch of the armed forces of the United
9 States. The special plates issued under this Section should be
10 affixed only to passenger vehicles of the first division,
11 including motorcycles, or motor vehicles of the second division
12 weighing not more than 8,000 pounds.

13 The design and color of the plates shall be wholly within
14 the discretion of the Secretary of State. Appropriate
15 documentation, as determined by the Secretary, and the
16 appropriate registration fee shall accompany the application.
17 However, for an individual who has been issued Distinguished
18 Service Cross plates for a vehicle and who has been approved
19 for benefits under the Senior Citizens and Disabled Persons
20 Property Tax Relief and Pharmaceutical Assistance Act, the
21 annual fee for the registration of the vehicle shall be as
22 provided in Section 3-806.3 of this Code.

23 (Source: P.A. 95-794, eff. 1-1-09; revised 9-25-08.)

24 (625 ILCS 5/3-819) (from Ch. 95 1/2, par. 3-819)

25 Sec. 3-819. Trailer; Flat weight tax.

1 (a) Farm Trailer. Any farm trailer drawn by a motor vehicle
 2 of the second division registered under paragraph (a) or (c) of
 3 Section 3-815 and used exclusively by the owner for his own
 4 agricultural, horticultural or livestock raising operations
 5 and not used for hire, or any farm trailer utilized only in the
 6 transportation for-hire of seasonal, fresh, perishable fruit
 7 or vegetables from farm to the point of first processing, and
 8 any trailer used with a farm tractor that is not an implement
 9 of husbandry may be registered under this paragraph in lieu of
 10 registration under paragraph (b) of this Section upon the
 11 filing of a proper application and the payment of the \$10
 12 registration fee and the highway use tax herein for use of the
 13 public highways of this State, at the following rates which
 14 include the \$10 registration fee:

15 SCHEDULE OF FEES AND TAXES

16	Gross Weight in Lbs.	Class	Total Amount
17	Including Vehicle		each
18	and Maximum Load		Fiscal Year
19	10,000 lbs. or less	VDD	\$60
20	10,001 to 14,000 lbs.	VDE	106
21	14,001 to 20,000 lbs.	VDG	166
22	20,001 to 28,000 lbs.	VDJ	378
23	28,001 to 36,000 lbs.	VDL	650

24 An owner may only apply for and receive two farm trailer
 25 registrations.

26 (b) All other owners of trailers, other than apportionable

1 trailers registered under Section 3-402.1 of this Code, used
 2 with a motor vehicle on the public highways, shall pay to the
 3 Secretary of State for each registration year a flat weight
 4 tax, for the use of the public highways of this State, at the
 5 following rates (which includes the registration fee of \$10
 6 required by Section 3-813):

7 SCHEDULE OF TRAILER FLAT

8 WEIGHT TAX REQUIRED

9 BY LAW

10 Gross Weight in Lbs.		Total Fees
11 Including Vehicle and		each
12 Maximum Load	Class	Fiscal Year
13 3,000 lbs. and less	TA	\$18
14 5,000 lbs. and more than 3,000	TB	54
15 8,000 lbs. and more than 5,000	TC	58
16 10,000 lbs. and more than 8,000	TD	106
17 14,000 lbs. and more than 10,000	TE	170
18 20,000 lbs. and and more than 14,000	TG	258
19 32,000 lbs. and more than 20,000	TK	722
20 36,000 lbs. and more than 32,000	TL	1,082
21 40,000 lbs. and more than 36,000	TN	1,502

22 (c) The number of axles necessary to carry the maximum load
 23 provided shall be determined from Chapter 15 of this Code.

24 (Source: P.A. 91-37, eff. 7-1-99; revised 10-23-08.)

25 (625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

1 Sec. 5-403. (1) Authorized representatives of the
2 Secretary of State including officers of the Secretary of
3 State's Department of Police, other peace officers, and such
4 other individuals as the Secretary may designate from time to
5 time shall make inspections of individuals and facilities
6 licensed or required to be licensed under Chapter 5 of the
7 Illinois Vehicle Code for the purpose of reviewing records
8 required to be maintained under Chapter 5 for accuracy and
9 completeness and reviewing and examining the premises of the
10 licensee's established or additional place of business for the
11 purpose of determining the accuracy of the required records.
12 Premises that may be inspected in order to determine the
13 accuracy of the books and records required to be kept includes
14 all premises used by the licensee to store vehicles and parts
15 that are reflected by the required books and records.

16 (2) Persons having knowledge of or conducting inspections
17 pursuant to this Chapter shall not in advance of such
18 inspections knowingly notify a licensee or representative of a
19 licensee of the contemplated inspection unless the Secretary or
20 an individual designated by him for this purpose authorizes
21 such notification. Any individual who, without authorization,
22 knowingly violates this subparagraph shall be guilty of a Class
23 A misdemeanor.

24 (3) The licensee or a representative of the licensee shall
25 be entitled to be present during an inspection conducted
26 pursuant to Chapter 5, however, the presence of the licensee or

1 an authorized representative of the licensee is not a condition
2 precedent to such an inspection.

3 (4) Inspection conducted pursuant to Chapter 5 may be
4 initiated at any time that business is being conducted or work
5 is being performed, whether or not open to the public or when
6 the licensee or a representative of the licensee, other than a
7 mere custodian or watchman, is present. The fact that a
8 licensee or representative of the licensee leaves the licensed
9 premises after an inspection has been initiated shall not
10 require the termination of the inspection.

11 (5) Any inspection conducted pursuant to Chapter 5 shall
12 not continue for more than 24 hours after initiation.

13 (6) In the event information comes to the attention of the
14 individuals conducting an inspection that may give rise to the
15 necessity of obtaining a search warrant, and in the event steps
16 are initiated for the procurement of a search warrant, the
17 individuals conducting such inspection may take all necessary
18 steps to secure the premises under inspection until the warrant
19 application is acted upon by a judicial officer.

20 (7) No more than 6 inspections of a premises may be
21 conducted pursuant to Chapter 5 within any 6 month period
22 except pursuant to a search warrant. Notwithstanding this
23 limitation, nothing in this subparagraph (7) shall be construed
24 to limit the authority of law enforcement agents to respond to
25 public complaints of violations of the Code. For the purpose of
26 this subparagraph (7), a public complaint is one in which the

1 complainant identifies himself or herself and sets forth, in
2 writing, the specific basis for their complaint against the
3 licensee. For the purpose of this subparagraph (7), the
4 inspection of records pertaining only to recyclable metals, as
5 provided in subdivision (a) (5) of Section 5-401.3 of this Code,
6 shall not be counted as an inspection of a premises.

7 (8) Nothing in this Section shall be construed to limit the
8 authority of individuals by the Secretary pursuant to this
9 Section to conduct searches of licensees pursuant to a duly
10 issued and authorized search warrant.

11 (9) Any licensee who, having been informed by a person
12 authorized to make inspections and examine records under this
13 Section that he desires to inspect records and the licensee's
14 premises as authorized by this Section, refuses either to
15 produce for that person records required to be kept by this
16 Chapter or to permit such authorized person to make an
17 inspection of the premises in accordance with this Section
18 shall subject the license to immediate suspension by the
19 Secretary of State.

20 (10) Beginning July 1, 1988, any person referenced under
21 Section 5-302 shall produce for inspection upon demand those
22 records pertaining to the acquisition of salvage vehicles in
23 this State.

24 (Source: P.A. 95-253, eff. 1-1-08; 95-783, eff. 1-1-09; 95-979,
25 eff. 1-2-09; revised 10-14-08.)

1 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

2 Sec. 6-205. Mandatory revocation of license or permit;
3 Hardship cases.

4 (a) Except as provided in this Section, the Secretary of
5 State shall immediately revoke the license, permit, or driving
6 privileges of any driver upon receiving a report of the
7 driver's conviction of any of the following offenses:

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

10 2. Violation of Section 11-501 of this Code or a
11 similar provision of a local ordinance relating to the
12 offense of operating or being in physical control of a
13 vehicle while under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination thereof;

16 3. Any felony under the laws of any State or the
17 federal government in the commission of which a motor
18 vehicle was used;

19 4. Violation of Section 11-401 of this Code relating to
20 the offense of leaving the scene of a traffic accident
21 involving death or personal injury;

22 5. Perjury or the making of a false affidavit or
23 statement under oath to the Secretary of State under this
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles;

26 6. Conviction upon 3 charges of violation of Section

1 11-503 of this Code relating to the offense of reckless
2 driving committed within a period of 12 months;

3 7. Conviction of any offense defined in Section 4-102
4 of this Code;

5 8. Violation of Section 11-504 of this Code relating to
6 the offense of drag racing;

7 9. Violation of Chapters 8 and 9 of this Code;

8 10. Violation of Section 12-5 of the Criminal Code of
9 1961 arising from the use of a motor vehicle;

10 11. Violation of Section 11-204.1 of this Code relating
11 to aggravated fleeing or attempting to elude a peace
12 officer;

13 12. Violation of paragraph (1) of subsection (b) of
14 Section 6-507, or a similar law of any other state,
15 relating to the unlawful operation of a commercial motor
16 vehicle;

17 13. Violation of paragraph (a) of Section 11-502 of
18 this Code or a similar provision of a local ordinance if
19 the driver has been previously convicted of a violation of
20 that Section or a similar provision of a local ordinance
21 and the driver was less than 21 years of age at the time of
22 the offense;

23 14. Violation of Section 11-506 of this Code or a
24 similar provision of a local ordinance relating to the
25 offense of street racing.

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following
2 situations:

3 1. Of any minor upon receiving the notice provided for
4 in Section 5-901 of the Juvenile Court Act of 1987 that the
5 minor has been adjudicated under that Act as having
6 committed an offense relating to motor vehicles prescribed
7 in Section 4-103 of this Code;

8 2. Of any person when any other law of this State
9 requires either the revocation or suspension of a license
10 or permit;

11 3. Of any person adjudicated under the Juvenile Court
12 Act of 1987 based on an offense determined to have been
13 committed in furtherance of the criminal activities of an
14 organized gang as provided in Section 5-710 of that Act,
15 and that involved the operation or use of a motor vehicle
16 or the use of a driver's license or permit. The revocation
17 shall remain in effect for the period determined by the
18 court. Upon the direction of the court, the Secretary shall
19 issue the person a judicial driving permit, also known as a
20 JDP. The JDP shall be subject to the same terms as a JDP
21 issued under Section 6-206.1, except that the court may
22 direct that a JDP issued under this subdivision (b) (3) be
23 effective immediately.

24 (c) (1) Except as provided in subsection (c-5), whenever a
25 person is convicted of any of the offenses enumerated in this
26 Section, the court may recommend and the Secretary of State in

1 his discretion, without regard to whether the recommendation is
2 made by the court may, upon application, issue to the person a
3 restricted driving permit granting the privilege of driving a
4 motor vehicle between the petitioner's residence and
5 petitioner's place of employment or within the scope of the
6 petitioner's employment related duties, or to allow the
7 petitioner to transport himself or herself or a family member
8 of the petitioner's household to a medical facility for the
9 receipt of necessary medical care or to allow the petitioner to
10 transport himself or herself to and from alcohol or drug
11 remedial or rehabilitative activity recommended by a licensed
12 service provider, or to allow the petitioner to transport
13 himself or herself or a family member of the petitioner's
14 household to classes, as a student, at an accredited
15 educational institution, or to allow the petitioner to
16 transport children living in the petitioner's household to and
17 from daycare; if the petitioner is able to demonstrate that no
18 alternative means of transportation is reasonably available
19 and that the petitioner will not endanger the public safety or
20 welfare; provided that the Secretary's discretion shall be
21 limited to cases where undue hardship, as defined by the rules
22 of the Secretary of State, would result from a failure to issue
23 the restricted driving permit. Those multiple offenders
24 identified in subdivision (b)4 of Section 6-208 of this Code,
25 however, shall not be eligible for the issuance of a restricted
26 driving permit.

1 (2) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, or Section 9-3
5 of the Criminal Code of 1961, where the use of alcohol or
6 other drugs is recited as an element of the offense, or a
7 similar out-of-state offense, or a combination of these
8 offenses, arising out of separate occurrences, that
9 person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

12 (3) If:

13 (A) a person's license or permit is revoked or
14 suspended 2 or more times within a 10 year period due
15 to any combination of:

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense,
19 or Section 9-3 of the Criminal Code of 1961, where
20 the use of alcohol or other drugs is recited as an
21 element of the offense, or a similar out-of-state
22 offense; or

23 (ii) a statutory summary suspension under
24 Section 11-501.1; or

25 (iii) a suspension pursuant to Section
26 6-203.1;

1 arising out of separate occurrences; or

2 (B) a person has been convicted of one violation of
3 Section 6-303 of this Code committed while his or her
4 driver's license, permit, or privilege was revoked
5 because of a violation of Section 9-3 of the Criminal
6 Code of 1961, relating to the offense of reckless
7 homicide, or a similar provision of a law of another
8 state; τ

9 that person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

12 (4) The person issued a permit conditioned on the use
13 of an ignition interlock device must pay to the Secretary
14 of State DUI Administration Fund an amount not to exceed
15 \$30 per month. The Secretary shall establish by rule the
16 amount and the procedures, terms, and conditions relating
17 to these fees.

18 (5) If the restricted driving permit is issued for
19 employment purposes, then the prohibition against
20 operating a motor vehicle that is not equipped with an
21 ignition interlock device does not apply to the operation
22 of an occupational vehicle owned or leased by that person's
23 employer when used solely for employment purposes.

24 (6) In each case the Secretary of State may issue a
25 restricted driving permit for a period he deems
26 appropriate, except that the permit shall expire within one

1 year from the date of issuance. The Secretary may not,
2 however, issue a restricted driving permit to any person
3 whose current revocation is the result of a second or
4 subsequent conviction for a violation of Section 11-501 of
5 this Code or a similar provision of a local ordinance or
6 any similar out-of-state offense, or Section 9-3 of the
7 Criminal Code of 1961, where the use of alcohol or other
8 drugs is recited as an element of the offense, or any
9 similar out-of-state offense, or any combination of these
10 offenses, until the expiration of at least one year from
11 the date of the revocation. A restricted driving permit
12 issued under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license issued
15 under this Code may be cancelled, revoked, or suspended;
16 except that a conviction upon one or more offenses against
17 laws or ordinances regulating the movement of traffic shall
18 be deemed sufficient cause for the revocation, suspension,
19 or cancellation of a restricted driving permit. The
20 Secretary of State may, as a condition to the issuance of a
21 restricted driving permit, require the petitioner to
22 participate in a designated driver remedial or
23 rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.
26 However, if an individual's driving privileges have been

1 revoked in accordance with paragraph 13 of subsection (a)
2 of this Section, no restricted driving permit shall be
3 issued until the individual has served 6 months of the
4 revocation period.

5 (c-5) The Secretary may not issue a restricted driving
6 permit to any person who has been convicted of a second or
7 subsequent violation of Section 6-303 of this Code committed
8 while his or her driver's license, permit, or privilege was
9 revoked because of a violation of Section 9-3 of the Criminal
10 Code of 1961, relating to the offense of reckless homicide, or
11 a similar provision of a law of another state.

12 (d) (1) Whenever a person under the age of 21 is convicted
13 under Section 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense, the
15 Secretary of State shall revoke the driving privileges of that
16 person. One year after the date of revocation, and upon
17 application, the Secretary of State may, if satisfied that the
18 person applying will not endanger the public safety or welfare,
19 issue a restricted driving permit granting the privilege of
20 driving a motor vehicle only between the hours of 5 a.m. and 9
21 p.m. or as otherwise provided by this Section for a period of
22 one year. After this one year period, and upon reapplication
23 for a license as provided in Section 6-106, upon payment of the
24 appropriate reinstatement fee provided under paragraph (b) of
25 Section 6-118, the Secretary of State, in his discretion, may
26 reinstate the petitioner's driver's license and driving

1 privileges, or extend the restricted driving permit as many
2 times as the Secretary of State deems appropriate, by
3 additional periods of not more than 12 months each.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions 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 9-3
8 of the Criminal Code of 1961, where the use of alcohol or
9 other drugs is recited as an element of the offense, or a
10 similar out-of-state offense, or a combination of these
11 offenses, arising out of separate occurrences, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (3) If a person's license or permit is revoked or
16 suspended 2 or more times within a 10 year period due to
17 any combination of:

18 (A) a single conviction 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
21 Section 9-3 of the Criminal Code of 1961, where the use
22 of alcohol or other drugs is recited as an element of
23 the offense, or a similar out-of-state offense; or

24 (B) a statutory summary suspension under Section
25 11-501.1; or

26 (C) a suspension pursuant to Section 6-203.1;

1 arising out of separate occurrences, that person, if issued
2 a restricted driving permit, may not operate a vehicle
3 unless it has been equipped with an ignition interlock
4 device as defined in Section 1-129.1.

5 (4) The person issued a permit conditioned upon the use
6 of an interlock device must pay to the Secretary of State
7 DUI Administration Fund an amount not to exceed \$30 per
8 month. The Secretary shall establish by rule the amount and
9 the procedures, terms, and conditions relating to these
10 fees.

11 (5) If the restricted driving permit is issued for
12 employment purposes, then the prohibition against driving
13 a vehicle that is not equipped with an ignition interlock
14 device does not apply to the operation of an occupational
15 vehicle owned or leased by that person's employer when used
16 solely for employment purposes.

17 (6) A restricted driving permit issued under this
18 Section shall be subject to cancellation, revocation, and
19 suspension by the Secretary of State in like manner and for
20 like cause as a driver's license issued under this Code may
21 be cancelled, revoked, or suspended; except that a
22 conviction upon one or more offenses against laws or
23 ordinances regulating the movement of traffic shall be
24 deemed sufficient cause for the revocation, suspension, or
25 cancellation of a restricted driving permit.

26 (d-5) The revocation of the license, permit, or driving

1 privileges of a person convicted of a third or subsequent
2 violation of Section 6-303 of this Code committed while his or
3 her driver's license, permit, or privilege was revoked because
4 of a violation of Section 9-3 of the Criminal Code of 1961,
5 relating to the offense of reckless homicide, or a similar
6 provision of a law of another state, is permanent. The
7 Secretary may not, at any time, issue a license or permit to
8 that person.

9 (e) This Section is subject to the provisions of the Driver
10 License Compact.

11 (f) Any revocation imposed upon any person under
12 subsections 2 and 3 of paragraph (b) that is in effect on
13 December 31, 1988 shall be converted to a suspension for a like
14 period of time.

15 (g) The Secretary of State shall not issue a restricted
16 driving permit to a person under the age of 16 years whose
17 driving privileges have been revoked under any provisions of
18 this Code.

19 (h) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by a person
21 who has been convicted of a second or subsequent offense under
22 Section 11-501 of this Code or a similar provision of a local
23 ordinance. The person must pay to the Secretary of State DUI
24 Administration Fund an amount not to exceed \$30 for each month
25 that he or she uses the device. The Secretary shall establish
26 by rule and regulation the procedures for certification and use

1 of the interlock system, the amount of the fee, and the
2 procedures, terms, and conditions relating to these fees.

3 (i) (Blank).

4 (j) In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding a
7 CDL whose driving privileges have been revoked, suspended,
8 cancelled, or disqualified under any provisions of this Code.

9 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
10 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
11 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;
12 revised 9-10-08.)

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke
15 license or permit; Right to a hearing.

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

3 3. Has been repeatedly involved as a driver in motor
4 vehicle collisions or has been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 4. Has by the unlawful operation of a motor vehicle
12 caused or contributed to an accident resulting in death or
13 injury requiring immediate professional treatment in a
14 medical facility or doctor's office to any person, except
15 that any suspension or revocation imposed by the Secretary
16 of State under the provisions of this subsection shall
17 start no later than 6 months after being convicted of
18 violating a law or ordinance regulating the movement of
19 traffic, which violation is related to the accident, or
20 shall start not more than one year after the date of the
21 accident, whichever date occurs later;

22 5. Has permitted an unlawful or fraudulent use of a
23 driver's license, identification card, or permit;

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an examination
3 provided for by Section 6-207 or has failed to pass the
4 examination;

5 8. Is ineligible for a driver's license or permit under
6 the provisions of Section 6-103;

7 9. Has made a false statement or knowingly concealed a
8 material fact or has used false information or
9 identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of this
15 State when the person's driving privilege or privilege to
16 obtain a driver's license or permit was revoked or
17 suspended unless the operation was authorized by a
18 monitoring device driving permit, judicial driving permit
19 issued prior to January 1, 2009, probationary license to
20 drive, or a restricted driving permit issued under this
21 Code;

22 12. Has submitted to any portion of the application
23 process for another person or has obtained the services of
24 another person to submit to any portion of the application
25 process for the purpose of obtaining a license,
26 identification card, or permit for some other person;

1 13. Has operated a motor vehicle upon a highway of this
2 State when the person's driver's license or permit was
3 invalid under the provisions of Sections 6-107.1 and 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
6 of the Illinois Identification Card Act;

7 15. Has been convicted of violating Section 21-2 of the
8 Criminal Code of 1961 relating to criminal trespass to
9 vehicles in which case, the suspension shall be for one
10 year;

11 16. Has been convicted of violating Section 11-204 of
12 this Code relating to fleeing from a peace officer;

13 17. Has refused to submit to a test, or tests, as
14 required under Section 11-501.1 of this Code and the person
15 has not sought a hearing as provided for in Section
16 11-501.1;

17 18. Has, since issuance of a driver's license or
18 permit, been adjudged to be afflicted with or suffering
19 from any mental disability or disease;

20 19. Has committed a violation of paragraph (a) or (b)
21 of Section 6-101 relating to driving without a driver's
22 license;

23 20. Has been convicted of violating Section 6-104
24 relating to classification of driver's license;

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
5 the Criminal Code of 1961 relating to unlawful use of
6 weapons, in which case the suspension shall be for one
7 year;

8 23. Has, as a driver, been convicted of committing a
9 violation of paragraph (a) of Section 11-502 of this Code
10 for a second or subsequent time within one year of a
11 similar violation;

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois of or
15 for a traffic related offense that is the same as or
16 similar to an offense specified under Section 6-205 or
17 6-206 of this Code;

18 25. Has permitted any form of identification to be used
19 by another in the application process in order to obtain or
20 attempt to obtain a license, identification card, or
21 permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. Has violated Section 6-16 of the Liquor Control Act
26 of 1934;

1 28. Has been convicted of the illegal possession, while
2 operating or in actual physical control, as a driver, of a
3 motor vehicle, of any controlled substance prohibited
4 under the 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, in which case the
8 person's driving privileges shall be suspended for one
9 year, and any driver who is convicted of a second or
10 subsequent offense, within 5 years of a previous
11 conviction, for the illegal possession, while operating or
12 in actual physical control, as a driver, of a motor
13 vehicle, of any controlled substance prohibited under the
14 Illinois Controlled Substances Act, any cannabis
15 prohibited under the Cannabis Control Act, or any
16 methamphetamine prohibited under the Methamphetamine
17 Control and Community Protection Act shall be suspended for
18 5 years. Any defendant found guilty of this offense while
19 operating a motor vehicle, shall have an entry made in the
20 court record by the presiding judge that this offense did
21 occur while the defendant was operating a motor vehicle and
22 order the clerk of the court to report the violation to the
23 Secretary of State;

24 29. Has been convicted of the following offenses that
25 were committed while the person was operating or in actual
26 physical control, as a driver, of a motor vehicle: criminal

1 sexual assault, predatory criminal sexual assault of a
2 child, aggravated criminal sexual assault, criminal sexual
3 abuse, aggravated criminal sexual abuse, juvenile pimping,
4 soliciting for a juvenile prostitute and the manufacture,
5 sale or delivery of controlled substances or instruments
6 used for illegal drug use or abuse in which case the
7 driver's driving privileges shall be suspended for one
8 year;

9 30. Has been convicted a second or subsequent time for
10 any combination of the offenses named in paragraph 29 of
11 this subsection, in which case the person's driving
12 privileges shall be suspended for 5 years;

13 31. Has refused to submit to a test as required by
14 Section 11-501.6 or has submitted to a test resulting in an
15 alcohol concentration of 0.08 or more or any amount of a
16 drug, substance, or compound resulting from the unlawful
17 use or consumption of cannabis as listed in the Cannabis
18 Control Act, a controlled substance as listed in the
19 Illinois Controlled Substances Act, an intoxicating
20 compound as listed in the Use of Intoxicating Compounds
21 Act, or methamphetamine as listed in the Methamphetamine
22 Control and Community Protection Act, in which case the
23 penalty shall be as prescribed in Section 6-208.1;

24 32. Has been convicted of Section 24-1.2 of the
25 Criminal Code of 1961 relating to the aggravated discharge
26 of a firearm if the offender was located in a motor vehicle

1 at the time the firearm was discharged, in which case the
2 suspension shall be for 3 years;

3 33. Has as a driver, who was less than 21 years of age
4 on the date of the offense, been convicted a first time of
5 a violation of paragraph (a) of Section 11-502 of this Code
6 or a similar provision of a local ordinance;

7 34. Has committed a violation of Section 11-1301.5 of
8 this Code;

9 35. Has committed a violation of Section 11-1301.6 of
10 this Code;

11 36. Is under the age of 21 years at the time of arrest
12 and has been convicted of not less than 2 offenses against
13 traffic regulations governing the movement of vehicles
14 committed within any 24 month period. No revocation or
15 suspension shall be entered more than 6 months after the
16 date of last conviction;

17 37. Has committed a violation of subsection (c) of
18 Section 11-907 of this Code that resulted in damage to the
19 property of another or the death or injury of another;

20 38. Has been convicted of a violation of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance;

23 39. Has committed a second or subsequent violation of
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of
26 Section 11-908 of this Code;

1 41. Has committed a second or subsequent violation of
2 Section 11-605.1 of this Code within 2 years of the date of
3 the previous violation, in which case the suspension shall
4 be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code;

7 43. Has received a disposition of court supervision for
8 a violation of subsection (a), (d), or (e) of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance, in which case the suspension shall be
11 for a period of 3 months;

12 44. Is under the age of 21 years at the time of arrest
13 and has been convicted of an offense against traffic
14 regulations governing the movement of vehicles after
15 having previously had his or her driving privileges
16 suspended or revoked pursuant to subparagraph 36 of this
17 Section; or

18 45. Has, in connection with or during the course of a
19 formal hearing conducted under Section 2-118 of this Code:
20 (i) committed perjury; (ii) submitted fraudulent or
21 falsified documents; (iii) submitted documents that have
22 been materially altered; or (iv) submitted, as his or her
23 own, documents that were in fact prepared or composed for
24 another person.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the 6
14 month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's
22 license of a person under subsection 2 of paragraph (a) of
23 this Section, a person's privilege to operate a vehicle as
24 an occupation shall not be suspended, provided an affidavit
25 is properly completed, the appropriate fee received, and a
26 permit issued prior to the effective date of the

1 suspension, unless 5 offenses were committed, at least 2 of
2 which occurred while operating a commercial vehicle in
3 connection with the driver's regular occupation. All other
4 driving privileges shall be suspended by the Secretary of
5 State. Any driver prior to operating a vehicle for
6 occupational purposes only must submit the affidavit on
7 forms to be provided by the Secretary of State setting
8 forth the facts of the person's occupation. The affidavit
9 shall also state the number of offenses committed while
10 operating a vehicle in connection with the driver's regular
11 occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as
18 set forth in the notice that was mailed under this Section.
19 If an affidavit is received subsequent to the effective
20 date of this suspension, a permit may be issued for the
21 remainder of the suspension period.

22 The provisions of this subparagraph shall not apply to
23 any driver required to possess a CDL for the purpose of
24 operating a commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship (as defined by the rules of the Secretary of
11 State), issue a restricted driving permit granting the
12 privilege of driving a motor vehicle between the
13 petitioner's residence and petitioner's place of
14 employment or within the scope of the petitioner's
15 employment related duties, or to allow the petitioner to
16 transport himself or herself, or a family member of the
17 petitioner's household to a medical facility, to receive
18 necessary medical care, to allow the petitioner to
19 transport himself or herself to and from alcohol or drug
20 remedial or rehabilitative activity recommended by a
21 licensed service provider, or to allow the petitioner to
22 transport himself or herself or a family member of the
23 petitioner's household to classes, as a student, at an
24 accredited educational institution, or to allow the
25 petitioner to transport children living in the
26 petitioner's household to and from daycare. The petitioner

1 must demonstrate that no alternative means of
2 transportation is reasonably available and that the
3 petitioner will not endanger the public safety or welfare.
4 Those multiple offenders identified in subdivision (b)4 of
5 Section 6-208 of this Code, however, shall not be eligible
6 for the issuance of a restricted driving permit.

7 (A) If a person's license or permit is revoked or
8 suspended due to 2 or more convictions of violating
9 Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense, or
11 Section 9-3 of the Criminal Code of 1961, where the use
12 of alcohol or other drugs is recited as an element of
13 the offense, or a similar out-of-state offense, or a
14 combination of these offenses, arising out of separate
15 occurrences, that person, if issued a restricted
16 driving permit, may not operate a vehicle unless it has
17 been equipped with an ignition interlock device as
18 defined in Section 1-129.1.

19 (B) If a person's license or permit is revoked or
20 suspended 2 or more times within a 10 year period due
21 to any combination of:

22 (i) a single conviction of violating Section
23 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense
25 or Section 9-3 of the Criminal Code of 1961, where
26 the use of alcohol or other drugs is recited as an

1 element of the offense, or a similar out-of-state
2 offense; or

3 (ii) a statutory summary suspension under
4 Section 11-501.1; or

5 (iii) a suspension under Section 6-203.1;
6 arising out of separate occurrences; that person, if
7 issued a restricted driving permit, may not operate a
8 vehicle unless it has been equipped with an ignition
9 interlock device as defined in Section 1-129.1.

10 (C) The person issued a permit conditioned upon the
11 use of an ignition interlock device must pay to the
12 Secretary of State DUI Administration Fund an amount
13 not to exceed \$30 per month. The Secretary shall
14 establish by rule the amount and the procedures, terms,
15 and conditions relating to these fees.

16 (D) If the restricted driving permit is issued for
17 employment purposes, then the prohibition against
18 operating a motor vehicle that is not equipped with an
19 ignition interlock device does not apply to the
20 operation of an occupational vehicle owned or leased by
21 that person's employer when used solely for employment
22 purposes.

23 (E) In each case the Secretary may issue a
24 restricted driving permit for a period deemed
25 appropriate, except that all permits shall expire
26 within one year from the date of issuance. The

1 Secretary may not, however, issue a restricted driving
2 permit to any person whose current revocation is the
3 result of a second or subsequent conviction for a
4 violation of Section 11-501 of this Code or a similar
5 provision of a local ordinance or any similar
6 out-of-state offense, or Section 9-3 of the Criminal
7 Code of 1961, where the use of alcohol or other drugs
8 is recited as an element of the offense, or any similar
9 out-of-state offense, or any combination of those
10 offenses, until the expiration of at least one year
11 from the date of the revocation. A restricted driving
12 permit issued under this Section shall be subject to
13 cancellation, revocation, and suspension by the
14 Secretary of State in like manner and for like cause as
15 a driver's license issued under this Code may be
16 cancelled, revoked, or suspended; except that a
17 conviction upon one or more offenses against laws or
18 ordinances regulating the movement of traffic shall be
19 deemed sufficient cause for the revocation,
20 suspension, or cancellation of a restricted driving
21 permit. The Secretary of State may, as a condition to
22 the issuance of a restricted driving permit, require
23 the applicant to participate in a designated driver
24 remedial or rehabilitative program. The Secretary of
25 State is authorized to cancel a restricted driving
26 permit if the permit holder does not successfully

1 complete the program.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, or the
8 Secretary of State. However, beginning January 1, 2008, if the
9 person is a CDL holder, the suspension shall also be made
10 available to the driver licensing administrator of any other
11 state, the U.S. Department of Transportation, and the affected
12 driver or motor carrier or prospective motor carrier upon
13 request.

14 (c-4) In the case of a suspension under paragraph 43 of
15 subsection (a), the Secretary of State shall notify the person
16 by mail that his or her driving privileges and driver's license
17 will be suspended one month after the date of the mailing of
18 the notice.

19 (c-5) The Secretary of State may, as a condition of the
20 reissuance of a driver's license or permit to an applicant
21 whose driver's license or permit has been suspended before he
22 or she reached the age of 18 years pursuant to any of the
23 provisions of this Section, require the applicant to
24 participate in a driver remedial education course and be
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

2 (e) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been suspended or revoked under any
5 provisions of this Code.

6 (f) In accordance with 49 C.F.R. 384, the Secretary of
7 State may not issue a restricted driving permit for the
8 operation of a commercial motor vehicle to a person holding a
9 CDL whose driving privileges have been suspended, revoked,
10 cancelled, or disqualified under any provisions of this Code.

11 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
12 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;
13 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;
14 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09;
15 revised 9-5-08.)

16 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

17 Sec. 11-204.1. Aggravated fleeing or attempting ~~attempt~~ to
18 elude a peace officer.

19 (a) The offense of aggravated fleeing or attempting to
20 elude a peace officer is committed by any driver or operator of
21 a motor vehicle who flees or attempts to elude a peace officer,
22 after being given a visual or audible signal by a peace officer
23 in the manner prescribed in subsection (a) of Section 11-204 of
24 this Code, and such flight or attempt to elude:

25 (1) is at a rate of speed at least 21 miles per hour

1 over the legal speed limit;
2 (2) causes bodily injury to any individual;
3 (3) causes damage in excess of \$300 to property; or
4 (4) involves disobedience of 2 or more official traffic
5 control devices.

6 (b) Any person convicted of a first violation of this
7 Section shall be guilty of a Class 4 felony. Upon notice of
8 such a conviction the Secretary of State shall forthwith revoke
9 the driver's license of the person so convicted, as provided in
10 Section 6-205 of this Code. Any person convicted of a second or
11 subsequent violation of this Section shall be guilty of a Class
12 3 felony, and upon notice of such a conviction the Secretary of
13 State shall forthwith revoke the driver's license of the person
14 convicted, as provided in Section 6-205 of the Code.

15 (c) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 1961.

18 (Source: P.A. 93-120, eff. 1-1-04; revised 10-30-08.)

19 (625 ILCS 5/12-610.5)

20 Sec. 12-610.5. Registration plate covers.

21 (a) In this Section, "registration plate cover" means any
22 tinted, colored, painted, marked, clear, or illuminated object
23 that is designed to:

24 (1) cover any of the characters of a motor vehicle's
25 registration plate; or

1 (2) distort a recorded image of any of the characters
2 of a motor vehicle's registration plate recorded by an
3 automated traffic law ~~red light~~ enforcement system as
4 defined in Section 11-208.6 ~~1-105.5~~ of this Code or
5 recorded by an automated traffic control system as defined
6 in Section 15 of the Automated Traffic Control Systems in
7 Highway Construction or Maintenance Zones Act.

8 (b) It shall be unlawful to operate any motor vehicle that
9 is equipped with registration plate covers.

10 (c) A person may not sell or offer for sale a registration
11 plate cover.

12 (d) A person may not advertise for the purpose of promoting
13 the sale of registration plate covers.

14 (e) A violation of this Section or a similar provision of a
15 local ordinance shall be an offense against laws and ordinances
16 regulating the movement of traffic.

17 (Source: P.A. 94-304, eff. 1-1-06; revised 10-28-08.)

18 Section 325. The Court of Claims Act is amended by changing
19 Sections 11, 22, and 24 as follows:

20 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

21 Sec. 11. Filing claims.

22 (a) Except as otherwise provided in subsection (b) of this
23 Section and subsection (4) ~~(3)~~ of Section 24, the claimant
24 shall in all cases set forth fully in his petition the claim,

1 the action thereon, if any, on behalf of the State, what
2 persons are owners thereof or interested therein, when and upon
3 what consideration such persons became so interested; that no
4 assignment or transfer of the claim or any part thereof or
5 interest therein has been made, except as stated in the
6 petition; that the claimant is justly entitled to the amount
7 therein claimed from the State of Illinois, after allowing all
8 just credits; and that claimant believes the facts stated in
9 the petition to be true. The petition shall be verified, as to
10 statements of facts, by the affidavit of the claimant, his
11 agent, or attorney.

12 (b) Whenever a person has served a term of imprisonment and
13 has received a pardon by the Governor stating that such pardon
14 was issued on the ground of innocence of the crime for which he
15 or she was imprisoned, the Prisoner Review Board shall transmit
16 this information to the clerk of the Court of Claims, together
17 with the claimant's current address. Whenever a person has
18 served a term of imprisonment and has received a certificate of
19 innocence from the Circuit Court as provided in Section 2-702
20 of the Code of Civil Procedure, the clerk of the issuing
21 Circuit Court shall transmit this information to the clerk of
22 the Court of Claims, together with the claimant's current
23 address. The clerk of the Court of Claims shall immediately
24 docket the case for consideration by the Court of Claims, and
25 shall provide notice to the claimant of such docketing together
26 with all hearing dates and applicable deadlines. The Court of

1 Claims shall hear the case and render a decision within 90 days
2 after its docketing.

3 (Source: P.A. 95-970, eff. 9-22-08; revised 10-15-08.)

4 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

5 Sec. 22. Every claim cognizable by the Court and not
6 otherwise sooner barred by law shall be forever barred from
7 prosecution therein unless it is filed with the Clerk of the
8 Court within the time set forth as follows:

9 (a) All claims arising out of a contract must be filed
10 within 5 years after it first accrues, saving to minors, and
11 persons under legal disability at the time the claim accrues,
12 in which cases the claim must be filed within 5 years from the
13 time the disability ceases.

14 (b) All claims cognizable against the State by vendors of
15 goods or services under "The Illinois Public Aid Code",
16 approved April 11, 1967, as amended, must file within one year
17 after the accrual of the cause of action, as provided in
18 Section 11-13 of that Code.

19 (c) All claims arising under paragraph (c) of Section 8 of
20 this Act must be automatically heard by the court within 120
21 days after the person asserting such claim is either issued a
22 certificate of innocence from the Circuit Court as provided in
23 Section 2-702 of the Code of Civil Procedure, or is granted a
24 pardon by the Governor, whichever occurs later, without the
25 person asserting the claim being required to file a petition

1 under Section 11 of this Act, except as otherwise provided by
2 the Crime Victims Compensation Act. Any claims filed by the
3 claimant under paragraph (c) of Section 8 of this Act must be
4 filed within 2 years after the person asserting such claim is
5 either issued a certificate of innocence as provided in Section
6 2-702 of the Code of Civil Procedure, or is granted a pardon by
7 the Governor, whichever occurs later.

8 (d) All claims arising under paragraph (f) of Section 8 of
9 this Act must be filed within the time set forth in Section 3
10 of the Line of Duty Compensation Act.

11 (e) All claims arising under paragraph (h) of Section 8 of
12 this Act must be filed within one year of the date of the death
13 of the guardsman or militiaman as provided in Section 3 of the
14 "Illinois National Guardsman's and Naval Militiaman's
15 Compensation Act", approved August 12, 1971, as amended.

16 (f) All claims arising under paragraph (g) of Section 8 of
17 this Act must be filed within one year of the crime on which a
18 claim is based as provided in Section 6.1 of the "Crime Victims
19 Compensation Act", approved August 23, 1973, as amended.

20 (g) All claims arising from the Comptroller's refusal to
21 issue a replacement warrant pursuant to Section 10.10 of the
22 State Comptroller Act must be filed within 5 years after the
23 issue date of such warrant.

24 (h) All other claims must be filed within 2 years after it
25 first accrues, saving to minors, and persons under legal
26 disability at the time the claim accrues, in which case the

1 claim must be filed within 2 years from the time the disability
2 ceases.

3 (i) The changes made by this amendatory Act of 1989 shall
4 apply to all warrants issued within the 5 year period preceding
5 the effective date of this amendatory Act of 1989.

6 (j) All time limitations established under this Act and the
7 rules promulgated under this Act shall be binding and
8 jurisdictional, except upon extension authorized by law or rule
9 and granted pursuant to a motion timely filed.

10 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
11 revised 10-14-08.)

12 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

13 Sec. 24. Payment of awards.

14 (1) From funds appropriated by the General Assembly for the
15 purposes of this Section the Court may direct immediate payment
16 of:

17 (a) All claims arising solely as a result of the
18 lapsing of an appropriation out of which the obligation
19 could have been paid.

20 (b) All claims pursuant to the Line of Duty
21 Compensation Act.

22 (c) All claims pursuant to the "Illinois National
23 Guardsman's and Naval Militiaman's Compensation Act",
24 approved August 12, 1971, as amended.

25 (d) All claims pursuant to the "Crime Victims

1 Compensation Act", approved August 23, 1973, as amended.

2 (e) All other claims wherein the amount of the award of
3 the Court is less than \$5,000.

4 (2) The court may, from funds specifically appropriated
5 from the General Revenue Fund for this purpose, direct the
6 payment of awards less than \$50,000 solely as a result of the
7 lapsing of an appropriation originally made from any fund held
8 by the State Treasurer. For any such award paid from the
9 General Revenue Fund, the court shall thereafter seek an
10 appropriation from the fund from which the liability originally
11 accrued in reimbursement of the General Revenue Fund.

12 (3) In directing payment of a claim pursuant to the Line of
13 Duty Compensation Act, the Court must direct the Comptroller to
14 add an interest penalty if payment of a claim is not made
15 within 6 months after a claim is filed in accordance with
16 Section 3 of the Line of Duty Compensation Act and all
17 information has been submitted as required under Section 4 of
18 the Line of Duty Compensation Act. If payment is not issued
19 within the 6-month period, an interest penalty of 1% of the
20 amount of the award shall be added for each month or fraction
21 thereof after the end of the 6-month period, until final
22 payment is made. This interest penalty shall be added
23 regardless of whether the payment is not issued within the
24 6-month period because of the appropriation process, the
25 consideration of the matter by the Court, or any other reason.

26 (4) ~~(3)~~ From funds appropriated by the General Assembly for

1 the purposes of paying claims under paragraph (c) of Section 8,
2 the court must direct payment of each claim and the payment
3 must be received by the claimant within 60 days after the date
4 that the funds are appropriated for that purpose.

5 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
6 revised 10-14-08.)

7 Section 330. The Criminal Code of 1961 is amended by
8 changing Sections 9-3, 11-9.3, 11-9.4, 12-4.2, 12-4.2-5,
9 12-7.5, 17-2, 24-1, 31-6, 31-7, and 31A-1.2 as follows:

10 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

11 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

12 (a) A person who unintentionally kills an individual
13 without lawful justification commits involuntary manslaughter
14 if his acts whether lawful or unlawful which cause the death
15 are such as are likely to cause death or great bodily harm to
16 some individual, and he performs them recklessly, except in
17 cases in which the cause of the death consists of the driving
18 of a motor vehicle or operating a snowmobile, all-terrain
19 vehicle, or watercraft, in which case the person commits
20 reckless homicide. A person commits reckless homicide if he or
21 she unintentionally kills an individual while driving a vehicle
22 and using an incline in a roadway, such as a railroad crossing,
23 bridge approach, or hill, to cause the vehicle to become
24 airborne.

1 (b) (Blank).

2 (c) (Blank).

3 (d) Sentence.

4 (1) Involuntary manslaughter is a Class 3 felony.

5 (2) Reckless homicide is a Class 3 felony.

6 (e) (Blank).

7 (e-2) Except as provided in subsection (e-3), in cases
8 involving reckless homicide in which the offense is committed
9 upon a public thoroughfare where children pass going to and
10 from school when a school crossing guard is performing official
11 duties, the penalty is a Class 2 felony, for which a person, if
12 sentenced to a term of imprisonment, shall be sentenced to a
13 term of not less than 3 years and not more than 14 years.

14 (e-3) In cases involving reckless homicide in which (i) the
15 offense is committed upon a public thoroughfare where children
16 pass going to and from school when a school crossing guard is
17 performing official duties and (ii) the defendant causes the
18 deaths of 2 or more persons as part of a single course of
19 conduct, the penalty is a Class 2 felony, for which a person,
20 if sentenced to a term of imprisonment, shall be sentenced to a
21 term of not less than 6 years and not more than 28 years.

22 (e-5) (Blank).

23 (e-7) Except as otherwise provided in subsection (e-8), in
24 cases involving reckless homicide in which the defendant: (1)
25 was driving in a construction or maintenance zone, as defined
26 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was

1 operating a vehicle while failing or refusing to comply with
2 any lawful order or direction of any authorized police officer
3 or traffic control aide engaged in traffic control, the penalty
4 is a Class 2 felony, for which a person, if sentenced to a term
5 of imprisonment, shall be sentenced to a term of not less than
6 3 years and not more than 14 years.

7 (e-8) In cases involving reckless homicide in which the
8 defendant caused the deaths of 2 or more persons as part of a
9 single course of conduct and: (1) was driving in a construction
10 or maintenance zone, as defined in Section 11-605.1 of the
11 Illinois Vehicle Code, or (2) was operating a vehicle while
12 failing or refusing to comply with any lawful order or
13 direction of any authorized police officer or traffic control
14 aide engaged in traffic control, the penalty is a Class 2
15 felony, for which a person, if sentenced to a term of
16 imprisonment, shall be sentenced to a term of not less than 6
17 years and not more than 28 years.

18 (e-9) In cases involving reckless homicide in which the
19 defendant drove a vehicle and used an incline in a roadway,
20 such as a railroad crossing, bridge approach, or hill, to cause
21 the vehicle to become airborne, and caused the deaths of 2 or
22 more persons as part of a single course of conduct, the penalty
23 is a Class 2 felony.

24 (e-10) In cases involving involuntary manslaughter or
25 reckless homicide resulting in the death of a peace officer
26 killed in the performance of his or her duties as a peace

1 officer, the penalty is a Class 2 felony.

2 (e-11) In cases involving reckless homicide in which the
3 defendant unintentionally kills an individual while driving in
4 a posted school zone, as defined in Section 11-605 of the
5 Illinois Vehicle Code, while children are present or in a
6 construction or maintenance zone, as defined in Section
7 11-605.1 of the Illinois Vehicle Code, when construction or
8 maintenance workers are present the trier of fact may infer
9 that the defendant's actions were performed recklessly where he
10 or she was also either driving at a speed of more than 20 miles
11 per hour in excess of the posted speed limit or violating
12 Section 11-501 of the Illinois Vehicle Code.

13 (e-12) Except as otherwise provided in subsection (e-13),
14 in cases involving reckless homicide in which the offense was
15 committed as result of a violation of subsection (c) of Section
16 11-907 of the Illinois Vehicle Code, 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 3
19 years and not more than 14 years.

20 (e-13) In cases involving reckless homicide in which the
21 offense was committed as result of a violation of subsection
22 (c) of Section 11-907 of the Illinois Vehicle Code and the
23 defendant caused the deaths of 2 or more persons as part of a
24 single course of conduct, the penalty is a Class 2 felony, for
25 which a person, if sentenced to a term of imprisonment, shall
26 be sentenced to a term of not less than 6 years and not more

1 than 28 years.

2 (e-14) ~~(e-12)~~ In cases involving reckless homicide in which
3 the defendant unintentionally kills an individual, the trier of
4 fact may infer that the defendant's actions were performed
5 recklessly where he or she was also violating subsection (c) of
6 Section 11-907 of the Illinois Vehicle Code. The penalty for a
7 reckless homicide in which the driver also violated subsection
8 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2
9 felony, for which a person, if sentenced to a term of
10 imprisonment, shall be sentenced to a term of not less than 3
11 years and not more than 14 years.

12 (f) In cases involving involuntary manslaughter in which
13 the victim was a family or household member as defined in
14 paragraph (3) of Section 112A-3 of the Code of Criminal
15 Procedure of 1963, the penalty shall be a Class 2 felony, for
16 which a person if sentenced to a term of imprisonment, shall be
17 sentenced to a term of not less than 3 years and not more than
18 14 years.

19 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
20 eff. 6-1-08; 95-591, eff. 9-10-07; 95-803, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 95-884, eff. 1-1-09; revised 12-9-08.)

22 (720 ILCS 5/11-9.3)

23 Sec. 11-9.3. Presence within school zone by child sex
24 offenders prohibited.

25 (a) It is unlawful for a child sex offender to knowingly be

1 present in any school building, on real property comprising any
2 school, or in any conveyance owned, leased, or contracted by a
3 school to transport students to or from school or a school
4 related activity when persons under the age of 18 are present
5 in the building, on the grounds or in the conveyance, unless
6 the offender is a parent or guardian of a student attending the
7 school and the parent or guardian is: (i) attending a
8 conference at the school with school personnel to discuss the
9 progress of his or her child academically or socially, (ii)
10 participating in child review conferences in which evaluation
11 and placement decisions may be made with respect to his or her
12 child regarding special education services, or (iii) attending
13 conferences to discuss other student issues concerning his or
14 her child such as retention and promotion and notifies the
15 principal of the school of his or her presence at the school or
16 unless the offender has permission to be present from the
17 superintendent or the school board or in the case of a private
18 school from the principal. In the case of a public school, if
19 permission is granted, the superintendent or school board
20 president must inform the principal of the school where the sex
21 offender will be present. Notification includes the nature of
22 the sex offender's visit and the hours in which the sex
23 offender will be present in the school. The sex offender is
24 responsible for notifying the principal's office when he or she
25 arrives on school property and when he or she departs from
26 school property. If the sex offender is to be present in the

1 vicinity of children, the sex offender has the duty to remain
2 under the direct supervision of a school official. A child sex
3 offender who violates this provision is guilty of a Class 4
4 felony.

5 (a-5) It is unlawful for a child sex offender to knowingly
6 be present within 100 feet of a site posted as a pick-up or
7 discharge stop for a conveyance owned, leased, or contracted by
8 a school to transport students to or from school or a school
9 related activity when one or more persons under the age of 18
10 are present at the site.

11 (b) It is unlawful for a child sex offender to knowingly
12 loiter within 500 feet of a school building or real property
13 comprising any school while persons under the age of 18 are
14 present in the building or on the grounds, unless the offender
15 is a parent or guardian of a student attending the school and
16 the parent or guardian is: (i) attending a conference at the
17 school with school personnel to discuss the progress of his or
18 her child academically or socially, (ii) participating in child
19 review conferences in which evaluation and placement decisions
20 may be made with respect to his or her child regarding special
21 education services, or (iii) attending conferences to discuss
22 other student issues concerning his or her child such as
23 retention and promotion and notifies the principal of the
24 school of his or her presence at the school or has permission
25 to be present from the superintendent or the school board or in
26 the case of a private school from the principal. In the case of

1 a public school, if permission is granted, the superintendent
2 or school board president must inform the principal of the
3 school where the sex offender will be present. Notification
4 includes the nature of the sex offender's visit and the hours
5 in which the sex offender will be present in the school. The
6 sex offender is responsible for notifying the principal's
7 office when he or she arrives on school property and when he or
8 she departs from school property. If the sex offender is to be
9 present in the vicinity of children, the sex offender has the
10 duty to remain under the direct supervision of a school
11 official. A child sex offender who violates this provision is
12 guilty of a Class 4 felony.

13 (b-5) It is unlawful for a child sex offender to knowingly
14 reside within 500 feet of a school building or the real
15 property comprising any school that persons under the age of 18
16 attend. Nothing in this subsection (b-5) prohibits a child sex
17 offender from residing within 500 feet of a school building or
18 the real property comprising any school that persons under 18
19 attend if the property is owned by the child sex offender and
20 was purchased before the effective date of this amendatory Act
21 of the 91st General Assembly.

22 (c) Definitions. In this Section:

23 (1) "Child sex offender" means any person who:

24 (i) has been charged under Illinois law, or any
25 substantially similar federal law or law of another
26 state, with a sex offense set forth in paragraph (2) of

1 this subsection (c) or the attempt to commit an
2 included sex offense, and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity
6 of such offense or an attempt to commit such
7 offense; or

8 (C) is found not guilty by reason of insanity
9 pursuant to subsection (c) of Section 104-25 of the
10 Code of Criminal Procedure of 1963 of such offense
11 or an attempt to commit such offense; or

12 (D) is the subject of a finding not resulting
13 in an acquittal at a hearing conducted pursuant to
14 subsection (a) of Section 104-25 of the Code of
15 Criminal Procedure of 1963 for the alleged
16 commission or attempted commission of such
17 offense; or

18 (E) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a
20 federal law or the law of another state
21 substantially similar to subsection (c) of Section
22 104-25 of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

6 (ii) is certified as a sexually dangerous person
7 pursuant to the Illinois Sexually Dangerous Persons
8 Act, or any substantially similar federal law or the
9 law of another state, when any conduct giving rise to
10 such certification is committed or attempted against a
11 person less than 18 years of age; or

12 (iii) is subject to the provisions of Section 2 of
13 the Interstate Agreements on Sexually Dangerous
14 Persons Act.

15 Convictions that result from or are connected with the
16 same act, or result from offenses committed at the same
17 time, shall be counted for the purpose of this Section as
18 one conviction. Any conviction set aside pursuant to law is
19 not a conviction for purposes of this Section.

20 (2) Except as otherwise provided in paragraph (2.5),
21 "sex offense" means:

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961: 10-7 (aiding and abetting
24 child abduction under Section 10-5(b)(10)),
25 10-5(b)(10) (child luring), 11-6 (indecent
26 solicitation of a child), 11-6.5 (indecent

1 solicitation of an adult), 11-9 (public indecency when
2 committed in a school, on the real property comprising
3 a school, or on a conveyance, owned, leased, or
4 contracted by a school to transport students to or from
5 school or a school related activity), 11-9.1 (sexual
6 exploitation of a child), 11-15.1 (soliciting for a
7 juvenile prostitute), 11-17.1 (keeping a place of
8 juvenile prostitution), 11-18.1 (patronizing a
9 juvenile prostitute), 11-19.1 (juvenile pimping),
10 11-19.2 (exploitation of a child), 11-20.1 (child
11 pornography), 11-20.3 (aggravated child pornography),
12 11-21 (harmful material), 12-14.1 (predatory criminal
13 sexual assault of a child), 12-33 (ritualized abuse of
14 a child), 11-20 (obscenity) (when that offense was
15 committed in any school, on real property comprising
16 any school, in any conveyance owned, leased, or
17 contracted by a school to transport students to or from
18 school or a school related activity). An attempt to
19 commit any of these offenses.

20 (ii) A violation of any of the following Sections
21 of the Criminal Code of 1961, when the victim is a
22 person under 18 years of age: 12-13 (criminal sexual
23 assault), 12-14 (aggravated criminal sexual assault),
24 12-15 (criminal sexual abuse), 12-16 (aggravated
25 criminal sexual abuse). An attempt to commit any of
26 these offenses.

1 (iii) 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 and the defendant is not a
4 parent of the victim:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this State
11 substantially equivalent to any offense listed in
12 clause (2)(i) of subsection (c) of this Section.

13 (2.5) For the purposes of subsection (b-5) only, a sex
14 offense means:

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961:

17 10-5(b)(10) (child luring), 10-7 (aiding and
18 abetting child abduction under Section 10-5(b)(10)),

19 11-6 (indecent solicitation of a child), 11-6.5

20 (indecent solicitation of an adult), 11-15.1

21 (soliciting for a juvenile prostitute), 11-17.1

22 (keeping a place of juvenile prostitution), 11-18.1

23 (patronizing a juvenile prostitute), 11-19.1 (juvenile

24 pimping), 11-19.2 (exploitation of a child), 11-20.1

25 (child pornography), 11-20.3 (aggravated child

26 pornography), 12-14.1 (predatory criminal sexual

1 assault of a child), or 12-33 (ritualized abuse of a
2 child). An attempt to commit any of these offenses.

3 (ii) 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: 12-13 (criminal sexual
6 assault), 12-14 (aggravated criminal sexual assault),
7 12-16 (aggravated criminal sexual abuse), and
8 subsection (a) of Section 12-15 (criminal sexual
9 abuse). An attempt to commit any of these offenses.

10 (iii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age and the defendant is not a
13 parent of the victim:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in this
21 paragraph (2.5) of this subsection.

22 (3) A conviction for an offense of federal law or the
23 law of another state that is substantially equivalent to
24 any offense listed in paragraph (2) of subsection (c) of
25 this Section shall constitute a conviction for the purpose
26 of this Article. A finding or adjudication as a sexually

1 dangerous person under any federal law or law of another
2 state that is substantially equivalent to the Sexually
3 Dangerous Persons Act shall constitute an adjudication for
4 the purposes of this Section.

5 (4) "School" means a public or private pre-school,
6 elementary, or secondary school.

7 (5) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle or remaining in or around school
10 property.

11 (ii) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around school
13 property, for the purpose of committing or attempting
14 to commit a sex offense.

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (6) "School official" means the principal, a teacher,
19 or any other certified employee of the school, the
20 superintendent of schools or a member of the school board.

21 (c-5) For the purposes of this Section, the 500 feet
22 distance shall be measured from the edge of the property of the
23 school building or the real property comprising the school that
24 is closest to the edge of the property of the child sex
25 offender's residence or where he or she is loitering.

26 (d) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

2 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
3 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
4 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.
5 8-21-08; revised 9-23-08.)

6 (720 ILCS 5/11-9.4)

7 (Text of Section before amendment by P.A. 95-983)

8 Sec. 11-9.4. Approaching, contacting, residing, or
9 communicating with a child within certain places by child sex
10 offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any public park building or on real property
13 comprising any public park when persons under the age of 18 are
14 present in the building or on the grounds and to approach,
15 contact, or communicate with a child under 18 years of age,
16 unless the offender is a parent or guardian of a person under
17 18 years of age present in the building or on the grounds.

18 (b) It is unlawful for a child sex offender to knowingly
19 loiter on a public way within 500 feet of a public park
20 building or real property comprising any public park while
21 persons under the age of 18 are present in the building or on
22 the grounds and to approach, contact, or communicate with a
23 child under 18 years of age, unless the offender is a parent or
24 guardian of a person under 18 years of age present in the
25 building or on the grounds.

1 (b-5) It is unlawful for a child sex offender to knowingly
2 reside within 500 feet of a playground, child care institution,
3 day care center, part day child care facility, day care home,
4 group day care home, or a facility providing programs or
5 services exclusively directed toward persons under 18 years of
6 age. Nothing in this subsection (b-5) prohibits a child sex
7 offender from residing within 500 feet of a playground or a
8 facility providing programs or services exclusively directed
9 toward persons under 18 years of age if the property is owned
10 by the child sex offender and was purchased before the
11 effective date of this amendatory Act of the 91st General
12 Assembly. Nothing in this subsection (b-5) prohibits a child
13 sex offender from residing within 500 feet of a child care
14 institution, day care center, or part day child care facility
15 if the property is owned by the child sex offender and was
16 purchased before the effective date of this amendatory Act of
17 the 94th General Assembly. Nothing in this subsection (b-5)
18 prohibits a child sex offender from residing within 500 feet of
19 a day care home or group day care home if the property is owned
20 by the child sex offender and was purchased before August 14,
21 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
22 ~~Act of the 95th General Assembly.~~

23 (b-6) It is unlawful for a child sex offender to knowingly
24 reside within 500 feet of the victim of the sex offense.
25 Nothing in this subsection (b-6) prohibits a child sex offender
26 from residing within 500 feet of the victim if the property in

1 which the child sex offender resides is owned by the child sex
2 offender and was purchased before the effective date of this
3 amendatory Act of the 92nd General Assembly.

4 This subsection (b-6) does not apply if the victim of the
5 sex offense is 21 years of age or older.

6 (c) It is unlawful for a child sex offender to knowingly
7 operate, manage, be employed by, volunteer at, be associated
8 with, or knowingly be present at any: (i) facility providing
9 programs or services exclusively directed towards persons
10 under the age of 18; (ii) day care center; (iii) part day child
11 care facility; (iv) child care institution; (v) school
12 providing before and after school programs for children under
13 18 years of age; (vi) day care home; or (vii) group day care
14 home. This does not prohibit a child sex offender from owning
15 the real property upon which the programs or services are
16 offered or upon which the day care center, part day child care
17 facility, child care institution, or school providing before
18 and after school programs for children under 18 years of age is
19 located, provided the child sex offender refrains from being
20 present on the premises for the hours during which: (1) the
21 programs or services are being offered or (2) the day care
22 center, part day child care facility, child care institution,
23 school providing before and after school programs for children
24 under 18 years of age, day care home, or group day care home is
25 operated.

26 (c-5) It is unlawful for a child sex offender to knowingly

1 operate, manage, be employed by, or be associated with any
2 county fair when persons under the age of 18 are present.

3 (c-6) It is unlawful for a child sex offender who owns and
4 resides at residential real estate to knowingly rent any
5 residential unit within the same building in which he or she
6 resides to a person who is the parent or guardian of a child or
7 children under 18 years of age. This subsection shall apply
8 only to leases or other rental arrangements entered into after
9 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
10 ~~amendatory Act of the 95th General Assembly.~~

11 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
12 knowingly offer or provide any programs or services to persons
13 under 18 years of age in his or her residence or the residence
14 of another or in any facility for the purpose of offering or
15 providing such programs or services, whether such programs or
16 services are offered or provided by contract, agreement,
17 arrangement, or on a volunteer basis.

18 (d) Definitions. In this Section:

19 (1) "Child sex offender" means any person who:

20 (i) has been charged under Illinois law, or any
21 substantially similar federal law or law of another
22 state, with a sex offense set forth in paragraph (2) of
23 this subsection (d) or the attempt to commit an
24 included sex offense, and:

25 (A) is convicted of such offense or an attempt
26 to commit such offense; or

1 (B) is found not guilty by reason of insanity
2 of such offense or an attempt to commit such
3 offense; or

4 (C) is found not guilty by reason of insanity
5 pursuant to subsection (c) of Section 104-25 of the
6 Code of Criminal Procedure of 1963 of such offense
7 or an attempt to commit such offense; or

8 (D) is the subject of a finding not resulting
9 in an acquittal at a hearing conducted pursuant to
10 subsection (a) of Section 104-25 of the Code of
11 Criminal Procedure of 1963 for the alleged
12 commission or attempted commission of such
13 offense; or

14 (E) is found not guilty by reason of insanity
15 following a hearing conducted pursuant to a
16 federal law or the law of another state
17 substantially similar to subsection (c) of Section
18 104-25 of the Code of Criminal Procedure of 1963 of
19 such offense or of the attempted commission of such
20 offense; or

21 (F) is the subject of a finding not resulting
22 in an acquittal at a hearing conducted pursuant to
23 a federal law or the law of another state
24 substantially similar to subsection (a) of Section
25 104-25 of the Code of Criminal Procedure of 1963
26 for the alleged violation or attempted commission

1 of such offense; or

2 (ii) is certified as a sexually dangerous person
3 pursuant to the Illinois Sexually Dangerous Persons
4 Act, or any substantially similar federal law or the
5 law of another state, when any conduct giving rise to
6 such certification is committed or attempted against a
7 person less than 18 years of age; or

8 (iii) is subject to the provisions of Section 2 of
9 the Interstate Agreements on Sexually Dangerous
10 Persons Act.

11 Convictions that result from or are connected with the
12 same act, or result from offenses committed at the same
13 time, shall be counted for the purpose of this Section as
14 one conviction. Any conviction set aside pursuant to law is
15 not a conviction for purposes of this Section.

16 (2) Except as otherwise provided in paragraph (2.5),
17 "sex offense" means:

18 (i) A violation of any of the following Sections of
19 the Criminal Code of 1961: 10-7 (aiding and abetting
20 child abduction under Section 10-5(b)(10)),
21 10-5(b)(10) (child luring), 11-6 (indecent
22 solicitation of a child), 11-6.5 (indecent
23 solicitation of an adult), 11-9 (public indecency when
24 committed in a school, on the real property comprising
25 a school, on a conveyance owned, leased, or contracted
26 by a school to transport students to or from school or

1 a school related activity, or in a public park), 11-9.1
2 (sexual exploitation of a child), 11-15.1 (soliciting
3 for a juvenile prostitute), 11-17.1 (keeping a place of
4 juvenile prostitution), 11-18.1 (patronizing a
5 juvenile prostitute), 11-19.1 (juvenile pimping),
6 11-19.2 (exploitation of a child), 11-20.1 (child
7 pornography), 11-20.3 (aggravated child pornography),
8 11-21 (harmful material), 12-14.1 (predatory criminal
9 sexual assault of a child), 12-33 (ritualized abuse of
10 a child), 11-20 (obscenity) (when that offense was
11 committed in any school, on real property comprising
12 any school, on any conveyance owned, leased, or
13 contracted by a school to transport students to or from
14 school or a school related activity, or in a public
15 park). An attempt to commit any of these offenses.

16 (ii) A violation of any of the following Sections
17 of the Criminal Code of 1961, when the victim is a
18 person under 18 years of age: 12-13 (criminal sexual
19 assault), 12-14 (aggravated criminal sexual assault),
20 12-15 (criminal sexual abuse), 12-16 (aggravated
21 criminal sexual abuse). An attempt to commit any of
22 these offenses.

23 (iii) 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 and the defendant is not a
26 parent of the victim:

1 10-1 (kidnapping),
2 10-2 (aggravated kidnapping),
3 10-3 (unlawful restraint),
4 10-3.1 (aggravated unlawful restraint).

5 An attempt to commit any of these offenses.

6 (iv) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 clause (2)(i) of this subsection (d).

9 (2.5) For the purposes of subsection (b-5) only, a sex
10 offense means:

11 (i) A violation of any of the following Sections of
12 the Criminal Code of 1961:

13 10-5(b)(10) (child luring), 10-7 (aiding and
14 abetting child abduction under Section
15 10-5(b)(10)), 11-6 (indecent solicitation of a
16 child), 11-6.5 (indecent solicitation of an
17 adult), 11-15.1 (soliciting for a juvenile
18 prostitute), 11-17.1 (keeping a place of juvenile
19 prostitution), 11-18.1 (patronizing a juvenile
20 prostitute), 11-19.1 (juvenile pimping), 11-19.2
21 (exploitation of a child), 11-20.1 (child
22 pornography), 11-20.3 (aggravated child
23 pornography), 12-14.1 (predatory criminal sexual
24 assault of a child), or 12-33 (ritualized abuse of
25 a child). An attempt to commit any of these
26 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 12-16 (aggravated criminal sexual abuse), and
6 subsection (a) of Section 12-15 (criminal sexual
7 abuse). An attempt to commit any of 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 this
19 paragraph (2.5) of this subsection.

20 (3) A conviction for an offense of federal law or the
21 law of another state that is substantially equivalent to
22 any offense listed in paragraph (2) of this subsection (d)
23 shall constitute a conviction for the purpose of this
24 Section. A finding or adjudication as a sexually dangerous
25 person under any federal law or law of another state that
26 is substantially equivalent to the Sexually Dangerous

1 Persons Act shall constitute an adjudication for the
2 purposes of this Section.

3 (4) "Public park" includes a park, forest preserve, or
4 conservation area under the jurisdiction of the State or a
5 unit of local government.

6 (5) "Facility providing programs or services directed
7 towards persons under the age of 18" means any facility
8 providing programs or services exclusively directed
9 towards persons under the age of 18.

10 (6) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around public
13 park property.

14 (ii) Standing, sitting idly, whether or not the
15 person is in a vehicle or remaining in or around public
16 park property, for the purpose of committing or
17 attempting to commit a sex offense.

18 (7) "Playground" means a piece of land owned or
19 controlled by a unit of local government that is designated
20 by the unit of local government for use solely or primarily
21 for children's recreation.

22 (8) "Child care institution" has the meaning ascribed
23 to it in Section 2.06 of the Child Care Act of 1969.

24 (9) "Day care center" has the meaning ascribed to it in
25 Section 2.09 of the Child Care Act of 1969.

26 (10) "Part day child care facility" has the meaning

1 ascribed to it in Section 2.10 of the Child Care Act of
2 1969.

3 (11) "Day care home" has the meaning ascribed to it in
4 Section 2.18 of the Child Care Act of 1969.

5 (12) "Group day care home" has the meaning ascribed to
6 it in Section 2.20 of the Child Care Act of 1969.

7 (d-5) For the purposes of this Section, the 500 feet
8 distance shall be measured from the edge of the property
9 comprising the public park building or the real property
10 comprising the public park, playground, child care
11 institution, day care center, part day child care facility, or
12 a facility providing programs or services exclusively directed
13 toward persons under 18 years of age, or a victim of the sex
14 offense who is under 21 years of age to the edge of the child
15 sex offender's place of residence or where he or she is
16 loitering.

17 (e) Sentence. A person who violates this Section is guilty
18 of a Class 4 felony.

19 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
20 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
21 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

22 (Text of Section after amendment by P.A. 95-983)

23 Sec. 11-9.4. Approaching, contacting, residing, or
24 communicating with a child within certain places by child sex
25 offenders prohibited.

1 (a) It is unlawful for a child sex offender to knowingly be
2 present in any public park building or on real property
3 comprising any public park when persons under the age of 18 are
4 present in the building or on the grounds and to approach,
5 contact, or communicate with a child under 18 years of age,
6 unless the offender is a parent or guardian of a person under
7 18 years of age present in the building or on the grounds.

8 (b) It is unlawful for a child sex offender to knowingly
9 loiter on a public way within 500 feet of a public park
10 building or real property comprising any public park while
11 persons under the age of 18 are present in the building or on
12 the grounds and to approach, contact, or communicate with a
13 child under 18 years of age, unless the offender is a parent or
14 guardian of a person under 18 years of age present in the
15 building or on the grounds.

16 (b-5) It is unlawful for a child sex offender to knowingly
17 reside within 500 feet of a playground, child care institution,
18 day care center, part day child care facility, day care home,
19 group day care home, or a facility providing programs or
20 services exclusively directed toward persons under 18 years of
21 age. Nothing in this subsection (b-5) prohibits a child sex
22 offender from residing within 500 feet of a playground or a
23 facility providing programs or services exclusively directed
24 toward persons under 18 years of age if the property is owned
25 by the child sex offender and was purchased before the
26 effective date of this amendatory Act of the 91st General

1 Assembly. Nothing in this subsection (b-5) prohibits a child
2 sex offender from residing within 500 feet of a child care
3 institution, day care center, or part day child care facility
4 if the property is owned by the child sex offender and was
5 purchased before the effective date of this amendatory Act of
6 the 94th General Assembly. Nothing in this subsection (b-5)
7 prohibits a child sex offender from residing within 500 feet of
8 a day care home or group day care home if the property is owned
9 by the child sex offender and was purchased before August 14,
10 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
11 ~~Act of the 95th General Assembly.~~

12 (b-6) It is unlawful for a child sex offender to knowingly
13 reside within 500 feet of the victim of the sex offense.
14 Nothing in this subsection (b-6) prohibits a child sex offender
15 from residing within 500 feet of the victim if the property in
16 which the child sex offender resides is owned by the child sex
17 offender and was purchased before the effective date of this
18 amendatory Act of the 92nd General Assembly.

19 This subsection (b-6) does not apply if the victim of the
20 sex offense is 21 years of age or older.

21 (b-7) It is unlawful for a child sex offender to knowingly
22 communicate, other than for a lawful purpose under Illinois
23 law, using the Internet or any other digital media, with a
24 person under 18 years of age or with a person whom he or she
25 believes to be a person under 18 years of age, unless the
26 offender is a parent or guardian of the person under 18 years

1 of age.

2 (c) It is unlawful for a child sex offender to knowingly
3 operate, manage, be employed by, volunteer at, be associated
4 with, or knowingly be present at any: (i) facility providing
5 programs or services exclusively directed towards persons
6 under the age of 18; (ii) day care center; (iii) part day child
7 care facility; (iv) child care institution; (v) school
8 providing before and after school programs for children under
9 18 years of age; (vi) day care home; or (vii) group day care
10 home. This does not prohibit a child sex offender from owning
11 the real property upon which the programs or services are
12 offered or upon which the day care center, part day child care
13 facility, child care institution, or school providing before
14 and after school programs for children under 18 years of age is
15 located, provided the child sex offender refrains from being
16 present on the premises for the hours during which: (1) the
17 programs or services are being offered or (2) the day care
18 center, part day child care facility, child care institution,
19 school providing before and after school programs for children
20 under 18 years of age, day care home, or group day care home is
21 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 (c-6) It is unlawful for a child sex offender who owns and
26 resides at residential real estate to knowingly rent any

1 residential unit within the same building in which he or she
2 resides to a person who is the parent or guardian of a child or
3 children under 18 years of age. This subsection shall apply
4 only to leases or other rental arrangements entered into after
5 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
6 ~~amendatory Act of the 95th General Assembly.~~

7 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
8 knowingly offer or provide any programs or services to persons
9 under 18 years of age in his or her residence or the residence
10 of another or in any facility for the purpose of offering or
11 providing such programs or services, whether such programs or
12 services are offered or provided by contract, agreement,
13 arrangement, or on a volunteer basis.

14 (d) Definitions. In this Section:

15 (1) "Child sex offender" means any person who:

16 (i) has been charged under Illinois law, or any
17 substantially similar federal law or law of another
18 state, with a sex offense set forth in paragraph (2) of
19 this subsection (d) or the attempt to commit an
20 included sex offense, and:

21 (A) is convicted of such offense or an attempt
22 to commit such offense; or

23 (B) is found not guilty by reason of insanity
24 of such offense or an attempt to commit such
25 offense; or

26 (C) is found not guilty by reason of insanity

1 pursuant to subsection (c) of Section 104-25 of the
2 Code of Criminal Procedure of 1963 of such offense
3 or an attempt to commit such offense; or

4 (D) is the subject of a finding not resulting
5 in an acquittal at a hearing conducted pursuant to
6 subsection (a) of Section 104-25 of the Code of
7 Criminal Procedure of 1963 for the alleged
8 commission or attempted commission of such
9 offense; or

10 (E) is found not guilty by reason of insanity
11 following a hearing conducted pursuant to a
12 federal law or the law of another state
13 substantially similar to subsection (c) of Section
14 104-25 of the Code of Criminal Procedure of 1963 of
15 such offense or of the attempted commission of such
16 offense; or

17 (F) is the subject of a finding not resulting
18 in an acquittal at a hearing conducted pursuant to
19 a federal law or the law of another state
20 substantially similar to subsection (a) of Section
21 104-25 of the Code of Criminal Procedure of 1963
22 for the alleged violation or attempted commission
23 of such offense; or

24 (ii) is certified as a sexually dangerous person
25 pursuant to the Illinois Sexually Dangerous Persons
26 Act, or any substantially similar federal law or the

1 law of another state, when any conduct giving rise to
2 such certification is committed or attempted against a
3 person less than 18 years of age; or

4 (iii) is subject to the provisions of Section 2 of
5 the Interstate Agreements on Sexually Dangerous
6 Persons Act.

7 Convictions that result from or are connected with the
8 same act, or result from offenses committed at the same
9 time, shall be counted for the purpose of this Section as
10 one conviction. Any conviction set aside pursuant to law is
11 not a conviction for purposes of this Section.

12 (2) Except as otherwise provided in paragraph (2.5),
13 "sex offense" means:

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961: 10-7 (aiding and abetting
16 child abduction under Section 10-5(b)(10)),
17 10-5(b)(10) (child luring), 11-6 (indecent
18 solicitation of a child), 11-6.5 (indecent
19 solicitation of an adult), 11-9 (public indecency when
20 committed in a school, on the real property comprising
21 a school, on a conveyance owned, leased, or contracted
22 by a school to transport students to or from school or
23 a school related activity, or in a public park), 11-9.1
24 (sexual exploitation of a child), 11-15.1 (soliciting
25 for a juvenile prostitute), 11-17.1 (keeping a place of
26 juvenile prostitution), 11-18.1 (patronizing a

1 juvenile prostitute), 11-19.1 (juvenile pimping),
2 11-19.2 (exploitation of a child), 11-20.1 (child
3 pornography), 11-20.3 (aggravated child pornography),
4 11-21 (harmful material), 12-14.1 (predatory criminal
5 sexual assault of a child), 12-33 (ritualized abuse of
6 a child), 11-20 (obscenity) (when that offense was
7 committed in any school, on real property comprising
8 any school, on any conveyance owned, leased, or
9 contracted by a school to transport students to or from
10 school or a school related activity, or in a public
11 park). An attempt to commit any of these 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 12-15 (criminal sexual abuse), 12-16 (aggravated
17 criminal sexual abuse). An attempt to commit any of
18 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
4 clause (2) (i) of this subsection (d).

5 (2.5) For the purposes of subsection (b-5) only, a sex
6 offense means:

7 (i) A violation of any of the following Sections of
8 the Criminal Code of 1961:

9 10-5(b)(10) (child luring), 10-7 (aiding and
10 abetting child abduction under Section
11 10-5(b)(10)), 11-6 (indecent solicitation of a
12 child), 11-6.5 (indecent solicitation of an
13 adult), 11-15.1 (soliciting for a juvenile
14 prostitute), 11-17.1 (keeping a place of juvenile
15 prostitution), 11-18.1 (patronizing a juvenile
16 prostitute), 11-19.1 (juvenile pimping), 11-19.2
17 (exploitation of a child), 11-20.1 (child
18 pornography), 11-20.3 (aggravated child
19 pornography), 12-14.1 (predatory criminal sexual
20 assault of a child), or 12-33 (ritualized abuse of
21 a child). An attempt to commit any of these
22 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 12-16 (aggravated criminal sexual abuse), and
2 subsection (a) of Section 12-15 (criminal sexual
3 abuse). An attempt to commit any of 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 this
15 paragraph (2.5) of this subsection.

16 (3) A conviction for an offense of federal law or the
17 law of another state that is substantially equivalent to
18 any offense listed in paragraph (2) of this subsection (d)
19 shall constitute a conviction for the purpose of this
20 Section. A finding or adjudication as a sexually dangerous
21 person under any federal law or law of another state that
22 is substantially equivalent to the Sexually Dangerous
23 Persons Act shall constitute an adjudication for the
24 purposes of this Section.

25 (4) "Public park" includes a park, forest preserve, or
26 conservation area under the jurisdiction of the State or a

1 unit of local government.

2 (5) "Facility providing programs or services directed
3 towards persons under the age of 18" means any facility
4 providing programs or services exclusively directed
5 towards persons under the age of 18.

6 (6) "Loiter" means:

7 (i) Standing, sitting idly, whether or not the
8 person is in a vehicle or remaining in or around public
9 park property.

10 (ii) Standing, sitting idly, whether or not the
11 person is in a vehicle or remaining in or around public
12 park property, for the purpose of committing or
13 attempting to commit a sex offense.

14 (7) "Playground" means a piece of land owned or
15 controlled by a unit of local government that is designated
16 by the unit of local government for use solely or primarily
17 for children's recreation.

18 (8) "Child care institution" has the meaning ascribed
19 to it in Section 2.06 of the Child Care Act of 1969.

20 (9) "Day care center" has the meaning ascribed to it in
21 Section 2.09 of the Child Care Act of 1969.

22 (10) "Part day child care facility" has the meaning
23 ascribed to it in Section 2.10 of the Child Care Act of
24 1969.

25 (11) "Day care home" has the meaning ascribed to it in
26 Section 2.18 of the Child Care Act of 1969.

1 (12) "Group day care home" has the meaning ascribed to
2 it in Section 2.20 of the Child Care Act of 1969.

3 (13) ~~(11)~~ "Internet" means an interactive computer
4 service or system or an information service, system, or
5 access software provider that provides or enables computer
6 access by multiple users to a computer server, and
7 includes, but is not limited to, an information service,
8 system, or access software provider that provides access to
9 a network system commonly known as the Internet, or any
10 comparable system or service and also includes, but is not
11 limited to, a World Wide Web page, newsgroup, message
12 board, mailing list, or chat area on any interactive
13 computer service or system or other online service.

14 (d-5) For the purposes of this Section, the 500 feet
15 distance shall be measured from the edge of the property
16 comprising the public park building or the real property
17 comprising the public park, playground, child care
18 institution, day care center, part day child care facility, or
19 a facility providing programs or services exclusively directed
20 toward persons under 18 years of age, or a victim of the sex
21 offense who is under 21 years of age to the edge of the child
22 sex offender's place of residence or where he or she is
23 loitering.

24 (e) Sentence. A person who violates this Section is guilty
25 of a Class 4 felony.

26 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,

1 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
2 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;
3 revised 10-20-08.)

4 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

5 Sec. 12-4.2. Aggravated Battery with a firearm.

6 (a) A person commits aggravated battery with a firearm when
7 he, in committing a battery, knowingly or intentionally by
8 means of the discharging of a firearm (1) causes any injury to
9 another person, or (2) causes any injury to a person he knows
10 to be a peace officer, a private security officer, a community
11 policing volunteer, a correctional institution employee or a
12 fireman while the officer, volunteer, employee or fireman is
13 engaged in the execution of any of his official duties, or to
14 prevent the officer, volunteer, employee or fireman from
15 performing his official duties, or in retaliation for the
16 officer, volunteer, employee or fireman performing his
17 official duties, or (3) causes any injury to a person he knows
18 to be an emergency medical technician - ambulance, emergency
19 medical technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver, or other medical
21 assistance or first aid personnel, employed by a municipality
22 or other governmental unit, while the emergency medical
23 technician - ambulance, emergency medical technician -
24 intermediate, emergency medical technician - paramedic,
25 ambulance driver, or other medical assistance or first aid

1 personnel is engaged in the execution of any of his official
2 duties, or to prevent the emergency medical technician -
3 ambulance, emergency medical technician - intermediate,
4 emergency medical technician - paramedic, ambulance driver, or
5 other medical assistance or first aid personnel from performing
6 his official duties, or in retaliation for the emergency
7 medical technician - ambulance, emergency medical technician -
8 intermediate, emergency medical technician - paramedic,
9 ambulance driver, or other medical assistance or first aid
10 personnel performing his official duties, (4) causes any injury
11 to a person he or she knows to be a teacher or other person
12 employed in a school and the teacher or other employee is upon
13 grounds of a school or grounds adjacent to a school, or is in
14 any part of a building used for school purposes, or (5) causes
15 any injury to a person he or she knows to be an emergency
16 management worker while the emergency management worker is
17 engaged in the execution of any of his or her official duties,
18 or to prevent the emergency management worker from performing
19 his or her official duties, or in retaliation for the emergency
20 management worker performing his or her official duties.

21 (b) A violation of subsection (a)(1) of this Section is a
22 Class X felony. A violation of subsection (a)(2), subsection
23 (a)(3), subsection (a)(4), or subsection (a)(5) of this Section
24 is a Class X felony for which the sentence shall be a term of
25 imprisonment of no less than 15 years and no more than 60
26 years.

1 (c) For purposes of this Section:

2 "Firearm" is defined as in the Firearm Owners
3 Identification Card Act.

4 "Private security officer" means a registered employee
5 of a private security contractor agency under the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004.

8 (Source: P.A. 94-243, eff. 1-1-06; 95-236, eff. 1-1-08; revised
9 1-22-08.)

10 (720 ILCS 5/12-4.2-5)

11 Sec. 12-4.2-5. Aggravated battery with a machine gun or a
12 firearm equipped with any device or attachment designed or used
13 for silencing the report of a firearm.

14 (a) A person commits aggravated battery with a machine gun
15 or a firearm equipped with a device designed or used for
16 silencing the report of a firearm when he or she, in committing
17 a battery, knowingly or intentionally by means of the
18 discharging of a machine gun or a firearm equipped with a
19 device designed or used for silencing the report of a firearm
20 (1) causes any injury to another person, or (2) causes any
21 injury to a person he or she knows to be a peace officer, a
22 private security officer, a person summoned by a peace officer,
23 a correctional institution employee or a fireman while the
24 officer, employee or fireman is engaged in the execution of any
25 of his or her official duties, or to prevent the officer,

1 employee or fireman from performing his or her official duties,
2 or in retaliation for the officer, employee or fireman
3 performing his or her official duties, or (3) causes any injury
4 to a person he or she knows to be an emergency medical
5 technician - ambulance, emergency medical technician -
6 intermediate, emergency medical technician - paramedic,
7 ambulance driver, or other medical assistance or first aid
8 personnel, employed by a municipality or other governmental
9 unit, while the emergency medical technician - ambulance,
10 emergency medical technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver, or other medical
12 assistance or first aid personnel is engaged in the execution
13 of any of his or her official duties, or to prevent the
14 emergency medical technician - ambulance, emergency medical
15 technician - intermediate, emergency medical technician -
16 paramedic, ambulance driver, or other medical assistance or
17 first aid personnel from performing his or her official duties,
18 or in retaliation for the emergency medical technician -
19 ambulance, emergency medical technician - intermediate,
20 emergency medical technician - paramedic, ambulance driver, or
21 other medical assistance or first aid personnel performing his
22 or her official duties, or (4) causes any injury to a person he
23 or she knows to be an emergency management worker while the
24 emergency management worker is engaged in the execution of any
25 of his or her official duties, or to prevent the emergency
26 management worker from performing his or her official duties,

1 or in retaliation for the emergency management worker
2 performing his or her official duties.

3 (b) A violation of subsection (a)(1) of this Section is a
4 Class X felony for which the person shall be sentenced to a
5 term of imprisonment of no less than 12 years and no more than
6 45 years. A violation of subsection (a)(2), subsection (a)(3),
7 or subsection (a)(4) of this Section is a Class X felony for
8 which the sentence shall be a term of imprisonment of no less
9 than 20 years and no more than 60 years.

10 (c) For purposes of this Section, "firearm" is defined as
11 in the Firearm Owners Identification Card Act.

12 (d) For purposes of this Section:

13 "Machine gun" has the meaning ascribed to it in clause
14 (i) of paragraph (7) of subsection (a) of Section 24-1 of
15 this Code.

16 "Private security officer" means a registered employee
17 of a private security contractor agency under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004.

20 (Source: P.A. 94-243, eff. 1-1-06; 95-236, eff. 1-1-08; revised
21 1-22-08.)

22 (720 ILCS 5/12-7.5)

23 Sec. 12-7.5. Cyberstalking.

24 (a) A person commits cyberstalking when he or she,
25 knowingly and without lawful justification, on at least 2

1 separate occasions, harasses another person through the use of
2 electronic communication and:

3 (1) at any time transmits a threat of immediate or
4 future bodily harm, sexual assault, confinement, or
5 restraint and the threat is directed towards that person or
6 a family member of that person;~~7~~ or

7 (2) places that person or a family member of that
8 person in reasonable apprehension of immediate or future
9 bodily harm, sexual assault, confinement, or restraint; or

10 (3) at any time knowingly solicits the commission of an
11 act by any person which would be a violation of this Code
12 directed towards that person or a family member of that
13 person.

14 (a-5) A person commits cyberstalking when he or she,
15 knowingly and without lawful justification, creates and
16 maintains an Internet website or webpage which is accessible to
17 one or more third parties for a period of at least 24 hours,
18 and which contains statements harassing another person and:

19 (1) which communicates a threat of immediate or future
20 bodily harm, sexual assault, confinement, or restraint,
21 where the threat is directed towards that person or a
22 family member of that person, or

23 (2) which places that person or a family member of that
24 person in reasonable apprehension of immediate or future
25 bodily harm, sexual assault, confinement, or restraint, or

26 (3) which knowingly solicits the commission of an act

1 by any person which would be a violation of this Code
2 directed towards that person or a family member of that
3 person.

4 (b) As used in this Section:

5 "Harass" means to engage in a knowing and willful course of
6 conduct directed at a specific person that alarms, torments, or
7 terrorizes that person.

8 "Third party" means any person other than the person
9 violating these provisions and the person or persons towards
10 whom the violator's actions are directed.

11 "Electronic communication" means any transfer of signs,
12 signals, writings, sounds, data, or intelligence of any nature
13 transmitted in whole or in part by a wire, radio,
14 electromagnetic, photoelectric, or photo-optical system.
15 "Electronic communication" includes transmissions by a
16 computer through the Internet to another computer.

17 (c) Sentence. Cyberstalking is a Class 4 felony. A second
18 or subsequent conviction for cyberstalking is a Class 3 felony.

19 (d) Telecommunications carriers, commercial mobile service
20 providers, and providers of information services, including,
21 but not limited to, Internet service providers and hosting
22 service providers, are not liable under this Section, except
23 for willful and wanton misconduct, by virtue of the
24 transmission, storage, or caching of electronic communications
25 or messages of others or by virtue of the provision of other
26 related telecommunications, commercial mobile services, or

1 information services used by others in violation of this
2 Section.

3 (Source: P.A. 95-849, eff. 1-1-09; revised 9-10-08.)

4 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

5 Sec. 17-2. False personation; use of title; solicitation;
6 certain entities.

7 (a) A person commits a false personation when he or she
8 falsely represents himself or herself to be a member or
9 representative of any veterans' or public safety personnel
10 organization or a representative of any charitable
11 organization, or when any person exhibits or uses in any manner
12 any decal, badge or insignia of any charitable, public safety
13 personnel, or veterans' organization when not authorized to do
14 so by the charitable, public safety personnel, or veterans'
15 organization. "Public safety personnel organization" has the
16 meaning ascribed to that term in Section 1 of the Solicitation
17 for Charity Act.

18 (a-5) A person commits a false personation when he or she
19 falsely represents himself or herself to be a veteran in
20 seeking employment or public office. In this subsection,
21 "veteran" means a person who has served in the Armed Services
22 or Reserve ~~Reserved~~ Forces of the United States.

23 (a-6) A person commits a false personation when he or she
24 falsely represents himself or herself to be a recipient of, or
25 wears on his or her person, any of the following medals if that

1 medal was not awarded to that person by the United States
2 government, irrespective of branch of service: the
3 Congressional Medal of Honor, the Distinguished Service Cross,
4 the Navy Cross, the Air Force Cross, the Silver Star, the
5 Bronze Star, or the Purple Heart.

6 It is a defense to a prosecution under this subsection
7 (a-6) that the medal is used, or is intended to be used,
8 exclusively:

9 (1) for a dramatic presentation, such as a theatrical,
10 film, or television production, or a historical
11 re-enactment; or

12 (2) for a costume worn, or intended to be worn, by a
13 person under 18 years of age.

14 (b) No person shall use the words "Chicago Police,"
15 "Chicago Police Department," "Chicago Patrolman," "Chicago
16 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or
17 any other words to the same effect in the title of any
18 organization, magazine, or other publication without the
19 express approval of the Chicago Police Board.

20 (b-5) No person shall use the words "Cook County Sheriff's
21 Police" or "Cook County Sheriff" or any other words to the same
22 effect in the title of any organization, magazine, or other
23 publication without the express approval of the office of the
24 Cook County Sheriff's Merit Board. The references to names and
25 titles in this Section may not be construed as authorizing use
26 of the names and titles of other organizations or public safety

1 personnel organizations otherwise prohibited by this Section
2 or the Solicitation for Charity Act.

3 (b-10) No person may use, in the title of any organization,
4 magazine, or other publication, the words "officer", "peace
5 officer", "police", "law enforcement", "trooper", "sheriff",
6 "deputy", "deputy sheriff", or "state police" in combination
7 with the name of any state, state agency, public university, or
8 unit of local government without the express written
9 authorization of that state, state agency, or unit of local
10 government.

11 (c) (Blank).

12 (c-1) No person may claim or represent that he or she is
13 acting on behalf of any police department, chief of a police
14 department, fire department, chief of a fire department,
15 sheriff's department, or sheriff when soliciting financial
16 contributions or selling or delivering or offering to sell or
17 deliver any merchandise, goods, services, memberships, or
18 advertisements unless the chief of the police department, fire
19 department, and the corporate or municipal authority thereof,
20 or the sheriff has first entered into a written agreement with
21 the person or with an organization with which the person is
22 affiliated and the agreement permits the activity.

23 (c-2) No person, when soliciting financial contributions
24 or selling or delivering or offering to sell or deliver any
25 merchandise, goods, services, memberships, or advertisements
26 may claim or represent that he or she is representing or acting

1 on behalf of any nongovernmental organization by any name which
2 includes "officer", "peace officer", "police", "law
3 enforcement", "trooper", "sheriff", "deputy", "deputy
4 sheriff", "State police", or any other word or words which
5 would reasonably be understood to imply that the organization
6 is composed of law enforcement personnel unless the person is
7 actually representing or acting on behalf of the
8 nongovernmental organization, and the nongovernmental
9 organization is controlled by and governed by a membership of
10 and represents a group or association of active duty peace
11 officers, retired peace officers, or injured peace officers and
12 before commencing the solicitation or the sale or the offers to
13 sell any merchandise, goods, services, memberships, or
14 advertisements, a written contract between the soliciting or
15 selling person and the nongovernmental organization has been
16 entered into.

17 (c-3) No person may solicit financial contributions or sell
18 or deliver or offer to sell or deliver any merchandise, goods,
19 services, memberships, or advertisements on behalf of a police,
20 sheriff, or other law enforcement department unless that person
21 is actually representing or acting on behalf of the department
22 or governmental organization and has entered into a written
23 contract with the police chief, or head of the law enforcement
24 department, and the corporate or municipal authority thereof,
25 or the sheriff, which specifies and states clearly and fully
26 the purposes for which the proceeds of the solicitation,

1 contribution, or sale will be used.

2 (c-4) No person, when soliciting financial contributions
3 or selling or delivering or offering to sell or deliver any
4 merchandise, goods, services, memberships, or advertisements,
5 may claim or represent that he or she is representing or acting
6 on behalf of any nongovernmental organization by any name which
7 includes the term "fireman", "fire fighter", "paramedic", or
8 any other word or words which would reasonably be understood to
9 imply that the organization is composed of fire fighter or
10 paramedic personnel unless the person is actually representing
11 or acting on behalf of the nongovernmental organization, and
12 the nongovernmental organization is controlled by and governed
13 by a membership of and represents a group or association of
14 active duty, retired, or injured fire fighters (for the
15 purposes of this Section, "fire fighter" has the meaning
16 ascribed to that term in Section 2 of the Illinois Fire
17 Protection Training Act) or active duty, retired, or injured
18 emergency medical technicians - ambulance, emergency medical
19 technicians - intermediate, emergency medical technicians -
20 paramedic, ambulance drivers, or other medical assistance or
21 first aid personnel, and before commencing the solicitation or
22 the sale or delivery or the offers to sell or deliver any
23 merchandise, goods, services, memberships, or advertisements,
24 a written contract between the soliciting or selling person and
25 the nongovernmental organization has been entered into.

26 (c-5) No person may solicit financial contributions or sell

1 or deliver or offer to sell or deliver any merchandise, goods,
2 services, memberships, or advertisements on behalf of a
3 department or departments of fire fighters unless that person
4 is actually representing or acting on behalf of the department
5 or departments and has entered into a written contract with the
6 department chief and corporate or municipal authority thereof
7 which specifies and states clearly and fully the purposes for
8 which the proceeds of the solicitation, contribution, or sale
9 will be used.

10 (c-6) No person may claim or represent that he or she is an
11 airman, airline employee, airport employee, or contractor at an
12 airport in order to obtain the uniform, identification card,
13 license, or other identification paraphernalia of an airman,
14 airline employee, airport employee, or contractor at an
15 airport.

16 (d) Sentence. False personation, unapproved use of a name
17 or title, or solicitation in violation of subsection (a), (b),
18 (b-5), or (b-10) of this Section is a Class C misdemeanor.
19 False personation in violation of subsections (a-5) and (c-6)
20 is a Class A misdemeanor. False personation in violation of
21 subsection (a-6) of this Section is a petty offense for which
22 the offender shall be fined at least \$100 and not exceeding
23 \$200. Engaging in any activity in violation of subsection
24 (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class
25 4 felony.

26 (Source: P.A. 94-548, eff. 8-11-05; 94-755, eff. 1-1-07;

1 94-984, eff. 6-30-06; 95-331, eff. 8-21-07; revised 10-28-08.)

2 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

3 Sec. 24-1. Unlawful Use of Weapons.

4 (a) A person commits the offense of unlawful use of weapons
5 when he knowingly:

6 (1) Sells, manufactures, purchases, possesses or
7 carries any bludgeon, black-jack, slung-shot, sand-club,
8 sand-bag, metal knuckles or other knuckle weapon
9 regardless of its composition, throwing star, or any knife,
10 commonly referred to as a switchblade knife, which has a
11 blade that opens automatically by hand pressure applied to
12 a button, spring or other device in the handle of the
13 knife, or a ballistic knife, which is a device that propels
14 a knifelike blade as a projectile by means of a coil
15 spring, elastic material or compressed gas; or

16 (2) Carries or possesses with intent to use the same
17 unlawfully against another, a dagger, dirk, billy,
18 dangerous knife, razor, stiletto, broken bottle or other
19 piece of glass, stun gun or taser or any other dangerous or
20 deadly weapon or instrument of like character; or

21 (3) Carries on or about his person or in any vehicle, a
22 tear gas gun projector or bomb or any object containing
23 noxious liquid gas or substance, other than an object
24 containing a non-lethal noxious liquid gas or substance
25 designed solely for personal defense carried by a person 18

1 years of age or older; or

2 (4) Carries or possesses in any vehicle or concealed on
3 or about his person except when on his land or in his own
4 abode or fixed place of business any pistol, revolver, stun
5 gun or taser or other firearm, except that this subsection
6 (a) (4) does not apply to or affect transportation of
7 weapons that meet one of the following conditions:

8 (i) are broken down in a non-functioning state; or

9 (ii) are not immediately accessible; or

10 (iii) are unloaded and enclosed in a case, firearm
11 carrying box, shipping box, or other container by a
12 person who has been issued a currently valid Firearm
13 Owner's Identification Card; or

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind
16 designed, used or intended for use in silencing the report
17 of any firearm; or

18 (7) Sells, manufactures, purchases, possesses or
19 carries:

20 (i) a machine gun, which shall be defined for the
21 purposes of this subsection as any weapon, which
22 shoots, is designed to shoot, or can be readily
23 restored to shoot, automatically more than one shot
24 without manually reloading by a single function of the
25 trigger, including the frame or receiver of any such
26 weapon, or sells, manufactures, purchases, possesses,

1 or carries any combination of parts designed or
2 intended for use in converting any weapon into a
3 machine gun, or any combination or parts from which a
4 machine gun can be assembled if such parts are in the
5 possession or under the control of a person;

6 (ii) any rifle having one or more barrels less than
7 16 inches in length or a shotgun having one or more
8 barrels less than 18 inches in length or any weapon
9 made from a rifle or shotgun, whether by alteration,
10 modification, or otherwise, if such a weapon as
11 modified has an overall length of less than 26 inches;
12 or

13 (iii) any bomb, bomb-shell, grenade, bottle or
14 other container containing an explosive substance of
15 over one-quarter ounce for like purposes, such as, but
16 not limited to, black powder bombs and Molotov
17 cocktails or artillery projectiles; or

18 (8) Carries or possesses any firearm, stun gun or taser
19 or other deadly weapon in any place which is licensed to
20 sell intoxicating beverages, or at any public gathering
21 held pursuant to a license issued by any governmental body
22 or any public gathering at which an admission is charged,
23 excluding a place where a showing, demonstration or lecture
24 involving the exhibition of unloaded firearms is
25 conducted.

26 This subsection (a) (8) does not apply to any auction or

1 raffle of a firearm held pursuant to a license or permit
2 issued by a governmental body, nor does it apply to persons
3 engaged in firearm safety training courses; or

4 (9) Carries or possesses in a vehicle or on or about
5 his person any pistol, revolver, stun gun or taser or
6 firearm or ballistic knife, when he is hooded, robed or
7 masked in such manner as to conceal his identity; or

8 (10) Carries or possesses on or about his person, upon
9 any public street, alley, or other public lands within the
10 corporate limits of a city, village or incorporated town,
11 except when an invitee thereon or therein, for the purpose
12 of the display of such weapon or the lawful commerce in
13 weapons, or except when on his land or in his own abode or
14 fixed place of business, any pistol, revolver, stun gun or
15 taser or other firearm, except that this subsection (a)
16 (10) does not apply to or affect transportation of weapons
17 that meet one of the following conditions:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who has been issued a currently valid Firearm
23 Owner's Identification Card.

24 A "stun gun or taser", as used in this paragraph (a)
25 means (i) any device which is powered by electrical
26 charging units, such as, batteries, and which fires one or

1 several barbs attached to a length of wire and which, upon
2 hitting a human, can send out a current capable of
3 disrupting the person's nervous system in such a manner as
4 to render him incapable of normal functioning or (ii) any
5 device which is powered by electrical charging units, such
6 as batteries, and which, upon contact with a human or
7 clothing worn by a human, can send out current capable of
8 disrupting the person's nervous system in such a manner as
9 to render him incapable of normal functioning; or

10 (11) Sells, manufactures or purchases any explosive
11 bullet. For purposes of this paragraph (a) "explosive
12 bullet" means the projectile portion of an ammunition
13 cartridge which contains or carries an explosive charge
14 which will explode upon contact with the flesh of a human
15 or an animal. "Cartridge" means a tubular metal case having
16 a projectile affixed at the front thereof and a cap or
17 primer at the rear end thereof, with the propellant
18 contained in such tube between the projectile and the cap;
19 or

20 (12) (Blank); or

21 (13) Carries or possesses on or about his or her person
22 while in a building occupied by a unit of government, a
23 billy club, other weapon of like character, or other
24 instrument of like character intended for use as a weapon.
25 For the purposes of this Section, "billy club" means a
26 short stick or club commonly carried by police officers

1 which is either telescopic or constructed of a solid piece
2 of wood or other man-made material.

3 (b) Sentence. A person convicted of a violation of
4 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
5 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
6 Class A misdemeanor. A person convicted of a violation of
7 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
8 person convicted of a violation of subsection 24-1(a)(6) or
9 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
10 convicted of a violation of subsection 24-1(a)(7)(i) commits a
11 Class 2 felony and shall be sentenced to a term of imprisonment
12 of not less than 3 years and not more than 7 years, unless the
13 weapon is possessed in the passenger compartment of a motor
14 vehicle as defined in Section 1-146 of the Illinois Vehicle
15 Code, or on the person, while the weapon is loaded, in which
16 case it shall be a Class X felony. A person convicted of a
17 second or subsequent violation of subsection 24-1(a)(4),
18 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
19 felony. The possession of each weapon in violation of this
20 Section constitutes a single and separate violation.

21 (c) Violations in specific places.

22 (1) A person who violates subsection 24-1(a)(6) or
23 24-1(a)(7) in any school, regardless of the time of day or
24 the time of year, in residential property owned, operated
25 or managed by a public housing agency or leased by a public
26 housing agency as part of a scattered site or mixed-income

1 development, in a public park, in a courthouse, on the real
2 property comprising any school, regardless of the time of
3 day or the time of year, on residential property owned,
4 operated or managed by a public housing agency or leased by
5 a public housing agency as part of a scattered site or
6 mixed-income development, on the real property comprising
7 any public park, on the real property comprising any
8 courthouse, in any conveyance owned, leased or contracted
9 by a school to transport students to or from school or a
10 school related activity, or on any public way within 1,000
11 feet of the real property comprising any school, public
12 park, courthouse, or residential property owned, operated,
13 or managed by a public housing agency or leased by a public
14 housing agency as part of a scattered site or mixed-income
15 development commits a Class 2 felony and shall be sentenced
16 to a term of imprisonment of not less than 3 years and not
17 more than 7 years.

18 (1.5) A person who violates subsection 24-1(a)(4),
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated, or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development, on
3 the real property comprising any public park, on the real
4 property comprising any courthouse, in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity, or
7 on any public way within 1,000 feet of the real property
8 comprising any school, public park, courthouse, or
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development
12 commits a Class 3 felony.

13 (2) A person who violates subsection 24-1(a)(1),
14 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
15 time of day or the time of year, in residential property
16 owned, operated or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development, in a public park, in a
19 courthouse, on the real property comprising any school,
20 regardless of the time of day or the time of year, on
21 residential property owned, operated or managed by a public
22 housing agency or leased by a public housing agency as part
23 of a scattered site or mixed-income development, on the
24 real property comprising any public park, on the real
25 property comprising any courthouse, in any conveyance
26 owned, leased or contracted by a school to transport

1 students to or from school or a school related activity, or
2 on any public way within 1,000 feet of the real property
3 comprising any school, public park, courthouse, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 4 felony. "Courthouse" means any building
8 that is used by the Circuit, Appellate, or Supreme Court of
9 this State for the conduct of official business.

10 (3) Paragraphs (1), (1.5), and (2) of this subsection
11 (c) shall not apply to law enforcement officers or security
12 officers of such school, college, or university or to
13 students carrying or possessing firearms for use in
14 training courses, parades, hunting, target shooting on
15 school ranges, or otherwise with the consent of school
16 authorities and which firearms are transported unloaded
17 enclosed in a suitable case, box, or transportation
18 package.

19 (4) For the purposes of this subsection (c), "school"
20 means any public or private elementary or secondary school,
21 community college, college, or university.

22 (d) The presence in an automobile other than a public
23 omnibus of any weapon, instrument or substance referred to in
24 subsection (a)(7) is prima facie evidence that it is in the
25 possession of, and is being carried by, all persons occupying
26 such automobile at the time such weapon, instrument or

1 substance is found, except under the following circumstances:
2 (i) if such weapon, instrument or instrumentality is found upon
3 the person of one of the occupants therein; or (ii) if such
4 weapon, instrument or substance is found in an automobile
5 operated for hire by a duly licensed driver in the due, lawful
6 and proper pursuit of his trade, then such presumption shall
7 not apply to the driver.

8 (e) Exemptions. Crossbows, Common or Compound bows and
9 Underwater Spearguns are exempted from the definition of
10 ballistic knife as defined in paragraph (1) of subsection (a)
11 of this Section.

12 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 95-331,
13 eff. 8-21-07; 95-809, eff. 1-1-09; 95-885, eff. 1-1-09; revised
14 9-5-08.)

15 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

16 Sec. 31-6. Escape; failure to report to a penal institution
17 or to report for periodic imprisonment.

18 (a) A person convicted of a felony, ~~adjudicated a~~
19 ~~delinquent minor for the commission of a felony offense under~~
20 ~~the Juvenile Court Act of 1987,~~ or charged with the commission
21 of a felony, or charged with or adjudicated delinquent for an
22 act which, if committed by an adult, would constitute a felony,
23 who intentionally escapes from any penal institution or from
24 the custody of an employee of that institution commits a Class
25 2 felony; however, a person convicted of a felony, or

1 adjudicated delinquent for an act which, if committed by an
2 adult, would constitute a felony, ~~or adjudicated a delinquent~~
3 ~~minor for the commission of a felony offense under the Juvenile~~
4 ~~Court Act of 1987~~ who knowingly fails to report to a penal
5 institution or to report for periodic imprisonment at any time
6 or knowingly fails to return from furlough or from work and day
7 release or who knowingly fails to abide by the terms of home
8 confinement is guilty of a Class 3 felony.

9 (b) A person convicted of a misdemeanor, ~~adjudicated a~~
10 ~~delinquent minor for the commission of a misdemeanor offense~~
11 ~~under the Juvenile Court Act of 1987,~~ or charged with the
12 commission of a misdemeanor, or charged with or adjudicated
13 delinquent for an act which, if committed by an adult, would
14 constitute a misdemeanor, who intentionally escapes from any
15 penal institution or from the custody of an employee of that
16 institution commits a Class A misdemeanor; however, a person
17 convicted of a misdemeanor, or adjudicated delinquent for an
18 act which, if committed by an adult, would constitute a
19 misdemeanor, ~~or adjudicated a delinquent minor for the~~
20 ~~commission of a misdemeanor offense under the Juvenile Court~~
21 ~~Act of 1987~~ who knowingly fails to report to a penal
22 institution or to report for periodic imprisonment at any time
23 or knowingly fails to return from furlough or from work and day
24 release or who knowingly fails to abide by the terms of home
25 confinement is guilty of a Class B misdemeanor.

26 (b-1) A person committed to the Department of Human

1 Services under the provisions of the Sexually Violent Persons
2 Commitment Act or in detention with the Department of Human
3 Services awaiting such a commitment who intentionally escapes
4 from any secure residential facility or from the custody of an
5 employee of that facility commits a Class 2 felony.

6 (c) A person in the lawful custody of a peace officer for
7 the alleged commission of a felony offense or an act which, if
8 committed by an adult, would constitute a felony, and who
9 intentionally escapes from custody commits a Class 2 felony;
10 however, a person in the lawful custody of a peace officer for
11 the alleged commission of a misdemeanor offense or an act
12 which, if committed by an adult, would constitute a
13 misdemeanor, who intentionally escapes from custody commits a
14 Class A misdemeanor.

15 (c-5) A person in the lawful custody of a peace officer for
16 an alleged violation of a term or condition of probation,
17 conditional discharge, parole, or mandatory supervised release
18 for a felony or an act which, if committed by an adult, would
19 constitute a felony, who intentionally escapes from custody is
20 guilty of a Class 2 felony.

21 (c-6) A person in the lawful custody of a peace officer for
22 an alleged violation of a term or condition of supervision,
23 probation, or conditional discharge for a misdemeanor or an act
24 which, if committed by an adult, would constitute a
25 misdemeanor, who intentionally escapes from custody is guilty
26 of a Class A misdemeanor.

1 (d) A person who violates this Section while armed with a
2 dangerous weapon commits a Class 1 felony.

3 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
4 revised 9-25-08.)

5 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)
6 Sec. 31-7. Aiding escape.

7 (a) Whoever, with intent to aid any prisoner in escaping
8 from any penal institution, conveys into the institution or
9 transfers to the prisoner anything for use in escaping commits
10 a Class A misdemeanor.

11 (b) Whoever knowingly aids a person convicted of a felony,
12 ~~adjudicated a delinquent minor for the commission of a felony~~
13 ~~offense under the Juvenile Court Act of 1987,~~ or charged with
14 the commission of a felony, or charged with or adjudicated
15 delinquent for an act which, if committed by an adult, would
16 constitute a felony, in escaping from any penal institution or
17 from the custody of any employee of that institution commits a
18 Class 2 felony; however, whoever knowingly aids a person
19 convicted of a felony,~~adjudicated a delinquent minor for the~~
20 ~~commission of a felony offense under the Juvenile Court Act of~~
21 ~~1987,~~ or charged with the commission of a felony, or charged
22 with or adjudicated delinquent for an act which, if committed
23 by an adult, would constitute a felony, in failing to return
24 from furlough or from work and day release is guilty of a Class
25 3 felony.

1 (c) Whoever knowingly aids a person convicted of a
2 misdemeanor, ~~adjudicated a delinquent minor for the commission~~
3 ~~of a misdemeanor offense under the Juvenile Court Act of 1987,~~
4 or charged with the commission of a misdemeanor, or charged
5 with or adjudicated delinquent for an act which, if committed
6 by an adult, would constitute a misdemeanor, in escaping from
7 any penal institution or from the custody of an employee of
8 that institution commits a Class A misdemeanor; however,
9 whoever knowingly aids a person convicted of a misdemeanor,
10 ~~adjudicated a delinquent minor for the commission of a~~
11 ~~misdemeanor offense under the Juvenile Court Act of 1987,~~ or
12 charged with the commission of a misdemeanor, or charged with
13 or adjudicated delinquent for an act which, if committed by an
14 adult, would constitute a misdemeanor, in failing to return
15 from furlough or from work and day release is guilty of a Class
16 B misdemeanor.

17 (d) Whoever knowingly aids a person in escaping from any
18 public institution, other than a penal institution, in which he
19 is lawfully detained, or from the custody of an employee of
20 that institution, commits a Class A misdemeanor.

21 (e) Whoever knowingly aids a person in the lawful custody
22 of a peace officer for the alleged commission of a felony
23 offense or an act which, if committed by an adult, would
24 constitute a felony, in escaping from custody commits a Class 2
25 felony; however, whoever knowingly aids a person in the lawful
26 custody of a peace officer for the alleged commission of a

1 misdemeanor offense or an act which, if committed by an adult,
2 would constitute a misdemeanor, in escaping from custody
3 commits a Class A misdemeanor.

4 (f) An officer or employee of any penal institution who
5 recklessly permits any prisoner in his custody to escape
6 commits a Class A misdemeanor.

7 (f-5) With respect to a person in the lawful custody of a
8 peace officer for an alleged violation of a term or condition
9 of probation, conditional discharge, parole, or mandatory
10 supervised release for a felony, whoever intentionally aids
11 that person to escape from that custody is guilty of a Class 2
12 felony.

13 (f-6) With respect to a person who is in the lawful custody
14 of a peace officer for an alleged violation of a term or
15 condition of supervision, probation, or conditional discharge
16 for a misdemeanor, whoever intentionally aids that person to
17 escape from that custody is guilty of a Class A misdemeanor.

18 (g) A person who violates this Section while armed with a
19 dangerous weapon commits a Class 2 felony.

20 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
21 revised 9-25-08.)

22 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

23 Sec. 31A-1.2. Unauthorized bringing of contraband into a
24 penal institution by an employee; unauthorized possessing of
25 contraband in a penal institution by an employee; unauthorized

1 delivery of contraband in a penal institution by an employee.

2 (a) A person commits the offense of unauthorized bringing
3 of contraband into a penal institution by an employee when a
4 person who is an employee knowingly and without authority of ~~or~~
5 any person designated or authorized to grant such authority:

6 (1) brings or attempts to bring an item of contraband
7 listed in subsection (d) (4) into a penal institution, or

8 (2) causes or permits another to bring an item of
9 contraband listed in subsection (d) (4) into a penal
10 institution.

11 (b) A person commits the offense of unauthorized possession
12 of contraband in a penal institution by an employee when a
13 person who is an employee knowingly and without authority of
14 any person designated or authorized to grant such authority
15 possesses contraband listed in subsection (d) (4) in a penal
16 institution, regardless of the intent with which he possesses
17 it.

18 (c) A person commits the offense of unauthorized delivery
19 of contraband in a penal institution by an employee when a
20 person who is an employee knowingly and without authority of
21 any person designated or authorized to grant such authority:

22 (1) delivers or possesses with intent to deliver an
23 item of contraband to any inmate of a penal institution, or

24 (2) conspires to deliver or solicits the delivery of an
25 item of contraband to any inmate of a penal institution, or

26 (3) causes or permits the delivery of an item of

1 contraband to any inmate of a penal institution, or

2 (4) permits another person to attempt to deliver an
3 item of contraband to any inmate of a penal institution.

4 (d) For purpose of this Section, the words and phrases
5 listed below shall be defined as follows:

6 (1) "Penal Institution" shall have the meaning
7 ascribed to it in subsection (c)(1) of Section 31A-1.1 of
8 this Code;

9 (2) "Employee" means any elected or appointed officer,
10 trustee or employee of a penal institution or of the
11 governing authority of the penal institution, or any person
12 who performs services for the penal institution pursuant to
13 contract with the penal institution or its governing
14 authority.

15 (3) "Deliver" or "delivery" means the actual,
16 constructive or attempted transfer of possession of an item
17 of contraband, with or without consideration, whether or
18 not there is an agency relationship;

19 (4) "Item of contraband" means any of the following:

20 (i) "Alcoholic liquor" as such term is defined in
21 Section 1-3.05 of the Liquor Control Act of 1934.

22 (ii) "Cannabis" as such term is defined in
23 subsection (a) of Section 3 of the Cannabis Control
24 Act.

25 (iii) "Controlled substance" as such term is
26 defined in the Illinois Controlled Substances Act.

1 (iii-a) "Methamphetamine" as such term is defined
2 in the Illinois Controlled Substances Act or the
3 Methamphetamine Control and Community Protection Act.

4 (iv) "Hypodermic syringe" or hypodermic needle, or
5 any instrument adapted for use of controlled
6 substances or cannabis by subcutaneous injection.

7 (v) "Weapon" means any knife, dagger, dirk, billy,
8 razor, stiletto, broken bottle, or other piece of glass
9 which could be used as a dangerous weapon. Such term
10 includes any of the devices or implements designated in
11 subsections (a) (1), (a) (3) and (a) (6) of Section 24-1
12 of this Act, or any other dangerous weapon or
13 instrument of like character.

14 (vi) "Firearm" means any device, by whatever name
15 known, which is designed to expel a projectile or
16 projectiles by the action of an explosion, expansion of
17 gas or escape of gas, including but not limited to:

18 (A) any pneumatic gun, spring gun, or B-B gun
19 which expels a single globular projectile not
20 exceeding .18 inch in diameter; or

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

25 (C) any device used exclusively for the firing
26 of stud cartridges, explosive rivets or industrial

1 ammunition; or

2 (D) any device which is powered by electrical
3 charging units, such as batteries, and which fires
4 one or several barbs attached to a length of wire
5 and which, upon hitting a human, can send out
6 current capable of disrupting the person's nervous
7 system in such a manner as to render him incapable
8 of normal functioning, commonly referred to as a
9 stun gun or taser.

10 (vii) "Firearm ammunition" means any
11 self-contained cartridge or shotgun shell, by whatever
12 name known, which is designed to be used or adaptable
13 to use in a firearm, including but not limited to:

14 (A) any ammunition exclusively designed for
15 use with a device used exclusively for signaling or
16 safety and required or recommended by the United
17 States Coast Guard or the Interstate Commerce
18 Commission; or

19 (B) any ammunition designed exclusively for
20 use with a stud or rivet driver or other similar
21 industrial ammunition.

22 (viii) "Explosive" means, but is not limited to,
23 bomb, bombshell, grenade, bottle or other container
24 containing an explosive substance of over one-quarter
25 ounce for like purposes such as black powder bombs and
26 Molotov cocktails or artillery projectiles.

1 (ix) "Tool to defeat security mechanisms" means,
2 but is not limited to, handcuff or security restraint
3 key, tool designed to pick locks, or device or
4 instrument capable of unlocking handcuff or security
5 restraints, doors to cells, rooms, gates or other areas
6 of the penal institution.

7 (x) "Cutting tool" means, but is not limited to,
8 hacksaw blade, wirecutter, or device, instrument or
9 file capable of cutting through metal.

10 (xi) "Electronic contraband" means, but is not
11 limited to, any electronic, video recording device,
12 computer, or cellular communications equipment,
13 including, but not limited to, cellular telephones,
14 cellular telephone batteries, videotape recorders,
15 pagers, computers, and computer peripheral equipment.

16 For a violation of subsection (a) or (b) involving a
17 cellular telephone or cellular telephone battery, the
18 defendant must intend to provide the cellular telephone or
19 cellular telephone battery to any inmate in a penal
20 institution, or to use the cellular telephone or cellular
21 telephone battery at the direction of an inmate or for the
22 benefit of any inmate of a penal institution.

23 (e) A violation of paragraphs (a) or (b) of this Section
24 involving alcohol is a Class 4 felony. A violation of paragraph
25 (a) or (b) of this Section involving cannabis is a Class 2
26 felony. A violation of paragraph (a) or (b) involving any

1 amount of a controlled substance classified in Schedules III,
2 IV or V of Article II of the Illinois Controlled Substances Act
3 is a Class 1 felony. A violation of paragraph (a) or (b) of
4 this Section involving any amount of a controlled substance
5 classified in Schedules I or II of Article II of the Illinois
6 Controlled Substances Act is a Class X felony. A violation of
7 paragraph (a) or (b) involving an item of contraband listed in
8 paragraph (iv) of subsection (d)(4) is a Class X felony. A
9 violation of paragraph (a) or (b) involving an item of
10 contraband listed in paragraph (v) or (xi) of subsection (d)(4)
11 is a Class 1 felony. A violation of paragraph (a) or (b)
12 involving an item of contraband listed in paragraphs (vi),
13 (vii) or (viii) of subsection (d)(4) is a Class X felony.

14 (f) A violation of paragraph (c) of this Section involving
15 alcoholic liquor is a Class 3 felony. A violation of paragraph
16 (c) involving cannabis is a Class 1 felony. A violation of
17 paragraph (c) involving any amount of a controlled substance
18 classified in Schedules III, IV or V of Article II of the
19 Illinois Controlled Substances Act is a Class X felony. A
20 violation of paragraph (c) involving any amount of a controlled
21 substance classified in Schedules I or II of Article II of the
22 Illinois Controlled Substances Act is a Class X felony for
23 which the minimum term of imprisonment shall be 8 years. A
24 violation of paragraph (c) involving an item of contraband
25 listed in paragraph (iv) of subsection (d)(4) is a Class X
26 felony for which the minimum term of imprisonment shall be 8

1 years. A violation of paragraph (c) involving an item of
2 contraband listed in paragraph (v), (ix) or (x) of subsection
3 (d)(4) is a Class X felony for which the minimum term of
4 imprisonment shall be 10 years. A violation of paragraph (c)
5 involving an item of contraband listed in paragraphs (vi),
6 (vii) or (viii) of subsection (d)(4) is a Class X felony for
7 which the minimum term of imprisonment shall be 12 years.

8 (g) Items confiscated may be retained for use by the
9 Department of Corrections or disposed of as deemed appropriate
10 by the Chief Administrative Officer in accordance with
11 Department rules or disposed of as required by law.

12 (h) For a violation of subsection (a) or (b) involving
13 items described in clause (i), (v), (vi), (vii), (ix), (x), or
14 (xi) of paragraph (4) of subsection (d), such items shall not
15 be considered to be in a penal institution when they are
16 secured in an employee's locked, private motor vehicle parked
17 on the grounds of a penal institution.

18 (Source: P.A. 94-556, eff. 9-11-05; 94-1017, eff. 7-7-06;
19 95-962, eff. 1-1-09; revised 10-23-08.)

20 Section 335. The Harassing and Obscene Communications Act
21 is amended by changing Section 1-2 as follows:

22 (720 ILCS 135/1-2)

23 (Text of Section before amendment by P.A. 95-984)

24 Sec. 1-2. Harassment through electronic communications.

1 (a) Harassment through electronic communications is the
2 use of electronic communication for any of the following
3 purposes:

4 (1) Making any comment, request, suggestion or
5 proposal which is obscene with an intent to offend;

6 (2) Interrupting, with the intent to harass, the
7 telephone service or the electronic communication service
8 of any person;

9 (3) Transmitting to any person, with the intent to
10 harass and regardless of whether the communication is read
11 in its entirety or at all, any file, document, or other
12 communication which prevents that person from using his or
13 her telephone service or electronic communications device;

14 (3.1) Transmitting an electronic communication or
15 knowingly inducing a person to transmit an electronic
16 communication for the purpose of harassing another person
17 who is under 13 years of age, regardless of whether the
18 person under 13 years of age consents to the harassment, if
19 the defendant is at least 16 years of age at the time of
20 the commission of the offense;

21 (4) Threatening injury to the person or to the property
22 of the person to whom an electronic communication is
23 directed or to any of his or her family or household
24 members; or

25 (5) Knowingly permitting any electronic communications
26 device to be used for any of the purposes mentioned in this

1 subsection (a).

2 (b) As used in this Act:

3 (1) "Electronic communication" means any transfer of
4 signs, signals, writings, images, sounds, data or
5 intelligence of any nature transmitted in whole or in part
6 by a wire, radio, electromagnetic, photoelectric or
7 photo-optical system. "Electronic communication" includes
8 transmissions by a computer through the Internet to another
9 computer.

10 (2) "Family or household member" includes spouses,
11 former spouses, parents, children, stepchildren and other
12 persons related by blood or by present or prior marriage,
13 persons who share or formerly shared a common dwelling,
14 persons who have or allegedly share a blood relationship
15 through a child, persons who have or have had a dating or
16 engagement relationship, and persons with disabilities and
17 their personal assistants. For purposes of this Act,
18 neither a casual acquaintanceship nor ordinary
19 fraternization between 2 individuals in business or social
20 contexts shall be deemed to constitute a dating
21 relationship.

22 (c) Telecommunications carriers, commercial mobile service
23 providers, and providers of information services, including,
24 but not limited to, Internet service providers and hosting
25 service providers, are not liable under this Section, except
26 for willful and wanton misconduct, by virtue of the

1 transmission, storage, or caching of electronic communications
2 or messages of others or by virtue of the provision of other
3 related telecommunications, commercial mobile services, or
4 information services used by others in violation of this
5 Section.

6 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01; 95-849,
7 eff. 1-1-09.)

8 (Text of Section after amendment by P.A. 95-984)

9 Sec. 1-2. Harassment through electronic communications.

10 (a) Harassment through electronic communications is the
11 use of electronic communication for any of the following
12 purposes:

13 (1) Making any comment, request, suggestion or
14 proposal which is obscene with an intent to offend;

15 (2) Interrupting, with the intent to harass, the
16 telephone service or the electronic communication service
17 of any person;

18 (3) Transmitting to any person, with the intent to
19 harass and regardless of whether the communication is read
20 in its entirety or at all, any file, document, or other
21 communication which prevents that person from using his or
22 her telephone service or electronic communications device;

23 (3.1) Transmitting an electronic communication or
24 knowingly inducing a person to transmit an electronic
25 communication for the purpose of harassing another person

1 who is under 13 years of age, regardless of whether the
2 person under 13 years of age consents to the harassment, if
3 the defendant is at least 16 years of age at the time of
4 the commission of the offense;

5 (4) Threatening injury to the person or to the property
6 of the person to whom an electronic communication is
7 directed or to any of his or her family or household
8 members; or

9 (5) Knowingly permitting any electronic communications
10 device to be used for any of the purposes mentioned in this
11 subsection (a).

12 ~~(a-5) Telecommunications carriers, commercial mobile~~
13 ~~service providers, and providers of information services,~~
14 ~~including, but not limited to, Internet service providers and~~
15 ~~hosting service providers, are not liable under this Section,~~
16 ~~except for willful and wanton misconduct, by virtue of the~~
17 ~~transmission, storage, or caching of electronic communications~~
18 ~~or messages of others or by virtue of the provision of other~~
19 ~~related telecommunications, commercial mobile services, or~~
20 ~~information services used by others in violation of this~~
21 ~~Section.~~

22 (b) As used in this Act:

23 (1) "Electronic communication" means any transfer of
24 signs, signals, writings, images, sounds, data or
25 intelligence of any nature transmitted in whole or in part
26 by a wire, radio, electromagnetic, photoelectric or

1 photo-optical system. "Electronic communication" includes
2 transmissions by a computer through the Internet to another
3 computer.

4 (2) "Family or household member" includes spouses,
5 former spouses, parents, children, stepchildren and other
6 persons related by blood or by present or prior marriage,
7 persons who share or formerly shared a common dwelling,
8 persons who have or allegedly share a blood relationship
9 through a child, persons who have or have had a dating or
10 engagement relationship, and persons with disabilities and
11 their personal assistants. For purposes of this Act,
12 neither a casual acquaintanceship nor ordinary
13 fraternization between 2 individuals in business or social
14 contexts shall be deemed to constitute a dating
15 relationship.

16 (c) Telecommunications carriers, commercial mobile service
17 providers, and providers of information services, including,
18 but not limited to, Internet service providers and hosting
19 service providers, are not liable under this Section, except
20 for willful and wanton misconduct, by virtue of the
21 transmission, storage, or caching of electronic communications
22 or messages of others or by virtue of the provision of other
23 related telecommunications, commercial mobile services, or
24 information services used by others in violation of this
25 Section.

26 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01; 95-849,

1 eff. 1-1-09; 95-984, eff. 6-1-09; revised 10-20-08.)

2 Section 340. The Illinois Controlled Substances Act is
3 amended by changing Sections 208 and 508 as follows:

4 (720 ILCS 570/208) (from Ch. 56 1/2, par. 1208)

5 Sec. 208. (a) The controlled substances listed in this
6 Section are included in Schedule III.

7 (b) Unless specifically excepted or unless listed in
8 another schedule, any material, compound, mixture, or
9 preparation which contains any quantity of the following
10 substances having a stimulant effect on the central nervous
11 system, including its salts, isomers (whether optical
12 position, or geometric), and salts of such isomers whenever the
13 existence of such salts, isomers, and salts of isomers is
14 possible within the specific chemical designation;

15 (1) Those compounds, mixtures, or preparations in
16 dosage unit form containing any stimulant substances
17 listed in Schedule II which compounds, mixtures, or
18 preparations were listed on August 25, 1971, as excepted
19 compounds under Title 21, Code of Federal Regulations,
20 Section 308.32, and any other drug of the quantitative
21 composition shown in that list for those drugs or which is
22 the same except that it contains a lesser quantity of
23 controlled substances;

24 (2) Benzphetamine;

1 (3) Chlorphentermine;

2 (4) Clortermine;

3 (5) Phendimetrazine.

4 (c) Unless specifically excepted or unless listed in
5 another schedule, any material, compound, mixture, or
6 preparation which contains any quantity of the following
7 substances having a potential for abuse associated with a
8 depressant effect on the central nervous system:

9 (1) Any compound, mixture, or preparation containing
10 amobarbital, secobarbital, pentobarbital or any salt
11 thereof and one or more other active medicinal ingredients
12 which are not listed in any schedule;

13 (2) Any suppository dosage form containing
14 amobarbital, secobarbital, pentobarbital or any salt of
15 any of these drugs and approved by the Federal Food and
16 Drug Administration for marketing only as a suppository;

17 (3) Any substance which contains any quantity of a
18 derivative of barbituric acid, or any salt thereof:

19 (4) Chlorhexadol;

20 (5) Methyprylon;

21 (6) Sulfondiethylmethane;

22 (7) Sulfonethylmethane;

23 (8) Sulfonmethane;

24 (9) Lysergic acid;

25 (10) Lysergic acid amide;

26 (10.1) Tiletamine or zolazepam or both, or any salt of

1 either of them.

2 Some trade or other names for a tiletamine-zolazepam
3 combination product: Telazol.

4 Some trade or other names for Tiletamine:
5 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

6 Some trade or other names for zolazepam:
7 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-
8 [3,4-e], [1,4]-diazepin-7(1H)-one, and flupyrzapon.

9 (11) Any material, compound, mixture or preparation
10 containing not more than 12.5 milligrams of pentazocine or
11 any of its salts, per 325 milligrams of aspirin;

12 (12) Any material, compound, mixture or preparation
13 containing not more than 12.5 milligrams of pentazocine or
14 any of its salts, per 325 milligrams of acetaminophen;

15 (13) Any material, compound, mixture or preparation
16 containing not more than 50 milligrams of pentazocine or
17 any of its salts plus naloxone HCl USP 0.5 milligrams, per
18 dosage unit;

19 (14) Ketamine.

20 (d) Nalorphine.

21 (e) Unless specifically excepted or unless listed in
22 another schedule, any material, compound, mixture, or
23 preparation containing limited quantities of any of the
24 following narcotic drugs, or their salts calculated as the free
25 anhydrous base or alkaloid, as set forth below:

26 (1) not more than 1.8 grams of codeine per 100

1 milliliters or not more than 90 milligrams per dosage unit,
2 with an equal or greater quantity of an isoquinoline
3 alkaloid of opium;

4 (2) not more than 1.8 grams of codeine per 100
5 milliliters or not more than 90 milligrams per dosage unit,
6 with one or more active non-narcotic ingredients in
7 recognized therapeutic amounts;

8 (3) not more than 300 milligrams of dihydrocodeinone
9 per 100 milliliters or not more than 15 milligrams per
10 dosage unit, with a fourfold or greater quantity of an
11 isoquinoline alkaloid of opium;

12 (4) not more than 300 milligrams of dihydrocodeinone
13 per 100 milliliters or not more than 15 milligrams per
14 dosage unit, with one or more active, non-narcotic
15 ingredients in recognized therapeutic amounts;

16 (5) not more than 1.8 grams of dihydrocodeine per 100
17 milliliters or not more than 90 milligrams per dosage unit,
18 with one or more active, non-narcotic ingredients in
19 recognized therapeutic amounts;

20 (6) not more than 300 milligrams of ethylmorphine per
21 100 milliliters or not more than 15 milligrams per dosage
22 unit, with one or more active, non-narcotic ingredients in
23 recognized therapeutic amounts;

24 (7) not more than 500 milligrams of opium per 100
25 milliliters or per 100 grams, or not more than 25
26 milligrams per dosage unit, with one or more active,

1 non-narcotic ingredients in recognized therapeutic
2 amounts;

3 (8) not more than 50 milligrams of morphine per 100
4 milliliters or per 100 grams with one or more active,
5 non-narcotic ingredients in recognized therapeutic
6 amounts.

7 (f) Anabolic steroids, except the following anabolic
8 steroids that are exempt:

9 (1) Androgyn L.A.;

10 (2) Andro-Estro 90-4;

11 (3) depANDROGYN;

12 (4) DEPO-T.E.;

13 (5) depTESTROGEN;

14 (6) Duomone;

15 (7) DURATESTRIN;

16 (8) DUO-SPAN II;

17 (9) Estratest;

18 (10) Estratest H.S.;

19 (11) PAN ESTRA TEST;

20 (12) Premarin with Methyltestosterone;

21 (13) TEST-ESTRO Cypionates;

22 (14) Testosterone Cyp 50 Estradiol Cyp 2;

23 (15) Testosterone Cypionate-Estradiol Cypionate
24 injection; and

25 (16) Testosterone Enanthate-Estradiol Valerate
26 injection.

1 (g) Hallucinogenic ~~Hallucenogenic~~ substances.

2 (1) Dronabinol (synthetic) in sesame oil and
3 encapsulated in a soft gelatin capsule in a U.S. Food and
4 Drug Administration approved product. Some other names for
5 dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-
6 6,6,9-trimetjyl-3-pentyl-6H-debenzo (b,d) pyran-1-ol) or
7 (-)-delta-9-(trans)-tetrahydrocannabinol.

8 (2) (Reserved).

9 (h) The Department may except by rule any compound,
10 mixture, or preparation containing any stimulant or depressant
11 substance listed in subsection (b) from the application of all
12 or any part of this Act if the compound, mixture, or
13 preparation contains one or more active medicinal ingredients
14 not having a stimulant or depressant effect on the central
15 nervous system, and if the admixtures are included therein in
16 combinations, quantity, proportion, or concentration that
17 vitiate the potential for abuse of the substances which have a
18 stimulant or depressant effect on the central nervous system.

19 (Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00;
20 revised 10-28-08.)

21 (720 ILCS 570/508) (from Ch. 56 1/2, par. 1508)

22 Sec. 508. (a) The Department shall encourage research on
23 controlled substances. In connection with the research, and in
24 furtherance of the purposes of this Act, the Department may:

25 (1) establish methods to assess accurately the effect

1 of controlled substances and identify and characterize
2 those with potential for abuse;

3 (2) make studies and undertake programs of research to:

4 (i) develop new or improved approaches,
5 techniques, systems, equipment and devices to
6 strengthen the enforcement of this Act;

7 (ii) determine patterns of use, misuse, and abuse
8 of controlled substances and their social effects; and

9 (iii) improve methods for preventing, predicting,
10 understanding, and dealing with the use, misuse and
11 abuse of controlled substances; and

12 (3) enter into contracts with public agencies,
13 educational institutions, and private organizations or
14 individuals for the purpose of conducting research,
15 demonstrations, or special projects which relate to the
16 use, misuse and abuse of controlled substances.

17 (b) Persons authorized to engage in research may be
18 authorized by the Department to protect the privacy of
19 individuals who are the subjects of such research by
20 withholding from all persons not connected with the conduct of
21 the research the names and other identifying characteristics of
22 such individuals. Persons who are given this authorization
23 shall not be compelled in any civil, criminal, administrative,
24 legislative or other proceeding to identify the individuals who
25 are the subjects of research for which the authorization was
26 granted, except to the extent necessary to permit the

1 Department to determine whether the research is being conducted
2 in accordance with the authorization.

3 (c) The Department may authorize the possession and
4 dispensing of controlled substances by persons engaged in
5 research, upon such terms and conditions as may be consistent
6 with the public health and safety. The Department may also
7 approve research and treatment programs involving the
8 administration of Methadone. The use of Methadone, or any
9 similar controlled substance by any person is prohibited in
10 this State except as approved and authorized by the Department
11 in accordance with its rules and regulations. To the extent of
12 the applicable authorization, persons are exempt from
13 prosecution in this State for possession, manufacture or
14 delivery of controlled substances.

15 (d) Practitioners registered under Federal law to conduct
16 research with Schedule I substances may conduct research with
17 Schedule I substances within this State upon furnishing
18 evidence of that Federal registration and notification of the
19 scope and purpose of such research to the Department.

20 (Source: P.A. 83-969; revised 10-23-08.)

21 Section 345. The Rights of Crime Victims and Witnesses Act
22 is amended by changing Section 4.5 as follows:

23 (725 ILCS 120/4.5)

24 Sec. 4.5. Procedures to implement the rights of crime

1 victims. To afford crime victims their rights, law enforcement,
2 prosecutors, judges and corrections will provide information,
3 as appropriate of the following procedures:

4 (a) At the request of the crime victim, law enforcement
5 authorities investigating the case shall provide notice of the
6 status of the investigation, except where the State's Attorney
7 determines that disclosure of such information would
8 unreasonably interfere with the investigation, until such time
9 as the alleged assailant is apprehended or the investigation is
10 closed.

11 (b) The office of the State's Attorney:

12 (1) shall provide notice of the filing of information,
13 the return of an indictment by which a prosecution for any
14 violent crime is commenced, or the filing of a petition to
15 adjudicate a minor as a delinquent for a violent crime;

16 (2) shall provide notice of the date, time, and place
17 of trial;

18 (3) or victim advocate personnel shall provide
19 information of social services and financial assistance
20 available for victims of crime, including information of
21 how to apply for these services and assistance;

22 (4) shall assist in having any stolen or other personal
23 property held by law enforcement authorities for
24 evidentiary or other purposes returned as expeditiously as
25 possible, pursuant to the procedures set out in Section
26 115-9 of the Code of Criminal Procedure of 1963;

1 (5) or victim advocate personnel shall provide
2 appropriate employer intercession services to ensure that
3 employers of victims will cooperate with the criminal
4 justice system in order to minimize an employee's loss of
5 pay and other benefits resulting from court appearances;

6 (6) shall provide information whenever possible, of a
7 secure waiting area during court proceedings that does not
8 require victims to be in close proximity to defendant or
9 juveniles accused of a violent crime, and their families
10 and friends;

11 (7) shall provide notice to the crime victim of the
12 right to have a translator present at all court proceedings
13 and, in compliance with the federal Americans with
14 Disabilities Act of 1990, the right to communications
15 access through a sign language interpreter or by other
16 means;

17 (8) in the case of the death of a person, which death
18 occurred in the same transaction or occurrence in which
19 acts occurred for which a defendant is charged with an
20 offense, shall notify the spouse, parent, child or sibling
21 of the decedent of the date of the trial of the person or
22 persons allegedly responsible for the death;

23 (9) shall inform the victim of the right to have
24 present at all court proceedings, subject to the rules of
25 evidence, an advocate or other support person of the
26 victim's choice, and the right to retain an attorney, at

1 the victim's own expense, who, upon written notice filed
2 with the clerk of the court and State's Attorney, is to
3 receive copies of all notices, motions and court orders
4 filed thereafter in the case, in the same manner as if the
5 victim were a named party in the case;

6 (10) at the sentencing hearing shall make a good faith
7 attempt to explain the minimum amount of time during which
8 the defendant may actually be physically imprisoned. The
9 Office of the State's Attorney shall further notify the
10 crime victim of the right to request from the Prisoner
11 Review Board information concerning the release of the
12 defendant under subparagraph (d) (1) of this Section;

13 (11) shall request restitution at sentencing and shall
14 consider restitution in any plea negotiation, as provided
15 by law; and

16 (12) shall, upon the court entering a verdict of not
17 guilty by reason of insanity, inform the victim of the
18 notification services available from the Department of
19 Human Services, including the statewide telephone number,
20 under subparagraph (d) (2) of this Section.

21 (c) At the written request of the crime victim, the office
22 of the State's Attorney shall:

23 (1) provide notice a reasonable time in advance of the
24 following court proceedings: preliminary hearing, any
25 hearing the effect of which may be the release of defendant
26 from custody, or to alter the conditions of bond and the

1 sentencing hearing. The crime victim shall also be notified
2 of the cancellation of the court proceeding in sufficient
3 time, wherever possible, to prevent an unnecessary
4 appearance in court;

5 (2) provide notice within a reasonable time after
6 receipt of notice from the custodian, of the release of the
7 defendant on bail or personal recognizance or the release
8 from detention of a minor who has been detained for a
9 violent crime;

10 (3) explain in nontechnical language the details of any
11 plea or verdict of a defendant, or any adjudication of a
12 juvenile as a delinquent for a violent crime;

13 (4) where practical, consult with the crime victim
14 before the Office of the State's Attorney makes an offer of
15 a plea bargain to the defendant or enters into negotiations
16 with the defendant concerning a possible plea agreement,
17 and shall consider the written victim impact statement, if
18 prepared prior to entering into a plea agreement;

19 (5) provide notice of the ultimate disposition of the
20 cases arising from an indictment or an information, or a
21 petition to have a juvenile adjudicated as a delinquent for
22 a violent crime;

23 (6) provide notice of any appeal taken by the defendant
24 and information on how to contact the appropriate agency
25 handling the appeal;

26 (7) provide notice of any request for post-conviction

1 review filed by the defendant under Article 122 of the Code
2 of Criminal Procedure of 1963, and of the date, time and
3 place of any hearing concerning the petition. Whenever
4 possible, notice of the hearing shall be given in advance;

5 (8) forward a copy of any statement presented under
6 Section 6 to the Prisoner Review Board to be considered by
7 the Board in making its determination under subsection (b)
8 of Section 3-3-8 of the Unified Code of Corrections.

9 (d) (1) The Prisoner Review Board shall inform a victim or
10 any other concerned citizen, upon written request, of the
11 prisoner's release on parole, mandatory supervised release,
12 electronic detention, work release, international transfer or
13 exchange, or by the custodian of the discharge of any
14 individual who was adjudicated a delinquent for a violent crime
15 from State custody and by the sheriff of the appropriate county
16 of any such person's final discharge from county custody. The
17 Prisoner Review Board, upon written request, shall provide to a
18 victim or any other concerned citizen a recent photograph of
19 any person convicted of a felony, upon his or her release from
20 custody. The Prisoner Review Board, upon written request, shall
21 inform a victim or any other concerned citizen when feasible at
22 least 7 days prior to the prisoner's release on furlough of the
23 times and dates of such furlough. Upon written request by the
24 victim or any other concerned citizen, the State's Attorney
25 shall notify the person once of the times and dates of release
26 of a prisoner sentenced to periodic imprisonment. Notification

1 shall be based on the most recent information as to victim's or
2 other concerned citizen's residence or other location
3 available to the notifying authority. For purposes of this
4 paragraph (1) of subsection (d), "concerned citizen" includes
5 relatives of the victim, friends of the victim, witnesses to
6 the crime, or any other person associated with the victim or
7 prisoner.

8 (2) When the defendant has been committed to the
9 Department of Human Services pursuant to Section 5-2-4 or
10 any other provision of the Unified Code of Corrections, the
11 victim may request to be notified by the releasing
12 authority of the defendant's furloughs, temporary release,
13 or final discharge from State custody. The Department of
14 Human Services shall establish and maintain a statewide
15 telephone number to be used by victims to make notification
16 requests under these provisions, and shall publicize this
17 telephone number on its website and to the State's Attorney
18 of each county.

19 (3) In the event of an escape from State custody, the
20 Department of Corrections or the Department of Juvenile
21 Justice immediately shall notify the Prisoner Review Board
22 of the escape and the Prisoner Review Board shall notify
23 the victim. The notification shall be based upon the most
24 recent information as to the victim's residence or other
25 location available to the Board. When no such information
26 is available, the Board shall make all reasonable efforts

1 to obtain the information and make the notification. When
2 the escapee is apprehended, the Department of Corrections
3 or the Department of Juvenile Justice immediately shall
4 notify the Prisoner Review Board and the Board shall notify
5 the victim.

6 (4) The victim of the crime for which the prisoner has
7 been sentenced shall receive reasonable written notice not
8 less than 15 days prior to the parole hearing and may
9 submit, in writing, on film, videotape or other electronic
10 means or in the form of a recording or in person at the
11 parole hearing or if a victim of a violent crime, by
12 calling the toll-free number established in subsection (f)
13 of this Section, information for consideration by the
14 Prisoner Review Board. The victim shall be notified within
15 7 days after the prisoner has been granted parole and shall
16 be informed of the right to inspect the registry of parole
17 decisions, established under subsection (g) of Section
18 3-3-5 of the Unified Code of Corrections. The provisions of
19 this paragraph (4) are subject to the Open Parole Hearings
20 Act.

21 (5) If a statement is presented under Section 6, the
22 Prisoner Review Board shall inform the victim of any order
23 of discharge entered by the Board pursuant to Section 3-3-8
24 of the Unified Code of Corrections.

25 (6) At the written request of the victim of the crime
26 for which the prisoner was sentenced, the Prisoner Review

1 Board shall notify the victim of the death of the prisoner
2 if the prisoner died while on parole or mandatory
3 supervised release.

4 (7) When a defendant who has been committed to the
5 Department of Corrections, the Department of Juvenile
6 Justice, or the Department of Human Services is released or
7 discharged and subsequently committed to the Department of
8 Human Services as a sexually violent person and the victim
9 had requested to be notified by the releasing authority of
10 the defendant's discharge from State custody, the
11 releasing authority shall provide to the Department of
12 Human Services such information that would allow the
13 Department of Human Services to contact the victim.

14 (8) When a defendant has been convicted of a sex
15 offense as defined in Section 2 of the Sex Offender
16 Registration Act and has been sentenced to the Department
17 of Corrections or the Department of Juvenile Justice, the
18 Prisoner Review Board shall notify the victim of the sex
19 offense of the prisoner's eligibility for release on
20 parole, mandatory supervised release, electronic
21 detention, work release, international transfer or
22 exchange, or by the custodian of the discharge of any
23 individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge
26 from county custody. The notification shall be made to the

1 victim at least 30 days, whenever possible, before release
2 of the sex offender.

3 (e) The officials named in this Section may satisfy some or
4 all of their obligations to provide notices and other
5 information through participation in a statewide victim and
6 witness notification system established by the Attorney
7 General under Section 8.5 of this Act.

8 (f) To permit a victim of a violent crime to provide
9 information to the Prisoner Review Board for consideration by
10 the Board at a parole hearing of a person who committed the
11 crime against the victim in accordance with clause (d)(4) of
12 this Section or at a proceeding to determine the conditions of
13 mandatory supervised release of a person sentenced to a
14 determinate sentence or at a hearing on revocation of mandatory
15 supervised release of a person sentenced to a determinate
16 sentence, the Board shall establish a toll-free number that may
17 be accessed by the victim of a violent crime to present that
18 information to the Board.

19 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07;
20 95-896, eff. 1-1-09; 95-897, eff. 1-1-09; 95-904, eff. 1-1-09;
21 revised 9-25-08.)

22 Section 350. The Firearm Seizure Act is amended by changing
23 Section 4 as follows:

24 (725 ILCS 165/4) (from Ch. 38, par. 161-4)

1 Sec. 4. In lieu of requiring the surrender of any firearm,
2 the court may require the defendant to give a recognizance as
3 provided in Article 110A of the Code of Criminal Procedure of
4 1963 Division V of "An Act to revise the law in relation to
5 criminal jurisprudence".

6 (Source: Laws 1965, p. 2693; revised 10-28-08.)

7 Section 355. The Sexually Violent Persons Commitment Act is
8 amended by changing Section 5 as follows:

9 (725 ILCS 207/5)

10 Sec. 5. Definitions. As used in this Act, the term:

11 (a) "Department" means the Department of Human Services.

12 (b) "Mental disorder" means a congenital or acquired
13 condition affecting the emotional or volitional capacity that
14 predisposes a person to engage in acts of sexual violence.

15 (c) "Secretary" means the Secretary of Human Services.

16 (d) "Sexually motivated" means that one of the purposes for
17 an act is for the actor's sexual arousal or gratification.

18 (e) "Sexually violent offense" means any of the following:

19 (1) Any crime specified in Section 11-6, 12-13, 12-14,
20 12-14.1, or 12-16 of the Criminal Code of 1961; or

21 (1.5) Any former law of this State specified in Section
22 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent
23 liberties with a child) or 11-4.1 ~~11-4~~ (aggravated indecent
24 liberties with a child) of the Criminal Code of 1961; or

1 (2) First degree murder, if it is determined by the
2 agency with jurisdiction to have been sexually motivated;
3 or

4 (3) Any solicitation, conspiracy or attempt to commit a
5 crime under paragraph (e) (1) or (e) (2) of this Section.

6 (f) "Sexually violent person" means a person who has been
7 convicted of a sexually violent offense, has been adjudicated
8 delinquent for a sexually violent offense, or has been found
9 not guilty of a sexually violent offense by reason of insanity
10 and who is dangerous because he or she suffers from a mental
11 disorder that makes it substantially probable that the person
12 will engage in acts of sexual violence.

13 (Source: P.A. 94-746, eff. 5-8-06; revised 10-23-08.)

14 Section 360. The Unified Code of Corrections is amended by
15 changing Sections 3-3-7, 5-5-3.2, 5-6-1, and 5-6-3 as follows:

16 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

17 (Text of Section before amendment by P.A. 95-983)

18 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
19 Release.

20 (a) The conditions of parole or mandatory supervised
21 release shall be such as the Prisoner Review Board deems
22 necessary to assist the subject in leading a law-abiding life.
23 The conditions of every parole and mandatory supervised release
24 are that the subject:

1 (1) not violate any criminal statute of any
2 jurisdiction during the parole or release term;

3 (2) refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) report to an agent of the Department of
6 Corrections;

7 (4) permit the agent to visit him or her at his or her
8 home, employment, or elsewhere to the extent necessary for
9 the agent to discharge his or her duties;

10 (5) attend or reside in a facility established for the
11 instruction or residence of persons on parole or mandatory
12 supervised release;

13 (6) secure permission before visiting or writing a
14 committed person in an Illinois Department of Corrections
15 facility;

16 (7) report all arrests to an agent of the Department of
17 Corrections as soon as permitted by the arresting authority
18 but in no event later than 24 hours after release from
19 custody;

20 (7.5) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, the individual shall
22 undergo and successfully complete sex offender treatment
23 conducted in conformance with the standards developed by
24 the Sex Offender Management Board Act by a treatment
25 provider approved by the Board;

26 (7.6) 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, or is in any facility operated or licensed by
11 the Department of Children and Family Services or by the
12 Department of Human Services, or is in any licensed medical
13 facility;

14 (7.7) if convicted for an offense that would qualify
15 the accused as a sexual predator under the Sex Offender
16 Registration Act on or after the effective date of this
17 amendatory Act of the 94th General Assembly, wear an
18 approved electronic monitoring device as defined in
19 Section 5-8A-2 for the duration of the person's parole,
20 mandatory supervised release term, or extended mandatory
21 supervised release term;

22 (7.8) if convicted for an offense committed on or after
23 the effective date of this amendatory Act of the 95th
24 General Assembly that would qualify the accused as a child
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961, refrain from communicating with or

1 contacting, by means of the Internet, a person who is not
2 related to the accused and whom the accused reasonably
3 believes to be under 18 years of age; for purposes of this
4 paragraph (7.8), "Internet" has the meaning ascribed to it
5 in Section 16J-5 of the Criminal Code of 1961; and a person
6 is not related to the accused if the person is not: (i) the
7 spouse, brother, or sister of the accused; (ii) a
8 descendant of the accused; (iii) a first or second cousin
9 of the accused; or (iv) a step-child or adopted child of
10 the accused;

11 (7.9) if convicted under Section 11-6, 11-20.1,
12 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
13 search of computers, PDAs, cellular phones, and other
14 devices under his or her control that are capable of
15 accessing the Internet or storing electronic files, in
16 order to confirm Internet protocol addresses reported in
17 accordance with the Sex Offender Registration Act and
18 compliance with conditions in this Act;

19 (7.10) if convicted for an offense that would qualify
20 the accused as a sex offender or sexual predator under the
21 Sex Offender Registration Act on or after the effective
22 date of this amendatory Act of the 95th General Assembly,
23 not possess prescription drugs for erectile dysfunction;

24 (8) obtain permission of an agent of the Department of
25 Corrections before leaving the State of Illinois;

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or
2 employment;

3 (10) consent to a search of his or her person,
4 property, or residence under his or her control;

5 (11) refrain from the use or possession of narcotics or
6 other controlled substances in any form, or both, or any
7 paraphernalia related to those substances and submit to a
8 urinalysis test as instructed by a parole agent of the
9 Department of Corrections;

10 (12) not frequent places where controlled substances
11 are illegally sold, used, distributed, or administered;

12 (13) not knowingly associate with other persons on
13 parole or mandatory supervised release without prior
14 written permission of his or her parole agent and not
15 associate with persons who are members of an organized gang
16 as that term is defined in the Illinois Streetgang
17 Terrorism Omnibus Prevention Act;

18 (14) provide true and accurate information, as it
19 relates to his or her adjustment in the community while on
20 parole or mandatory supervised release or to his or her
21 conduct while incarcerated, in response to inquiries by his
22 or her parole agent or of the Department of Corrections;

23 (15) follow any specific instructions provided by the
24 parole agent that are consistent with furthering
25 conditions set and approved by the Prisoner Review Board or
26 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate;

5 (16) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 offender is a parent or guardian of the person under 18
8 years of age present in the home and no non-familial minors
9 are present, not participate in a holiday event involving
10 children under 18 years of age, such as distributing candy
11 or other items to children on Halloween, wearing a Santa
12 Claus costume on or preceding Christmas, being employed as
13 a department store Santa Claus, or wearing an Easter Bunny
14 costume on or preceding Easter; and

15 (17) if convicted of a violation of an order of
16 protection under Section 12-30 of the Criminal Code of
17 1961, be placed under electronic surveillance as provided
18 in Section 5-8A-7 of this Code.

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;

9 (7.5) if convicted for an offense committed on or after
10 the effective date of this amendatory Act of the 95th
11 General Assembly that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961, refrain from communicating with or
14 contacting, by means of the Internet, a person who is
15 related to the accused and whom the accused reasonably
16 believes to be under 18 years of age; for purposes of this
17 paragraph (7.5), "Internet" has the meaning ascribed to it
18 in Section 16J-5 of the Criminal Code of 1961; and a person
19 is related to the accused if the person is: (i) the spouse,
20 brother, or sister of the accused; (ii) a descendant of the
21 accused; (iii) a first or second cousin of the accused; or
22 (iv) a step-child or adopted child of the accused; and

23 (8) in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 or

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (b-1) In addition to the conditions set forth in
5 subsections (a) and (b), persons required to register as sex
6 offenders pursuant to the Sex Offender Registration Act, upon
7 release from the custody of the Illinois Department of
8 Corrections, may be required by the Board to comply with the
9 following specific conditions of release:

10 (1) reside only at a Department approved location;

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

13 (3) notify third parties of the risks that may be
14 occasioned by his or her criminal record;

15 (4) obtain the approval of an agent of the Department
16 of Corrections prior to accepting employment or pursuing a
17 course of study or vocational training and notify the
18 Department prior to any change in employment, study, or
19 training;

20 (5) not be employed or participate in any volunteer
21 activity that involves contact with children, except under
22 circumstances approved in advance and in writing by an
23 agent of the Department of Corrections;

24 (6) be electronically monitored for a minimum of 12
25 months from the date of release as determined by the Board;

26 (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of
2 the Department of Corrections. The terms may include
3 consideration of the purpose of the entry, the time of day,
4 and others accompanying the person;

5 (8) refrain from having any contact, including written
6 or oral communications, directly or indirectly, personally
7 or by telephone, letter, or through a third party with
8 certain specified persons including, but not limited to,
9 the victim or the victim's family without the prior written
10 approval of an agent of the Department of Corrections;

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third party,
13 with minor children without prior identification and
14 approval of an agent of the Department of Corrections;

15 (10) neither possess or have under his or her control
16 any material that is sexually oriented, sexually
17 stimulating, or that shows male or female sex organs or any
18 pictures depicting children under 18 years of age nude or
19 any written or audio material describing sexual
20 intercourse or that depicts or alludes to sexual activity,
21 including but not limited to visual, auditory, telephonic,
22 or electronic media, or any matter obtained through access
23 to any computer or material linked to computer access use;

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

1 (12) not reside near, visit, or be in or about parks,
2 schools, day care centers, swimming pools, beaches,
3 theaters, or any other places where minor children
4 congregate without advance approval of an agent of the
5 Department of Corrections and immediately report any
6 incidental contact with minor children to the Department;

7 (13) not possess or have under his or her control
8 certain specified items of contraband related to the
9 incidence of sexually offending as determined by an agent
10 of the Department of Corrections;

11 (14) may be required to provide a written daily log of
12 activities if directed by an agent of the Department of
13 Corrections;

14 (15) comply with all other special conditions that the
15 Department may impose that restrict the person from
16 high-risk situations and limit access to potential
17 victims;

18 (16) take an annual polygraph exam;

19 (17) maintain a log of his or her travel; or

20 (18) obtain prior approval of his or her parole officer
21 before driving alone in a motor vehicle.

22 (c) The conditions under which the parole or mandatory
23 supervised release is to be served shall be communicated to the
24 person in writing prior to his release, and he shall sign the
25 same before release. A signed copy of these conditions,
26 including a copy of an order of protection where one had been

1 issued by the criminal court, shall be retained by the person
2 and another copy forwarded to the officer in charge of his
3 supervision.

4 (d) After a hearing under Section 3-3-9, the Prisoner
5 Review Board may modify or enlarge the conditions of parole or
6 mandatory supervised release.

7 (e) The Department shall inform all offenders committed to
8 the Department of the optional services available to them upon
9 release and shall assist inmates in availing themselves of such
10 optional services upon their release on a voluntary basis.

11 (f) When the subject is in compliance with all conditions
12 of his or her parole or mandatory supervised release, the
13 subject shall receive a reduction of the period of his or her
14 parole or mandatory supervised release of 90 days upon passage
15 of the high school level Test of General Educational
16 Development during the period of his or her parole or mandatory
17 supervised release. This reduction in the period of a subject's
18 term of parole or mandatory supervised release shall be
19 available only to subjects who have not previously earned a
20 high school diploma or who have not previously passed the high
21 school level Test of General Educational Development.

22 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
23 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
24 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
25 95-876, eff. 8-21-08.)

1 (Text of Section after amendment by P.A. 95-983)

2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
3 Release.

4 (a) The conditions of parole or mandatory supervised
5 release shall be such as the Prisoner Review Board deems
6 necessary to assist the subject in leading a law-abiding life.
7 The conditions of every parole and mandatory supervised release
8 are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) report to an agent of the Department of
14 Corrections;

15 (4) permit the agent to visit him or her at his or her
16 home, employment, or elsewhere to the extent necessary for
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the
19 instruction or residence of persons on parole or mandatory
20 supervised release;

21 (6) secure permission before visiting or writing a
22 committed person in an Illinois Department of Corrections
23 facility;

24 (7) report all arrests to an agent of the Department of
25 Corrections as soon as permitted by the arresting authority
26 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, the individual shall
4 undergo and successfully complete sex offender treatment
5 conducted in conformance with the standards developed by
6 the Sex Offender Management Board Act by a treatment
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders, or is in any facility operated or licensed by
19 the Department of Children and Family Services or by the
20 Department of Human Services, or is in any licensed medical
21 facility;

22 (7.7) if convicted for an offense that would qualify
23 the accused as a sexual predator under the Sex Offender
24 Registration Act on or after the effective date of this
25 amendatory Act of the 94th General Assembly, wear an
26 approved electronic monitoring device as defined in

1 Section 5-8A-2 for the duration of the person's parole,
2 mandatory supervised release term, or extended mandatory
3 supervised release term;

4 (7.8) if convicted for an offense committed on or after
5 the effective date of this amendatory Act of the 95th
6 General Assembly that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961, refrain from communicating with or
9 contacting, by means of the Internet, a person who is not
10 related to the accused and whom the accused reasonably
11 believes to be under 18 years of age; for purposes of this
12 paragraph (7.8), "Internet" has the meaning ascribed to it
13 in Section 16J-5 of the Criminal Code of 1961; and a person
14 is not related to the accused if the person is not: (i) the
15 spouse, brother, or sister of the accused; (ii) a
16 descendant of the accused; (iii) a first or second cousin
17 of the accused; or (iv) a step-child or adopted child of
18 the accused;

19 (7.9) if convicted under Section 11-6, 11-20.1,
20 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
21 search of computers, PDAs, cellular phones, and other
22 devices under his or her control that are capable of
23 accessing the Internet or storing electronic files, in
24 order to confirm Internet protocol addresses reported in
25 accordance with the Sex Offender Registration Act and
26 compliance with conditions in this Act;

1 (7.10) if convicted for an offense that would qualify
2 the accused as a sex offender or sexual predator under the
3 Sex Offender Registration Act on or after the effective
4 date of this amendatory Act of the 95th General Assembly,
5 not possess prescription drugs for erectile dysfunction;

6 (7.11) if convicted for an offense under Section 11-6,
7 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
8 Code of 1961, or any attempt to commit any of these
9 offenses, committed on or after June 1, 2009 (the effective
10 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
11 ~~General Assembly:~~

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the Department;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's supervising
18 agent, a law enforcement officer, or assigned computer
19 or information technology specialist, including the
20 retrieval and copying of all data from the computer or
21 device and any internal or external peripherals and
22 removal of such information, equipment, or device to
23 conduct a more thorough inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the Board, the Department or the offender's
6 supervising agent;

7 (8) obtain permission of an agent of the Department of
8 Corrections before leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department of
10 Corrections before changing his or her residence or
11 employment;

12 (10) consent to a search of his or her person,
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of narcotics or
15 other controlled substances in any form, or both, or any
16 paraphernalia related to those substances and submit to a
17 urinalysis test as instructed by a parole agent of the
18 Department of Corrections;

19 (12) not frequent places where controlled substances
20 are illegally sold, used, distributed, or administered;

21 (13) not knowingly associate with other persons on
22 parole or mandatory supervised release without prior
23 written permission of his or her parole agent and not
24 associate with persons who are members of an organized gang
25 as that term is defined in the Illinois Streetgang
26 Terrorism Omnibus Prevention Act;

1 (14) provide true and accurate information, as it
2 relates to his or her adjustment in the community while on
3 parole or mandatory supervised release or to his or her
4 conduct while incarcerated, in response to inquiries by his
5 or her parole agent or of the Department of Corrections;

6 (15) follow any specific instructions provided by the
7 parole agent that are consistent with furthering
8 conditions set and approved by the Prisoner Review Board or
9 by law, exclusive of placement on electronic detention, to
10 achieve the goals and objectives of his or her parole or
11 mandatory supervised release or to protect the public.
12 These instructions by the parole agent may be modified at
13 any time, as the agent deems appropriate;

14 (16) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial minors
18 are present, not participate in a holiday event involving
19 children under 18 years of age, such as distributing candy
20 or other items to children on Halloween, wearing a Santa
21 Claus costume on or preceding Christmas, being employed as
22 a department store Santa Claus, or wearing an Easter Bunny
23 costume on or preceding Easter; and

24 (17) if convicted of a violation of an order of
25 protection under Section 12-30 of the Criminal Code of
26 1961, be placed under electronic surveillance as provided

1 in Section 5-8A-7 of this Code.

2 (b) The Board may in addition to other conditions require
3 that the subject:

4 (1) work or pursue a course of study or vocational
5 training;

6 (2) undergo medical or psychiatric treatment, or
7 treatment for drug addiction or alcoholism;

8 (3) attend or reside in a facility established for the
9 instruction or residence of persons on probation or parole;

10 (4) support his dependents;

11 (5) (blank);

12 (6) (blank);

13 (7) comply with the terms and conditions of an order of
14 protection issued pursuant to the Illinois Domestic
15 Violence Act of 1986, enacted by the 84th General Assembly,
16 or an order of protection issued by the court of another
17 state, tribe, or United States territory;

18 (7.5) if convicted for an offense committed on or after
19 the effective date of this amendatory Act of the 95th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961, refrain from communicating with or
23 contacting, by means of the Internet, a person who is
24 related to the accused and whom the accused reasonably
25 believes to be under 18 years of age; for purposes of this
26 paragraph (7.5), "Internet" has the meaning ascribed to it

1 in Section 16J-5 of the Criminal Code of 1961; and a person
2 is related to the accused if the person is: (i) the spouse,
3 brother, or sister of the accused; (ii) a descendant of the
4 accused; (iii) a first or second cousin of the accused; or
5 (iv) a step-child or adopted child of the accused;

6 (7.6) if convicted for an offense committed on or after
7 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
8 ~~amendatory Act of the 95th General Assembly~~ that would
9 qualify as a sex offense as defined in the Sex Offender
10 Registration Act:

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the Department;

14 (ii) submit to periodic unannounced examinations
15 of the offender's computer or any other device with
16 Internet capability by the offender's supervising
17 agent, a law enforcement officer, or assigned computer
18 or information technology specialist, including the
19 retrieval and copying of all data from the computer or
20 device and any internal or external peripherals and
21 removal of such information, equipment, or device to
22 conduct a more thorough inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 offender's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the Board, the Department or the offender's
5 supervising agent; and

6 (8) in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 or

11 (iv) contribute to his own support at home or in a
12 foster home.

13 (b-1) In addition to the conditions set forth in
14 subsections (a) and (b), persons required to register as sex
15 offenders pursuant to the Sex Offender Registration Act, upon
16 release from the custody of the Illinois Department of
17 Corrections, may be required by the Board to comply with the
18 following specific conditions of release:

19 (1) reside only at a Department approved location;

20 (2) comply with all requirements of the Sex Offender
21 Registration Act;

22 (3) notify third parties of the risks that may be
23 occasioned by his or her criminal record;

24 (4) obtain the approval of an agent of the Department
25 of Corrections prior to accepting employment or pursuing a
26 course of study or vocational training and notify the

1 Department prior to any change in employment, study, or
2 training;

3 (5) not be employed or participate in any volunteer
4 activity that involves contact with children, except under
5 circumstances approved in advance and in writing by an
6 agent of the Department of Corrections;

7 (6) be electronically monitored for a minimum of 12
8 months from the date of release as determined by the Board;

9 (7) refrain from entering into a designated geographic
10 area except upon terms approved in advance by an agent of
11 the Department of Corrections. The terms may include
12 consideration of the purpose of the entry, the time of day,
13 and others accompanying the person;

14 (8) refrain from having any contact, including written
15 or oral communications, directly or indirectly, personally
16 or by telephone, letter, or through a third party with
17 certain specified persons including, but not limited to,
18 the victim or the victim's family without the prior written
19 approval of an agent of the Department of Corrections;

20 (9) refrain from all contact, directly or indirectly,
21 personally, by telephone, letter, or through a third party,
22 with minor children without prior identification and
23 approval of an agent of the Department of Corrections;

24 (10) neither possess or have under his or her control
25 any material that is sexually oriented, sexually
26 stimulating, or that shows male or female sex organs or any

1 pictures depicting children under 18 years of age nude or
2 any written or audio material describing sexual
3 intercourse or that depicts or alludes to sexual activity,
4 including but not limited to visual, auditory, telephonic,
5 or electronic media, or any matter obtained through access
6 to any computer or material linked to computer access use;

7 (11) not patronize any business providing sexually
8 stimulating or sexually oriented entertainment nor utilize
9 "900" or adult telephone numbers;

10 (12) not reside near, visit, or be in or about parks,
11 schools, day care centers, swimming pools, beaches,
12 theaters, or any other places where minor children
13 congregate without advance approval of an agent of the
14 Department of Corrections and immediately report any
15 incidental contact with minor children to the Department;

16 (13) not possess or have under his or her control
17 certain specified items of contraband related to the
18 incidence of sexually offending as determined by an agent
19 of the Department of Corrections;

20 (14) may be required to provide a written daily log of
21 activities if directed by an agent of the Department of
22 Corrections;

23 (15) comply with all other special conditions that the
24 Department may impose that restrict the person from
25 high-risk situations and limit access to potential
26 victims;

- 1 (16) take an annual polygraph exam;
- 2 (17) maintain a log of his or her travel; or
- 3 (18) obtain prior approval of his or her parole officer
- 4 before driving alone in a motor vehicle.

5 (c) The conditions under which the parole or mandatory

6 supervised release is to be served shall be communicated to the

7 person in writing prior to his release, and he shall sign the

8 same before release. A signed copy of these conditions,

9 including a copy of an order of protection where one had been

10 issued by the criminal court, shall be retained by the person

11 and another copy forwarded to the officer in charge of his

12 supervision.

13 (d) After a hearing under Section 3-3-9, the Prisoner

14 Review Board may modify or enlarge the conditions of parole or

15 mandatory supervised release.

16 (e) The Department shall inform all offenders committed to

17 the Department of the optional services available to them upon

18 release and shall assist inmates in availing themselves of such

19 optional services upon their release on a voluntary basis.

20 (f) When the subject is in compliance with all conditions

21 of his or her parole or mandatory supervised release, the

22 subject shall receive a reduction of the period of his or her

23 parole or mandatory supervised release of 90 days upon passage

24 of the high school level Test of General Educational

25 Development during the period of his or her parole or mandatory

26 supervised release. This reduction in the period of a subject's

1 term of parole or mandatory supervised release shall be
2 available only to subjects who have not previously earned a
3 high school diploma or who have not previously passed the high
4 school level Test of General Educational Development.

5 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
6 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
7 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
8 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

9 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

10 Sec. 5-5-3.2. Factors in Aggravation.

11 (a) The following factors shall be accorded weight in favor
12 of imposing a term of imprisonment or may be considered by the
13 court as reasons to impose a more severe sentence under Section
14 5-8-1:

15 (1) the defendant's conduct caused or threatened
16 serious harm;

17 (2) the defendant received compensation for committing
18 the offense;

19 (3) the defendant has a history of prior delinquency or
20 criminal activity;

21 (4) the defendant, by the duties of his office or by
22 his position, was obliged to prevent the particular offense
23 committed or to bring the offenders committing it to
24 justice;

25 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that
2 office;

3 (6) the defendant utilized his professional reputation
4 or position in the community to commit the offense, or to
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from
7 committing the same crime;

8 (8) the defendant committed the offense against a
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a
11 person who is physically handicapped or such person's
12 property;

13 (10) by reason of another individual's actual or
14 perceived race, color, creed, religion, ancestry, gender,
15 sexual orientation, physical or mental disability, or
16 national origin, the defendant committed the offense
17 against (i) the person or property of that individual; (ii)
18 the person or property of a person who has an association
19 with, is married to, or has a friendship with the other
20 individual; or (iii) the person or property of a relative
21 (by blood or marriage) of a person described in clause (i)
22 or (ii). For the purposes of this Section, "sexual
23 orientation" means heterosexuality, homosexuality, or
24 bisexuality;

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For
2 purposes of this subparagraph, "place of worship" shall
3 mean any church, synagogue or other building, structure or
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed
6 while he was released on bail or his own recognizance
7 pending trial for a prior felony and was convicted of such
8 prior felony, or the defendant was convicted of a felony
9 committed while he was serving a period of probation,
10 conditional discharge, or mandatory supervised release
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a
13 felony while he was wearing a bulletproof vest. For the
14 purposes of this paragraph (13), a bulletproof vest is any
15 device which is designed for the purpose of protecting the
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 12-12 of the Criminal Code of 1961,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
24 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
25 against that victim;

26 (15) the defendant committed an offense related to the

1 activities of an organized gang. For the purposes of this
2 factor, "organized gang" has the meaning ascribed to it in
3 Section 10 of the Streetgang Terrorism Omnibus Prevention
4 Act;

5 (16) the defendant committed an offense in violation of
6 one of the following Sections while in a school, regardless
7 of the time of day or time of year; on any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related activity; on
10 the real property of a school; or on a public way within
11 1,000 feet of the real property comprising any school:
12 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
14 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
15 33A-2 of the Criminal Code of 1961;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
26 33A-2 of the Criminal Code of 1961;

1 (17) the defendant committed the offense by reason of
2 any person's activity as a community policing volunteer or
3 to prevent any person from engaging in activity as a
4 community policing volunteer. For the purpose of this
5 Section, "community policing volunteer" has the meaning
6 ascribed to it in Section 2-3.5 of the Criminal Code of
7 1961;

8 (18) the defendant committed the offense in a nursing
9 home or on the real property comprising a nursing home. For
10 the purposes of this paragraph (18), "nursing home" means a
11 skilled nursing or intermediate long term care facility
12 that is subject to license by the Illinois Department of
13 Public Health under the Nursing Home Care Act;

14 (19) the defendant was a federally licensed firearm
15 dealer and was previously convicted of a violation of
16 subsection (a) of Section 3 of the Firearm Owners
17 Identification Card Act and has now committed either a
18 felony violation of the Firearm Owners Identification Card
19 Act or an act of armed violence while armed with a firearm;

20 (20) the defendant (i) committed the offense of
21 reckless homicide under Section 9-3 of the Criminal Code of
22 1961 or the offense of driving under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds or any combination thereof under Section 11-501
25 of the Illinois Vehicle Code or a similar provision of a
26 local ordinance and (ii) was operating a motor vehicle in

1 excess of 20 miles per hour over the posted speed limit as
2 provided in Article VI of Chapter 11 of the Illinois
3 Vehicle Code;

4 (21) the defendant (i) committed the offense of
5 reckless driving or aggravated reckless driving under
6 Section 11-503 of the Illinois Vehicle Code and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code;

10 (22) the defendant committed the offense against a
11 person that the defendant knew, or reasonably should have
12 known, was a member of the Armed Forces of the United
13 States serving on active duty. For purposes of this clause
14 (22), the term "Armed Forces" means any of the Armed Forces
15 of the United States, including a member of any reserve
16 component thereof or National Guard unit called to active
17 duty; ~~or~~

18 (23) the defendant committed the offense against a
19 person who was elderly, disabled, or infirm by taking
20 advantage of a family or fiduciary relationship with the
21 elderly, disabled, or infirm person; or ~~or~~

22 (24) ~~(22)~~ the defendant committed any offense under
23 Section 11-20.1 of the Criminal Code of 1961 and possessed
24 100 or more images.

25 For the purposes of this Section:

26 "School" is defined as a public or private elementary or

1 secondary school, community college, college, or university.

2 "Day care center" means a public or private State certified
3 and licensed day care center as defined in Section 2.09 of the
4 Child Care Act of 1969 that displays a sign in plain view
5 stating that the property is a day care center.

6 (b) The following factors may be considered by the court as
7 reasons to impose an extended term sentence under Section 5-8-2
8 upon any offender:

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or greater
12 class felony, when such conviction has occurred within 10
13 years after the previous conviction, excluding time spent
14 in custody, and such charges are separately brought and
15 tried and arise out of different series of acts; or

16 (2) When a defendant is convicted of any felony and the
17 court finds that the offense was accompanied by
18 exceptionally brutal or heinous behavior indicative of
19 wanton cruelty; or

20 (3) When a defendant is convicted of voluntary
21 manslaughter, second degree murder, involuntary
22 manslaughter or reckless homicide in which the defendant
23 has been convicted of causing the death of more than one
24 individual; or

25 (4) When a defendant is convicted of any felony
26 committed against:

1 (i) a person under 12 years of age at the time of
2 the offense or such person's property;

3 (ii) a person 60 years of age or older at the time
4 of the offense or such person's property; or

5 (iii) a person physically handicapped at the time
6 of the offense or such person's property; or

7 (5) In the case of a defendant convicted of aggravated
8 criminal sexual assault or criminal sexual assault, when
9 the court finds that aggravated criminal sexual assault or
10 criminal sexual assault was also committed on the same
11 victim by one or more other individuals, and the defendant
12 voluntarily participated in the crime with the knowledge of
13 the participation of the others in the crime, and the
14 commission of the crime was part of a single course of
15 conduct during which there was no substantial change in the
16 nature of the criminal objective; or

17 (6) When a defendant is convicted of any felony and the
18 offense involved any of the following types of specific
19 misconduct committed as part of a ceremony, rite,
20 initiation, observance, performance, practice or activity
21 of any actual or ostensible religious, fraternal, or social
22 group:

23 (i) the brutalizing or torturing of humans or
24 animals;

25 (ii) the theft of human corpses;

26 (iii) the kidnapping of humans;

1 (iv) the desecration of any cemetery, religious,
2 fraternal, business, governmental, educational, or
3 other building or property; or

4 (v) ritualized abuse of a child; or

5 (7) When a defendant is convicted of first degree
6 murder, after having been previously convicted in Illinois
7 of any offense listed under paragraph (c)(2) of Section
8 5-5-3, when such conviction has occurred within 10 years
9 after the previous conviction, excluding time spent in
10 custody, and such charges are separately brought and tried
11 and arise out of different series of acts; or

12 (8) When a defendant is convicted of a felony other
13 than conspiracy and the court finds that the felony was
14 committed under an agreement with 2 or more other persons
15 to commit that offense and the defendant, with respect to
16 the other individuals, occupied a position of organizer,
17 supervisor, financier, or any other position of management
18 or leadership, and the court further finds that the felony
19 committed was related to or in furtherance of the criminal
20 activities of an organized gang or was motivated by the
21 defendant's leadership in an organized gang; or

22 (9) When a defendant is convicted of a felony violation
23 of Section 24-1 of the Criminal Code of 1961 and the court
24 finds that the defendant is a member of an organized gang;
25 or

26 (10) When a defendant committed the offense using a

1 firearm with a laser sight attached to it. For purposes of
2 this paragraph (10), "laser sight" has the meaning ascribed
3 to it in Section 24.6-5 of the Criminal Code of 1961; or

4 (11) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (12) When a defendant commits an offense involving the
13 illegal manufacture of a controlled substance under
14 Section 401 of the Illinois Controlled Substances Act, the
15 illegal manufacture of methamphetamine under Section 25 of
16 the Methamphetamine Control and Community Protection Act,
17 or the illegal possession of explosives and an emergency
18 response officer in the performance of his or her duties is
19 killed or injured at the scene of the offense while
20 responding to the emergency caused by the commission of the
21 offense. In this paragraph (12), "emergency" means a
22 situation in which a person's life, health, or safety is in
23 jeopardy; and "emergency response officer" means a peace
24 officer, community policing volunteer, fireman, emergency
25 medical technician-ambulance, emergency medical
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical
2 assistance or first aid personnel, or hospital emergency
3 room personnel; or

4 (13) When a defendant commits any felony and the
5 defendant used, possessed, exercised control over, or
6 otherwise directed an animal to assault a law enforcement
7 officer engaged in the execution of his or her official
8 duties or in furtherance of the criminal activities of an
9 organized gang in which the defendant is engaged.

10 (b-1) For the purposes of this Section, "organized gang"
11 has the meaning ascribed to it in Section 10 of the Illinois
12 Streetgang Terrorism Omnibus Prevention Act.

13 (c) The court may impose an extended term sentence under
14 Section 5-8-2 upon any offender who was convicted of aggravated
15 criminal sexual assault or predatory criminal sexual assault of
16 a child under subsection (a)(1) of Section 12-14.1 of the
17 Criminal Code of 1961 where the victim was under 18 years of
18 age at the time of the commission of the offense.

19 (d) The court may impose an extended term sentence under
20 Section 5-8-2 upon any offender who was convicted of unlawful
21 use of weapons under Section 24-1 of the Criminal Code of 1961
22 for possessing a weapon that is not readily distinguishable as
23 one of the weapons enumerated in Section 24-1 of the Criminal
24 Code of 1961.

25 (e) The court may impose an extended term sentence under
26 Section 5-8-2 upon an offender who has been convicted of first

1 degree murder when the offender has previously been convicted
2 of domestic battery or aggravated domestic battery committed
3 against the murdered individual or has previously been
4 convicted of violation of an order of protection in which the
5 murdered individual was the protected person.

6 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
7 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
8 eff. 1-1-08; 95-569, eff. 6-1-08; 95-876, eff. 8-21-08; 95-942,
9 eff. 1-1-09; revised 9-23-08.)

10 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

11 Sec. 5-6-1. Sentences of Probation and of Conditional
12 Discharge and Disposition of Supervision. The General Assembly
13 finds that in order to protect the public, the criminal justice
14 system must compel compliance with the conditions of probation
15 by responding to violations with swift, certain and fair
16 punishments and intermediate sanctions. The Chief Judge of each
17 circuit shall adopt a system of structured, intermediate
18 sanctions for violations of the terms and conditions of a
19 sentence of probation, conditional discharge or disposition of
20 supervision.

21 (a) Except where specifically prohibited by other
22 provisions of this Code, the court shall impose a sentence of
23 probation or conditional discharge upon an offender unless,
24 having regard to the nature and circumstance of the offense,
25 and to the history, character and condition of the offender,

1 the court is of the opinion that:

2 (1) his imprisonment or periodic imprisonment is
3 necessary for the protection of the public; or

4 (2) probation or conditional discharge would deprecate
5 the seriousness of the offender's conduct and would be
6 inconsistent with the ends of justice; or

7 (3) a combination of imprisonment with concurrent or
8 consecutive probation when an offender has been admitted
9 into a drug court program under Section 20 of the Drug
10 Court Treatment Act is necessary for the protection of the
11 public and for the rehabilitation of the offender.

12 The court shall impose as a condition of a sentence of
13 probation, conditional discharge, or supervision, that the
14 probation agency may invoke any sanction from the list of
15 intermediate sanctions adopted by the chief judge of the
16 circuit court for violations of the terms and conditions of the
17 sentence of probation, conditional discharge, or supervision,
18 subject to the provisions of Section 5-6-4 of this Act.

19 (b) The court may impose a sentence of conditional
20 discharge for an offense if the court is of the opinion that
21 neither a sentence of imprisonment nor of periodic imprisonment
22 nor of probation supervision is appropriate.

23 (b-1) Subsections (a) and (b) of this Section do not apply
24 to a defendant charged with a misdemeanor or felony under the
25 Illinois Vehicle Code or reckless homicide under Section 9-3 of
26 the Criminal Code of 1961 if the defendant within the past 12

1 months has been convicted of or pleaded guilty to a misdemeanor
2 or felony under the Illinois Vehicle Code or reckless homicide
3 under Section 9-3 of the Criminal Code of 1961.

4 (c) The court may, upon a plea of guilty or a stipulation
5 by the defendant of the facts supporting the charge or a
6 finding of guilt, defer further proceedings and the imposition
7 of a sentence, and enter an order for supervision of the
8 defendant, if the defendant is not charged with: (i) a Class A
9 misdemeanor, as defined by the following provisions of the
10 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
11 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
12 paragraph (1) through (5), (8), (10), and (11) of subsection
13 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
14 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
15 Act; or (iii) a felony. If the defendant is not barred from
16 receiving an order for supervision as provided in this
17 subsection, the court may enter an order for supervision after
18 considering the circumstances of the offense, and the history,
19 character and condition of the offender, if the court is of the
20 opinion that:

21 (1) the offender is not likely to commit further
22 crimes;

23 (2) the defendant and the public would be best served
24 if the defendant were not to receive a criminal record; and

25 (3) in the best interests of justice an order of
26 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

2 (c-5) Subsections (a), (b), and (c) of this Section do not
3 apply to a defendant charged with a second or subsequent
4 violation of Section 6-303 of the Illinois Vehicle Code
5 committed while his or her driver's license, permit or
6 privileges were revoked because of a violation of Section 9-3
7 of the Criminal Code of 1961, relating to the offense of
8 reckless homicide, or a similar provision of a law of another
9 state.

10 (d) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the defendant has previously been:

14 (1) convicted for a violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another state;
17 or

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance or any similar law or
26 ordinance of another state, and the plea or stipulation was

1 the result of a plea agreement.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (e) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 16A-3 of the Criminal
7 Code of 1961 if said defendant has within the last 5 years
8 been:

9 (1) convicted for a violation of Section 16A-3 of the
10 Criminal Code of 1961; or

11 (2) assigned supervision for a violation of Section
12 16A-3 of the Criminal Code of 1961.

13 The court shall consider the statement of the prosecuting
14 authority with regard to the standards set forth in this
15 Section.

16 (f) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Sections 15-111, 15-112,
18 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
19 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance.

21 (g) Except as otherwise provided in paragraph (i) of this
22 Section, the provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 3-707, 3-708, 3-710,
24 or 5-401.3 of the Illinois Vehicle Code or a similar provision
25 of a local ordinance if the defendant has within the last 5
26 years been:

1 (1) convicted for a violation of Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance; or

4 (2) assigned supervision for a violation of Section
5 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
6 Code or a similar provision of a local ordinance.

7 The court shall consider the statement of the prosecuting
8 authority with regard to the standards set forth in this
9 Section.

10 (h) The provisions of paragraph (c) shall not apply to a
11 defendant under the age of 21 years charged with violating a
12 serious traffic offense as defined in Section 1-187.001 of the
13 Illinois Vehicle Code:

14 (1) unless the defendant, upon payment of the fines,
15 penalties, and costs provided by law, agrees to attend and
16 successfully complete a traffic safety program approved by
17 the court under standards set by the Conference of Chief
18 Circuit Judges. The accused shall be responsible for
19 payment of any traffic safety program fees. If the accused
20 fails to file a certificate of successful completion on or
21 before the termination date of the supervision order, the
22 supervision shall be summarily revoked and conviction
23 entered. The provisions of Supreme Court Rule 402 relating
24 to pleas of guilty do not apply in cases when a defendant
25 enters a guilty plea under this provision; or

26 (2) if the defendant has previously been sentenced

1 under the provisions of paragraph (c) on or after January
2 1, 1998 for any serious traffic offense as defined in
3 Section 1-187.001 of the Illinois Vehicle Code.

4 (h-1) The provisions of paragraph (c) shall not apply to a
5 defendant under the age of 21 years charged with an offense
6 against traffic regulations governing the movement of vehicles
7 or any violation of Section 6-107 or Section 12-603.1 of the
8 Illinois Vehicle Code, unless the defendant, upon payment of
9 the fines, penalties, and costs provided by law, agrees to
10 attend and successfully complete a traffic safety program
11 approved by the court under standards set by the Conference of
12 Chief Circuit Judges. The accused shall be responsible for
13 payment of any traffic safety program fees. If the accused
14 fails to file a certificate of successful completion on or
15 before the termination date of the supervision order, the
16 supervision shall be summarily revoked and conviction entered.
17 The provisions of Supreme Court Rule 402 relating to pleas of
18 guilty do not apply in cases when a defendant enters a guilty
19 plea under this provision.

20 (i) The provisions of paragraph (c) shall not apply to a
21 defendant charged with violating Section 3-707 of the Illinois
22 Vehicle Code or a similar provision of a local ordinance if the
23 defendant has been assigned supervision for a violation of
24 Section 3-707 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance.

26 (j) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 6-303 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance when
3 the revocation or suspension was for a violation of Section
4 11-501 or a similar provision of a local ordinance or a
5 violation of Section 11-501.1 or paragraph (b) of Section
6 11-401 of the Illinois Vehicle Code if the defendant has within
7 the last 10 years been:

8 (1) convicted for a violation of Section 6-303 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance; or

11 (2) assigned supervision for a violation of Section
12 6-303 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance.

14 (k) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating any provision of the Illinois
16 Vehicle Code or a similar provision of a local ordinance that
17 governs the movement of vehicles if, within the 12 months
18 preceding the date of the defendant's arrest, the defendant has
19 been assigned court supervision on 2 occasions for a violation
20 that governs the movement of vehicles under the Illinois
21 Vehicle Code or a similar provision of a local ordinance.

22 (l) A defendant charged with violating any provision of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance who, after a court appearance in the same matter,
25 receives a disposition of supervision under subsection (c)
26 shall pay an additional fee of \$20, to be collected as provided

1 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
2 addition to the \$20 fee, the person shall also pay a fee of \$5,
3 which, if not waived by the court, shall be collected as
4 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
5 The \$20 fee shall be disbursed as provided in Section 16-104c
6 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
7 of the fee shall be deposited into the Circuit Court Clerk
8 Operation and Administrative Fund created by the Clerk of the
9 Circuit Court and 50 cents of the fee shall be deposited into
10 the Prisoner Review Board Vehicle and Equipment Fund in the
11 State treasury.

12 (m) 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 (m) becomes inoperative 7 years after
17 October 13, 2007 (the effective date of Public Act 95-154).

18 (n) The provisions of paragraph (c) shall not apply to any
19 person under the age of 18 who commits an offense against
20 traffic regulations governing the movement of vehicles or any
21 violation of Section 6-107 or Section 12-603.1 of the Illinois
22 Vehicle Code, except upon personal appearance of the defendant
23 in court and upon the written consent of the defendant's parent
24 or legal guardian, executed before the presiding judge. The
25 presiding judge shall have the authority to waive this
26 requirement upon the showing of good cause by the defendant.

1 (o) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 6-303 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance when
4 the suspension was for a violation of Section 11-501.1 of the
5 Illinois Vehicle Code and when:

6 (1) at the time of the violation of Section 11-501.1 of
7 the Illinois Vehicle Code, the defendant was a first
8 offender pursuant to Section 11-500 of the Illinois Vehicle
9 Code and the defendant failed to obtain a monitoring device
10 driving permit; or

11 (2) at the time of the violation of Section 11-501.1 of
12 the Illinois Vehicle Code, the defendant was a first
13 offender pursuant to Section 11-500 of the Illinois Vehicle
14 Code, had subsequently obtained a monitoring device
15 driving permit, but was driving a vehicle not equipped with
16 a breath alcohol ignition interlock device as defined in
17 Section 1-129.1 of the Illinois Vehicle Code.

18 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
19 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
20 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
21 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08;
22 revised 10-30-08.)

23 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

24 (Text of Section before amendment by P.A. 95-983)

25 Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

2 (a) The conditions of probation and of conditional
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) report to or appear in person before such person or
7 agency as directed by the court;

8 (3) refrain from possessing a firearm or other
9 dangerous weapon;

10 (4) not leave the State without the consent of the
11 court or, in circumstances in which the reason for the
12 absence is of such an emergency nature that prior consent
13 by the court is not possible, without the prior
14 notification and approval of the person's probation
15 officer. Transfer of a person's probation or conditional
16 discharge supervision to another state is subject to
17 acceptance by the other state pursuant to the Interstate
18 Compact for Adult Offender Supervision;

19 (5) permit the probation officer to visit him at his
20 home or elsewhere to the extent necessary to discharge his
21 duties;

22 (6) perform no less than 30 hours of community service
23 and not more than 120 hours of community service, if
24 community service is available in the jurisdiction and is
25 funded and approved by the county board where the offense
26 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized gang
2 and was motivated by the offender's membership in or
3 allegiance to an organized gang. The community service
4 shall include, but not be limited to, the cleanup and
5 repair of any damage caused by a violation of Section
6 21-1.3 of the Criminal Code of 1961 and similar damage to
7 property located within the municipality or county in which
8 the violation occurred. When possible and reasonable, the
9 community service should be performed in the offender's
10 neighborhood. For purposes of this Section, "organized
11 gang" has the meaning ascribed to it in Section 10 of the
12 Illinois Streetgang Terrorism Omnibus Prevention Act;

13 (7) if he or she is at least 17 years of age and has
14 been sentenced to probation or conditional discharge for a
15 misdemeanor or felony in a county of 3,000,000 or more
16 inhabitants and has not been previously convicted of a
17 misdemeanor or felony, may be required by the sentencing
18 court to attend educational courses designed to prepare the
19 defendant for a high school diploma and to work toward a
20 high school diploma or to work toward passing the high
21 school level Test of General Educational Development (GED)
22 or to work toward completing a vocational training program
23 approved by the court. The person on probation or
24 conditional discharge must attend a public institution of
25 education to obtain the educational or vocational training
26 required by this clause (7). The court shall revoke the

1 probation or conditional discharge of a person who wilfully
2 fails to comply with this clause (7). The person on
3 probation or conditional discharge shall be required to pay
4 for the cost of the educational courses or GED test, if a
5 fee is charged for those courses or test. The court shall
6 resentence the offender whose probation or conditional
7 discharge has been revoked as provided in Section 5-6-4.
8 This clause (7) does not apply to a person who has a high
9 school diploma or has successfully passed the GED test.
10 This clause (7) does not apply to a person who is
11 determined by the court to be developmentally disabled or
12 otherwise mentally incapable of completing the educational
13 or vocational program;

14 (8) if convicted of possession of a substance
15 prohibited by the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act after a previous conviction or
18 disposition of supervision for possession of a substance
19 prohibited by the Cannabis Control Act or Illinois
20 Controlled Substances Act or after a sentence of probation
21 under Section 10 of the Cannabis Control Act, Section 410
22 of the Illinois Controlled Substances Act, or Section 70 of
23 the Methamphetamine Control and Community Protection Act
24 and upon a finding by the court that the person is
25 addicted, undergo treatment at a substance abuse program
26 approved by the court;

1 (8.5) if convicted of a felony sex offense as defined
2 in the Sex Offender Management Board Act, the person shall
3 undergo and successfully complete sex offender treatment
4 by a treatment provider approved by the Board and conducted
5 in conformance with the standards developed under the Sex
6 Offender Management Board Act;

7 (8.6) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, refrain from residing at
9 the same address or in the same condominium unit or
10 apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has
13 been placed on supervision for a sex offense; the
14 provisions of this paragraph do not apply to a person
15 convicted of a sex offense who is placed in a Department of
16 Corrections licensed transitional housing facility for sex
17 offenders;

18 (8.7) if convicted for an offense committed on or after
19 the effective date of this amendatory Act of the 95th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961, refrain from communicating with or
23 contacting, by means of the Internet, a person who is not
24 related to the accused and whom the accused reasonably
25 believes to be under 18 years of age; for purposes of this
26 paragraph (8.7), "Internet" has the meaning ascribed to it

1 in Section 16J-5 of the Criminal Code of 1961; and a person
2 is not related to the accused if the person is not: (i) the
3 spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin
5 of the accused; or (iv) a step-child or adopted child of
6 the accused;

7 (9) if convicted of a felony, physically surrender at a
8 time and place designated by the court, his or her Firearm
9 Owner's Identification Card and any and all firearms in his
10 or her possession; and

11 (10) if convicted of a sex offense as defined in
12 subsection (a-5) of Section 3-1-2 of this Code, unless the
13 offender is a parent or guardian of the person under 18
14 years of age present in the home and no non-familial minors
15 are present, not participate in a holiday event involving
16 children under 18 years of age, such as distributing candy
17 or other items to children on Halloween, wearing a Santa
18 Claus costume on or preceding Christmas, being employed as
19 a department store Santa Claus, or wearing an Easter Bunny
20 costume on or preceding Easter.

21 (b) The Court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the Court require that
25 the person:

26 (1) serve a term of periodic imprisonment under Article

1 7 for a period not to exceed that specified in paragraph
2 (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his dependents;

11 (7) and in addition, if a minor:

12 (i) reside with his parents or in a foster home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 (iv) contribute to his own support at home or in a
16 foster home;

17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is convicted of a crime of
21 violence as defined in Section 2 of the Crime Victims
22 Compensation Act committed in a school, on the real
23 property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

25 (8) make restitution as provided in Section 5-5-6 of
26 this Code;

1 (9) perform some reasonable public or community
2 service;

3 (10) serve a term of home confinement. In addition to
4 any other applicable condition of probation or conditional
5 discharge, the conditions of home confinement shall be that
6 the offender:

7 (i) remain within the interior premises of the
8 place designated for his confinement during the hours
9 designated by the court;

10 (ii) admit any person or agent designated by the
11 court into the offender's place of confinement at any
12 time for purposes of verifying the offender's
13 compliance with the conditions of his confinement; and

14 (iii) if further deemed necessary by the court or
15 the Probation or Court Services Department, be placed
16 on an approved electronic monitoring device, subject
17 to Article 8A of Chapter V;

18 (iv) for persons convicted of any alcohol,
19 cannabis or controlled substance violation who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the offender to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court. The clerk of the circuit court shall pay
5 all monies collected from this fee to the county
6 treasurer for deposit in the substance abuse services
7 fund under Section 5-1086.1 of the Counties Code; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and 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 defendant 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 who shall use the monies collected to defray
23 the costs of corrections. The county treasurer shall
24 deposit the fee collected in the county working cash
25 fund under Section 6-27001 or Section 6-29002 of the
26 Counties Code, as the case may be.

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986, as now or hereafter amended,
4 or an order of protection issued by the court of another
5 state, tribe, or United States territory. A copy of the
6 order of protection shall be transmitted to the probation
7 officer or agency having responsibility for the case;

8 (12) reimburse any "local anti-crime program" as
9 defined in Section 7 of the Anti-Crime Advisory Council Act
10 for any reasonable expenses incurred by the program on the
11 offender's case, not to exceed the maximum amount of the
12 fine authorized for the offense for which the defendant was
13 sentenced;

14 (13) contribute a reasonable sum of money, not to
15 exceed the maximum amount of the fine authorized for the
16 offense for which the defendant was sentenced, (i) to a
17 "local anti-crime program", as defined in Section 7 of the
18 Anti-Crime Advisory Council Act, or (ii) for offenses under
19 the jurisdiction of the Department of Natural Resources, to
20 the fund established by the Department of Natural Resources
21 for the purchase of evidence for investigation purposes and
22 to conduct investigations as outlined in Section 805-105 of
23 the Department of Natural Resources (Conservation) Law;

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer, if the defendant has been placed on
4 probation or advance approval by the court, if the
5 defendant was placed on conditional discharge;

6 (15) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including but not limited to members of
9 street gangs and drug users or dealers;

10 (16) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or the
13 Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of his
15 or her blood or urine or both for tests to determine the
16 presence of any illicit drug; and

17 (17) if convicted for an offense committed on or after
18 the effective date of this amendatory Act of the 95th
19 General Assembly that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961, refrain from communicating with or
22 contacting, by means of the Internet, a person who is
23 related to the accused and whom the accused reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (17), "Internet" has the meaning ascribed to it
26 in Section 16J-5 of the Criminal Code of 1961; and a person

1 is related to the accused if the person is: (i) the spouse,
2 brother, or sister of the accused; (ii) a descendant of the
3 accused; (iii) a first or second cousin of the accused; or
4 (iv) a step-child or adopted child of the accused.

5 (c) The court may as a condition of probation or of
6 conditional discharge require that a person under 18 years of
7 age found guilty of any alcohol, cannabis or controlled
8 substance violation, refrain from acquiring a driver's license
9 during the period of probation or conditional discharge. If
10 such person is in possession of a permit or license, the court
11 may require that the minor refrain from driving or operating
12 any motor vehicle during the period of probation or conditional
13 discharge, except as may be necessary in the course of the
14 minor's lawful employment.

15 (d) An offender sentenced to probation or to conditional
16 discharge shall be given a certificate setting forth the
17 conditions thereof.

18 (e) Except where the offender has committed a fourth or
19 subsequent violation of subsection (c) of Section 6-303 of the
20 Illinois Vehicle Code, the court shall not require as a
21 condition of the sentence of probation or conditional discharge
22 that the offender be committed to a period of imprisonment in
23 excess of 6 months. This 6 month limit shall not include
24 periods of confinement given pursuant to a sentence of county
25 impact incarceration under Section 5-8-1.2.

26 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to
2 the Department of Corrections.

3 (f) The court may combine a sentence of periodic
4 imprisonment under Article 7 or a sentence to a county impact
5 incarceration program under Article 8 with a sentence of
6 probation or conditional discharge.

7 (g) An offender sentenced to probation or to conditional
8 discharge and who during the term of either undergoes mandatory
9 drug or alcohol testing, or both, or is assigned to be placed
10 on an approved electronic monitoring device, shall be ordered
11 to pay all costs incidental to such mandatory drug or alcohol
12 testing, or both, and all costs incidental to such approved
13 electronic monitoring in accordance with the defendant's
14 ability to pay those costs. The county board with the
15 concurrence of the Chief Judge of the judicial circuit in which
16 the county is located shall establish reasonable fees for the
17 cost of maintenance, testing, and incidental expenses related
18 to the mandatory drug or alcohol testing, or both, and all
19 costs incidental to approved electronic monitoring, involved
20 in a successful probation program for the county. The
21 concurrence of the Chief Judge shall be in the form of an
22 administrative order. The fees shall be collected by the clerk
23 of the circuit court. The clerk of the circuit court shall pay
24 all moneys collected from these fees to the county treasurer
25 who shall use the moneys collected to defray the costs of drug
26 testing, alcohol testing, and electronic monitoring. The

1 county treasurer shall deposit the fees collected in the county
2 working cash fund under Section 6-27001 or Section 6-29002 of
3 the Counties Code, as the case may be.

4 (h) Jurisdiction over an offender may be transferred from
5 the sentencing court to the court of another circuit with the
6 concurrence of both courts. Further transfers or retransfers of
7 jurisdiction are also authorized in the same manner. The court
8 to which jurisdiction has been transferred shall have the same
9 powers as the sentencing court.

10 (i) The court shall impose upon an offender sentenced to
11 probation after January 1, 1989 or to conditional discharge
12 after January 1, 1992 or to community service under the
13 supervision of a probation or court services department after
14 January 1, 2004, as a condition of such probation or
15 conditional discharge or supervised community service, a fee of
16 \$50 for each month of probation or conditional discharge
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 sentenced to probation or conditional discharge or supervised
20 community service to pay the fee, the court assesses a lesser
21 fee. The court may not impose the fee on a minor who is made a
22 ward of the State under the Juvenile Court Act of 1987 while
23 the minor is in placement. The fee shall be imposed only upon
24 an offender who is actively supervised by the probation and
25 court services department. The fee shall be collected by the
26 clerk of the circuit court. The clerk of the circuit court

1 shall pay all monies collected from this fee to the county
2 treasurer for deposit in the probation and court services fund
3 under Section 15.1 of the Probation and Probation Officers Act.

4 A circuit court may not impose a probation fee under this
5 subsection (i) in excess of \$25 per month unless: (1) the
6 circuit court has adopted, by administrative order issued by
7 the chief judge, a standard probation fee guide determining an
8 offender's ability to pay, under guidelines developed by the
9 Administrative Office of the Illinois Courts; and (2) the
10 circuit court has authorized, by administrative order issued by
11 the chief judge, the creation of a Crime Victim's Services
12 Fund, to be administered by the Chief Judge or his or her
13 designee, for services to crime victims and their families. Of
14 the amount collected as a probation fee, up to \$5 of that fee
15 collected per month may be used to provide services to crime
16 victims and their families.

17 This amendatory Act of the 93rd General Assembly deletes
18 the \$10 increase in the fee under this subsection that was
19 imposed by Public Act 93-616. This deletion is intended to
20 control over any other Act of the 93rd General Assembly that
21 retains or incorporates that fee increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation department
26 has determined to be sexually motivated (as defined in the Sex

1 Offender Management Board Act), the court or the probation
2 department shall assess additional fees to pay for all costs of
3 treatment, assessment, evaluation for risk and treatment, and
4 monitoring the offender, based on that offender's ability to
5 pay those costs either as they occur or under a payment plan.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (k) Any offender who is sentenced to probation or
14 conditional discharge for a felony sex offense as defined in
15 the Sex Offender Management Board Act or any offense that the
16 court or probation department has determined to be sexually
17 motivated as defined in the Sex Offender Management Board Act
18 shall be required to refrain from any contact, directly or
19 indirectly, with any persons specified by the court and shall
20 be available for all evaluations and treatment programs
21 required by the court or the probation department.

22 (l) The court may order an offender who is sentenced to
23 probation or conditional discharge for a violation of an order
24 of protection be placed under electronic surveillance as
25 provided in Section 5-8A-7 of this Code.

26 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;

1 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
2 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
3 1-1-09; 95-876, eff. 8-21-08.)

4 (Text of Section after amendment by P.A. 95-983)

5 Sec. 5-6-3. Conditions of Probation and of Conditional
6 Discharge.

7 (a) The conditions of probation and of conditional
8 discharge shall be that the person:

9 (1) not violate any criminal statute of any
10 jurisdiction;

11 (2) report to or appear in person before such person or
12 agency as directed by the court;

13 (3) refrain from possessing a firearm or other
14 dangerous weapon;

15 (4) not leave the State without the consent of the
16 court or, in circumstances in which the reason for the
17 absence is of such an emergency nature that prior consent
18 by the court is not possible, without the prior
19 notification and approval of the person's probation
20 officer. Transfer of a person's probation or conditional
21 discharge supervision to another state is subject to
22 acceptance by the other state pursuant to the Interstate
23 Compact for Adult Offender Supervision;

24 (5) permit the probation officer to visit him at his
25 home or elsewhere to the extent necessary to discharge his

1 duties;

2 (6) perform no less than 30 hours of community service
3 and not more than 120 hours of community service, if
4 community service is available in the jurisdiction and is
5 funded and approved by the county board where the offense
6 was committed, where the offense was related to or in
7 furtherance of the criminal activities of an organized gang
8 and was motivated by the offender's membership in or
9 allegiance to an organized gang. The community service
10 shall include, but not be limited to, the cleanup and
11 repair of any damage caused by a violation of Section
12 21-1.3 of the Criminal Code of 1961 and similar damage to
13 property located within the municipality or county in which
14 the violation occurred. When possible and reasonable, the
15 community service should be performed in the offender's
16 neighborhood. For purposes of this Section, "organized
17 gang" has the meaning ascribed to it in Section 10 of the
18 Illinois Streetgang Terrorism Omnibus Prevention Act;

19 (7) if he or she is at least 17 years of age and has
20 been sentenced to probation or conditional discharge for a
21 misdemeanor or felony in a county of 3,000,000 or more
22 inhabitants and has not been previously convicted of a
23 misdemeanor or felony, may be required by the sentencing
24 court to attend educational courses designed to prepare the
25 defendant for a high school diploma and to work toward a
26 high school diploma or to work toward passing the high

1 school level Test of General Educational Development (GED)
2 or to work toward completing a vocational training program
3 approved by the court. The person on probation or
4 conditional discharge must attend a public institution of
5 education to obtain the educational or vocational training
6 required by this clause (7). The court shall revoke the
7 probation or conditional discharge of a person who wilfully
8 fails to comply with this clause (7). The person on
9 probation or conditional discharge shall be required to pay
10 for the cost of the educational courses or GED test, if a
11 fee is charged for those courses or test. The court shall
12 resentence the offender whose probation or conditional
13 discharge has been revoked as provided in Section 5-6-4.
14 This clause (7) does not apply to a person who has a high
15 school diploma or has successfully passed the GED test.
16 This clause (7) does not apply to a person who is
17 determined by the court to be developmentally disabled or
18 otherwise mentally incapable of completing the educational
19 or vocational program;

20 (8) if convicted of possession of a substance
21 prohibited by the Cannabis Control Act, the Illinois
22 Controlled Substances Act, or the Methamphetamine Control
23 and Community Protection Act after a previous conviction or
24 disposition of supervision for possession of a substance
25 prohibited by the Cannabis Control Act or Illinois
26 Controlled Substances Act or after a sentence of probation

1 under Section 10 of the Cannabis Control Act, Section 410
2 of the Illinois Controlled Substances Act, or Section 70 of
3 the Methamphetamine Control and Community Protection Act
4 and upon a finding by the court that the person is
5 addicted, undergo treatment at a substance abuse program
6 approved by the court;

7 (8.5) if convicted of a felony sex offense as defined
8 in the Sex Offender Management Board Act, the person shall
9 undergo and successfully complete sex offender treatment
10 by a treatment provider approved by the Board and conducted
11 in conformance with the standards developed under the Sex
12 Offender Management Board Act;

13 (8.6) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, refrain from residing at
15 the same address or in the same condominium unit or
16 apartment unit or in the same condominium complex or
17 apartment complex with another person he or she knows or
18 reasonably should know is a convicted sex offender or has
19 been placed on supervision for a sex offense; the
20 provisions of this paragraph do not apply to a person
21 convicted of a sex offense who is placed in a Department of
22 Corrections licensed transitional housing facility for sex
23 offenders;

24 (8.7) if convicted for an offense committed on or after
25 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ that would

1 qualify the accused as a child sex offender as defined in
2 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
3 refrain from communicating with or contacting, by means of
4 the Internet, a person who is not related to the accused
5 and whom the accused reasonably believes to be under 18
6 years of age; for purposes of this paragraph (8.7),
7 "Internet" has the meaning ascribed to it in Section 16J-5
8 of the Criminal Code of 1961; and a person is not related
9 to the accused if the person is not: (i) the spouse,
10 brother, or sister of the accused; (ii) a descendant of the
11 accused; (iii) a first or second cousin of the accused; or
12 (iv) a step-child or adopted child of the accused;

13 (8.8) if convicted for an offense under Section 11-6,
14 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
15 Code of 1961, or any attempt to commit any of these
16 offenses, committed on or after June 1, 2009 (the effective
17 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
18 ~~General Assembly:~~

19 (i) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the offender's probation officer,
22 except in connection with the offender's employment or
23 search for employment with the prior approval of the
24 offender's probation officer;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's probation
2 officer, a law enforcement officer, or assigned
3 computer or information technology specialist,
4 including the retrieval and copying of all data from
5 the computer or device and any internal or external
6 peripherals and removal of such information,
7 equipment, or device to conduct a more thorough
8 inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the offender's probation officer;

17 (9) if convicted of a felony, physically surrender at a
18 time and place designated by the court, his or her Firearm
19 Owner's Identification Card and any and all firearms in his
20 or her possession; and

21 (10) 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 Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

10 (1) serve a term of periodic imprisonment under Article
11 7 for a period not to exceed that specified in paragraph
12 (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) and in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be that
16 the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court. The clerk of the circuit court shall pay
15 all monies collected from this fee to the county
16 treasurer for deposit in the substance abuse services
17 fund under Section 5-1086.1 of the Counties Code; and

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the defendant to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court. The clerk of the circuit court shall pay
5 all monies collected from this fee to the county
6 treasurer who shall use the monies collected to defray
7 the costs of corrections. The county treasurer shall
8 deposit the fee collected in the county working cash
9 fund under Section 6-27001 or Section 6-29002 of the
10 Counties Code, as the case may be.

11 (11) comply with the terms and conditions of an order
12 of protection issued by the court pursuant to the Illinois
13 Domestic Violence Act of 1986, as now or hereafter amended,
14 or an order of protection issued by the court of another
15 state, tribe, or United States territory. A copy of the
16 order of protection shall be transmitted to the probation
17 officer or agency having responsibility for the case;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council Act
20 for any reasonable expenses incurred by the program on the
21 offender's case, not to exceed the maximum amount of the
22 fine authorized for the offense for which the defendant was
23 sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses under
3 the jurisdiction of the Department of Natural Resources, to
4 the fund established by the Department of Natural Resources
5 for the purchase of evidence for investigation purposes and
6 to conduct investigations as outlined in Section 805-105 of
7 the Department of Natural Resources (Conservation) Law;

8 (14) refrain from entering into a designated
9 geographic area except upon such terms as the court finds
10 appropriate. Such terms may include consideration of the
11 purpose of the entry, the time of day, other persons
12 accompanying the defendant, and advance approval by a
13 probation officer, if the defendant has been placed on
14 probation or advance approval by the court, if the
15 defendant was placed on conditional discharge;

16 (15) refrain from having any contact, directly or
17 indirectly, with certain specified persons or particular
18 types of persons, including but not limited to members of
19 street gangs and drug users or dealers;

20 (16) refrain from having in his or her body the
21 presence of any illicit drug prohibited by the Cannabis
22 Control Act, the Illinois Controlled Substances Act, or the
23 Methamphetamine Control and Community Protection Act,
24 unless prescribed by a physician, and submit samples of his
25 or her blood or urine or both for tests to determine the
26 presence of any illicit drug;

1 (17) if convicted for an offense committed on or after
2 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
3 ~~amendatory Act of the 95th General Assembly~~ that would
4 qualify the accused as a child sex offender as defined in
5 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
6 refrain from communicating with or contacting, by means of
7 the Internet, a person who is related to the accused and
8 whom the accused reasonably believes to be under 18 years
9 of age; for purposes of this paragraph (17), "Internet" has
10 the meaning ascribed to it in Section 16J-5 of the Criminal
11 Code of 1961; and a person is related to the accused if the
12 person is: (i) the spouse, brother, or sister of the
13 accused; (ii) a descendant of the accused; (iii) a first or
14 second cousin of the accused; or (iv) a step-child or
15 adopted child of the accused; and

16 (18) if convicted for an offense committed on or after
17 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
18 ~~amendatory Act of the 95th General Assembly~~ that would
19 qualify as a sex offense as defined in the Sex Offender
20 Registration Act:

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the offender's probation officer,
24 except in connection with the offender's employment or
25 search for employment with the prior approval of the
26 offender's probation officer;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's probation
4 officer, a law enforcement officer, or assigned
5 computer or information technology specialist,
6 including the retrieval and copying of all data from
7 the computer or device and any internal or external
8 peripherals and removal of such information,
9 equipment, or device to conduct a more thorough
10 inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 subject's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the offender's probation officer.

19 (c) The court may as a condition of probation or of
20 conditional discharge require that a person under 18 years of
21 age found guilty of any alcohol, cannabis or controlled
22 substance violation, refrain from acquiring a driver's license
23 during the period of probation or conditional discharge. If
24 such person is in possession of a permit or license, the court
25 may require that the minor refrain from driving or operating
26 any motor vehicle during the period of probation or conditional

1 discharge, except as may be necessary in the course of the
2 minor's lawful employment.

3 (d) An offender sentenced to probation or to conditional
4 discharge shall be given a certificate setting forth the
5 conditions thereof.

6 (e) Except where the offender has committed a fourth or
7 subsequent violation of subsection (c) of Section 6-303 of the
8 Illinois Vehicle Code, the court shall not require as a
9 condition of the sentence of probation or conditional discharge
10 that the offender be committed to a period of imprisonment in
11 excess of 6 months. This 6 month limit shall not include
12 periods of confinement given pursuant to a sentence of county
13 impact incarceration under Section 5-8-1.2.

14 Persons committed to imprisonment as a condition of
15 probation or conditional discharge shall not be committed to
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic
18 imprisonment under Article 7 or a sentence to a county impact
19 incarceration program under Article 8 with a sentence of
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes mandatory
23 drug or alcohol testing, or both, or is assigned to be placed
24 on an approved electronic monitoring device, shall be ordered
25 to pay all costs incidental to such mandatory drug or alcohol
26 testing, or both, and all costs incidental to such approved

1 electronic monitoring in accordance with the defendant's
2 ability to pay those costs. The county board with the
3 concurrence of the Chief Judge of the judicial circuit in which
4 the county is located shall establish reasonable fees for the
5 cost of maintenance, testing, and incidental expenses related
6 to the mandatory drug or alcohol testing, or both, and all
7 costs incidental to approved electronic monitoring, involved
8 in a successful probation program for the county. The
9 concurrence of the Chief Judge shall be in the form of an
10 administrative order. The fees shall be collected by the clerk
11 of the circuit court. The clerk of the circuit court shall pay
12 all moneys collected from these fees to the county treasurer
13 who shall use the moneys collected to defray the costs of drug
14 testing, alcohol testing, and electronic monitoring. The
15 county treasurer shall deposit the fees collected in the county
16 working cash fund under Section 6-27001 or Section 6-29002 of
17 the Counties Code, as the case may be.

18 (h) Jurisdiction over an offender may be transferred from
19 the sentencing court to the court of another circuit with the
20 concurrence of both courts. Further transfers or retransfers of
21 jurisdiction are also authorized in the same manner. The court
22 to which jurisdiction has been transferred shall have the same
23 powers as the sentencing court.

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after
2 January 1, 2004, as a condition of such probation or
3 conditional discharge or supervised community service, a fee of
4 \$50 for each month of probation or conditional discharge
5 supervision or supervised community service ordered by the
6 court, unless after determining the inability of the person
7 sentenced to probation or conditional discharge or supervised
8 community service to pay the fee, the court assesses a lesser
9 fee. The court may not impose the fee on a minor who is made a
10 ward of the State under the Juvenile Court Act of 1987 while
11 the minor is in placement. The fee shall be imposed only upon
12 an offender who is actively supervised by the probation and
13 court services department. The fee shall be collected by the
14 clerk of the circuit court. The clerk of the circuit court
15 shall pay all monies collected from this fee to the county
16 treasurer for deposit in the probation and court services fund
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this
19 subsection (i) in excess of \$25 per month unless: (1) the
20 circuit court has adopted, by administrative order issued by
21 the chief judge, a standard probation fee guide determining an
22 offender's ability to pay, under guidelines developed by the
23 Administrative Office of the Illinois Courts; and (2) the
24 circuit court has authorized, by administrative order issued by
25 the chief judge, the creation of a Crime Victim's Services
26 Fund, to be administered by the Chief Judge or his or her

1 designee, for services to crime victims and their families. Of
2 the amount collected as a probation fee, up to \$5 of that fee
3 collected per month may be used to provide services to crime
4 victims and their families.

5 This amendatory Act of the 93rd General Assembly deletes
6 the \$10 increase in the fee under this subsection that was
7 imposed by Public Act 93-616. This deletion is intended to
8 control over any other Act of the 93rd General Assembly that
9 retains or incorporates that fee increase.

10 (i-5) In addition to the fees imposed under subsection (i)
11 of this Section, in the case of an offender convicted of a
12 felony sex offense (as defined in the Sex Offender Management
13 Board Act) or an offense that the court or probation department
14 has determined to be sexually motivated (as defined in the Sex
15 Offender Management Board Act), the court or the probation
16 department shall assess additional fees to pay for all costs of
17 treatment, assessment, evaluation for risk and treatment, and
18 monitoring the offender, based on that offender's ability to
19 pay those costs either as they occur or under a payment plan.

20 (j) All fines and costs imposed under this Section for any
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
22 Code, or a similar provision of a local ordinance, and any
23 violation of the Child Passenger Protection Act, or a similar
24 provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (k) Any offender who is sentenced to probation or
2 conditional discharge for a felony sex offense as defined in
3 the Sex Offender Management Board Act or any offense that the
4 court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

10 (1) The court may order an offender who is sentenced to
11 probation or conditional discharge for a violation of an order
12 of protection be placed under electronic surveillance as
13 provided in Section 5-8A-7 of this Code.

14 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
15 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
16 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
17 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
18 10-20-08.)

19 Section 365. The Code of Civil Procedure is amended by
20 changing Sections 15-1107, 15-1206, 15-1217, 15-1222, and
21 15-1302 as follows:

22 (735 ILCS 5/15-1107) (from Ch. 110, par. 15-1107)

23 Sec. 15-1107. Mode of Procedure.

24 (a) Other Statutes. Except as otherwise provided in this

1 Article, the mode of procedure, including the manner of service
2 of pleadings and other papers and service by publication, shall
3 be in accordance with the provisions of Article II of the
4 Illinois Code of Civil Procedure and any other statutes of this
5 State which are from time to time applicable, and with Illinois
6 Supreme Court Rules applicable to actions generally or
7 otherwise applicable. If a mortgage lien is being foreclosed
8 under this Article and one or more non-mortgage liens or
9 encumbrances is being foreclosed or enforced in the same
10 proceedings, then, regardless of the respective priorities of
11 the various liens or encumbrances, the procedures and all other
12 provisions of this Article shall govern such proceedings, and
13 any inconsistent statutory provisions shall not be applicable.
14 Without limiting the foregoing, any provision of Article XII or
15 any other Article of the Code of Civil Procedure shall apply
16 unless inconsistent with this Article and, in case of such
17 inconsistency, shall not be applicable to actions under this
18 Article.

19 (b) Mechanics' Liens. Mechanics' liens shall be enforced as
20 provided in the Mechanics ~~Mechanics'~~ Lien Act; provided,
21 however, that any mechanics' lien claimant may assert such lien
22 in a foreclosure under this Article, may intervene in such
23 foreclosure in accordance with this Article and may be made a
24 party in such foreclosure.

25 (c) Instruments Deemed a Mortgage. For the purpose of
26 proceeding under this Article, any instrument described in

1 paragraph (2) or (3) of subsection (a) of Section 15-1106, or
2 in subsection (b) or (c) of Section 15-1106 which is foreclosed
3 under this Article shall be deemed a mortgage. For such
4 purpose, the real estate installment contract purchaser, the
5 assignor of the beneficial interest in the land trust and the
6 debtor, as appropriate, shall be deemed the mortgagor, and the
7 real estate installment contract seller, the assignee of the
8 beneficial interest in the land trust and the secured party, as
9 appropriate, shall be deemed the mortgagee.

10 (Source: P.A. 85-907; revised 10-28-08.)

11 (735 ILCS 5/15-1206) (from Ch. 110, par. 15-1206)

12 Sec. 15-1206. Mechanics' Lien. "Mechanics' lien" or
13 "mechanics' lien claim" means a lien or claim arising under the
14 Mechanics' Lien Act.
~~Mechanics' Lien Act.~~

15 (Source: P.A. 84-1462; revised 10-28-08.)

16 (735 ILCS 5/15-1217) (from Ch. 110, par. 15-1217)

17 Sec. 15-1217. Recording of Instruments. "Recording of
18 instruments" or "to record" means to present to the Recorder a
19 document, in recordable form, which is to be recorded in
20 accordance with Section 3-5024 of the Counties Code ~~11 of the~~
21 ~~Recorder's Act~~, together with the required recording fee. The
22 Registrar of Titles shall accept the filing of notices or
23 affidavits required or permitted by this Article without the
24 necessity of the production of evidence of title.

1 (Source: P.A. 84-1462; revised 10-28-08.)

2 (735 ILCS 5/15-1222) (from Ch. 110, par. 15-1222)

3 Sec. 15-1222. Acts Referred to in this Article. Acts
4 referred to by name in this Article shall mean those Acts, as
5 amended from time to time, and, in particular:

6 (a) "Torrens Act" means "An act concerning land titles",
7 approved May 1, 1897.

8 (b) (Blank) ~~"Recorder's Act" means "An act to revise the~~
9 ~~law in relation to recorders", approved March 9, 1874.~~

10 (c) "Mechanics Lien Act" ~~Mechanics'~~ Lien Act" means the Mechanics
11 Lien Act, 770 ILCS 60/Act ~~"An Act relating to contractors' and~~
12 ~~material men's liens, known as mechanics' liens", approved May~~
13 ~~18, 1903, as amended.~~

14 (Source: P.A. 84-1462; revised 10-28-08.)

15 (735 ILCS 5/15-1302) (from Ch. 110, par. 15-1302)

16 Sec. 15-1302. Certain Future Advances.

17 (a) Advances Made After Eighteen Months. Except as provided
18 in subsection (b) of Section 15-1302, as to any monies advanced
19 or applied more than 18 months after a mortgage is recorded,
20 the mortgage shall be a lien as to subsequent purchasers and
21 judgment creditors only from the time such monies are advanced
22 or applied. However, nothing in this Section shall affect any
23 lien arising or existing by virtue of the Mechanics ~~Mechanics'~~
24 Lien Act.

1 (b) Exceptions.

2 (1) All monies advanced or applied pursuant to
3 commitment, whenever advanced or applied, shall be a lien
4 from the time the mortgage is recorded. An advance shall be
5 deemed made pursuant to commitment only if the mortgagee
6 has bound itself to make such advance in the mortgage or in
7 an instrument executed contemporaneously with, and
8 referred to in, the mortgage, whether or not a subsequent
9 event of default or other event not within the mortgagee's
10 control has relieved or may relieve the mortgagee from its
11 obligation.

12 (2) All monies advanced or applied, whenever advanced
13 or applied, in accordance with the terms of a reverse
14 mortgage shall be a lien from the time the mortgage is
15 recorded.

16 (3) All monies advanced or applied in accordance with
17 the terms of a revolving credit arrangement secured by a
18 mortgage as authorized by law shall be a lien from the time
19 the mortgage is recorded.

20 (4) All interest which in accordance with the terms of
21 a mortgage is accrued or added to the principal amount
22 secured by the mortgage, whenever added, shall be a lien
23 from the time the mortgage is recorded.

24 (5) All monies advanced by the mortgagee in accordance
25 with the terms of a mortgage to (i) preserve or restore the
26 mortgaged real estate, (ii) preserve the lien of the

1 mortgage or the priority thereof or (iii) enforce the
2 mortgage, shall be a lien from the time the mortgage is
3 recorded.

4 (Source: P.A. 84-1462; revised 10-28-08.)

5 Section 370. The Eminent Domain Act is amended by changing
6 Section 15-5-20 and by setting forth and renumbering multiple
7 versions of Section 25-5-15 as follows:

8 (735 ILCS 30/15-5-20)

9 Sec. 15-5-20. Eminent domain powers in ILCS Chapters 105
10 through 115. The following provisions of law may include
11 express grants of the power to acquire property by condemnation
12 or eminent domain:

13 (105 ILCS 5/10-22.35A); School Code; school boards; for school
14 buildings.

15 (105 ILCS 5/16-6); School Code; school boards; for adjacent
16 property to enlarge a school site.

17 (105 ILCS 5/22-16); School Code; school boards; for school
18 purposes.

19 (105 ILCS 5/32-4.13); School Code; special charter school
20 districts; for school purposes.

21 (105 ILCS 5/34-20); School Code; Chicago Board of Education;
22 for school purposes.

23 ~~(105 ILCS 5/35-5); School Code; School Building Commission; for~~

1 ~~school buildings and equipment.~~

2 ~~(105 ILCS 5/35-8); School Code; School Building Commission; for~~

3 ~~school building sites.~~

4 (110 ILCS 305/7); University of Illinois Act; Board of Trustees
5 of the University of Illinois; for general purposes,
6 including quick-take power.

7 (110 ILCS 325/2); University of Illinois at Chicago Land
8 Transfer Act; Board of Trustees of the University of
9 Illinois; for removal of limitations or restrictions on
10 property conveyed by the Chicago Park District.

11 (110 ILCS 335/3); Institution for Tuberculosis Research Act;
12 Board of Trustees of the University of Illinois; for the
13 Institution for Tuberculosis Research.

14 (110 ILCS 525/3); Southern Illinois University Revenue Bond
15 Act; Board of Trustees of Southern Illinois University; for
16 general purposes.

17 (110 ILCS 615/3); State Colleges and Universities Revenue Bond
18 Act of 1967; Board of Governors of State Colleges and
19 Universities; for general purposes.

20 (110 ILCS 660/5-40); Chicago State University Law; Board of
21 Trustees of Chicago State University; for general
22 purposes.

23 (110 ILCS 661/6-10); Chicago State University Revenue Bond Law;
24 Board of Trustees of Chicago State University; for general
25 purposes.

26 (110 ILCS 665/10-40); Eastern Illinois University Law; Board of

1 Trustees of Eastern Illinois University; for general
2 purposes.

3 (110 ILCS 666/11-10); Eastern Illinois University Revenue Bond
4 Law; Board of Trustees of Eastern Illinois University; for
5 general purposes.

6 (110 ILCS 670/15-40); Governors State University Law; Board of
7 Trustees of Governors State University; for general
8 purposes.

9 (110 ILCS 671/16-10); Governors State University Revenue Bond
10 Law; Board of Trustees of Governors State University; for
11 general purposes.

12 (110 ILCS 675/20-40); Illinois State University Law; Board of
13 Trustees of Illinois State University; for general
14 purposes.

15 (110 ILCS 676/21-10); Illinois State University Revenue Bond
16 Law; Board of Trustees of Illinois State University; for
17 general purposes.

18 (110 ILCS 680/25-40); Northeastern Illinois University Law;
19 Board of Trustees of Northeastern Illinois University; for
20 general purposes.

21 (110 ILCS 681/26-10); Northeastern Illinois University Revenue
22 Bond Law; Board of Trustees of Northeastern Illinois
23 University; for general purposes.

24 (110 ILCS 685/30-40); Northern Illinois University Law; Board
25 of Trustees of Northern Illinois University; for general
26 purposes.

1 (110 ILCS 685/30-45); Northern Illinois University Law; Board
2 of Trustees of Northern Illinois University; for buildings
3 and facilities.

4 (110 ILCS 686/31-10); Northern Illinois University Revenue
5 Bond Law; Board of Trustees of Northern Illinois
6 University; for general purposes.

7 (110 ILCS 690/35-40); Western Illinois University Law; Board of
8 Trustees of Western Illinois University; for general
9 purposes.

10 (110 ILCS 691/36-10); Western Illinois University Revenue Bond
11 Law; Board of Trustees of Western Illinois University; for
12 general purposes.

13 (110 ILCS 710/3); Board of Regents Revenue Bond Act of 1967;
14 Board of Regents; for general purposes.

15 (110 ILCS 805/3-36); Public Community College Act; community
16 college district boards; for sites for college purposes.

17 (Source: P.A. 94-1055, eff. 1-1-07; revised 1-30-08.)

18 (735 ILCS 30/25-5-15)

19 Sec. 25-5-15. Quick-take; Village of Lake in the Hills.
20 Quick-take proceedings under Article 20 may be used for a
21 period of no more than one year after the effective date of
22 this amendatory Act of the 95th General Assembly by the Village
23 of Lake in the Hills for the acquisition of the following
24 described property for runway purposes at the Lake in the Hills
25 Airport:

1 PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP
2 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN AND
3 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST
5 QUARTER, THENCE SOUTH 00 DEGREES 37 MINUTES 09 SECONDS EAST
6 ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 1144.93 FEET
7 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00
8 DEGREES 37 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF
9 SAID NORTHEAST QUARTER, 105.12 FEET TO THE SOUTH LINE OF
10 THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95R011851 AS
11 RECORDED IN THE MCHENRY COUNTY RECORDER'S OFFICE; THENCE
12 SOUTH 89 DEGREES 22 MINUTES 51 SECONDS WEST ALONG THE SOUTH
13 LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95R011851,
14 593.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN
15 DOCUMENT NUMBER 95R011851; THENCE NORTH 00 DEGREES 37
16 MINUTES 09 SECONDS WEST, ALONG THE WEST LINE OF THE PARCEL
17 DESCRIBED IN DOCUMENT NUMBER 95R011851, 3.99 FEET; THENCE
18 79 DEGREES 42 MINUTES 11 SECONDS EAST ALONG A LINE 306.00
19 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF
20 RUNWAY NUMBER 8/26, 601.56 FEET TO THE POINT OF BEGINNING
21 AND CONTAINING 32,351 SQUARE FEET OR 0.743 ACRES MORE OR
22 LESS, ALL IN MCHENRY COUNTY, ILLINOIS, AND EXCEPTING THAT
23 PART USED FOR ROADWAY PURPOSES.

24 (Source: P.A. 95-929, eff. 8-26-08.)

1 (735 ILCS 30/25-5-20)

2 Sec. 25-5-20 ~~25-5-15~~. Quick-take; City of Champaign.
3 Quick-take proceedings under Article 20 may be used for a
4 period of no more than one year after the effective date of
5 this amendatory Act of the 95th General Assembly by the City of
6 Champaign for the acquisition of the following properties for
7 the purpose of drainage and other improvements related to the
8 Boneyard Creek Project, including right of way, permanent
9 easements, and temporary easements:

10 Parcel A - (PIN 46-21-07-351-014) 112 East Clark Street

11 Lot 12 in Block 1 of Campbell and Kirkpatrick's Addition to
12 Urbana, now a part of the City of Champaign, as per Plat
13 recorded in Deed Record "E" at Page 352, situated in
14 Champaign County, Illinois.

15 Parcel B - (PIN 46-21-07-353-005) 111 East White Street

16 The East 34 feet of Lot 2 of a Subdivision of Block 1 of J.
17 C. Kirkpatrick's Second Addition to the Town of West
18 Urbana, now City of Champaign, as per plat recorded in Deed
19 Record 8 at page 232, in Champaign County, Illinois.

20 Parcel D - (PIN 46-21-07-353-010) 108 East Stoughton Street

1 Lot 10 of a Subdivision of Block 1 of J. C. Kirkpatrick's
2 Second Addition to the Town of West Urbana, now City of
3 Champaign, as per plat recorded in Deed Record 8 at Page
4 232, in Champaign County, Illinois.

5 Parcel G (PIN 46-21-07-355-002) 201-1/2 East University
6 Avenue

7 Tract I - Beginning at the Northeast corner of Lot 6 in
8 Block 2 in Campbell & Kirkpatrick's Addition to Urbana (now
9 a part of the City of Champaign) running thence West 20
10 feet; thence South 80 feet; thence East 20 feet; thence
11 North 80 feet to the point of beginning, situated in
12 Champaign County, Illinois. Tract II - The West 8 feet of
13 the East 28 feet of the North 80 feet of Lot 6 in Block 2 in
14 Campbell & Kirkpatrick's Addition to Urbana (now a part of
15 the City of Champaign), in Champaign County, Illinois.

16 Parcel H (PIN 46-21-07-355-001) 201 East University Avenue

17 The West 38 feet of the North 80 feet of Lot 6 in Block 2 of
18 Campbell and Kirkpatrick's Addition to Urbana, now a part
19 of the City of Champaign, as per Plat recorded in Deed
20 Record "E" at page 352, situated in Champaign County,
21 Illinois.

1 (Source: P.A. 95-974, eff. 9-22-08; revised 10-14-08.)

2 Section 375. The Cannabis and Controlled Substances Tort
3 Claims Act is amended by changing Section 3 as follows:

4 (740 ILCS 20/3) (from Ch. 70, par. 903)

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

7 "Cannabis" includes marihuana, hashish, and other
8 substances that are identified as including any parts of the
9 plant Cannabis Sativa, whether growing or not, the seeds of
10 that plant, the resin extracted from any part of that plant,
11 and any compound, manufacture, salt, derivative, mixture, or
12 preparation of that plant, its seeds, or resin, including
13 tetrahydrocannabinol (THC) and all other cannabinol
14 derivatives, including its naturally occurring or
15 synthetically produced ingredients, whether produced directly
16 or indirectly by extraction, independently by means of chemical
17 synthesis, or by a combination of extraction and chemical
18 synthesis. "Cannabis" does not include the mature stalks of
19 that plant, fiber produced from those stalks, oil or cake made
20 from the seeds of that plant, any other compound, manufacture,
21 salt, derivative, mixture, or preparation of mature stalks
22 (except the extracted resin), fiber, oil or cake, or the
23 sterilized seeds of that plant that are incapable of
24 germination.

1 "Controlled substance" means a drug, substance, or
2 immediate precursor in the Schedules of Article II of the
3 Illinois Controlled Substances Act.

4 "Counterfeit substance" means a controlled substance or
5 the container or labeling of a controlled substance that,
6 without authorization, bears the trademark, trade name, or
7 other identifying mark, imprint, number, device, or any
8 likeness thereof of a manufacturer, distributor, or dispenser
9 other than the person who in fact manufactured, distributed, or
10 dispensed the substance.

11 "Deliver" or "delivery" means the actual, constructive, or
12 attempted transfer of possession of a controlled substance or
13 cannabis, with or without consideration, whether or not there
14 is an agency relationship.

15 "Manufacture" means the production, preparation,
16 propagation, compounding, conversion, or processing of a
17 controlled substance, either directly or indirectly, by
18 extraction from substances of natural origin, independently by
19 means of chemical synthesis, or by a combination of extraction
20 and chemical synthesis, and includes any packaging or
21 repackaging of the substance or labeling of its container,
22 except that the term does not include:

23 (1) by an ultimate user, the preparation or compounding
24 of a controlled substance for his own use;

25 (2) by a practitioner or his authorized agent under his
26 supervision, the preparation, compounding, packaging, or

1 labeling of a controlled substance:~~+~~

2 (A) as an incident to his administering or
3 dispensing of a controlled substance in the course of
4 his professional practice; or

5 (B) as an incident to lawful research, teaching or
6 chemical analysis and not for sale; or

7 (3) the preparation, compounding, packaging, or
8 labeling of cannabis as an incident to lawful research,
9 teaching, or chemical analysis and not for sale.

10 "Owner" means a person who has possession of or any
11 interest whatsoever in the property involved.

12 "Person" means an individual, a corporation, a government,
13 a governmental subdivision or agency, a business trust, an
14 estate, a trust, a partnership or association, or any other
15 entity.

16 "Production" means planting, cultivating, tending, or
17 harvesting.

18 "Property" means real property, including things growing
19 on, affixed to, and found in land, and tangible or intangible
20 personal property, including rights, services, privileges,
21 interests, claims, and securities.

22 (Source: P.A. 87-544; revised 10-23-08.)

23 Section 380. The Adoption Act is amended by changing
24 Section 2 as follows:

1 (750 ILCS 50/2) (from Ch. 40, par. 1502)

2 Sec. 2. Who may adopt a child.

3 A. Any of the following persons, who is under no legal
4 disability (except the minority specified in sub-paragraph
5 (b)) and who has resided in the State of Illinois continuously
6 for a period of at least 6 months immediately preceding the
7 commencement of an adoption proceeding, or any member of the
8 armed forces of the United States who has been domiciled in the
9 State of Illinois for 90 days, may institute such proceeding:

10 (a) A reputable person of legal age and of either sex,
11 provided that if such person is married and has not been living
12 separate and apart from his or her spouse for 12 months or
13 longer, his or her spouse shall be a party to the adoption
14 proceeding, including a husband or wife desiring to adopt a
15 child of the other spouse, in all of which cases the adoption
16 shall be by both spouses jointly;

17 (b) A minor, by leave of court upon good cause shown.

18 B. The residence requirement specified in paragraph A of
19 this Section shall not apply to an adoption of a related child
20 or to an adoption of a child placed by an agency.

21 (Source: P.A. 90-608, eff. 6-30-98; revised 10-23-08.)

22 Section 385. The Conveyances Act is amended by changing
23 Section 39 as follows:

24 (765 ILCS 5/39) (from Ch. 30, par. 37a)

1 Sec. 39. Every mortgage or trust deed in the nature of a
2 mortgage shall, as to lands not registered under the provisions
3 of an act entitled "An Act Concerning Land Titles," approved
4 and in force May 1, 1897, as subsequently amended, from the
5 time it is filed of record, and in the case of lands registered
6 under the provisions of said act entitled "An Act Concerning
7 Land Titles," approved and in force May 1, 1897, as
8 subsequently amended, from the time it is registered, or from
9 the time of the filing of a caveat as provided in said Act, be a
10 lien upon the real estate thereby conveyed situated in the
11 county in which such instrument is recorded or registered, for
12 all monies advanced or applied or which may at any time
13 thereafter be advanced or applied thereunder on account of the
14 principal indebtedness which such mortgage or trust deed shall
15 purport to secure and including such other monies which may at
16 any time be advanced or applied as are authorized by the
17 provisions of such mortgage or trust deed or as are authorized
18 by law; provided, that as to subsequent purchasers and judgment
19 creditors, every such mortgage or trust deed shall, as to the
20 monies advanced or applied thereunder on account of the
21 principal indebtedness evidenced by the notes, bonds or other
22 instruments therein described and thereby secured, be a lien
23 only from the time such monies are advanced or applied, unless
24 such monies are advanced or applied within 18 ~~eighteen~~ months
25 after the date of such recording or registration, or filing of
26 such caveat, or unless the mortgagee is by contract obligated

1 to make such advances or applications, and provided further,
2 that nothing in this Act contained shall affect any lien
3 arising or existing by virtue of the Mechanics Lien Act ~~"An Act~~
4 ~~to revise the law in relation to mechanics' liens. To whom,~~
5 ~~what for, and when lien is given; who is a contractor; area~~
6 ~~covered by and extent of lien; when the lien attaches,"~~
7 ~~approved May 18, 1903, as amended.~~

8 (Source: Laws 1931, p. 386; revised 10-28-08.)

9 Section 390. The Residential Real Property Disclosure Act
10 is amended by changing Section 70 as follows:

11 (765 ILCS 77/70)

12 Sec. 70. Predatory lending database program.

13 (a) As used in this Article:

14 "Adjustable rate mortgage" or "ARM" means a closed-end
15 mortgage transaction that allows adjustments of the loan
16 interest rate during the first 3 years of the loan term.

17 "Borrower" means a person seeking a mortgage loan.

18 "Broker" means a "broker" or "loan broker", as defined in
19 subsection (p) of Section 1-4 of the Residential Mortgage
20 License Act of 1987.

21 "Closing agent" means an individual assigned by a title
22 insurance company or a broker or originator to ensure that the
23 execution of documents related to the closing of a real estate
24 sale or the refinancing of a real estate loan and the

1 disbursement of closing funds are in conformity with the
2 instructions of the entity financing the transaction.

3 "Counseling" means in-person counseling provided by a
4 counselor employed by a HUD-certified counseling agency to all
5 borrowers, or documented telephone counseling where a hardship
6 would be imposed on one or more borrowers. A hardship shall
7 exist in instances in which the borrower is confined to his or
8 her home due to medical conditions, as verified in writing by a
9 physician, or the borrower resides 50 miles or more from the
10 nearest participating HUD-certified housing counseling agency.
11 In instances of telephone counseling, the borrower must supply
12 all necessary documents to the counselor at least 72 hours
13 prior to the scheduled telephone counseling session.

14 "Counselor" means a counselor employed by a HUD-certified
15 housing counseling agency.

16 "Credit score" means a credit risk score as defined by the
17 Fair Isaac Corporation, or its successor, and reported under
18 such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE"
19 by one or more of the following credit reporting agencies or
20 their successors: Equifax, Inc., Experian Information
21 Solutions, Inc., and TransUnion LLC. If the borrower's credit
22 report contains credit scores from 2 reporting agencies, then
23 the broker or loan originator shall report the lower score. If
24 the borrower's credit report contains credit scores from 3
25 reporting agencies, then the broker or loan originator shall
26 report the middle score.

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Exempt person" means that term as it is defined in
4 subsections (d) (1) and (d) (1.5) of Section 1-4 of the
5 Residential Mortgage License Act of 1987.

6 "First-time homebuyer" means a borrower who has not held an
7 ownership interest in residential property.

8 "HUD-certified counseling" or "counseling" means
9 counseling given to a borrower by a counselor employed by a
10 HUD-certified housing counseling agency.

11 "Interest only" means a closed-end loan that permits one or
12 more payments of interest without any reduction of the
13 principal balance of the loan, other than the first payment on
14 the loan.

15 "Lender" means that term as it is defined in subsection (g)
16 of Section 1-4 of the Residential Mortgage License Act of 1987.

17 "Licensee" means that term as it is defined in subsection
18 (e) of Section 1-4 of the Residential Mortgage License Act of
19 1987.

20 "Mortgage loan" means that term as it is defined in
21 subsection (f) of Section 1-4 of the Residential Mortgage
22 License Act of 1987.

23 "Negative amortization" means an amortization method under
24 which the outstanding balance may increase at any time over the
25 course of the loan because the regular periodic payment does
26 not cover the full amount of interest due.

1 "Originator" means a "loan originator" as defined in
2 subsection (hh) of Section 1-4 of the Residential Mortgage
3 License Act of 1987, except an exempt person.

4 "Points and fees" has the meaning ascribed to that term in
5 Section 10 of the High Risk Home Loan Act.

6 "Prepayment penalty" means a charge imposed by a lender
7 under a mortgage note or rider when the loan is paid before the
8 expiration of the term of the loan.

9 "Refinancing" means a loan secured by the borrower's or
10 borrowers' primary residence where the proceeds are not used as
11 purchase money for the residence.

12 "Title insurance company" means any domestic company
13 organized under the laws of this State for the purpose of
14 conducting the business of guaranteeing or insuring titles to
15 real estate and any title insurance company organized under the
16 laws of another State, the District of Columbia, or a foreign
17 government and authorized to transact the business of
18 guaranteeing or insuring titles to real estate in this State.

19 (a-5) A predatory lending database program shall be
20 established within Cook County. The program shall be
21 administered in accordance with this Article. The inception
22 date of the program shall be July 1, 2008. Until the inception
23 date, none of the duties, obligations, contingencies, or
24 consequences of or from the program shall be imposed. The
25 program shall apply to all mortgage applications that are
26 governed by this Article and that are made or taken on or after

1 the inception of the program.

2 (b) The database created under this program shall be
3 maintained and administered by the Department. The database
4 shall be designed to allow brokers, originators, counselors,
5 title insurance companies, and closing agents to submit
6 information to the database online. The database shall not be
7 designed to allow those entities to retrieve information from
8 the database, except as otherwise provided in this Article.
9 Information submitted by the broker or originator to the
10 Department may be used to populate the online form submitted by
11 a counselor, title insurance company, or closing agent.

12 (c) Within 10 days after taking a mortgage application, the
13 broker or originator for any mortgage on residential property
14 within the program area must submit to the predatory lending
15 database all of the information required under Section 72 and
16 any other information required by the Department by rule.
17 Within 7 days after receipt of the information, the Department
18 shall compare that information to the housing counseling
19 standards in Section 73 and issue to the borrower and the
20 broker or originator a determination of whether counseling is
21 recommended for the borrower. The borrower may not waive
22 counseling. If at any time after submitting the information
23 required under Section 72 the broker or originator (i) changes
24 the terms of the loan or (ii) issues a new commitment to the
25 borrower, then, within 5 days thereafter, the broker or
26 originator shall re-submit all of the information required

1 under Section 72 and, within 4 days after receipt of the
2 information re-submitted by the broker or originator, the
3 Department shall compare that information to the housing
4 counseling standards in Section 73 and shall issue to the
5 borrower and the broker or originator a new determination of
6 whether re-counseling is recommended for the borrower based on
7 the information re-submitted by the broker or originator. The
8 Department shall require re-counseling if the loan terms have
9 been modified to meet another counseling standard in Section
10 73, or if the broker has increased the interest rate by more
11 than 200 basis points.

12 (d) If the Department recommends counseling for the
13 borrower under subsection (c), then the Department shall notify
14 the borrower of all participating HUD-certified counseling
15 agencies located within the State and direct the borrower to
16 interview with a counselor associated with one of those
17 agencies. Within 10 days after receipt of the notice of
18 HUD-certified counseling agencies, the borrower shall select
19 one of those agencies and shall engage in an interview with a
20 counselor associated with that agency. Within 7 days after
21 interviewing the borrower, the counselor must submit to the
22 predatory lending database all of the information required
23 under Section 74 and any other information required by the
24 Department by rule. Reasonable and customary costs not to
25 exceed \$300 associated with counseling provided under the
26 program shall be paid by the broker or originator. The

1 Department shall annually calculate to the nearest dollar an
2 adjusted rate for inflation. A counselor shall not recommend or
3 suggest that a borrower contact any specific mortgage
4 origination company, financial institution, or entity that
5 deals in mortgage finance to obtain a loan, another quote, or
6 for any other reason related to the specific mortgage
7 transaction; however, a counselor may suggest that the borrower
8 seek an opinion or a quote from another mortgage origination
9 company, financial institution, or entity that deals in
10 mortgage finance. A counselor or housing counseling agency that
11 in good faith provides counseling shall not be liable to a
12 broker or originator or borrower for civil damages, except for
13 willful or wanton misconduct on the part of the counselor in
14 providing the counseling.

15 (e) The broker or originator and the borrower may not take
16 any legally binding action concerning the loan transaction
17 until the later of the following:

18 (1) the Department issues a determination not to
19 recommend HUD-certified counseling for the borrower in
20 accordance with subsection (c); or

21 (2) the Department issues a determination that
22 HUD-certified counseling is recommended for the borrower
23 and the counselor submits all required information to the
24 database in accordance with subsection (d).

25 (f) Within 10 days after closing, the title insurance
26 company or closing agent must submit to the predatory lending

1 database all of the information required under Section 76 and
2 any other information required by the Department by rule.

3 (g) The title insurance company or closing agent shall
4 attach to the mortgage a certificate of compliance with the
5 requirements of this Article, as generated by the database. If
6 the title insurance company or closing agent fails to attach
7 the certificate of compliance, then the mortgage is not
8 recordable. In addition, if any lis pendens for a residential
9 mortgage foreclosure is recorded on the property within the
10 program area, a certificate of service must be simultaneously
11 recorded that affirms that a copy of the lis pendens was filed
12 with the Department. If the certificate of service is not
13 recorded, then the lis pendens pertaining to the residential
14 mortgage foreclosure in question is not recordable and is of no
15 force and effect.

16 (h) All information provided to the predatory lending
17 database under the program is confidential and is not subject
18 to disclosure under the Freedom of Information Act, except as
19 otherwise provided in this Article. Information or documents
20 obtained by employees of the Department in the course of
21 maintaining and administering the predatory lending database
22 are deemed confidential. Employees are prohibited from making
23 disclosure of such confidential information or documents. Any
24 request for production of information from the predatory
25 lending database, whether by subpoena, notice, or any other
26 source, shall be referred to the Department of Financial and

1 Professional Regulation. Any borrower may authorize in writing
2 the release of database information. The Department may use the
3 information in the database without the consent of the
4 borrower: (i) for the purposes of administering and enforcing
5 the program; (ii) to provide relevant information to a
6 counselor providing counseling to a borrower under the program;
7 or (iii) to the appropriate law enforcement agency or the
8 applicable administrative agency if the database information
9 demonstrates criminal, fraudulent, or otherwise illegal
10 activity.

11 (i) Nothing in this Article is intended to prevent a
12 borrower from making his or her own decision as to whether to
13 proceed with a transaction.

14 (j) Any person who violates any provision of this Article
15 commits an unlawful practice within the meaning of the Consumer
16 Fraud and Deceptive Business Practices Act.

17 (k) During the existence of the program, the Department
18 shall submit semi-annual reports to the Governor and to the
19 General Assembly by May 1 and November 1 of each year detailing
20 its findings regarding the program. The report shall include at
21 least the following information for each reporting period:

22 (1) the number of loans registered with the program;

23 (2) the number of borrowers receiving counseling;

24 (3) the number of loans closed;

25 (4) the number of loans requiring counseling for each
26 of the standards set forth in Section 73;

1 (5) the number of loans requiring counseling where the
2 mortgage originator changed the loan terms subsequent to
3 counseling.

4 (Source: P.A. 94-280, eff. 1-1-06; 94-1029, eff. 7-14-06;
5 95-691, eff. 6-1-08; revised 11-6-08.)

6 Section 395. The Drilling Operations Act is amended by
7 changing Section 4 as follows:

8 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

9 Sec. 4. Notice.

10 (a) Prior to commencement of the drilling of a well, the
11 operator shall give a copy of the Act with a written notice to
12 the surface owner of the operator's intent to commence drilling
13 operations.

14 (b) The operator shall, for the purpose of giving notice as
15 herein required, secure from the assessor's office within 90
16 days prior to the giving of the notice, a certification which
17 shall identify the person in whose name the lands on which
18 drilling operations are to be commenced and who is assessed at
19 the time the certification is made. The written certification
20 made by the assessor of the surface owner shall be conclusive
21 evidence of the surface ownership and of the operator's
22 compliance with the provisions of this Act.

23 (c) The notice required to be given by the operator to the
24 surface owner shall identify the following:

1 (1) The location of the proposed entry on the surface
2 for drilling operations, and the date on or after which
3 drilling operations shall be commenced.

4 (2) A photocopy of the drilling application to the
5 Department of Natural Resources for the well to be drilled.

6 (3) The name, address and telephone number of the
7 operator.

8 (4) An offer to discuss with the surface owner those
9 matters set forth in Section 5 hereof prior to commencement
10 of drilling operations.

11 If the surface owner elects to meet the operator, the
12 surface owner shall request the operator to schedule a meeting
13 at a mutually agreed time and place within the limitations set
14 forth herein. Failure of the surface owner to contact the
15 operator at least 5 days prior to the proposed commencement of
16 drilling operations shall be conclusively deemed a waiver of
17 the right to meet by the surface owner.

18 The meeting shall be scheduled between the hours of 9:00 in
19 the morning and the setting of the sun of the same day and
20 shall be at least 3 days prior to commencement of drilling
21 operations. Unless agreed to otherwise, the place shall be
22 located within the county in which drilling operations are to
23 be commenced where the operator or his agent shall be available
24 to discuss with the surface owner or his agent those matters
25 set forth in Section 5 hereof.

26 The notice and a copy of the Act as herein required shall

1 be given to the surface owner by either:

2 (A) certified mail addressed to the surface owner at
3 the address shown in the certification obtained from the
4 assessor, which shall be postmarked at least 15 days prior
5 to the commencement of drilling operations; or

6 (B) personal delivery to the surface owner at least 15
7 days prior to the commencement of drilling operations.

8 ~~(C)~~ Notice to the surface owner as defined in this Act
9 shall be deemed conclusive notice to the record owners of all
10 interest in the surface.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-493, eff. 1-1-08;
12 95-830, eff. 8-14-08; revised 9-10-08.)

13 Section 400. The Condominium Property Act is amended by
14 changing Section 25 as follows:

15 (765 ILCS 605/25) (from Ch. 30, par. 325)

16 Sec. 25. Add-on Condominiums. The developer may reserve the
17 right to add additional property to that which has been
18 submitted to the provisions of this Act, and in the event of
19 any addition, to reallocate percentage interests in the common
20 elements in accordance with the provisions of this Act and the
21 condominium instruments by: recording an amended plat in
22 accordance with the provisions of Section 5 of this Act,
23 together with an amendment to the declaration in accordance
24 with Section 6 of this Act. Notwithstanding any other

1 provisions of this Act requiring approval of unit owners, no
2 approval shall be required if the developer complies with the
3 requirements of this Section.

4 If the developer wishes to reserve the right to add
5 additional property, the declaration shall contain:

6 (a) an explicit reservation of an option to add additional
7 property to the condominium;

8 (b) a statement of the method by which the reallocation of
9 percentage interests, adjustments to voting rights, and
10 rights, and changes in liability for common expenses shall be
11 determined if additional units are added;

12 (c) a legal description of all land which may be added to
13 the property, herein referred to as 'additional land' whether
14 the units are occupied or not;

15 (d) a time limit of 10 years from the date of the recording
16 of the declaration, after which the option to add additional
17 property shall no longer be in effect and a statement of the
18 circumstances, if any, under which it may terminate. In all
19 cases in which the option to add additional property is
20 exercised, the contracts for construction and delivery of such
21 additional property shall contain a date for the completion and
22 delivery of the additional property to be constructed;

23 (e) a statement as to whether portions of the additional
24 land may be added to the property at different times, and as to
25 whether there are any limitations on the order thereof, or any
26 limitations fixing the boundaries of these portions, or whether

1 any particular portion of it must be added;

2 (f) a statement concerning limitations, if any, on the
3 locations of improvements which may be made on the additional
4 land added;

5 (g) a statement of the maximum number of units, if any,
6 which may be created on the additional land. If portions of the
7 additional land may be added to the property and the boundaries
8 of those portions are fixed in accordance with paragraph (e) of
9 this Section, the declaration shall also state the maximum
10 number of units that may be created on each such portion to be
11 added to the property. If portions of the additional land may
12 be added to the property and the boundaries of those portions
13 are not fixed in accordance with paragraph (e) of this Section,
14 then the declaration shall also state the largest number of
15 units which may be created on each acre of any portion added to
16 the property;

17 (h) a statement of the extent to which structures,
18 improvements, buildings and units will be compatible with the
19 configuration of the property in relation to density, use,
20 construction and architectural style; and

21 (i) any plat or site plans or other graphic material which
22 the developer may wish to set forth in order to supplement or
23 explain the information provided.

24 Subject to any restrictions and limitations specified by
25 the condominium instruments, there shall be an appurtenant
26 easement over and on the common elements for the purpose of

1 making improvements on the additional land, and for the purpose
2 of doing what is reasonably necessary and proper in conjunction
3 therewith.

4 No provision of this Act shall be binding upon or obligate
5 the developer to exercise his option to make additions or bind
6 the land described in the condominium instruments. No provision
7 of the condominium instruments shall be construed to be binding
8 upon or obligate the developer to exercise his option to make
9 additions, and the land legally described therein shall not be
10 bound thereby, except in the case of any covenant, restriction,
11 limitation, or other representation or commitment in the
12 condominium instruments, or in any other agreement made with,
13 or by, the developer, requiring the developer to add all or any
14 portion of the additional land, or imposing any obligation with
15 regard to anything that is or is not to be done thereon or with
16 regard thereto, or imposing any obligations with regard to
17 anything that is or is not to be done on or with regard to the
18 property or any portion thereof, this Section shall not be
19 construed to nullify, limit, or otherwise affect any such
20 obligation.

21 Any amendment to the declaration adding additional land may
22 contain such complementary additions and modifications of the
23 provisions of the declaration affecting the additional land
24 which are necessary to reflect the differences in character, if
25 any, of the additional land and the improvements thereto. In no
26 event, however, shall any such amendment to a declaration

1 revoke, modify or add to the covenants established by the
2 declaration for the property already subject to the
3 declaration.

4 (Source: P.A. 84-1308; revised 10-23-08.)

5 Section 405. The Illinois Human Rights Act is amended by
6 changing Section 1-103 as follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General Definitions. When used in this Act,
9 unless the context requires otherwise, the term:

10 (A) Age. "Age" means the chronological age of a person who
11 is at least 40 years old, except with regard to any practice
12 described in Section 2-102, insofar as that practice concerns
13 training or apprenticeship programs. In the case of training or
14 apprenticeship programs, for the purposes of Section 2-102,
15 "age" means the chronological age of a person who is 18 but not
16 yet 40 years old.

17 (B) Aggrieved Party. "Aggrieved party" means a person who
18 is alleged or proved to have been injured by a civil rights
19 violation or believes he or she will be injured by a civil
20 rights violation under Article 3 that is about to occur.

21 (C) Charge. "Charge" means an allegation filed with the
22 Department by an aggrieved party or initiated by the Department
23 under its authority.

24 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
3 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
4 6-101, and 6-102 of this Act.

5 (E) Commission. "Commission" means the Human Rights
6 Commission created by this Act.

7 (F) Complaint. "Complaint" means the formal pleading filed
8 by the Department with the Commission following an
9 investigation and finding of substantial evidence of a civil
10 rights violation.

11 (G) Complainant. "Complainant" means a person including
12 the Department who files a charge of civil rights violation
13 with the Department or the Commission.

14 (H) Department. "Department" means the Department of Human
15 Rights created by this Act.

16 (I) Disability. "Disability" means a determinable physical
17 or mental characteristic of a person, including, but not
18 limited to, a determinable physical characteristic which
19 necessitates the person's use of a guide, hearing or support
20 dog, the history of such characteristic, or the perception of
21 such characteristic by the person complained against, which may
22 result from disease, injury, congenital condition of birth or
23 functional disorder and which characteristic:

24 (1) For purposes of Article 2 is unrelated to the
25 person's ability to perform the duties of a particular job
26 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a
2 disability;

3 (2) For purposes of Article 3, is unrelated to the
4 person's ability to acquire, rent or maintain a housing
5 accommodation;

6 (3) For purposes of Article 4, is unrelated to a
7 person's ability to repay;

8 (4) For purposes of Article 5, is unrelated to a
9 person's ability to utilize and benefit from a place of
10 public accommodation.

11 (J) Marital Status. "Marital status" means the legal status
12 of being married, single, separated, divorced or widowed.

13 (J-1) Military Status. "Military status" means a person's
14 status on active duty in or status as a veteran of the armed
15 forces of the United States, status as a current member or
16 veteran of any reserve component of the armed forces of the
17 United States, including the United States Army Reserve, United
18 States Marine Corps Reserve, United States Navy Reserve, United
19 States Air Force Reserve, and United States Coast Guard
20 Reserve, or status as a current member or veteran of the
21 Illinois Army National Guard or Illinois Air National Guard.

22 (K) National Origin. "National origin" means the place in
23 which a person or one of his or her ancestors was born.

24 (L) Person. "Person" includes one or more individuals,
25 partnerships, associations or organizations, labor
26 organizations, labor unions, joint apprenticeship committees,

1 or union labor associations, corporations, the State of
2 Illinois and its instrumentalities, political subdivisions,
3 units of local government, legal representatives, trustees in
4 bankruptcy or receivers.

5 (M) Public Contract. "Public contract" includes every
6 contract to which the State, any of its political subdivisions
7 or any municipal corporation is a party.

8 (N) Religion. "Religion" includes all aspects of religious
9 observance and practice, as well as belief, except that with
10 respect to employers, for the purposes of Article 2, "religion"
11 has the meaning ascribed to it in paragraph (F) of Section
12 2-101.

13 (O) Sex. "Sex" means the status of being male or female.

14 (O-1) Sexual orientation. "Sexual orientation" means
15 actual or perceived heterosexuality, homosexuality,
16 bisexuality, or gender-related identity, whether or not
17 traditionally associated with the person's designated sex at
18 birth. "Sexual orientation" does not include a physical or
19 sexual attraction to a minor by an adult.

20 (P) Unfavorable Military Discharge. "Unfavorable military
21 discharge" includes discharges from the Armed Forces of the
22 United States, their Reserve components or any National Guard
23 or Naval Militia which are classified as RE-3 or the equivalent
24 thereof, but does not include those characterized as RE-4 or
25 "Dishonorable".

26 (Q) Unlawful Discrimination. "Unlawful discrimination"

1 means discrimination against a person because of his or her
2 race, color, religion, national origin, ancestry, age, sex,
3 marital status, disability, military status, sexual
4 orientation, or unfavorable discharge from military service as
5 those terms are defined in this Section.

6 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;
7 95-668, eff. 10-10-07; 95-876, eff. 8-21-08; revised
8 10-28-08.)

9 Section 410. The Business Corporation Act of 1983 is
10 amended by changing Section 12.45 as follows:

11 (805 ILCS 5/12.45) (from Ch. 32, par. 12.45)

12 Sec. 12.45. Reinstatement following administrative
13 dissolution.

14 (a) A domestic corporation administratively dissolved
15 under Section 12.40 may be reinstated by the Secretary of State
16 following the date of issuance of the certificate of
17 dissolution upon:

18 (1) The filing of an application for reinstatement.

19 (2) The filing with the Secretary of State by the
20 corporation of all reports then due and theretofore
21 becoming due.

22 (3) The payment to the Secretary of State by the
23 corporation of all fees, franchise taxes, and penalties
24 then due and theretofore becoming due.

1 (b) The application for reinstatement shall be executed and
2 filed in duplicate in accordance with Section 1.10 of this Act
3 and shall set forth:

4 (1) The name of the corporation at the time of the
5 issuance of the certificate of dissolution.

6 (2) If such name is not available for use as determined
7 by the Secretary of State at the time of filing the
8 application for reinstatement, the name of the corporation
9 as changed, provided however, and any change of name is
10 properly effected pursuant to Section 10.05 and Section
11 10.30 of this Act.

12 (3) The date of the issuance of the certificate of
13 dissolution.

14 (4) The address, including street and number, or rural
15 route number of the registered office of the corporation
16 upon reinstatement thereof, and the name of its registered
17 agent at such address upon the reinstatement of the
18 corporation, provided however, that any change from either
19 the registered office or the registered agent at the time
20 of dissolution is properly reported pursuant to Section
21 5.10 of this Act.

22 (c) When a dissolved corporation has complied with the
23 provisions of this Section ~~See~~ the Secretary of State shall
24 file the application for reinstatement.

25 (d) Upon the filing of the application for reinstatement,
26 the corporate existence shall be deemed to have continued

1 without interruption from the date of the issuance of the
2 certificate of dissolution, and the corporation shall stand
3 revived with such powers, duties and obligations as if it had
4 not been dissolved; and all acts and proceedings of its
5 officers, directors and shareholders, acting or purporting to
6 act as such, which would have been legal and valid but for such
7 dissolution, shall stand ratified and confirmed.

8 (Source: P.A. 94-605, eff. 1-1-06; revised 11-6-08.)

9 Section 415. The General Not For Profit Corporation Act of
10 1986 is amended by changing Section 104.05 as follows:

11 (805 ILCS 105/104.05) (from Ch. 32, par. 104.05)

12 Sec. 104.05. Corporate name of domestic or foreign
13 corporation.

14 (a) The corporate name of a domestic corporation or of a
15 foreign corporation organized, existing or subject to the
16 provisions of this Act:

17 (1) May contain, separate and apart from any other word
18 or abbreviation in such name, the word "corporation,"
19 "company," "incorporated," or "limited," or an
20 abbreviation of one of such words;

21 (2) Must end with the letters "NFP" if the corporate
22 name contains any word or phrase which indicates or implies
23 that the corporation is organized for any purpose other
24 than a purpose for which corporations may be organized

1 under this Act or a purpose other than a purpose set forth
2 in the corporation's articles of incorporation;

3 (3) Shall be distinguishable upon the records in the
4 ~~the~~ office of the Secretary of State from the name or
5 assumed name of any domestic corporation or limited
6 liability company organized under the Limited Liability
7 Company Act, whether for profit or not for profit, existing
8 under any Act of this State or the name or assumed name of
9 any foreign corporation or foreign limited liability
10 company registered under the Limited Liability Company
11 Act, whether for profit or not for profit, authorized to
12 transact business or conduct affairs in this State, or a
13 name the exclusive right to which is, at the time, reserved
14 or registered in the manner provided in this Act or Section
15 1-15 of the Limited Liability Company Act, except that,
16 subject to the discretion of the Secretary of State, a
17 foreign corporation that has a name prohibited by this
18 paragraph may be issued a certificate of authority to
19 conduct its affairs in this State, if the foreign
20 corporation:

21 (i) Elects to adopt an assumed corporation name or
22 names in accordance with Section 104.15 of this Act;
23 and

24 (ii) Agrees in its application for a certificate of
25 authority to conduct affairs in this State only under
26 such assumed corporate name or names;

1 (4) Shall not contain a word or phrase, or an
2 abbreviation or derivation thereof, the use of which is
3 prohibited or restricted by any other statute of this State
4 unless such restriction has been complied with;

5 (5) Shall consist of letters of the English alphabet,
6 Arabic or Roman numerals, or symbols capable of being
7 readily reproduced by the office of the Secretary of State;

8 (6) Shall not contain the words "regular democrat,"
9 "regular democratic," "regular republican," "democrat,"
10 "democratic," or "republican," nor the name of any other
11 established political party, unless consent to usage of
12 such words or name is given to the corporation by the State
13 central committee of such established political party;
14 notwithstanding any other provisions of this Act, any
15 corporation, whose name at the time this amendatory Act
16 takes effect contains any of the words listed in this
17 paragraph shall certify to the Secretary of State no later
18 than January 1, 1989, that consent has been given by the
19 State central committee; consent given to a corporation by
20 the State central committee to use the above listed words
21 may be revoked upon notification to the corporation and the
22 Secretary of State; and

23 (7) Shall be the name under which the corporation shall
24 conduct affairs in this State unless the corporation shall
25 also elect to adopt an assumed corporate name or names as
26 provided in this Act; provided, however, that the

1 corporation may use any divisional designation or trade
2 name without complying with the requirements of this Act,
3 provided the corporation also clearly discloses its
4 corporate name.

5 (b) The Secretary of State shall determine whether a name
6 is "distinguishable" from another name for purposes of this
7 Act. Without excluding other names which may not constitute
8 distinguishable names in this State, a name is not considered
9 distinguishable, for purposes of this Act, solely because it
10 contains one or more of the following:

11 (1) The word "corporation," "company," "incorporated,"
12 or "limited" or an abbreviation of one of such words;

13 (2) Articles, conjunctions, contractions,
14 abbreviations, different tenses or number of the same word.

15 (c) Nothing in this Section or Sections 104.15 or 104.20 of
16 this Act shall:

17 (1) Require any domestic corporation existing or any
18 foreign corporation having a certificate of authority on
19 the effective date of this Act, to modify or otherwise
20 change its corporate name or assumed corporate name, if
21 any; or

22 (2) Abrogate or limit the common law or statutory law
23 of unfair competition or unfair trade practices, nor
24 derogate from the common law or principles of equity or the
25 statutes of this State or of the United States with respect
26 to the right to acquire and protect copyrights, trade

1 names, trade marks, service names, service marks, or any
2 other right to the exclusive use of name or symbols.

3 (Source: P.A. 92-33, eff. 7-1-01; revised 10-28-08.)

4 Section 420. The Limited Liability Company Act is amended
5 by changing Section 37-5 as follows:

6 (805 ILCS 180/37-5)

7 Sec. 37-5. Definitions. In this Article:

8 "Corporation" means (i) a corporation under the Business
9 Corporation Act of 1983, a predecessor law, or comparable law
10 of another jurisdiction or (ii) a bank or savings bank.

11 "General partner" means a partner in a partnership and a
12 general partner in a limited partnership.

13 "Limited partner" means a limited partner in a limited
14 partnership.

15 "Limited partnership" means a limited partnership created
16 under the Uniform Limited Partnership Act (2001), a predecessor
17 law, or comparable law of another jurisdiction.

18 "Partner" includes a general partner and a limited partner.

19 "Partnership" means a general partnership under the
20 Uniform Partnership Act (1997), a predecessor law, or
21 comparable law of another jurisdiction.

22 "Partnership agreement" means an agreement among the
23 partners concerning the partnership or limited partnership.

24 "Shareholder" means a shareholder in a corporation.

1 (Source: P.A. 93-561, eff. 1-1-04; 93-967, eff. 1-1-05; revised
2 1-29-08.)

3 Section 425. The Assumed Business Name Act is amended by
4 changing Section 4 as follows:

5 (805 ILCS 405/4) (from Ch. 96, par. 7)

6 Sec. 4. This Act shall in no way affect or apply to any
7 corporation, limited liability company, limited partnership,
8 or limited liability partnership duly organized under the laws
9 of this State, or any corporation, limited liability company,
10 limited partnership, or limited liability partnership
11 organized under the laws of any other State and lawfully doing
12 business in this State, nor shall this Act be deemed or
13 construed to prevent the lawful use of a partnership name or
14 designation, provided that such partnership shall include the
15 true, real name of such person or persons transacting said
16 business or partnership nor shall it be construed as in any way
17 affecting Sections 17-12 and 17-19 of the Criminal Code of 1961
18 ~~220 and 220a of Division I of "An Act to revise the law in~~
19 ~~relation to criminal jurisprudence", approved March 27, 1874,~~
20 ~~as amended.~~ This Act shall in no way affect or apply to
21 testamentary or other express trusts where the business is
22 carried on in the name of the trust and such trust is created
23 by will or other instrument in writing under which title to the
24 trust property is vested in a designated trustee or trustees

1 for the use and benefit of the cestuis que trustent.

2 (Source: P.A. 90-421, eff. 1-1-98; revised 10-23-08.)

3 Section 430. The Uniform Commercial Code is amended by
4 changing Section 4-210 as follows:

5 (810 ILCS 5/4-210) (from Ch. 26, par. 4-210)

6 Sec. 4-210. Security interest of collecting bank in items,
7 accompanying documents and proceeds.

8 (a) A collecting bank has a security interest in an item
9 and any accompanying documents or the proceeds of either:

10 (1) in case of an item deposited in an account, to the
11 extent to which credit given for the item has been
12 withdrawn or applied;

13 (2) in case of an item for which it has given credit
14 available for withdrawal as of right, to the extent of the
15 credit given, whether or not the credit is drawn upon or
16 there is a right of charge-back; or

17 (3) if it makes an advance on or against the item.

18 (b) If credit given for several items received at one time
19 or pursuant to a single agreement is withdrawn or applied in
20 part, the security interest remains upon all the items, any
21 accompanying documents or the proceeds of either. For the
22 purpose of this Section, credits first given are first
23 withdrawn.

24 (c) Receipt by a collecting bank of a final settlement for

1 an item is a realization on its security interest in the item,
2 accompanying documents, and proceeds. So long as the bank does
3 not receive final settlement for the item or give up possession
4 of the item or possession or control of the accompanying
5 documents for purposes other than collection, the security
6 interest continues to that extent and is subject to Article 9,
7 but:

8 (1) no security agreement is necessary to make the
9 security interest enforceable (Section 9-203(b)(3)(A));

10 (2) no filing is required to perfect the security
11 interest; and

12 (3) the security interest has priority over
13 conflicting perfected security interests in the item,
14 accompanying documents, or proceeds.

15 (Source: P.A. 95-895, eff. 1-1-09; revised 9-23-08.)

16 Section 435. The Consumer Fraud and Deceptive Business
17 Practices Act is amended by setting forth and renumbering
18 multiple versions of Sections 2ZZ and 2AAA as follows:

19 (815 ILCS 505/2ZZ)

20 Sec. 2ZZ. Payoff of liens on motor vehicles traded in to
21 dealer.

22 (a) When a motor vehicle dealer, as defined by Sections
23 5-101 or 5-102 of the Illinois Vehicle Code, enters into a
24 retail transaction where a consumer trades in or sells a

1 vehicle that is subject to a lien, the dealer shall:

2 (1) within 21 calendar days of the date of sale remit
3 payment to the lien holder to pay off the lien on the
4 traded-in or sold motor vehicle, unless the underlying
5 contract has been rescinded before expiration of 21
6 calendar days; and

7 (2) fully comply with Section 2C of this Act.

8 (b) A motor vehicle dealer who violates this Section
9 commits an unlawful practice within the meaning of this Act.

10 (c) For the purposes of this Section, the term "date of
11 sale" shall be the date the parties entered into the
12 transaction as evidenced by the date written in the contract
13 executed by the parties, or the date the motor vehicle
14 dealership took possession of the traded-in or sold vehicle. In
15 the event the date of the contract differs from the date the
16 motor vehicle dealership took possession of the traded-in
17 vehicle, the "date of sale" shall be the date the motor vehicle
18 dealership took possession of the traded-in vehicle.

19 (Source: P.A. 95-393, eff. 1-1-08; 95-876, eff. 8-21-08.)

20 (815 ILCS 505/2AAA)

21 Sec. 2AAA. Mortgage marketing materials.

22 (a) No person may send marketing materials to a consumer
23 indicating that the person is connected to the consumer's
24 mortgage company, indicating that there is a problem with the
25 consumer's mortgage, or stating that the marketing materials

1 contain information concerning the consumer's mortgage, unless
2 that person sending the marketing materials is actually
3 employed by the consumer's mortgage company or an affiliate of
4 the consumer's mortgage company.

5 (b) Any person who violates this Section commits an
6 unlawful practice within the meaning of this Act.

7 (Source: P.A. 95-508, eff. 1-1-08; 95-876, eff. 8-21-08.)

8 (815 ILCS 505/2BBB)

9 Sec. 2BBB ~~2ZZZ~~. Long term care facility; Consumer Choice
10 Information Report. A long term care facility that fails to
11 comply with Section 2-214 of the Nursing Home Care Act commits
12 an unlawful practice within the meaning of this Act.

13 (Source: P.A. 95-823, eff. 1-1-09; revised 9-25-08.)

14 (815 ILCS 505/2CCC)

15 Sec. 2CCC ~~2AAA~~. Internet gaming service provider;
16 cancellation.

17 (a) As used in this Section:

18 "Internet gaming service provider" means a person who
19 provides a web site that includes information, software,
20 data, text, photographs, graphics, sound, or video that may
21 be accessed by a consumer for a fee for the purpose of the
22 consumer playing a single player or multiplayer game
23 through the Internet or that may be downloaded for the
24 consumer to play on his or her computer outside of the

1 Internet. "Internet gaming service provider" does not
2 include online gambling or other gaming where a consumer
3 can enter to win money.

4 (b) This Section applies only to agreements under which an
5 Internet gaming service provider provides service to
6 consumers, for home and personal use, for a stated term that is
7 automatically renewed for another term unless the consumer
8 cancels the service.

9 (c) An Internet gaming service provider must give a
10 consumer who is an Illinois resident the following: (1) a
11 secure method at the Internet gaming service provider's web
12 site that the consumer may use to cancel the service, which
13 method shall not require the consumer to make a telephone call
14 or send U.S. Postal Service mail to effectuate the
15 cancellation; and (2) instructions that the consumer may follow
16 to cancel the service at the Internet gaming service provider's
17 web site.

18 (d) This Section does not apply to any entity that merely
19 provides the host platform on the web site to the Internet
20 gaming service provider.

21 (e) A person who violates this Section commits an unlawful
22 practice within the meaning of this Act.

23 (Source: P.A. 95-765, eff. 1-1-09; revised 9-25-08.)

24 Section 440. The Physical Fitness Services Act is amended
25 by changing Section 12 as follows:

1 (815 ILCS 645/12) (from Ch. 29, par. 60.2)

2 Sec. 12. Enforcement by Attorney General. All remedies,
3 penalties and authority granted to the Attorney General by the
4 "Consumer Fraud and Deceptive Business Practices Act",
5 approved July 24, 1961, as now or hereafter amended, shall be
6 available to him for the enforcement of this Act, and Sections
7 3, 4, 5, 6, 6.1, 7 and 10 of that Act are hereby incorporated by
8 reference into this Act. In addition, in any action brought by
9 the Attorney General to enforce this Act, the court may order
10 that persons who incurred actual damages be awarded 3 times the
11 amount at which actual damages are assessed.

12 (Source: P.A. 82-346; revised 11-3-08.)

13 Section 445. The One Day Rest In Seven Act is amended by
14 changing Section 3.1 as follows:

15 (820 ILCS 140/3.1)

16 Sec. 3.1. Hotel room attendants.

17 (a) As used in this Section, "hotel room attendant" means a
18 person who cleans or puts in order guest rooms in a hotel or
19 other establishment licensed for transient occupancy.

20 (b) This Section applies only to hotels and other
21 establishments licensed for transient occupancy that are
22 located in a county with a population greater than 3,000,000.

23 (c) Notwithstanding any other provision of law, every hotel

1 room attendant shall receive a minimum of 2 15-minute paid rest
2 breaks and one 30-minute meal period in each workday on which
3 the hotel room attendant works at least 7 hours. An employer
4 may not require any hotel room attendant to work during a break
5 period.

6 (d) Every employer of hotel room attendants shall make
7 available at all times a room on the employer's premises with
8 adequate seating and tables for the purpose of allowing hotel
9 room attendants to enjoy break periods in a clean and
10 comfortable environment. The room shall have clean drinking
11 water provided without charge.

12 (e) Each employer of hotel room attendants shall keep a
13 complete and accurate record of the break periods of its hotel
14 room attendants.

15 (f) An employer who violates this Section shall pay to the
16 hotel room attendant 3 times the hotel room attendant's regular
17 hourly rate of pay for each workday during which the required
18 breaks were not provided.

19 (g) It is unlawful for any employer or an employer's agent
20 or representative to take any action against any person in
21 retaliation for the exercise of rights under this Section. In
22 any civil proceeding brought under this subsection (g) ~~(f)~~, if
23 the plaintiff establishes that he or she was employed by the
24 defendant, exercised rights under this Section, or alleged in
25 good faith that the defendant was not complying with this
26 Section, and was thereafter terminated, demoted, or otherwise

1 penalized by the defendant, then a rebuttable presumption shall
2 arise that the defendant's action was taken in retaliation for
3 the exercise of rights established by this Section. To rebut
4 the presumption, the defendant must prove that the sole reason
5 for the termination, demotion, or penalty was a legitimate
6 business reason.

7 (h) In addition to the remedies provided in Sections 6 and
8 7, a person claiming violation of this Section shall be
9 entitled to all remedies available under law or in equity,
10 including but not limited to damages, back pay, reinstatement,
11 or injunctive relief. Any person terminated in violation of
12 this Section shall recover treble his or her lost normal daily
13 compensation and fringe benefits, together with interest
14 thereon, and any consequential damages suffered by the
15 employee. The court shall award reasonable attorney's fees and
16 costs to a prevailing plaintiff in an enforcement action under
17 this Section.

18 (Source: P.A. 94-593, eff. 8-15-05; revised 10-28-08.)

19 Section 450. The Employee Washroom Act is amended by
20 changing Section 3 as follows:

21 (820 ILCS 230/3) (from Ch. 48, par. 100)

22 Sec. 3. All State ~~and county~~ mine inspectors, the
23 Department of Labor and other inspectors required to inspect
24 places and kinds of business required by this act to be

1 provided with washrooms, shall inspect such washrooms at
2 frequent intervals and report to the owner or operator, the
3 sanitary and physical condition thereof in writing, and make
4 recommendations as to such improvements or changes as may
5 appear to be necessary for compliance with this Act. Any such
6 inspector may lock and close any washroom found to be in
7 violation of this Act, and may institute proceedings to enforce
8 the penalty provided in Section 4.

9 (Source: P.A. 84-1438; revised 10-24-08.)

10 Section 995. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 996. No revival or extension. This Act does not
18 revive or extend any Section or Act otherwise repealed.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.

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